

GOBIERNO DE PUERTO RICO
DEPARTAMENTO DE DESARROLLO ECONÓMICO Y COMERCIO

LEY DE OPORTUNIDADES Y DE INNOVACIÓN DE LA FUERZA LABORAL (WIOA)
CONTRATO DE DELEGACIÓN DE FONDOS
PROGRAMA DE ADULTOS Y TRABAJADORES DESPLAZADOS

ÁREA LOCAL DE DESARROLLO LABORAL BAYAMÓN/COMERÍO

Contrato Número: 2023-000177

COMPARECEN

DE LA PRIMERA PARTE: EL DEPARTAMENTO DE DESARROLLO ECONÓMICO Y COMERCIO DEL GOBIERNO DE PUERTO RICO, una agencia gubernamental del Gobierno de Puerto Rico, creada por el Plan de Reorganización Núm. 4 de 1994 ("Plan de Reorganización"), según enmendado, como agencia designada para administrar los fondos federales en bloque que recibe el Gobierno de Puerto Rico conforme a la Ley Pública Federal 113-128 del 22 de julio de 2014, conocida como Ley de Oportunidades y de Innovación de la Fuerza Laboral (WIOA), representada en este acto por su Secretario, **Hon. Manuel Cidre Miranda**, mayor de edad, casado, comerciante de profesión y vecino de San Juan, Puerto Rico, en adelante denominada "EL DEPARTAMENTO".

DE LA SEGUNDA PARTE: EL ÁREA LOCAL DE DESARROLLO LABORAL BAYAMÓN/COMERÍO, aquí representado por el Presidente de la Junta de Alcaldes, el **Hon. Ramón L. Rivera Cruz**, mayor de edad, casado y vecino de Bayamón, Puerto Rico, en adelante denominado "LA SEGUNDA PARTE".

LAS PARTES manifiestan tener la facultad, autoridad legal y capacidad suficiente para hacer las representaciones y asumir los compromisos que motivan el otorgamiento de este Contrato, y en tal virtud, libre y voluntariamente:

EXPONEN

POR CUANTO: A tenor con el Boletín Administrativo Núm. OE-2014-64 de 22 de diciembre de 2014, **EL DEPARTAMENTO** es depositario de los fondos federales delegados al Gobierno de Puerto Rico bajo el Título I del "Workforce Innovation and Opportunity Act" (WIOA) y es la entidad designada y facultada para ejercer el debido control y fiscalización de los mismos.

POR CUANTO: Atendiendo a la necesidad de asignar los fondos para las Actividades elegibles de los **Programas de Adultos y Trabajadores Desplazados** a delegarse en **LA SEGUNDA PARTE**, conforme al "Training and Employment Guidance Letter" (TEGL) No. 9-21 de 6 de mayo de 2022, **LAS PARTES** han convenido contratar bajo las provisiones de las Secciones 131-133 del Subtítulo B, Título I de la Ley Pública Federal 113-128 del 22 de julio de 2014, conocida como Ley de Oportunidades y de Innovación de la Fuerza Laboral ("WIOA", por sus siglas en inglés), para el **Año Programa 2022-2023**.

POR TANTO: **AMBAS PARTES** acuerdan suscribir la presente contratación de delegación de fondos a tenor con la legislación regulatoria y sujeto a lo dispuesto en las siguientes:

CLÁUSULAS Y CONDICIONES

PRIMERA: Fondos

A. **EL DEPARTAMENTO** conviene en delegar a **LA SEGUNDA PARTE** la suma de **DOS MILLONES SETECIENTOS CINCUENTA Y OCHO MIL CIENTO OCHENTA Y DOS DÓLARES (\$2,758,182.00)**, cantidad que representa la asignación de fondos correspondiente al **Programa de Adultos y Trabajadores Desplazados, Año Programa 2022-2023**. Este Contrato será sufragado con fondos delegados bajo el "Notice of Award" (NOA) del Departamento del Trabajo Federal - Federal Award Id. No

(FAIN) AA-38553-22-55-A-72 de las siguientes Partidas Presupuestarias: 0001-001-2023-020-7000-38553NQ-XXX-420 y 0001-001-2023-030-7000-38553OC-XXX-420.

1. Bajo el Programa de Adultos se delega la suma de **UN MILLÓN NOVENTA Y DOS MIL CUATROCIENTOS SETENTA Y TRES DÓLARES (\$1,092,473.00)**.

2. Bajo el Programa de Trabajadores Desplazados se delega la suma de **UN MILLÓN SEISCIENTOS SESENTA Y CINCO MIL SETECIENTOS NUEVE DÓLARES (\$1,665,709.00)**.

B. De conformidad con lo establecido en el "Training and Employment Guidance Letter (TEGL) No. 9-21 de 6 de mayo de 2022, la delegación de fondos motivo del presente Contrato contiene la asignación de fondos correspondiente al **Año Programa 2022-2023**. No obstante, aun cuando el Contrato dispone para que se delegue la cantidad total correspondiente a la asignación del **Año Programa 2022-2023**, **LA SEGUNDA PARTE** reconoce y acepta que la misma está sujeta a que **EL DEPARTAMENTO** reciba del Departamento del Trabajo Federal (DOL) la totalidad de los fondos delegados a Puerto Rico. Esto debido a que, para los Programas de Adultos y Trabajadores Desplazados, el "Training and Employment Guidance Letter (TEGL) No. 9-21 de 6 de mayo de 2022, dispone que los fondos estarán disponibles en dos (2) asignaciones en fechas diferentes. La primera asignación de fondos estará disponible a partir del **1^{ro} de julio de 2022**, mientras que la segunda partida de fondos estará disponible a partir del **1^{ro} de octubre de 2022**. La distribución para julio y octubre para estos dos (2) programas se presenta a continuación:

BAYAMÓN	JULIO	OCTUBRE	TOTAL
Adultos	\$ 199,763.00	\$ 892,710.00	\$ 1,092,473.00
Desplazados	\$ 334,964.00	\$ 1,330,745.00	\$ 1,665,709.00
TOTAL	\$ 534,727.00	\$ 2,223,455.00	\$ 2,758,182.00

C. Los pagos a **LA SEGUNDA PARTE** serán desembolsados por **EL DEPARTAMENTO** mediante Peticiones de Fondos e Informes de Cumplimiento del Sistema de Contabilidad (MIP) usando los modelos provistos conforme a la Guía Financiera vigente aprobada por **EL DEPARTAMENTO**. A estos efectos, **LA SEGUNDA PARTE** conviene en tramitar las solicitudes de efectivo de acuerdo a la necesidad y utilidad. Los fondos aquí delegados sólo cubrirán los costos asumidos y/o incurridos hasta las cantidades aprobadas en las partidas de los Resúmenes de Información Presupuestaria (BIS, por sus siglas en inglés) sometidos por el Área Local de Desarrollo Laboral como parte de la Especificación de Trabajo.

D. Como requisito previo a dicho desembolso **LA SEGUNDA PARTE**, deberá someter al **DEPARTAMENTO** los siguientes documentos, a saber:

1. Resumen de Información Presupuestaria (BIS, por sus siglas en inglés) y Narrativos.
2. Desglose de Salarios y Beneficios Marginales (Administración, Agente Fiscal, Operador del CGU, etc.)
3. Lista de Empleados (Roster), el cual concuerde con el Desglose de Salarios y Beneficios Marginales. El Programa de Desarrollo Laboral (PDL) del **DEPARTAMENTO** no aprobará partidas de salarios y beneficios marginales, para puestos vacantes o por reclutar, así que las partidas de los BIS deben ser igual a los desgloses.
4. Plan de Metas y Objetivos por programa.
5. Registro de Firmas.

6. Listado de Equipo, Justificación y una cotización, si se planifica la compra de equipo durante el año programa.
7. Certificaciones Requeridas (“Assurances”).
8. Certificación de los presidentes de la Junta Local y Junta de Alcaldes.
9. Carta Trámite.

Como condición adicional al desembolso de los fondos, **EL DEPARTAMENTO** deberá haber aprobado la **Especificación de Trabajo 2022-2024** de **LA SEGUNDA PARTE**.

E. El Programa de Desarrollo Laboral del **DEPARTAMENTO** ha certificado que le fueron presentados los documentos antes descritos, los cuales habrán de ser revisados por el Programa. **LA SEGUNDA PARTE** es responsable de y se compromete a que se realicen todas aquellas correcciones, enmiendas y/o modificaciones (si alguna) según sean requeridas por **EL DEPARTAMENTO**, a fin de que dichos documentos estén en cumplimiento con WIOA, su reglamentación interpretativa, Cartas Circulares y/o directrices emitidas por **EL DEPARTAMENTO**.

F. Todos los gastos se realizarán dentro de las categorías de costos principales y aquellas incorporadas como parte de la Especificación de Trabajo para el programa y los servicios contemplados.

G. Las peticiones de fondos correspondientes a los fondos delegados mantendrán la identidad de la asignación original e identificarán la procedencia en términos del año programa.

H. **LA SEGUNDA PARTE** podrá realizar las modificaciones y notificaciones de cambio, de conformidad, y según se establezca en el calendario incluido en la Guía de Planificación para la Elaboración de la Especificación de Trabajo vigente adoptada por **EL DEPARTAMENTO**.

I. **LA SEGUNDA PARTE** no incurrirá en gastos u obligaciones en exceso del presupuesto asignado mediante esta delegación. Si **LA SEGUNDA PARTE** se excediera de su presupuesto, **EL DEPARTAMENTO** no será responsable ni cubrirá las mismas, las cuales deberán ser sufragadas con fondos no federales.

SEGUNDA: Plan Local y Especificación de Trabajo

A. **LA SEGUNDA PARTE** conviene en cumplir y realizar las actividades y programas presentadas al **DEPARTAMENTO** en el Plan Local 2020-2023, según los requisitos dispuesto en la Sección 108 de WIOA.

B. **LA SEGUNDA PARTE** presentará al **DEPARTAMENTO** la Especificación de Trabajo conforme a la Guía de Planificación para la Elaboración de la Especificación de Trabajo vigente, bajo las siguientes condiciones:

1. Detalles de la Especificación de Trabajo serán incorporadas en los Formatos del Resumen de Información Presupuestaria (BIS, por sus siglas en inglés), el Plan de Metas y Objetivos y el Narrativo.

2. Dichos Resúmenes y Formatos de servicios se realizaron según las instrucciones contenidas en los documentos requeridos y/o provistos por **EL DEPARTAMENTO**.

3. Las Modificaciones y/o Notificaciones de Cambio a la Especificación de Trabajo deberán seguir las instrucciones y/o requerimientos establecidos en la Guía de Planificación para la Elaboración de la Especificación de Trabajo vigente, incluyendo los documentos de Resumen de Información Presupuestaria (BIS, por sus siglas en inglés) y el Plan de Metas y Objetivos.

C. El Plan Local podrá ser modificado, según lo establecido en la Sección 108 (a) de WIOA.

D. La Especificación de Trabajo podrá ser modificada por **LA SEGUNDA PARTE** a requerimiento del **DEPARTAMENTO** cuando hallan cambios en los fondos disponibles para apoyar los servicios provistos por el Título I de WIOA y por Socios del Sistema de Prestación de Servicios de Gestión Única, o de existir la necesidad de revisar estrategias para alcanzar los niveles de ejecución. Las correspondientes solicitudes de modificación serán sometidas por **LA SEGUNDA PARTE** de acuerdo con las directrices e itinerarios que establezca **EL DEPARTAMENTO** en la Guía de Planificación para la Elaboración de la Especificación de Trabajo vigente.

E. La Junta Local y el Presidente de la Junta de Alcaldes (CEO, por sus siglas en inglés), deben presentar la definición de los diferentes roles y las salvaguardas para delimitar cada uno de ellos. La sección 679.430 del 20 CFR establece que las organizaciones locales que funcionan simultáneamente en una variedad de roles deben desarrollar un Acuerdo escrito entre la Junta Local y el Presidente de la Junta de Alcaldes delimitando dichos roles. Una entidad que ejerce diferentes roles debe establecer las salvaguardas ("firewalls") entre cada rol. Esta definición de roles debe formar parte o ser integrada en el Acuerdo entre la Junta Local y la Junta de Alcaldes.

TERCERA: Plan Regional Estratégico

A. **LA SEGUNDA PARTE** participa de una de las regiones de desarrollo económico establecidas en el Plan Estatal Unificado, según las estrategias regionales de servicios delineadas para su región, incluyendo el desarrollo de acuerdos cooperativos para la prestación de servicios dentro de su región.

B. **LA SEGUNDA PARTE** reconoce que está obligada y cumplirá con los requisitos establecidos en todas las Directrices, Carta Circulares, Memoriales Administrativos y/o Guías promulgadas por **EL DEPARTAMENTO**, sin limitación de lo que expresamente exija o requiera el Título I de WIOA, su reglamentación interpretativa y las guías de asistencia técnica de la "*Employment and Training Administration (ETA)*" del Departamento del Trabajo Federal.

CUARTA: Responsabilidad por el uso debido de los fondos WIOA delegados por EL DEPARTAMENTO a la Junta de Alcaldes del Área Local como entidad beneficiaria; prohibición de utilización de los fondos para subvencionar empleo en el sector del servicio público; incumplimiento de requisitos administrativos y fiscales uniformes; establecimiento de los necesarios controles y procedimientos sobre uso y manejo apropiado de los fondos.

A. **LA SEGUNDA PARTE** queda debidamente informada que todo subbeneficiario es responsable por los fondos que recibe de la entidad delegante bajo la asignación federal correspondiente y están conscientes de que, la(s) jurisdicción(es) política(s) que constituye(n) el denominado "*Chief Elected Official*" del Área Local es(son) responsable(s) de cualquier mal uso de los fondos que le son delegados a la Junta de Alcaldes del Área Local bajo las Secciones 128 y 133 de WIOA.

Por tanto, a tenor con lo dispuesto en las Secciones 3(9) y 107(c)(1)(B) de WIOA y 20 CFR 683.710 (b)(2) del WIOA Final Rule, Parte VI, **LA SEGUNDA PARTE**

reconoce la responsabilidad del "*Chief Elected Official*", quien en el caso de un Área Local compuesta por una sola unidad de gobierno local es el Alcalde electo de dicho municipio, o quienes en caso de tratarse de un Área Local legalmente configurada como consorcio intermunicipal, es la Junta de Oficiales Electos o Junta de Alcaldes conformada como cuerpo directivo por virtud del acuerdo escrito (i.e., Acuerdo entre Alcaldes). Dicho acuerdo recoge y especifica expresamente la responsabilidad individual de cada respectiva jurisdicción política por el debido uso de los fondos.

B. LA SEGUNDA PARTE se compromete a atender lo dispuesto en la Sección 194 inciso (10) de la Ley WIOA y la sección 683.250 (2) del WIOA Final Rule, Parte VI sobre la prohibición de la utilización de los fondos disponibles bajo el Título I de WIOA para sufragar empleo en el servicio público, excepto lo específicamente autorizado bajo esta Ley.

C. LA SEGUNDA PARTE acepta expresamente y se compromete a cumplir con las disposiciones de las Secciones 181 y 184 del Título I de la Ley WIOA, con el 20 CFR Parte 683.200 y sigs. del WIOA Final Rule, Parte VI intitulado "*Administrative Rules, Costs and Limitations*", con los requisitos administrativos uniformes codificados en 2 CFR Parte 200 y sigs. intitulado "*Requisitos Administrativos Uniformes, Principios de Costos, y Requisitos de Auditoria para Fondos Federales*", los cuales, sin que se entienda limitativo, requieren a toda persona jurídica, organización o entidad que reciba fondos WIOA establecer y mantener los controles efectivos y procedimientos uniformes para el uso y manejo apropiado de los fondos asignados, igualmente con los principios sobre permisibilidad de actividades y costos.

D. Los costos a ser asignados a la categoría de administración serán los especificados en el 20 CFR 683, Secciones 683.205 y 683.215 del WIOA Final Rule, Parte VI, excepción hecha de los costos reglamentariamente atribuibles como programáticos a tenor con lo allí dispuesto. Todo conforme a las normas sobre uso y manejo de fondos, aplicabilidad de los procedimientos administrativos uniformes, conflicto de interés, principios federales de determinación de permisibilidad y atribución de costos requisitos de certificaciones a cumplimentar por subreceptarios de fondos, y demás contenidos en la Sección 683.200 de la reglamentación interpretativa propuesta.

E. LA SEGUNDA PARTE cumplirá con las disposiciones contenidas en el 2 CFR Parte 200 y sigs sobre "Requisitos Administrativos Uniformes, Principios de Costos, y Requisitos de Auditoria para Fondos Federales" así como con el Memorial Administrativo del **DEPARTAMENTO** sobre "Permisibilidad de Costos", las cuales establecen los requisitos sobre el manejo, uso, permisibilidad de costos y limitaciones administrativas y fiscales.

F. Todo lo antes expuesto no exime de cumplir con las normas y procedimientos estatales y locales cuyo precepto sea más restrictivo que el establecido en las disposiciones normativas federales.

G. La **SEGUNDA PARTE** debe cumplir con lo dispuesto en el 2 CFR, Sección 200.444 (a) (5) titulada "Costos Generales del Gobierno", que establece claramente que no están permitidos los costos de servicios del Gobierno, tales como academias de bomberos y policías.

QUINTA: Informes y Expedientes

A. LA SEGUNDA PARTE deberá cumplir con todas las disposiciones pertinentes relacionadas con la preparación, preservación y el mantenimiento de expedientes y con los requisitos de informes ("*Record Keeping and Reporting*") establecidos en la Ley WIOA y sus Reglamentos a los efectos de evidenciar la legalidad, procedencia y razonabilidad del gasto de los fondos aquí delegados y con aquellas otras directrices aplicables promulgadas por **EL DEPARTAMENTO**.

Asimismo, **LA SEGUNDA PARTE** deberá cumplir con la obligación de registrar a los participantes para recibir servicios bajo el referido Contrato en el "Participant Record Information System" ("PRIS"). Al respecto, **EL DEPARTAMENTO** proveerá a **LA SEGUNDA PARTE** la necesaria asistencia técnica para cumplir con el requisito antes impuesto.

B. LA SEGUNDA PARTE someterá al **DEPARTAMENTO** los informes fiscales que se especifican más adelante e informará sobre las actividades llevadas a cabo bajo este Título referente a características demográficas, programas y actividades en las que cada participante esté registrado, tiempo de participación, resultados de dicha participación, costo específico de los programas y actividades e información necesaria para cumplir con las Secciones 184 y 185 de WIOA, pero sin limitarse a:

1. Peticiones de Fondos e Informes de Cumplimiento del Sistema de Contabilidad (MIP). Las Peticiones de Fondos serán presentados en o antes de los días cinco (5) de cada mes. Los Informes de Cumplimiento del Sistema de Contabilidad (MIP) serán presentados en o antes del día veinte (20) del mes siguiente.

2. Las Peticiones de Fondos vendrán acompañadas del "Encumbrance Budget Report", el "Trial Balance" por Programa, y el "Invoice Select for Payment", conforme a la Guía Financiera vigente.

3. Informes Mensuales de Reconciliación Bancaria serán presentados el día diez (10) del próximo mes al que se informa, conforme a la Guía Financiera vigente.

4. Informes Mensuales Programáticos donde se informarán las actividades que se llevan a cabo en cumplimiento con los objetivos implementados en la Especificación de Trabajo.

5. **EL DEPARTAMENTO** se reserva el derecho a solicitarle a **LA SEGUNDA PARTE** cualesquiera otros informes que estime pertinentes.

6. Las fechas y términos establecidos en este contrato podrán variar de conformidad a las directrices que sean adoptadas por **EL DEPARTAMENTO**, incluyendo, pero sin limitarse, a las Guías Financieras vigentes.

C. LA SEGUNDA PARTE vendrá obligado a realizar Informes Anuales de Cierre e Informes de Gastos Trimestrales los días 15 de septiembre, 15 de enero, 15 de abril y 15 de julio de cada año. **Un cierre intermedio al 30 de junio de 2023 y un cierre permanente al 30 de junio de 2024.**

D. LA SEGUNDA PARTE deberá someter, además, todos aquellos informes y/o datos que **EL DEPARTAMENTO** le requiera a los fines de monitorear, analizar y fiscalizar el uso adecuado de los fondos aquí delegados.

E. EL DEPARTAMENTO podrá requerirle a **LA SEGUNDA PARTE** someter reportes sobre todas las actividades operacionales, administrativas y financieras llevadas a cabo con los fondos aquí delegados que no estén desglosadas en el inciso B, sin limitarse a presentación de balances de separación trimestrales.

F. Si LA SEGUNDA PARTE incumple en su deber de someter cualquiera de los informes requeridos en el inciso B, **EL DEPARTAMENTO** no realizará desembolsos de ningún programa a **LA SEGUNDA PARTE** hasta tanto no esté al día con la presentación de todos los informes requeridos.

G. LA SEGUNDA PARTE deberá mantener controles efectivos y contabilidad de fondos, propiedades y activos cubiertos por este Contrato de Delegación de Fondos.

Todos los libros, documentos, papeles, expedientes, incluyendo récords de computadoras relacionados con los contratos suscritos bajo las disposiciones de este Contrato de Delegación de Fondos, que están en el control o posesión de cualquier proveedor de servicios deberán ser conservados por **LA SEGUNDA PARTE** de acuerdo al tiempo establecido por la Sección 200.333 del 2 CFR y lo estipulado mediante las leyes locales. Estos libros, documentos, papeles, expedientes y récords de computadoras estarán sujetos a auditoría y examen por los representantes autorizados del **DEPARTAMENTO**, del Departamento del Trabajo de los Estados Unidos y por el Contralor del Gobierno de Puerto Rico o sus representantes autorizados.

H. LA SEGUNDA PARTE garantiza que todos los libros, papeles, documentos, expedientes y récords de computadoras relacionados con los contratos suscritos bajo las disposiciones de este Contrato de Delegación de Fondos, que están en el control o posesión de cualquier proveedor de servicios estarán disponibles y sujetos a examen por los representantes del **DEPARTAMENTO**.

I. El término mínimo de conservación de los documentos fiscales pertinentes a toda contratación gubernamental bajo las regulaciones del Departamento de Hacienda del Gobierno de Puerto Rico es de seis (6) años o hasta que se realice una intervención de los mismos por la Oficina del Contralor de Puerto Rico, lo que ocurra primero. Esto incluye la conservación de todos los documentos fiscales relacionados con las peticiones de fondos objeto de este Contrato.

J. LA SEGUNDA PARTE deberá monitorear la ejecución de los proveedores y el cumplimiento satisfactorio de éstos con los términos y condiciones de los contratos y demás acuerdos que lleve a cabo bajo el Título I de WIOA. Igualmente, se asegurará de que tales proveedores o subcontratistas cumplan con los requisitos legales y disposiciones reglamentarias establecidas por los organismos fiscalizadores de la contratación gubernamental como son, sin limitarse, la Oficina del Contralor de Puerto Rico, el Departamento de Hacienda, la Oficina de Ética Gubernamental y el Departamento de Estado.

K. LA SEGUNDA PARTE someterá todos los documentos de cierre parcial o permanente de acuerdo al Itinerario establecido por **EL DEPARTAMENTO**, en las Guías y directrices establecidas para este propósito.

L. Dentro de dos (2) semanas a partir de la firma de este Contrato de Delegación de Fondos, **LA SEGUNDA PARTE** designará a una (1) persona de su grupo de trabajo para que coordine con **EL DEPARTAMENTO** y reciba las instrucciones pertinentes al manejo de los documentos e informes relacionados con este Contrato de Delegación de Fondos.

M. LA SEGUNDA PARTE cumplirá estrictamente con las Guías WIOA establecidas en las Cartas Circulares aplicables de la Oficina de Presupuesto y Gerencia del Gobierno Federal (OMB), el 2 CFR parte 200 y con aquellas directrices que se establezcan durante el término de este Contrato de Delegación de Fondos.

SIXTA: Acciones correctivas y sanciones ante el incumplimiento de corregir violaciones al Título I de WIOA, a los Requisitos Administrativos Uniformes establecidos en el 2 CFR 200 y siguientes, leyes y reglamentaciones federales, estatales y locales aplicables identificadas en auditorías y/o monitorias.

A. LA SEGUNDA PARTE se compromete a tomar acción correctiva inmediata y específica para corregir incumplimiento de, y/o violaciones al Título I de WIOA, a las disposiciones contenidas en el 2 CFR Parte 200 y sigs. sobre "Requisitos Administrativos Uniformes, Principios de Costos, y Requisitos de Auditoria para Fondos Federales", leyes y reglamentaciones federales, estatales y locales aplicables que se identifiquen en auditorías y monitorias. De no implantarse y acatar la acción correctiva requerida y/o

impuesta, **EL DEPARTAMENTO** podrá imponer, sin limitarse a ello y conforme a lo dispuesto en la Ley, las sanciones identificadas en la Sección 184(b) de WIOA, el 20 CFR Sección 683.700-683-750 del WIOA Final Rule, Parte VI y en el 2 CFR Parte 200.

B. LA SEGUNDA PARTE deberá cumplir con la presentación de informes, requerimientos y reportes solicitados por **EL DEPARTAMENTO**. De **LA SEGUNDA PARTE** incumplir con dicha obligación, **EL DEPARTAMENTO** retendrá y no desembolsará fondo alguno de ningún otro programa a **LA SEGUNDA PARTE** hasta tanto no cumpla con dicha obligación.

C. EL DEPARTAMENTO proveerá asistencia técnica a **LA SEGUNDA PARTE** para atender aquellos señalamientos y/o hallazgos relacionados con su estructura operacional y financiera, de forma tal que se realicen los cambios apropiados para corregir las deficiencias identificadas y así cumplir con las siguientes regulaciones federales pertinentes.

LA SEGUNDA PARTE deberá asentir las recomendaciones efectuadas por **EL DEPARTAMENTO**. De igual forma, **EL DEPARTAMENTO** retendrá y no desembolsará fondos peticionados hasta tanto **LA SEGUNDA PARTE** no someta evidencia aceptable sobre el desempeño adecuado requerido por **EL DEPARTAMENTO** para atender y subsanar los señalamientos realizados sobre el incumplimiento con las disposiciones federales.

D. En la eventualidad de que LA SEGUNDA PARTE rechace las medidas fiscalizadoras y remediales, y/o la asistencia técnica y/o administrativa aquí concebida; o en caso de que no cumpla con el Plan de Acción Correctiva establecido por EL DEPARTAMENTO o con los estándares implantados por la WIOA; o incumpla con la entrega a tiempo de los informes y otros requerimientos periódicos del DEPARTAMENTO; o si incide o persiste en el incumplimiento de los requeridos controles y procedimientos administrativos y fiscales; o si, como resultado de intervenciones, evaluaciones, auditorías, monitorías, exámenes o de cualquier otro modo, si EL DEPARTAMENTO lo determinase necesario en protección del buen uso de los fondos del Título I de WIOA, EL DEPARTAMENTO se verá precisada a tomar otras medidas drásticas según provisto en la Sección 184 (b) (1), entre las que se encuentran:

1. Notificar la intención de revocar la aprobación de aquella parte del Plan Local afectado; o

2. Imponer un plan de reorganización que puede incluir:

- a. Descertificar la Junta Local;
- b. Prohibir el uso de determinados proveedores de servicios;
- c. Seleccionar otra entidad administrativa para administrar el programa en el Área Local afectada;
- d. Unir el Área Local afectada a otra Área Local; o (alternativa)
- e. Realizar cualesquiera otros cambios que el Secretario del Departamento del Trabajo Federal o el/la Gobernador(a) de Puerto Rico determinen necesarios para asegurar cumplimiento y/o la integridad de los fondos WIOA.

E. EL DEPARTAMENTO se reserva el derecho de medir la ejecución y el gasto acumulado de **LA SEGUNDA PARTE**. **EL DEPARTAMENTO** podrá realizar cualquier intervención que entienda necesaria para asegurar el fiel cumplimiento de la ley.

SÉPTIMA: Requisitos de Auditoría, Monitoría y Evaluación

A. EL DEPARTAMENTO diseñará y desarrollará un sistema de monitoría y vigilancia de la ejecución y cumplimiento satisfactorio de las Áreas Locales de Desarrollo Laboral conforme a los requisitos de fiscalización dispuestos en las Secciones 183 y 184 de WIOA y en el 20 CFR Secciones 683.400 y 683.410 del WIOA Final Rule, Parte VI y los requisitos e instrucciones adicionales que emita sobre actividades de monitoría a subreceptarios. Además, **LA SEGUNDA PARTE** se compromete a viabilizar el ejercicio de la facultad de monitoría y evaluación a los programas y actividades otorgada al **DEPARTAMENTO** por la Ley WIOA y el 2 CFR Sección 200.328(a).

B. EL DEPARTAMENTO realizará, como mínimo, monitoría a sus actividades programáticas bajo WIOA y las de sus subcontratistas para asegurar el cumplimiento del 2 CFR Parte 200 y sigs sobre "Requisitos Administrativos Uniformes, Principios de Costos, y Requisitos de Auditoría para Fondos Federales". Esto no limitará en manera alguna a **LA SEGUNDA PARTE** para realizar aquellas monitorías e investigaciones que estime necesario o convenientes al interés público o aquellas que sean solicitadas por **EL DEPARTAMENTO** y/o por los organismos fiscalizadores federales y/o locales concernidos.

C. LA SEGUNDA PARTE se compromete a cumplir con la Ley Pública Núm. 98-502 de 4 de octubre de 1984, conocida como "*Single Audit Act*", según enmendada, y las disposiciones para su aplicación contenidas 2 CFR Parte 200, Subparte F, sobre "Requisitos Administrativos Uniformes, Principios de Costos, y Requisitos de Auditoría para Fondos Federales" y demás leyes y reglamentaciones estatales y locales aplicables. **LA SEGUNDA PARTE** informará al **DEPARTAMENTO** al concluir el año fiscal, sobre las ejecutorias realizadas para poner en vigor las disposiciones y procedimientos del "*Single Audit Act*" y reglamentación aplicable, y contemplará los fondos en el presupuesto para cubrir los costos relacionados. En caso de incumplimiento de **LA SEGUNDA PARTE** con las disposiciones de esta cláusula, **EL DEPARTAMENTO** podrá contratar la auditoría y requerir a **LA SEGUNDA PARTE** cubrir el costo de la misma del presupuesto aprobado para tales fines.

D. LA SEGUNDA PARTE se compromete a tomar acción correctiva inmediata y específica para corregir incumplimiento de, y/o violaciones al Título I de WIOA, 2 CFR Parte 200 y sigs sobre "Requisitos Administrativos Uniformes, Principios de Costos, y Requisitos de Auditoría para Fondos Federales", leyes y reglamentaciones federales, estatales y locales aplicables que se identifiquen en auditorías y monitorías. De no implantarse la acción correctiva requerida, **EL DEPARTAMENTO** podrá imponer sin limitarse a ello y conforme a lo dispuesto en la Ley, las sanciones identificadas en la Sección 184(b) de WIOA, la 20 CFR Sección 683.710 del WIOA Final Rule, Parte VI y en el 2 CFR Parte 200.

OCTAVA: "Peer Review"

A. De conformidad con lo establecido en la Carta Circular de la Oficina del Contralor Núm. OC-15-21 de 27 de abril de 2015, **LA SEGUNDA PARTE** se compromete a contratar firmas de contadores públicos autorizados y/o individuos para realizar auditorías simples y/o trabajos de atestación ("*attestation engagements*"), según le sean requeridos por la legislación estatal y federal aplicable, que cumplan con los requerimientos establecidos en las "Normas de Auditoría Gubernamental Generalmente Aceptadas" (GAGAS, por sus siglas en inglés), en el "*Single Audit Act Amendments of 1996*", y con la Carta Circular de Hacienda Núm. 1300-23-07 de 21 de diciembre de 2006, la cual reitera la obligación de contratar firmas de contabilidad y/o auditoría que pertenezcan a un programa de revisión ("*Peer Review Program*") de cuya afiliación deben presentar evidencia previo a formalización del contrato con **LA SEGUNDA PARTE**.

B. Deberá cumplirse además con lo dispuesto en la Ley Núm. 273 de 10 de septiembre de 2003, según enmendada, "Ley de Normas Contractuales sobre Independencia en las Auditorías de Entidades Gubernamentales".

NOVENA: Requisitos Generales del Programa

A. La participación en los programas y actividades financiadas parcial o totalmente bajo WIOA estarán disponibles a ciudadanos de los Estados Unidos, extranjeros residentes permanentes que hayan sido admitidos legalmente, refugiados, asilados e individuos en libertad bajo palabra y otros inmigrantes autorizados por el Procurador General para trabajar en los Estados Unidos, según lo dispone la Sección 188(a)(5) de la citada Ley.

B. **LA SEGUNDA PARTE** se obliga a cumplir con las disposiciones de la Sección 503 y 504 de la "Ley de Rehabilitación Vocacional", según enmendada (29 USC 793 y 794), y el "Americans with Disabilities Act" (42 USC 12101 et.seq.) que prohíben el discrimen de individuos con impedimentos cualificados.

C. **LA SEGUNDA PARTE** deberá asegurar que todo individuo que participa en cualquier programa establecido bajo esta Ley, o que recibe asistencia o beneficio bajo esta Ley cumpla con la Sección 3 de la "Ley del Servicio Militar" (50 USC AFF.453) y la "Ley de Reforma y Control de Inmigración de 1986" y sus Reglamentos.

D. **LA SEGUNDA PARTE** deberá garantizar un sistema de turnos de prioridad de servicios para veteranos y cónyuges elegibles conforme a los requisitos establecidos por la Ley Pública 107-288 de 2002 conocida como "Ley de Empleo para Veteranos", codificada en la Sección 2(a) del 38 USC 4215.

E. La Sección 665 y 666 del Título 18 del Código de los Estados Unidos dispone, entre otras, que podrá penalizarse a cualquier persona que provea información falsa o fraudulenta al solicitar participación en los programas federales de adiestramiento con una multa que no excederá de diez mil dólares (\$10,000.00) o una pena de reclusión que no será mayor de dos (2) años, o ambas penas.

F. **LA SEGUNDA PARTE** se compromete a velar por el cumplimiento con los niveles de ejecución acordados con **EL DEPARTAMENTO** conforme los requisitos de la Sección 116 de WIOA y su reglamentación propuesta.

G. **EL DEPARTAMENTO** proveerá asistencia técnica a **LA SEGUNDA PARTE** en el caso de que ésta no alcance los niveles de ejecución acordados para un programa. Esto, conforme a las disposiciones y remedios de modificación de planes y/o de planes de mejoramiento de ejecución detallados en la Sección 116(g) de WIOA y su reglamentación interpretativa contenida en el 20 CFR 652 et al. (WIOA Final Rule).

H. **LA SEGUNDA PARTE** estará sujeta a la Sección 116(g) de WIOA y la Sección 20 CFR Sección 677.220 del WIOA Final Rule, Parte VI, sobre la posibilidad de tomar acciones correctivas y/o adoptar medidas de reorganización, si no logra alcanzar por dos (2) años programa consecutivos los niveles de ejecución de las medidas de ejecución básicas y de satisfacción del cliente acordados con **EL DEPARTAMENTO**.

DÉCIMA: Garantías de LA SEGUNDA PARTE


A. **LA SEGUNDA PARTE** conviene en que aquellos asuntos que no están expresamente prohibidos o regulados por la Ley permanecen dentro del ámbito de jurisdicción del Gobernador para ser interpretados y regulados de conformidad con la intención de la Ley. Aquellos asuntos que no son de política clara o explícita no estarán sujetos a la interpretación de **LA SEGUNDA PARTE**. En tal eventualidad, **LA SEGUNDA PARTE** conviene consultar al **DEPARTAMENTO** para obtener una interpretación.

B. LA SEGUNDA PARTE acepta que conoce el Plan Estratégico del **DEPARTAMENTO** intitulado “2022-2023 Puerto Rico Unified State Plan”, conforme al “*Training and Employment Guidance Letter (TEGL) No. 4-21 de 14 de diciembre de 2021*”, y garantiza que cumplirá con las disposiciones de dicho plan que son aplicables a este Contrato de Delegación de Fondos y asume responsabilidad en torno a ello.


C. LA SEGUNDA PARTE está consciente, además, de que **EL DEPARTAMENTO** no responderá por daños y reclamaciones, actos torticeros realizados y/o imputables a **LA SEGUNDA PARTE** que surjan como resultado de las condiciones y términos a las que se obliga en este Contrato.

D. LA SEGUNDA PARTE asegura que no discriminará contra ningún individuo, solicitante, participante, proveedor de servicios y/o personal subcontratado como resultado de este Contrato de Delegación de Fondos por razón de raza, color, religión, sexo (incluyendo embarazo, alumbramiento, condiciones médicas relacionadas, estatus de transgénero e identidad de género), origen nacional (incluyendo competencia limitada en inglés), edad, impedimento (físico, mental o sensorial), afiliación política o creencia, y en el caso de beneficiarios por su estatus de ciudadanía o por su participación cualquiera de los programas o actividades subvencionadas con fondos provenientes del Título I de la Ley WIOA, según se estatuye en la Sección 188 (“*Non Discrimination*”) y se obliga expresamente a observar las disposiciones del 29 CFR 38. Las garantías de cumplimiento de Igualdad de Oportunidades y No discrimen establecidas en la sección 38.25 del 29 CFR se incorporan por referencia a este Contrato como condición esencial para la delegación de fondos.

Las violaciones a estas disposiciones estarán sujetas al procedimiento de acción correctiva e imposición de sanciones descritas en el *Nondiscrimination Plan (NDP)* del Gobierno de Puerto Rico y a aquellos remedios o sanciones impuestas por el Gobierno Federal como resultado de monitorías e investigaciones.



E. Las querellas por discrimen serán tramitadas de acuerdo con lo establecido en la Sección 188 de la Ley WIOA y el 29 CFR 38, que disponen que tales querellas serán radicadas ante el Oficial de Igualdad de Oportunidades de **LA SEGUNDA PARTE** (o la persona designada para estos propósitos), o pueden radicarse directamente ante el Director del Centro de Derechos Civiles a la siguiente dirección: *Civil Rights Center, US Department of Labor, Room N4123, 200 Constitution Ave., NW, Washington, DC 20210*. Las querellas serán radicadas dentro de los ciento ochenta (180) días de la fecha del alegado acto discriminatorio.



F. Las querellas o informes relacionados con fraude, malgasto o abuso de los fondos y otras actividades criminales deberán ser informadas inmediatamente a través del Sistema para Informar Incidentes (“*Incident Report*”) del Departamento del Trabajo Federal conforme al 20 CFR Sección 683.620 del WIOA Final Rule, Parte VI.

G. LA SEGUNDA PARTE garantiza que ha adoptado procedimientos para resolver reclamaciones y querellas sobre alegados actos en violación de WIOA de carácter no discriminatorio, de parte de solicitantes, participantes, proveedores de servicios y/o personal contratado como resultado de la implantación de este Contrato de Delegación de Fondos, según lo contempla la Sección 181(c) de WIOA intitulada “*Grievance Procedure*” y el 20 CFR 683.600 del WIOA Final Rule, Parte VI.

H. LA SEGUNDA PARTE garantiza que ningún oficial, empleado, asesor o consultor del **DEPARTAMENTO**, ni ningún miembro de su unidad familiar, tiene interés económico directo o indirecto en este contrato y que ningún oficial, empleado, asesor o consultor de la Rama Ejecutiva del Gobierno de Puerto Rico, ni ningún miembro de su unidad familiar tiene un interés y/o participación en los beneficios económicos o ingresos relacionados con este Contrato.

I. En la medida que aplique, **LA SEGUNDA PARTE** deberá garantizar el cumplimiento con los estándares, órdenes y regulaciones aplicables del "Clean Air Act" (42 U.S.C. 7401-7671) y del "Federal Water Pollution Control Act", según enmendada (33 U.S.C. 1251-1387). Las violaciones a estas disposiciones deberán ser reportadas al Departamento de Salud y a la Oficina Regional de la EPA. En la medida que aplique, **LA SEGUNDA PARTE** deberá cumplir con las disposiciones de la sección 502 de WIOA respecto al "Buy American Act" (41 U.S.C. 8301-8305).

J. En la medida que aplique, **LA SEGUNDA PARTE** se compromete a cumplir con las disposiciones de la sección 6002 del "Solid Waste Disposal Act", según enmendada por el "Resource Conservation and Recovery Act", que requiere la adquisición bienes y productos según designados en las guías de la EPA, codificadas en el 40 CFR Parte 247.

K. En la medida que aplique, **LA SEGUNDA PARTE** compromete a cumplir con los estándares mandatorios y las políticas establecidas en el plan estatal de conservación de energía adoptado de conformidad con el "Energy Policy and Conservation Act" (42 U.S.C 6201).

DÉCIMO PRIMERA: Requisitos de un Lugar de Trabajo Libre de Drogas

A. **LA SEGUNDA PARTE** certifica que, conforme a lo establecido en Ley de Lugar Libre de Drogas (41 U.S.C. 8103 et seq. y el 2 CFR parte 182), proveerá un lugar libre de drogas mediante:

1. La publicación de un aviso notificándole a los empleados que la manufactura, distribución, expendio, posesión o uso ilegal de sustancias controladas está prohibida en el lugar de trabajo y especificar las acciones que se tomarán en contra de los empleados por la violación de tal prohibición.

2. Establecimiento de un programa de concientización que informe a los empleados sobre:

- a. Peligros del abuso de las drogas en el lugar de trabajo;
- b. Política de **LA SEGUNDA PARTE** de mantener un lugar de trabajo libre de drogas;
- c. Cualquier tipo de consejería sobre drogas, rehabilitación y programas de asistencia y;
- d. Penalidades que pueden ser impuestas sobre los empleados por violaciones al abuso de las drogas que ocurran en el lugar de trabajo.

3. Hacer un requisito el que cada empleado relacionado con la ejecución de la asignación se le dé copia de la notificación sobre Lugar Libre de Drogas.

B. **LA SEGUNDA PARTE** deberá notificar al empleado que, como condición de empleo bajo el Proyecto, deberá:

- 1. Regirse por los términos de la notificación y;
- 2. Notificar a **LA SEGUNDA PARTE** de cualquier convicción por violación a los reglamentos por crimen por drogas que ocurra en el lugar de trabajo no más tarde de cinco (5) días luego de las notificaciones de tal convicción.
- 3. Notificar al **DEPARTAMENTO** dentro de los diez (10) días luego de recibir una notificación de parte de un empleado o de recibir una notificación real por tal convicción;

4. Tomar una de las siguientes acciones dentro de los treinta (30) días de haber recibido una notificación, con respecto a cualquier empleado que haya sido convicto de ese modo:

a. Tomar la medida disciplinaria apropiada contra tal empleado hasta e incluyendo la terminación de empleo; ó

b. Requerirle a tal empleado que participe satisfactoriamente en un programa de rehabilitación del abuso de drogas aprobado para tales propósitos por el Gobierno Federal, Estatal o de salud local, compulsorio por ley o alguna otra agencia adecuada.

C. LA SEGUNDA PARTE deberá hacer un esfuerzo de buena fe para continuar en el mantenimiento de un lugar de trabajo libre de drogas a través de lo requerido por las cláusulas anteriores.

DÉCIMO SEGUNDA: NEPOTISMO

A. LA SEGUNDA PARTE reconoce que ningún individuo puede participar de una actividad de empleo bajo WIOA si un miembro de la familia inmediata de esa persona es directamente supervisado por, o directamente supervisa a, esa persona.

DÉCIMO TERCERA: Prohibición de Cabildeo (“Lobbying”)

A. Conforme a la sección 195 de WIOA, **LA SEGUNDA PARTE** certifica que, según su mejor conocimiento y entendimiento ninguno de los fondos delegados se han utilizados para propósitos de propaganda o publicidad o la preparación, distribución, o uso de cualquier “kit”, panfleto, opúsculo, publicación, comunicación electrónica, radio, televisión o presentación de video diseñada para apoyar o derrotar la aprobación de cualquier legislación ante el Congreso o cualquier estado o legislatura local o cuerpo legislativo o cualquier regulación propuesta o pendiente.

DÉCIMO CUARTA: Cláusula de Suspensión y Exclusión

A. LA SEGUNDA PARTE certifica que, según su mejor conocimiento y entendimiento, éste y sus principales:

1. No están privados, suspendidos o propuestos para ser excluidos, declarados inelegibles, o excluidos voluntariamente de las transacciones cubiertas por cualquier agencia o departamento del gobierno federal.

2. No han sido convictos en los tres años anteriores a esta propuesta ni le ha sido incoado juicio en su contra por comisión de ofensa criminal en conexión con la obtención o el intento de obtener o llevar a cabo una transacción pública o contrato (federal, estatal o local), violación de las leyes antimonopolísticas federales o estatales, o la comisión de apropiación ilegal, hurto, falsificación, fraude, soborno, alteración o destrucción de expedientes, levantar falsos testimonios o recibir propiedad hurtada.

3. No están actualmente acusados por ningún otro pleito civil o criminal de parte de una entidad gubernamental (federal, estatal o local) por la comisión de alguna de las ofensas enumeradas en el párrafo A (2) de esta certificación.

4. No han tenido en el período de tres (3) años anteriores a esa solicitud o propuesta una o más de las transacciones públicas (federales, estatales o locales) terminadas por causa de incumplimiento.

B. Cuando **LA SEGUNDA PARTE** sea incapaz de certificar cualquiera de las aseveraciones en esta certificación, tales posibles participantes deben anejar una explicación.

DÉCIMO QUINTA: Cumplimiento con Leyes Federales, Estatales y Locales

A. **EL DEPARTAMENTO** impondrá responsabilidad a **LA SEGUNDA PARTE** por el recibo y manejo adecuado de los fondos WIOA delegados en este Contrato. Este Contrato de Delegación de Fondos de ninguna forma releva a **LA SEGUNDA PARTE** de la obligación de cumplir con todas las leyes, ordenanzas y reglamentos federales, estatales y locales aplicables. En la eventualidad en que **LA SEGUNDA PARTE** incumpla con tales estatutos, **EL DEPARTAMENTO** se reserva el derecho de imponer acciones correctivas, sanciones y/u otras medidas drásticas meritorias.

DÉCIMO SEXTA: Relevo de Responsabilidad de Fondos

A. **LA SEGUNDA PARTE** entiende y acepta que la aportación del **DEPARTAMENTO** a este Contrato de Delegación de Fondos depende del recibo de fondos federales por **EL DEPARTAMENTO** y expresamente reconoce que no existe obligación del **DEPARTAMENTO** de costear o subvencionar este Contrato, parcial o totalmente, si dichos fondos no se reciben.

B. **AMBAS PARTES** reconocen y aceptan que no se prestará servicio ni se realizará actividad de clase alguna bajo este Contrato y aquellos subsidiarios al mismo hasta que **EL DEPARTAMENTO** certifique como disponibles y asignados los fondos correspondientes.

DÉCIMO SÉPTIMA: Proyección Pública

A. **LA SEGUNDA PARTE** reconoce y acepta que, en relación con las prestaciones objeto de este Contrato de Delegación de Fondos, estará impedido de organizar y/o celebrar actividades o eventos de proyección pública a nombre del **DEPARTAMENTO**, invocando el auspicio o el logo del **DEPARTAMENTO**, o a nombre propio en carácter de agencia subreceptancia, subcontratista o concesionario de esta agencia, sin antes informarle al **DEPARTAMENTO**. En este mismo sentido, **LA SEGUNDA PARTE** no divulgará a terceros información relacionada con los resultados de los proyectos y/o servicios aquí contratados, sin antes asegurarse que dicha información sea de conocimiento del **DEPARTAMENTO**.

Asimismo, **LA SEGUNDA PARTE** estará obligada a presentarle al **DEPARTAMENTO**, para su aprobación y autorización, todo material de índole promocional y/o informativo relacionado con los servicios provistos bajo este Contrato de Delegación de Fondos, previo a su difusión en los medios de comunicación.

B. La inobservancia de lo aquí convenido será causa suficiente para declarar incumplido el presente Contrato de Delegación de Fondos, de conformidad.

DÉCIMO OCTAVA: Cancelación Unilateral por EL DEPARTAMENTO, Modificaciones o Enmiendas al Contrato

A. Si **LA SEGUNDA PARTE** incumple con el Plan de Acción Correctiva establecido por **EL DEPARTAMENTO** o rechaza las medidas fiscalizadoras y remediales o la asistencia técnica, **EL DEPARTAMENTO** cancelará unilateralmente este contrato.

B. De igual forma, si **LA SEGUNDA PARTE** no cumple con este Contrato de Delegación de Fondos o con la Ley WIOA y sus reglamentos, o con las órdenes o las directrices emitidas o con los requisitos establecidos por **EL DEPARTAMENTO**, o con el Plan Programático (Plan Local), o sus modificaciones debidamente aprobadas, que forman parte integral de este convenio, **EL DEPARTAMENTO** puede en caso extremo cancelar este Contrato y/o retener la transferencia de fondos a **LA SEGUNDA PARTE**.

C. EL DEPARTAMENTO se reserva el derecho a enmendar o cancelar unilateralmente este Contrato de Delegación de Fondos cuando dichas acciones sean ordenadas por el Gobierno Federal o, en caso de mala administración, falta de controles adecuados, uso indebido de los fondos delegados o cualquier otra situación de riesgo inminente a la integridad del Sistema de la Fuerza Laboral o de los fondos del Título I en cuestión, a tenor con lo dispuesto en la Sección 184 de WIOA y el 2 CFR Parte 200 y sigs sobre "Requisitos Administrativos Uniformes, Principios de Costos, y Requisitos de Auditoria para Fondos Federales", sin limitarse de cualesquiera otras providencias proteccionistas que determine tomar la Junta Estatal de Inversión y las autoridades federales o locales concernidas.

Los acuerdos para modificar este Contrato de Delegación de Fondos deberán convenirse mediante enmienda escrita, debidamente registrada, suscrita por **EL DEPARTAMENTO** y **LA SEGUNDA PARTE**. La cancelación unilateral de este Contrato se hará mediante notificación escrita por correo regular o por correo electrónico a **LA SEGUNDA PARTE**.

D. AMBAS PARTES acuerdan que previo a ejecutar tal acto, **EL DEPARTAMENTO** le notificará por escrito sus hallazgos a **LA SEGUNDA PARTE** y su intención de resolver el Contrato en el término de treinta (30) días. Dentro de dicho término la parte contratada podrá solicitar una reunión para exponer sus argumentos respecto a dicha determinación, la cual será concedida en todo caso. De no solicitarse dicha reunión en el término concedido, este Contrato de Delegación de Fondos quedará resuelto.

F. El Centro de Gestión Única (CGU) deberá ser certificado por la Junta Local dentro de un periodo de noventa (90) días contados a partir de la fecha de la emisión de política pública por parte de la Junta Estatal. En caso de que la Junta Local sea el operador del Centro de Gestión Única (CGU), como resultado del proceso de selección competitivo, la Junta Estatal será el ente responsable de certificar el Centro de Gestión Única (CGU). La observancia de esta condición es indispensable para el cumplimiento de los requisitos de la Ley WIOA por lo que, de no cumplir con ella, pudiera conllevar el poner la delegación de fondos en suspenso hasta que se cumpla con la condición o la terminación del Contrato de Delegación de Fondos por incumplimiento.

DÉCIMO NOVENA: Período de Disponibilidad para Gastos de los Fondos WIOA

A. Los fondos asignados a **LA SEGUNDA PARTE** bajo las Secciones 131-133 del Subtítulo B de WIOA ("*Adult and Dislocated Worker Employment and Training Activities*") son procedentes de la Partida de Fondos del Programa de Adultos y Trabajadores Desplazados, **Año Programa 2022**. Los mismos estarán disponibles para gasto sólo durante los años programas 2022-2023 y 2023-2024, conforme a los términos y condiciones dispuestos en la sección 683.100 et seq. del WIOA Final Rule, Parte VI, del Título I de WIOA y el "Training and Employment Guidance Letter (TEGL) No. 9-21 de 6 de mayo de 2022.

VIGÉSIMA: Adquisición de Equipo

A. LA SEGUNDA PARTE se obliga a emplear métodos competitivos en la adquisición de equipo y se regirá por cualesquiera regulaciones vigentes relativas a compraventa gubernamental y subasta de equipo con fondos públicos. **LA SEGUNDA PARTE** acepta expresamente las disposiciones de la Sección 184 y 194(11) de la Ley WIOA, el 20 CFR Parte 683.215 del WIOA Final Rule, Parte VI, el 2 CFR Parte 200 et seq. sobre "Requisitos Administrativos Uniformes, Principios de Costos, y Requisitos de Auditoria para Fondos Federales", el "*One Stop Comprehensive Financial Management Technical Assistance Guide*", en la medida en que aplique, y las Guías Financieras vigentes emitidas por **EL DEPARTAMENTO**, las cuales requieren a cualquier persona, organización o entidad que reciba fondos WIOA, directa o indirectamente, establecer y

mantener los controles efectivos y procedimientos uniformes en el uso y manejo de fondos y propiedad. Ello, sin embargo, no exime de cumplir con las normas y procedimientos estatales o locales cuyo precepto sea más restrictivo que el establecido en las disposiciones normativas federales.

VIGÉSIMO PRIMERA: Integración

A. LAS PARTES convienen mutuamente en que las palabras y expresiones contenidas en la siguiente lista de documentos son parte integral de este Convenio:

1. Legislación, Reglamentos y Memoriales Administrativos de la “*Employment and Training Administration*” del Departamento del Trabajo Federal o del **DEPARTAMENTO**, interpretativos de la Ley WIOA, incluyendo el “Training and Employment Guidance Letter (TEGL) No. 9-21 de 6 de mayo de 2022.

2. Todos y cada uno de los documentos constitutivos del (de los) acuerdo(s) sobre esta(s) relación(es) contractual(es).

3. Cartas de solicitud o de aceptación de condiciones, intención de extender, renovar o suscribir enmiendas al Contrato que han(hayan) sido aprobadas por **EL DEPARTAMENTO**.

4. Las Garantías y Certificaciones.

5. Memoriales Administrativos, Cartas Circulares, Procedimientos, Memorandos, Reglamentos, Directrices y documentos similares promulgados por **EL DEPARTAMENTO**.

6. Memorandos Administrativos, Boletines, Órdenes Ejecutivas del Gobernador y Cartas Circulares del Departamento de Hacienda, Departamento de Estado, Oficina de Ética Gubernamental, Oficina del Contralor de Puerto Rico y demás organismos fiscalizadores de la contratación gubernamental.

7. Guías Financiera y de Planificación vigentes, emitidas por **EL DEPARTAMENTO**, así como sus modificaciones posteriores, según apliquen.

8. Términos y condiciones del “Notice of Award” (NOA) del Departamento del Trabajo Federal - Federal Award Id. No (FAIN) AA-38553-22-55-A-72 y sus modificaciones.

VIGÉSIMO SEGUNDA: Normas de interpretación

A. Este Contrato será interpretado conforme a las Leyes y Reglamentos del Gobierno de Puerto Rico, la Ley WIOA y su Reglamentación interpretativa y la normativa aquí descrita. La invalidación de cualquiera de sus Cláusulas no afectará las restantes, las cuales continuarán en plena fuerza y vigor.

VIGÉSIMO TERCERA: Naturaleza de los Fondos

A. Constituye el entendido entre **LAS PARTES** que esta contratación de delegación de fondos no ha de representar engrosamiento de la nómina gubernamental, ni conllevar nuevo reclutamiento de personal de servicio público por **LA SEGUNDA PARTE**, ni creación de puestos regulares pues los dineros delegados no gozan de carácter recurrente, sino que están sujetos a la evaluación satisfactoria de los resultados de su utilización y necesaria disponibilidad de fondos.

VIGÉSIMO CUARTA: Ley de Ética Gubernamental de Puerto Rico de 2011

A. EL DEPARTAMENTO hace constar que ninguno de sus empleados o funcionarios tiene interés pecuniario, directo o indirecto, en el otorgamiento de este Contrato a tenor con la Ley Núm. 1 de 3 de enero de 2012, conocida como la “Ley Orgánica de la Oficina de Ética Gubernamental de Puerto Rico de 2011”, según enmendada. De igual manera, ni quienes intervinieron en la adjudicación, negociación y preparación del Contrato, ni el funcionario que representa al **DEPARTAMENTO** en este acto, tienen ningún tipo de interés pecuniario ni de clase alguna en la realización del mismo.

B. LA SEGUNDA PARTE expresamente se compromete a regirse por las disposiciones de la “Ley Orgánica de la Oficina de Ética Gubernamental de Puerto Rico de 2011”, Ley Núm. 1 de 3 de enero de 2012, según enmendada, de su Reglamento y del “Código de Ética para Contratistas, Suplidores y Solicitantes de Incentivos Económicos del Gobierno de Puerto Rico” contenido en el Título III del Código Anticorrupción para el Nuevo Puerto Rico. (Ley Núm. 2 de 4 de enero de 2018).

C. Más aún, LA SEGUNDA PARTE certifica y garantiza que todos los subcontratistas y proveedores de servicios costeados con fondos objeto de esta contratación han recibido copia y se comprometen a regirse y cumplir con las disposiciones del Título III de la Ley Núm. 2-2018 intitulado “Código de Ética para Contratistas, Proveedores de Bienes y Servicios y Solicitantes de Incentivos Económicos de las Agencias Ejecutivas del Gobierno de Puerto Rico”.

D. Asimismo, todos los empleados y el personal necesario y requerido por **LA SEGUNDA PARTE**, para cumplir con los términos y obligaciones pactadas en este Contrato, deberán estar debidamente licenciados, si así se requiere bajo las leyes de Puerto Rico y contar con las licenciaturas, colegiación, credenciales y las normas éticas de su profesión. Asimismo, deberán ser miembros bona fide y activos de cualquier asociación en que su ley habilitadora requiera membresía mandatoria para la práctica de su profesión u oficio en Puerto Rico.

VIGÉSIMO QUINTA: Término del Contrato de Delegación de Fondos

A. Este acuerdo se otorga conforme a los establecido en el Training and Employment Guidance Letter (TEGL) No. 9-21 de 6 de mayo de 2022.

B. Este Contrato tendrá vigencia desde el 26 de agosto de 2022 y se extenderá hasta el **30 de junio de 2024**.

C. Este Contrato podrá ser prorrogado o renovado por acuerdo mutuo mediante enmienda escrita, debidamente suscrita por **LAS PARTES**, sujeto a que persista la necesidad pública que lo motiva, a satisfacción con los servicios y disponibilidad de fondos.

VIGÉSIMO SEXTA: Registro de Contratos

A. Ninguna prestación o contraprestación objeto de este contrato podrá exigirse hasta tanto el mismo se haya presentado para registro en la Oficina del Contralor a tenor con lo dispuesto en la Ley Núm. 18 de 30 de octubre de 1975, según enmendada. Conforme a tal disposición, el **DEPARTAMENTO** se compromete a registrar el Contrato ante la Oficina del Contralor dentro del término establecido para ello.

VIGÉSIMO SÉPTIMA: Preponderancia Acuerdo Escrito

A. AMBAS PARTES reconocen que este Contrato es el único acuerdo que existe entre éstas con relación a los términos y condiciones convenidos. Solamente serán válidas y ejecutables aquellas Enmiendas al Contrato que consten mediante acuerdo entre **LAS PARTES**.

ACEPTACIÓN Y FIRMA

LAS PARTES contratantes suscriben el presente Contrato de Delegación de Fondos mostrando su aceptación al mismo al hallarlo conforme a sus acuerdos, estampando sus firmas al final del documento e iniciando todas y cada una de las páginas que lo componen.

EN TESTIMONIO DE LO CUAL AMBAS PARTES firman este Contrato hoy 26 de agosto de 2022, en San Juan, Puerto Rico.

**DEPARTAMENTO DE DESARROLLO
ECONÓMICO Y COMERCIO**

**ÁREA LOCAL DE DESARROLLO
LABORAL BAYAMÓN/COMERÍO**



Hon. Manuel Cidre Miranda
Secretario
SS 660-65-4753
P.O. Box 362350
San Juan, PR 00936-2350
Teléfono: (787)765-2900



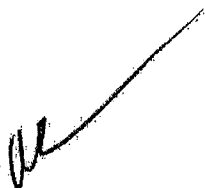
Hon. Ramón L. Rivera Cruz
Presidente Junta de Alcaldes
SS 660-43-3574
P.O. BOX 1588
Bayamón, Puerto Rico 00960-1588
Teléfono: (787)785-4202/(787)787-6750
Email: oabayamon@yahoo.com



GOBIERNO DE PUERTO RICO
DEPARTAMENTO DE DESARROLLO ECONÓMICO Y COMERCIO

18 de agosto de 2022

**A TODO EL PERSONAL Y
JEFES DE AGENCIA**

Manuel Cidre Miranda 
Secretario

INTERINATO SECRETARIO

Desde el 20 al 27 de agosto de 2022 estaré fuera de la oficina en un viaje oficial por lo cual he designado a la Sra. Iris Santos Díaz como Secretaria Interina del DDEC. Esta designación conlleva todas las funciones inherentes a dicho cargo.

Agradeceré le brinden toda su cooperación a la señora Santos Díaz en el desempeño de dichas funciones.

Anejo

U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION (DOL/ETA)	NOTICE OF AWARD (NOA)
--	----------------------------------

Under the authority of the *Workforce Innovation and Opportunity Act, P.L. 113-128*, this grant or agreement is entered into between the above named *Grantor Agency* and the following named *Awardee*, for a project entitled - *WIOA Youth/Adult/Dislocated Worker Formula Grant Programs*.

Name & Address of Awardee:
 Puerto Rico Department of Economic Development and
 Commerce
 355 ROOSEVELT AVE
 SAN JUAN, PUERTO RICO 00918-2132

Federal Award Id. No. (FAIN): AA-38553-22-55-A-72
CFDA #: 17.259- WIA/WIOA Youth Activities
Amount: \$23,575.954.00
EIN:
DUNS #: 078831339

Accounting Code: 1630-2022-0501742223BD202201740005225YF000A0000AOWI00AOWI00-A90200-410023-ETA-DEFAULT TASK-

Payment Management System DOC#: AA38553OE0

The Period of Performance shall be from **April 01, 2022 thru June 30, 2025**.
 Total Government's Financial Obligation is **\$23,575,954.00** (unless other wise amended).

Payments will be made under the Payments Management System, and can be automatically drawn down by the awardee on an as needed basis covering a forty-eight (48) hour period.

In accordance with Training and Employment Guidance Letter No. 9-21, this Notice of Award transmits the PY 2022 allotments for the WIOA Title I Youth program. Special Condition – The Grantee must submit a revised SF-424 to include indirect cost, per instructed within 10 days of the execution date of this award.
 In performing its responsibilities under this grant agreement, the awardee hereby certifies and assures that it will fully comply with all applicable Statute(s), and the following regulations and cost principles, including any subsequent amendments:

Uniform Administrative Requirements, Cost Principles, and Audit Requirements:
 2 CFR Part 200; Uniform Administrative Requirements, Cost Principles, and Audit Requirements; Final Rule 2 CFR Part 2900; DOL Exceptions to 2 CFR Part 200;

Other Requirements (Included within this NOA):

Condition(s) of Award (if applicable)
 Federal Award Terms, including attachments

Contact Information
 The Federal Project Officer (FPO) assigned to this grant is Minnie Holleran. Minnie Holleran will serve as your first line point of contact and can be contacted via e-mail - holleran.minnie@dol.gov. If your FPO is not available, please call your Regional Office at 617-788-0170 for assistance.

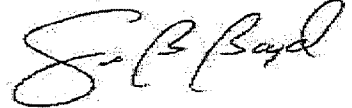
The awardee's signature below certifies full compliance with all terms and conditions as well as all applicable Statutes(s), grant regulations, guidance, and certifications.

Signature of Approving Official - **AWARDEE**

Signature of Approving Official - **DOL / ETA**

See SF-424 for Signature

No Additional Signature Required


SERENA BOYD, June 29, 2022
 Grant Officer

Special Conditions

The Grantee must submit a revised SF-424 to include indirect cost, per instructed within 10 days of the execution date of this award.

**PY 2022 Workforce Innovation and Opportunity Act (WIOA)
Youth, Adult & Dislocated Worker Programs
Annual Funding Agreement
TERMS AND CONDITIONS
Table of Contents**

Part A: General Award, System for Award Management and Uniform Guidance 4

A.1 Compliance and the Order of Precedence 4

A.2 Training and Employment Guidance Letter 5

A.3 SF-424, Application for Federal Assistance, and SF-424B, Assurances and Certifications 5

A.4 Federal Project Officer or Point of Contact (POC) 5

A.5 Unique Entity Identifier Requirements 5

A.6 System for Award Management 6

A.7 Uniform Guidance Revisions 7

A.8 Subawards 7

A.9 Vendor/Contractor Defined 7

A.10 Technical Assistance, Resources, and Information 7

A.11 Monitoring, Technical Assistance, and Additional Specific Conditions of Award 8

A.12 Evaluation, Data, and Implementation 8

A.13 Program Requirements 8

Part B: Budget and Cost Share (Match) 9

B.1 Budget - Approved 9

B.2 Budget Flexibility 9

B.3 Non-Federal Share (Match or Cost Share) 9

Part C: Funds Management and Special or Temporary Restrictions 10

C.1 Funds – Payment Management System (PMS) 10

C.2 Funds - Return & Refunds 10

Part D: Costs - Limitations, Items, and Restrictions 10

D.1 PY 2019 Administrative Costs Limit Change – Coronavirus Aid, Relief, and Economic Security (CARES) Act 10

D.2 PY 2019 Rapid Response Activities Change – CARES Act 10

D.3 Administrative Costs 10

D.4 Consultants 11

D.5 Equipment 11

D.6 Pre-Award Costs	11
D.7 Program Income	11
D.8 Supportive Services & Participant Support Costs	11
D.9 Travel	11
D.10 Travel – Mileage Reimbursement Rates	12
D.11 Travel – Foreign	12
D.12 Conferences and Conference Space	12
D.13 Hotel-Motel Fire Safety	12
D.14 WIOA Infrastructure	12
D.15 Pay-For-Performance Contract Strategies	13
D.16 Procurement	13
Part E: Reporting, Audit, and Closeout.....	14
E.1 Reports.....	14
E.2 Federal Funding Accountability and Transparency Act (FFATA or Transparency Act).....	14
E.3 Integrity and Performance Matters – FAPIIS	17
E.4 Audits	18
E.5 Audit Submission Deadline Extension Related to COVID-19	19
E.6 Closeout/Final Year Requirements.....	19
Part F: National Policy and Restrictions	20
F.1 Architectural Barriers	20
F.2 Domestic Preferences for Procurements.....	20
F.3 Drug-Free Workplace	20
F.4 Flood Insurance.....	20
F.5 Intellectual Property Rights	20
F.6 Promoting Equitable Delivery of Government Benefits and Equal Opportunity	21
F.7 Personally Identifiable Information	22
F.8 Publicity.....	22
F.9 Telecommunications Prohibition.....	22
F.10 Veterans’ Priority Provisions.....	23
F.11 Waste, Fraud and Abuse	23
F.12 Whistleblower Protection	23
F.13 Executive Order 12928 - Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities.....	24
F.14 Executive Order 13043 - Increasing Seat Belt Use.....	24

F.15 Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency	24
F.16 Executive Order 13513 - Federal Leadership On Reducing Text Messaging While Driving	24
F.17 Executive Order 14005 - Ensuring the Future Is Made in All of America by All of America's Workers	25
F.18 Salary and Bonus Limitations	25
F.19 Harassment Prohibited	25
Part G: National Prohibitions and Other Restrictions.....	26
G.1 Contracting with Corporations with Felony Criminal Convictions Prohibited.....	26
G.2 Contracting with Corporations with Unpaid Tax Liabilities Prohibited	26
G.3 Trafficking in Persons Prohibited	26
G.4 Health Benefits Coverage for Contraceptives	28
G.5 Health Benefits Coverage for Abortions Restricted.....	29
G.6 Fair Labor Standards Act Amendment for Major Disasters.....	29
G.7 Lobbying/Advocacy Restricted.....	30
G.8 Blocking Pornography Required	30
G.9 Privacy Act.....	30
G.10 Procuring Goods Obtained Through Child Labor Prohibited	30
G.11 Promotion of Drug Legalization Restricted	31
G.12 Public Communications – Certain Information Requirement.....	31
G.13 Purchase of Sterile Needles or Syringes Restricted	31
Part H: Attachments.....	31
H.1 Attachment A: SF-424	31

Part A: General Award, System for Award Management and Uniform Guidance

A.1 Compliance and the Order of Precedence

The recipient of this Federal award will assure that they will fully comply with the rules and requirements specified in the award document. Program requirements may be found in the Funding Opportunity Announcement (FOA), statutes, Executive Orders, government-wide regulations, agency regulations, agency policy guidance such as Training Employment Guidance Letter (TEGL), and the terms outlined in the award document. The list below identifies the hierarchy of authority.

The following order of precedence applies to your activities under this federal award. In the event of any inconsistency between the terms and conditions of this Notice of Award (NOA) and other requirements, consult the below order:

1. Workforce Innovation Opportunity Act (WIOA).
2. Other applicable Federal statutes.
3. Consolidated Appropriations Act 2022 (Public Law 117-103) dated March 15, 2022.
4. Implementing Regulations.
5. Executive Orders and Presidential Memoranda.
6. The Office of Management and Budget (OMB) Guidance, including the Uniform Guidance at 2 CFR (Code of Federal Regulations) parts 200 and 2900.
7. The U.S. Department of Labor (DOL) or Employment and Training Administration (ETA) directives.
8. Terms and conditions of this award.

Notice of Award The funds provided under this Notice of Award (NOA) must be expended according to all applicable Federal statutes, regulations and policies, and the applicable provisions in the appropriations act(s). The funds shall be obligated and expended via a NOA award modification. These obligations and expenditures may not exceed the amount awarded by the NOA modification unless otherwise modified by the ETA.

The funds that are provided under this NOA must be expended according to all applicable Federal statutes, regulations and policies, including those of the Workforce Innovation and Opportunity Act (WIOA), the applicable approved WIOA State Plan (including approved modifications and amendments to the plan), and any waiver plan approved under WIOA Section 189(i)(3) or Workforce Flexibility (Workflex) plan approved under WIOA Section 190, the negotiated performance levels and policies established pursuant to the Secretary's authority under WIOA Section 116, and the applicable provisions in the appropriations act(s).

The funds shall be obligated and allocated via a NOA grant modification. These obligations and expenditures may not exceed the amount awarded by the NOA modification unless otherwise modified by the ETA.

By drawing down funds, your organization as the award recipient agrees to the provisions of 20 CFR 683.820(b)(6), which states:

“Any organization selected and/or funded under WIOA Title I, Subtitle D, is subject to having its award removed if an Administrative Law Judge (ALJ) decision so orders. As part of this process, the Grant Officer will provide instructions on transition and closeout to both the newly selected grant recipient and to the grant recipient whose positions is affected, or which is being removed.”

A.2 Training and Employment Guidance Letter

Training and Employment Guidance Letter No. 09-21 and any amendments found at https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8776 are hereby incorporated into this NOA. Award recipients are bound by the authorizations, restrictions, and requirements contained in the NOA. Therefore, the expenditure of funds by the award recipient certifies that your organization has read and will comply with all the parts that are contained in the NOA.

A.3 SF-424, Application for Federal Assistance, and SF-424B, Assurances and Certifications

The signed SF-424, Application for Federal Assistance, has been included as an attachment to this award. The individual that signed the SF-424 on behalf of the applicant is considered the Authorized Representative of the applicant. As stated in block 21 of the SF-424 form, the signature of the Authorized Representative on the SF-424 certifies that the grant award recipient is in compliance with the Assurances and Certifications form SF-424B available at [Grants.gov](https://www.grants.gov). ***The grant award recipient does not need to submit the SF-424B form separately.***

A.4 Federal Project Officer or Point of Contact (POC)

The DOL/ETA Federal Project Officer (FPO) or Point of Contact for this award is:

Name: Minnie Holleran
Telephone: (617) 788-0169
E-mail: Holleran.Minnie@dol.gov

The individual named above is not authorized to change any of the terms or conditions of the award or approve prior approval requests. Any changes to the terms or conditions or prior approvals must be approved by the Grant Officer through the use of a formally executed award modification process.

A.5 Unique Entity Identifier Requirements

Effective on April 4, 2022, the DUNS Number will be replaced by a new, non-proprietary identifier requested in and assigned by [SAM.gov](https://www.sam.gov). This new identifier is called the Unique Entity Identifier (UEI), or the Entity ID. To learn more about SAM's rollout of the UEI, please visit the U.S. General Service Administration (GSA), [Unique Entity Identifier Update webpage](#).

If the grant award or cooperative agreement recipient is authorized to make subawards under this award, then the recipient:

1. Must notify potential subrecipients that no entity (see definitions below) may receive a subaward from the grant award recipient until the entity has provided its UEI to the recipient.
2. May not make a subaward to an entity unless the entity has provided its UEI to the grant or cooperative agreement recipient. Subrecipients are not required to obtain an active SAM registration but must obtain a UEI.

A.6 System for Award Management

System for Award Management (SAM) is the official federal system that collects, validates, stores, and disseminates business information about the federal government's trading partners in support of contract awards, grants, and electronic payment processes.

A SAM registration is required for an entity to be able to apply for federal awards, to request modifications to existing awards, and to enable them to closeout expiring awards. See [Training and Employment Notice \(TEN\) 18-17](#) for additional guidance.

Unless the award recipient is exempt from this requirement under 2 CFR 25.110, the grant award or cooperative agreement recipient must maintain current information in the SAM. This includes information on the recipient's immediate and highest-level owner and subsidiaries, as well as on all of the recipient's predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until the award recipient submits the final financial report required under this Federal award or receive the final payment, whichever is later.

DOL advises grant award recipients and other awardees of Federal awards such as cooperative agreements registered in SAM to review their registration information, particularly their financial information and points of contact. Assistance is available by contacting the Federal Service Desk at [FSD.gov](https://www.fsd.gov). Grant award or cooperative agreement recipients should contact ETA at ETAAccountingGrants@dol.gov if they find that payments have been paid to a bank account other than their registered bank account.

DOL routinely checks the validity of a grant or cooperative agreement award recipient's SAM registration and verifies that the recipient is not included on the excluded parties list before making an award or approving a modification to an existing award. Failure to have an active SAM registration can delay award recipients from receiving their initial award or requested modifications to their existing awards.

DOL further encourages award recipients to review the expiration date of their SAM registration and begin the renewal process well in advance, to ensure that their registration remains valid. If the award recipient has not logged in and updated its entity registration record within at least the past 365 days, its record will expire and go into inactive status. Timely renewal will ensure that the award recipient can continue to request and receive modifications to their existing grants, as well as apply for new funding opportunities. Further, the EIN numbers must remain active until the award closeout process is fully completed.

A.7 Uniform Guidance Revisions

The Office of Management and Budget issued revisions to 2 CFR parts 25, 170, 183, and 200 (the Uniform Guidance) on August 13, 2020, and February 22, 2021 (technical correction). These revisions became effective November 12, 2020, except for the amendments to 2 CFR 200.216 and 200.340, which were immediately effective on August 13, 2020. The award recipient must operate in compliance with these revised regulations. Please note that the section numbering in the Uniform Guidance has changed in some instances, and this terms and conditions document has been updated accordingly.

A.8 Subawards

A *subaward* means an award provided by a *Pass-Through Entity* (PTE) to a subrecipient for the subrecipient to carry out part of a Federal award received by the PTE. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the PTE considers a contract.

The provisions of the Terms and Conditions of this award will be applied to any subrecipient under this award. The recipient is responsible for monitoring the subrecipient, ensuring that the Terms and Conditions are in all subaward packages and that the subrecipient complies with all applicable regulations and the Terms and Conditions of this award (2 CFR 200.101(b)).

A.9 Vendor/Contractor Defined

The term “contractor,” sometimes referred to as a vendor, is a dealer, distributor, merchant or other seller providing goods or services that are required to implement a Federal program (see 2 CFR 200.1). These goods or services may be for an organization's own use or for the use of the beneficiaries of the Federal program. Additional guidance on distinguishing between a subrecipient and a contractor (vendor) is provided in 2 CFR 200.331. When procuring contractors for goods and services, DOL/ETA recipients and subrecipients must follow the procurement requirements found at 2 CFR 200.320 (except states, pursuant to 2 CFR 200.317), which calls for free and open competition.

A.10 Technical Assistance, Resources, and Information

Additional resources, training, and information to assist the award recipient are located on the ETA website, [Resources webpage](#) and on the Grants Application and Management collection page on [WorkforceGPS.org](#). [SMART training](#) is a technical assistance initiative sponsored by DOL/ETA to assist its grant and cooperative agreement recipients and subrecipients in improving its program/project operations through effective grants management. Please take some time to review the training modules which are focused on: Strategies for sound grant management that include:

Monitoring,
Accountability,
Risk mitigation and
Transparency.

These four themes are woven throughout the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, also known as the Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900). The 508-compliant PowerPoints of the modules may be found on WorkforceGPS.org at the [Resource](#) page.

A.11 Monitoring, Technical Assistance, and Additional Specific Conditions of Award

All grant and cooperative agreement award recipients, including states and territories managing the Unemployment Insurance programs, are subject to 2 CFR 200.208, *Specific conditions*, which indicates that the Federal awarding agency may adjust specific award conditions as needed. A specific condition is based on an analysis of the following factors:

1. Based on the criteria in §200.206, *Federal awarding agency review of risk posed by applicants*;
2. The applicant or recipient's history of compliance with the general or specific terms and conditions of a Federal award;
3. The applicant or recipient's ability to meet expected performance goals as described in 2 CFR 200.211; or
4. A responsibility determination of an applicant or recipient.

Additional Federal award conditions may include items such as the following:

1. Requiring payments as reimbursements rather than advance payments;
2. Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given performance period;
3. Requiring additional, more detailed financial reports;
4. Requiring additional project monitoring;
5. Requiring the non-Federal entity to obtain technical or management assistance; or
6. Establishing additional prior approvals.

Grant and cooperative agreement award recipients may be required to obtain technical or management assistance through an established provider/contractor that has been selected or hired by DOL/ETA that may include in-person or remote assistance.

A.12 Evaluation, Data, and Implementation

Grant and cooperative award recipients must cooperate during the implementation of a third-party evaluation. This means providing DOL/ETA or its authorized contractor with the appropriate data and access to program operating personnel and participants in a timely manner.

A.13 Program Requirements

Training and Employment Guidance Letter No. 09-21 contains the program requirements for this award.

Part B: Budget and Cost Share (Match)

B.1 Budget - Approved

The grant award recipient's budget documents are attached in this NOA. The documents are: 1) the SF-424, included as Attachment A. The grant award recipient must confirm that all costs are allowable, reasonable, necessary, and allocable before charging any expense. Pursuant to 2 CFR 2900.1, the approval of the budget as awarded does not constitute prior approval of those items specified in 2 CFR part 200 and 2 CFR part 2900 or as a part of the grant award as requiring prior approval. The Grant Officer is the only official with the authority to provide such approval.

Any changes to the budget that impact the Statement of Work (SOW) and agreed upon outcomes or deliverables will require a request for modification and prior approval from the Grant Officer.

If the period of performance will include multiple budget periods, subsequent budget periods are subject to the availability of funds, program authority, satisfactory performance, and compliance terms and conditions of the Federal award.

B.2 Budget Flexibility

Award recipients are not permitted to make transfers that would cause any funds to be used for purposes other than those consistent with this Federal program. Any budget changes that impact the SOW and agreed upon outcomes or deliverables require a request for modification and approval from the Grant Officer.

As directed in 2 CFR 200.308(f), for programs where the Federal share is over the Simplified Acquisition Threshold (SAT) (currently \$250,000), the transfer of funds among direct cost categories or programs, functions, and activities is restricted such that if the cumulative amount of such transfers exceeds or is expected to exceed 10% of the total budget as last approved by the Federal awarding agency, the recipient must receive prior approval from the Grant Officer. Any changes within a specific cost category on the SF-424(a) do not require a grant modification unless the change results in a cumulative transfer among direct cost categories exceeding 10% of total budget. It is recommended that the assigned Federal point of contact review any within-line changes to the award recipient's budget prior to implementation to ensure they do not require a modification.

For programs where the Federal share of the project is below the SAT of \$250,000, recipients are not required to obtain the Grant Officer's approval when transferring funds among direct cost categories.

B.3 Non-Federal Share (Match or Cost Share)

This award does not include a match requirement.

Part C: Funds Management and Special or Temporary Restrictions

C.1 Funds – Payment Management System (PMS)

Upon receipt of a NOA, in order to draw funds from the U.S. Department of Health and Human Services (HHS) Payment Management System (PMS), an active account must be established. To establish an account, award recipients must complete an SF-1199A and PMS Access form (shown as the PMS/FFR User Form on the PMS website). DOL/ETA is responsible for completing portions of the SF-1199A and submitting the completed SF-1199A to the Division of Payment Management, which operates PMS. Federal award recipients do not need to complete these forms if they already have an account with PMS.

C.2 Funds - Return & Refunds

DOL/ETA does not accept paper checks for any type of returned funds. For active grants, all return of funds are to be submitted electronically through the PMS operated by the HHS via the same method as a drawdown. For grants that have been cancelled or are expired (typically older than five years), incoming payments, including returns and recoveries to DOL, must be made via the Pay.gov website.

If there are questions regarding the return of funds, or your organization no longer has access to PMS, contact the DOL/ETA, Office of Financial Administration via email at: ETA-ARteam@dol.gov for further assistance.

Part D: Costs - Limitations, Items, and Restrictions

D.1 PY 2019 Administrative Costs Limit Change – Coronavirus Aid, Relief, and Economic Security (CARES) Act

Pursuant to Public Law 116-136 (the CARES Act), and notwithstanding WIOA section 128(b)(4), for PY 2019, not more than 20% of the total amount allocated to a local area may be used for the administrative costs of carrying out local workforce investment activities under WIOA Chapter 2 (Youth Workforce Investment Activities) and Chapter 3 (Adult and Dislocated Worker Employment and Training Activities), if the portion of the total amount of administrative costs that exceeds 10% of the total amount allocated is used to respond to a qualifying emergency.

D.2 PY 2019 Rapid Response Activities Change – CARES Act

Pursuant to Public Law 116-136 (the CARES Act), the funds reserved by a Governor for PY 2019 for statewide activities under WIOA 128(a) that remain unobligated may be used for statewide rapid response activities as described in WIOA 134(a)(2)(A) for responding to a qualifying emergency.

D.3 Administrative Costs

Administrative costs are defined in the WIOA at 20 CFR 683.215. Limitations on administrative costs are described at 20 CFR 683.205. Under no circumstances may the administrative costs exceed these limits. The grant recipient will be monitored for

compliance with the administrative cost limits throughout the grant's period of performance. Any amounts that exceed these limitations will be disallowed and subject to debt collection.

D.4 Consultants

For the purposes of this grant award, the ETA's Grant Officer has determined that fees paid to a consultant who provides services under a program shall be limited to \$750.00 a day (representing an eight-hour workday). Such costs must be reasonable, allocable, and allowable to the program. Any fees paid in excess of this amount cannot be paid without prior approval from the Grant Officer.

D.5 Equipment

The requirement that grant recipients obtain prior approval from the Grant Officer for all purchases of equipment (as described in 2 CFR 200.439) is waived in accordance with 2 CFR 200.308(c)(4) and 20 CFR 683.200, and approval authority is delegated to the Governor for programs funded under Section 127 (Youth) or Section 132 (Adult & Dislocated Worker) of WIOA or under the Wagner-Peyser Act. Notwithstanding this waiver, the Grant Officer reserves the right to reimpose the requirement of prior approval, after providing advance notice to the recipient.

D.6 Pre-Award Costs

All costs incurred by the award recipient prior to the start date specified in the grant award issued by the Department are *incurred at the recipient's own expense*.

D.7 Program Income

The "Addition" method as described in 2 CFR 200.307 must be used in allocating any program income generated for this award. The award recipient must expend all program income prior to drawing down any additional funds as required at 2 CFR 200.305(b)(5) and 2 CFR 200.307(e). Any program income found remaining at the end of period of performance must be returned to ETA. In addition, the award recipient(s) must report program income on the quarterly financial report using the applicable ETA-9130 or SF-425 reports.

D.8 Supportive Services & Participant Support Costs

When supportive services are expressly authorized by a program statute, regulation, or FOA, this award waives the prior approval requirement for participant support costs as described in 2 CFR 200.456. Costs must still meet the basic considerations at 2 CFR 200.402 – 200.411. Questions regarding supportive services and participant support costs should be directed to the FPO who is assigned to the award.

D.9 Travel

This award waives the prior approval requirement for domestic travel as contained in 2 CFR 200.475. For domestic travel to be an allowable cost, it must be necessary, allowable, reasonable, allocable and conform to the non-Federal entity's written policies and

procedures. All travel must also comply with Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a U.S. Flag air carrier if service provided by such carrier is available.

D.10 Travel – Mileage Reimbursement Rates

Pursuant to 2 CFR 200.475(a), all award recipients must have policies and procedures in place related to travel costs; however, for reimbursement on a mileage basis, this Federal grant award cannot be charged more than the maximum allowable mileage reimbursement rates for Federal employees. Mileage rates must be checked annually at GSA's [Privately Owned Vehicle \(POV\) Mileage Reimbursement Rates webpage](#) to ensure compliance.

D.11 Travel – Foreign

Funds that are awarded and authorized to carry out an activity under WIOA, Subtitle B cannot be used for foreign travel.

D.12 Conferences and Conference Space

Conferences sponsored in whole or in part by the award recipient are allowable if the conference is necessary and reasonable for the successful performance of the Federal Award. The award recipients are urged to use discretion and good judgment to ensure that all conference costs charged to the grant are appropriate and allowable. For more information on the requirements and the allowability of costs associated with conferences, refer to 2 CFR 200.432. Recipients will be held accountable to the requirements in 2 CFR 200.432. Therefore, costs that do not comply with 2 CFR 200.432 will be questioned and may be disallowed.

D.13 Hotel-Motel Fire Safety

Pursuant to 15 U.S.C. 2225a, the recipient must ensure that all space for conferences and conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (P.L. 101-391, as amended). Recipients may search the [Hotel-Motel National Master List](#) to see if a property is in compliance, or to find other information about the Act.

D.14 WIOA Infrastructure

WIOA, Section 121(b)(1)(B) and 20 CFR 678.400 require the following programs to be One-Stop partners:

1. WIOA, Title I programs: Adult, Dislocated Worker, and Youth formula programs, Job Corps, YouthBuild, Native American programs, National Dislocated Worker Grants (DWG), and NFPJ;
2. Wagner-Peyser Act Employment Service (ES) program authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as amended by WIOA, Title III;
3. SCSEP authorized under Title V of the Older Americans Act of 1965;
4. Trade Adjustment Assistance (TAA) activities authorized under Chapter 2 of Title II of the Trade Act of 1974;

5. Unemployment Compensation (UC) programs;
6. Jobs for Veterans State Grants (JVSG) programs authorized under Chapter 41 of Title 38, U.S.C.; and
7. Reentry Employment Opportunities (REO) programs (formerly known as the Reintegration of Ex-Offenders Program (RExO) awarded prior to January 1, 2019, which were authorized under Section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532).

With the exception of Native American programs established under WIOA, Section 166 all One-Stop partner programs, including all programs that are funded under Title I of WIOA, are required to contribute to the infrastructure costs and certain additional costs of the One-Stop delivery system in proportion to their use and relative benefits received, per 20 CFR 678.700 and 678.760. While Native American programs are not required to contribute to infrastructure costs per WIOA Section 121(h)(2)(D)(iv), they are strongly encouraged to contribute as stated in TEGL No. 17-16. The sharing and allocation of infrastructure costs between One-Stop partners is governed by WIOA Section 121(h), WIOA's implementing regulations, and the Federal Cost Principles contained in the Uniform Guidance at 2 CFR part 200 and DOL's exceptions at 2 CFR part 2900.

If not deemed a required one-stop partner, it is strongly recommended that the grant recipient partner with the local WIOA one-stop delivery system in its service area(s). The one-stop system can assist with referrals, labor market information, and many other services that will directly benefit the management and performance of your grant. The one-stop system also provides access to a wide range of publicly- and privately-funded education, employment, training, and supportive services while also providing high-quality customer service to job seekers, workers, and businesses.

D.15 Pay-For-Performance Contract Strategies

If any subrecipients (Local Workforce Development Boards (LWDBs)) of the grant recipient elect to set aside funds for pay-for-performance (PFP) contract strategies under 20 CFR 683.520, a separate grant agreement must be created to administer these funds. The grant recipient must provide sufficient notice to the Grant Officer, through its FPO, of any LWDB's decision to reserve up to 10% of its total local Adult/Dislocated Worker or Youth allotment for PFP contract strategies so that a new grant agreement can be issued to cover those funds. The grant recipient should inform its FPO as soon as an amount to be reserved under this provision has been finalized.

D.16 Procurement

The Uniform Guidance (2 CFR 200.317) require States (as defined in 2 CFR 200.1) to follow the same procurement policies and procedures it uses for non-Federal funds. The state must comply with 2 CFR 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by 2 CFR 200.327. The grant award recipient(s) must also follow the requirements regarding the competitive selection of One-Stop Operators at WIOA Sections 121(d) and 123.

Part E: Reporting, Audit, and Closeout

E.1 Reports

All ETA award recipients are required to submit quarterly financial and narrative progress reports for each award.

1. **Quarterly Financial Reports.** All ETA award recipients are required to report financial data on the ETA-9130 Financial Report. ETA-9130 reports are due no later than 45 calendar days after the end of each specified reporting quarter. Reporting quarter end dates are March 31, June 30, September 30, and December 31. A final financial report must be submitted no later than 45 calendar days after the quarter encompassing the award end date ends, or 45 calendar days after the completion of the quarter in which all funds have been expended, whichever comes first. A closeout report will be submitted during the closeout process. For additional guidance on ETA's financial reporting, reference TEGL 20-19 and ETA-9130 Financial Reporting Resources.

The instructions for accessing both the online financial reporting system and the HHS PMS can be found in the transmittal memo accompanying this NOA.

E.2 Federal Funding Accountability and Transparency Act (FFATA or Transparency Act)

Applicable to grants and cooperative agreements:

1. Reporting of first-tier subawards.
 - a) *Applicability.* Unless the award recipient is exempt as provided in paragraph [4.] of this award term, the award recipient must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph [5.] of this award term).
 - b) *Where and when to report.*
 - I. The Federal entity or Federal agency must report each obligating action described in paragraph [1.a.] of this award term to FSRS.gov.
 - II. For subaward information, the recipient must report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
 - c) *What to report.* The award recipient must report the information about each obligating action that the submission instructions posted at FSRS.gov specify.
2. Reporting total compensation of recipient executives for non-Federal entities.
 - a) *Applicability and what to report.* The award recipient must report total compensation for each of their five most highly compensated executives for the preceding completed fiscal year, if—
 - I. the total Federal funding authorized to date under this Federal award is equal to or exceeds \$30,000 and is subject to the Transparency Act, as defined in 2 CFR 170.320;
 - II. in the preceding fiscal year, the recipient received—

- (A) 80% or more of the annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined in 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined in 2 CFR 170.320 (and subawards); and
- III. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission (SEC) total compensation filings)
- b) *Where and when to report.* The award recipient must report executive total compensation described in paragraph [2.a.] of this award term:
- a. As part of your registration profile at SAM.gov.
 - b. By the end of the month following the month in which this award is made, and annually thereafter.
3. Reporting of Total Compensation of Subrecipient Executives.
- a) *Applicability and what to report.* Unless the recipient is exempt as provided in paragraph [4.] of this award term, for each first-tier non-Federal entity subrecipient under this award, the award recipient shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
- I. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80% or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined in 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - II. The public does not have access to information on the compensation of the executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the SEC total compensation filings)
- b) *Where and when to report.* The award recipient must report subrecipient executive total compensation described in paragraph [3.a.] of this award term:
- I. To the recipient.
 - II. By the end of the month following the month during which the recipient makes the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October

1 and 31), the grant recipient must report any required compensation information of the subrecipient by November 30 of that year.

4. Exemptions.

If, in the previous tax year, the award recipient had gross income, from all sources, under \$300,000, the recipient is exempt from the requirements to report:

- a) Subawards; and
- b) The total compensation of the five most highly compensated executives of any subrecipient.

5. Definitions.

For purposes of this award term:

- a) *Federal Agency* means a Federal agency as defined in 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
- b) *Non-Federal Entity* means all of the following, as defined in 2 CFR part 25:
 - I. A Governmental organization, which is a State, local government, or Indian tribe;
 - II. A foreign public entity;
 - III. A domestic or foreign nonprofit organization; and
 - IV. A domestic or foreign for-profit organization.
- c) *Executive* means officers, managing partners, or any other employees in management positions.
- d) *Subaward*:
 - I. This term is used as a legal instrument to provide support for the performance of any portion of the substantive project or program for which the grant recipient received this award and that the grant recipient as the recipient award to an eligible subrecipient.
 - II. The term does not include the grant award recipient's payment to a contractor, as defined in 2 CFR 200.331, for property and services needed to carry out the project or program.
 - III. A subaward may be provided through any legal agreement, including an agreement that the grant recipient or a subrecipient considers a contract.
- e) *Subrecipient* means a non-Federal entity or Federal agency that:
 - I. Receives a subaward from the grant award recipient under this award; and
 - II. Is accountable to the grant recipient for the use of the Federal funds provided by the subaward.
- f) *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - I. *Salary and bonus*.
 - II. *Awards of stock, stock options, and stock appreciation rights*. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - III. *Earnings for services under non-equity incentive plans*. This does not include group life, health, hospitalization, or medical reimbursement

plans that do not discriminate in favor of executives and are available generally to all salaried employees.

- IV. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
- V. *Above-market earnings on deferred compensation which is not tax-qualified.*
- VI. Other compensation, if the aggregate value of all such other compensation (e.g., severance, termination payments, value of life insurance paid on behalf of the employee, perquisites, or property) for the executive exceeds \$10,000.

E.3 Integrity and Performance Matters – FAPIIS

1. If the total value of the currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the award recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in Paragraph 2 of this award term and condition. This is a statutory requirement under Section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by Section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
2. Proceedings about which the award recipient must report. Submit the information required about each proceeding that:
 - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
 - b. Reached its final disposition during the most recent 5-year period; and
 - c. Is one of the following:
 - I. A criminal proceeding that resulted in a conviction, as defined in Paragraph 5. of this award term;
 - II. A civil proceeding that resulted in a finding of fault and liability and paying a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - III. An administrative proceeding, as defined in Paragraph 5. of this award term, that resulted in a finding of fault and liability and grant recipient payment of either monetary fine or penalty of \$5,000 or more or a reimbursement, restitution, or damages in excess of \$100,000; or
 - IV. Any other criminal, civil, or administrative proceeding if:
 - (A) It could have led to an outcome described in Paragraph 2.c.I, II, or III of this award term;
 - (B) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on the grant recipient's part; and

(C) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting procedures. Enter in SAM, Entity Management area (formerly CCR), or any successor system, the FAPIIS information that SAM requires about each proceeding described in Paragraph 2 of this award term. The award recipient does not need to submit the information a second time under assistance awards that were received if the recipient already provided the information through SAM (formerly CCR) because the recipient was required to do so under Federal procurement contracts that the recipient was awarded.
4. Reporting frequency. During any period of time when the award recipient is subject to the requirement in Paragraph 1 of this award term, the award recipient must report FAPIIS information through SAM no less frequently than semiannually following the initial report of any proceedings for the most recent 5-year period, either to report new information about any proceeding(s) that the award recipient has not reported previously or to affirm that there is no new information to report.
5. Definitions. For purposes of this award term:
 - a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., SEC Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level. It does not include audits, site visits, corrective plans, or inspection of deliverables.
 - b. Conviction, for purposes of this award term, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
 - c. Total value of currently active grants, cooperative agreements, and procurement contracts includes —
 - I. Only the Federal share of the funding under any award with a recipient cost share or match; and
 - II. The value of all options, even if not yet exercised.

E.4 Audits

Organization-wide or program-specific audits must be performed in accordance with Subpart F, the Audit Requirements of the Uniform Guidance. DOL award recipients that expend \$750,000 or more in a year from any Federal awards must have an audit conducted for that year in accordance with the requirements contained in 2 CFR 200.501. OMB's approved DOL exception at 2 CFR 2900.2 expands the definition of 'non-Federal entity' to include for-profit entities and foreign entities. As such, for-profit and foreign entities that are recipients/subrecipients of a DOL award must adhere to the Uniform Guidance at 2 CFR 200, including Subpart F. Audits of direct award recipients that are for-profit and foreign entities must be submitted directly to: USDOL ETA-OGM, Attn: Audit Resolution, 200 Constitution

Ave NW, Room N-4716, Washington, DC 20210. All other audit reports are submitted through the Federal Audit Clearinghouse

The recipient is prohibited from earning a profit resulting from the implementation of this cooperative agreement. As directed in 2 CFR 200.400(g), non-Federal entities may not earn or keep any profit resulting from Federal financial assistance unless explicitly authorized in the Federal Award Terms. Additionally, the provision on profit only applies to WIOA Title 1 programs at 20 CFR 683.295

E.5 Audit Submission Deadline Extension Related to COVID-19

In OMB Memorandum M-20-17, OMB offered an extension of Single Audit submission deadlines for fiscal years ending June 30, 2020 to allow recipients and subrecipients a responsible transition to normal operations. This flexibility was extended through December 31, 2020 by OMB Memorandum 20-26.

In OMB Memorandum M-21-20, Appendix 3, Item IX, OMB has offered an additional extension of Single Audit submission deadlines for fiscal years ending June 30, 2021. Award recipients and subrecipients that have not yet filed their single audits with the Federal Audit Clearinghouse as of March 19, 2021, that have fiscal year-ends through June 30, 2021, may delay the completion and submission of the Single Audit reporting package, as required under 2 CFR 200.501 (Audit Requirements), to six (6) months beyond the normal due date. This extension does not require individual recipients and subrecipients to seek approval for the extension by the cognizant or oversight agency for audit; however, recipients and subrecipients should maintain documentation of the reason for the delayed filing.

E.6 Closeout/Final Year Requirements

At the end of the grant period, the award recipient will be required to close the grant with the ETA. The grant and cooperative agreement award recipient will be notified approximately 15 days prior to the end of the period of performance that the closeout process will begin when the period of performance ends. See ETA's Grant Closeout webpage for further information on the closeout process. The recipient's responsibilities at closeout may be found at 2 CFR 200.344. During the closeout process, the award recipient must be able to provide documentation for all direct and indirect costs that are incurred. For instance, if an organization is claiming indirect costs, the required documentation is a NICRA or CAP issued by the award recipient's FCA. For those approved to utilize a de minimis rate for indirect costs, the grant agreement or cooperative agreement is sufficient documentation. Not having documentation for direct or indirect costs will result in costs being disallowed and subject to debt collection.

The only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT obligations) for goods and/or services received during the period of performance specified in this award (NOA) (2 CFR 2900.15).

Part F: National Policy and Restrictions

F.1 Architectural Barriers

The Architectural Barriers Act of 1968, 42 U.S.C. 4151 *et seq.*, as amended, the Federal Property Management Regulations (see 41 CFR 102-76), and the Uniform Federal Accessibility Standards issued by the U.S. General Services Administration (GSA) (see 36 CFR 1191, Appendixes C and D) set forth requirements to make facilities accessible to, and usable by, the physically handicapped and include minimum design standards. All new facilities designed or constructed with grant support must comply with these requirements.

F.2 Domestic Preferences for Procurements

As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of 2 CFR Part 200.322 must be included in all subawards including all contracts and purchase orders for work or products under this award.

F.3 Drug-Free Workplace

The Drug-Free Workplace Act of 1988, 41 U.S.C. 702 *et seq.*, and 2 CFR 182 require that all award recipients receiving awards from any Federal agency maintain a drug-free workplace. The award recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for suspension or debarment.

F.4 Flood Insurance

The Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4001 *et seq.*, provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in communities in the United States identified as flood-prone, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within 1 year of the identification. The flood insurance purchase requirement applies to both public and private applicants for the DOL support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

F.5 Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for federal purposes: the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and any rights of copyright to which the grant award recipient, subrecipient or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise.

Federal funds may not be used to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the DOL/ETA has a license or rights of free use in such work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping.

If revenues are generated by selling products developed with grant funds, including intellectual property, these revenues are considered as program income. Program income must be used in accordance with the provisions of this grant award and 2 CFR 200.307.

The following language must be on all workforce products developed in whole or in part with grant funds:

“This workforce product was funded by a grant awarded by the U.S. Department of Labor (DOL)’s Employment and Training Administration. The product was created by the recipient and does not necessarily reflect the official position of DOL/ETA. DOL/ETA makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it.”

F.6 Promoting Equitable Delivery of Government Benefits and Equal Opportunity

The Department of Labor (Labor) seeks to affirmatively advance equity, civil rights and equal opportunity in the policies, programs, and services it provides. Therefore, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, grant and cooperative award recipients must execute the terms and conditions of their award in a manner that advances equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. This extends to all award activities including, but not limited to, service delivery, selection of subrecipients and contractors, and procurement of goods and services. Government programs are designed to serve all eligible individuals. As an expectation, Labor’s award recipients should make the goods and services they provide widely available with the goal of effectively serving a diverse population of eligible individuals; fairly, justly, and impartially in administering the grant award. Award recipients are encouraged to engage in contracting and subcontracting for goods and services related to performing the terms and conditions of their grants in such a way to achieve equity.

The term “equity” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with

disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity.”

F.7 Personally Identifiable Information

The award recipient(s) must recognize and safeguard Personally Identifiable Information (PII) except where disclosure is allowed by prior written approval of the Grant Officer or by court order. Award recipients must meet the requirements in TEGL No. 39-11, Guidance on the Handling and Protection of PII.

F.8 Publicity

Pursuant to P.L. 117-103, Division H, Title V, Section 503, the award recipient is not authorized to use any funds provided under this award—other than for normal and recognized executive–legislative relationships—for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation, designed to support or defeat legislation pending before the Congress or any state or local legislature or legislative body, except in presentation to the Congress or any state or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government, except in presentation to the executive branch of any state or local government itself.

F.9 Telecommunications Prohibition

Award recipients must adhere to 2 CFR 200.216 - Prohibition on certain telecommunications and video surveillance services or equipment (effective August 13, 2020).

Award recipients, including grant and cooperative agreements, and subrecipients are prohibited from obligating or expending loan or grant funds to:

Procure or obtain;

Extend or renew a contract to procure or obtain; or

Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any

subsidiary or affiliate of such entities). Including telecommunications or video surveillance services provided by such entities or using such equipment and telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained. See Public Law 115-232 (section 889) and 2 CFR 200.471 for additional information.

F.10 Veterans' Priority Provisions

The Jobs for Veterans Act (Public Law 107-288) requires award recipients to provide priority service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the DOL. The regulations implementing this priority of service can be found at 20 CFR Part 1010. In circumstances where an award recipient must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans' priority of service provisions require that the award recipient give the veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements. Award recipients must comply with the DOL guidance on veterans' priority. ETA's TEGL No. 10-09 (issued November 10, 2009) provides guidance on implementing priority of service for veterans and eligible spouses in all qualified job training programs funded in whole or in part by DOL.

F.11 Waste, Fraud and Abuse

No entity receiving federal funds may require employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

F.12 Whistleblower Protection

All employees working for contractors, grantees/ grant recipients, subcontractors, subgrantees/ subrecipients, and recipients of cooperative agreements working on this Federal award are subject to the whistleblower rights and remedies established at 41 U.S.C. 4712. The award recipient shall inform its employees and applicable contractors and subrecipients, in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C. 4712, as described in section 3.908 of

the Federal Acquisition Regulation. The award recipient shall insert the substance of this clause in all subawards and contracts over the Simplified Acquisition Threshold.

F.13 Executive Order 12928 - Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities

Pursuant to Executive Order (EO) 12928, the award recipient is strongly encouraged to provide subcontracting/subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities; and to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals.

F.14 Executive Order 13043 - Increasing Seat Belt Use

Pursuant to EO 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the award recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

F.15 Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency

As clarified by EO 13166, Improving Access to Services for Persons with Limited English Proficiency, dated August 11, 2000, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, award recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs in accordance with DOL's Policy Guidance on the Prohibition of National Origin Discrimination as it Affects Persons with Limited English Proficiency, 68 FR 32289 (May 29, 2003). Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Award recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding your LEP obligations, go to LEP.gov.

F.16 Executive Order 13513 - Federal Leadership On Reducing Text Messaging While Driving

Pursuant to EO 13513, Federal Leadership On Reducing Text Messaging While Driving, dated October 1, 2009, award recipients and subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or government-owned vehicles (GOV), or while driving privately-owned vehicles (POV) when on official Government business or when performing any work for or on behalf of the Government. Award recipients and subrecipients are also encouraged to conduct initiatives of the type described in section 3(a) of this order.

F.17 Executive Order 14005 - Ensuring the Future Is Made in All of America by All of America's Workers

Pursuant to EO 14005, Ensuring the Future Is Made in All of America by All of America's Workers, the award recipient agrees to comply with all applicable Made in America Laws (as defined in the EO), including the Buy American Act at 41 USC sections 8301-8305. For the purposes of this award, the grant and cooperative award recipient is required to maximize the use of goods, products, and materials produced in, and services offered in, the United States, in accordance with the Made in America Laws. No funds may be made available to any person or entity (including as a contractor or subrecipient of the award recipient) that has been found to be in violation of any Made in America Laws.

“Made in America Laws” means all statutes, regulations, rules, and Executive Orders relating to Federal financial assistance awards or Federal procurement, including those that refer to “Buy America” or “Buy American,” that require, or provide a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, and manufactured goods offered in the United States. Made in America Laws include laws requiring domestic preference for maritime transport, including the Merchant Marine Act of 1920 (Public Law 66-261), also known as the Jones Act.

F.18 Salary and Bonus Limitations

Pursuant to P.L. 117-103, Division H, Title I, Section 105, award recipients and subrecipients shall not use funds to pay the salary and bonuses of an individual, either as direct costs or as indirect costs, at a rate in excess of Executive Level II. The Executive Level II salary may change yearly and is located on the [OPM.gov](https://www.opm.gov) website. The salary and bonus limitation does not apply to contractors (vendors) providing goods and services as defined in 2 CFR 200.331. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including ETA programs. See [TEGL 5-06](#) for further clarification.

F.19 Harassment Prohibited

The grant recipient and any subrecipients are prohibited from engaging in harassment of an individual based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, based on citizenship status or participation in any WIOA Title I-financially assisted program or activity. Harassing conduct of this type is a violation of the nondiscrimination provisions of WIOA and of 29 CFR Part 38.

Unwelcome sexual advances, requests for sexual favors, or offensive remarks about a person's race, color, religion, sex, national origin, age, disability, political affiliation or belief, or citizenship or participation, and other unwelcome verbal or physical conduct

based on one or more of these protected categories constitutes unlawful harassment on that basis(es) when:

Submission to such conduct is made either explicitly or implicitly a term or condition of accessing the aid, benefit, service, or training of, or employment in the administration of or in connection with, any WIOA title I-financially assisted program or activity; or

Submission to, or rejection of, such conduct by an individual is used as the basis for limiting that individual's access to any aid, benefit, service, training, or employment from, or employment in the administration of or in connection with, any WIOA Title I-financially assisted program or activity; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's participation in a WIOA Title I-financially assisted program or activity creating an intimidating, hostile or offensive program environment.

Harassment because of sex includes harassment based on gender identity or sexual orientation; harassment based on failure to comport with sex stereotypes; and harassment based on pregnancy, childbirth, and related medical conditions. Sex-based harassment may include harassment that is not sexual in nature but that is because of sex or where one sex is targeted for the harassment.

Part G: National Prohibitions and Other Restrictions

G.1 Contracting with Corporations with Felony Criminal Convictions Prohibited

The award recipient may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months.

G.2 Contracting with Corporations with Unpaid Tax Liabilities Prohibited

The award recipient may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

G.3 Trafficking in Persons Prohibited

1. This part establishes a government-wide award term for grants and cooperative agreements to implement the requirement in regard to Trafficking in persons.

a. *Provisions applicable to a recipient that is a private entity.*

I. The award recipient, the award recipient's employees, subrecipients under this award, and subrecipients' employees may not—

- (A). Engage in severe forms of trafficking in persons during the period of time that the grant award is in effect; or
- (B). Procure a commercial sex act during the period of time that the award is in effect; or
- (C). Use forced labor in the performance of the award or subawards under the award.

II. DOL/ETA as the Federal awarding agency may unilaterally terminate this award, without penalty, if the award recipient or a subrecipient that is a private entity —

- (A). Is determined to have violated a prohibition in paragraph a.I of this award term; or
- (B). Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.I of this award term through conduct that is either—
 - i. Associated with performance under this award; or
 - ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 2998.

b. *Provision applicable to a recipient other than a private entity.* DOL/ETA as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

- I. Is determined to have violated an applicable prohibition in paragraph a.I of this grant award term; or
- II. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.I of this grant award term through conduct that is either—
 - (A). Associated with performance under this award; or
 - (B). Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 29 CFR Part 98.

c. *Provisions applicable to any recipient.*

- I. The award recipient must inform DOL/ETA immediately of any information the award recipient receives from any source alleging a violation of a prohibition in paragraph a.1 of this grant award term.
- II. DOL/ETA right to terminate unilaterally that is described in paragraph a.II or b of this section:
 - (A). Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

(B). Is in addition to all other remedies for noncompliance that are available to DOL/ETA under this grant award.

III. The award recipient must include the requirements of paragraph a.I of this award term in any subaward the award recipient make to a private entity.

d. *Definitions.* For purposes of this award term:

I. "Employee" means either:

(A). An individual employed by the grant award recipient or a subrecipient who is engaged in the performance of the project or program under this award; or

(B). Another person engaged in the performance of the project or program under this grant award and not compensated by the grant recipient including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

II. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

III. "Private entity":

(A). Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

(B). Includes:

i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

ii. A for-profit organization.

IV. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

G.4 Health Benefits Coverage for Contraceptives

Federal funds may not be used to enter in to or renew a contract which includes a provision for prescription drug coverage unless the contract also includes a provision for contraceptive coverage. This requirement does not apply to contracts with 1) the religious plans Personal Care's HMO and OSF Health Plans, Inc. and 2) any existing or future plan if the carrier for the plan objects to such coverage on the basis of religious beliefs.

In implementing this section, any plan that enters into or renews a contract may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individuals' religious beliefs or moral convictions. Nothing in this term shall be construed to require coverage of abortion or abortion related services.

G.5 Health Benefits Coverage for Abortions Restricted

Pursuant to P.L. 117-103, Division H, Title V, Section 506 and 507, Federal funds may not be expended for health benefits coverage that includes coverage of abortions, except when the pregnancy is the result of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself that would, as certified by a physician, place the women in danger of death unless an abortion is performed. This restriction does not prohibit any non-Federal entity from providing health benefits coverage for abortions when all funds for that specific benefit do not come from a Federal source. Additionally, no funds made available through this grant award may be provided to a State or local government if such government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

G.6 Fair Labor Standards Act Amendment for Major Disasters

Pursuant to P.L. 117-103, Division H, Title I, Section 108, the Fair Labor Standards Act of 1938 (FLSA) will apply as if the following language was added to Section 7 (the Maximum Hours Worked Section). This language specifically relates to occurrences of a major disaster (as declared or designated by the state or federal government) and are applied for a period of two years afterwards. The language is as follows:

- “(s)(1) The provisions of this section [maximum hours worked] shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—
- (A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;
 - (B) who receives from such employer on average weekly compensation of not less than \$591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and (C) whose duties include any of the following:
 - (i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;
 - (ii) inspecting property damage or reviewing factual information to prepare damage estimates;
 - (iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;
 - (iv) negotiating settlements; or
 - (v) making recommendations regarding litigation.
- (2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1) [of the FLSA].
- (3) For purposes of this subsection—
- (A) the term ‘major disaster’ means any disaster or catastrophe declared or designated by any State or Federal agency or department;

(B) the term ‘employee employed to adjust or evaluate claims resulting from or relating to such major disaster’ means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

(C) the term ‘affiliate’ means a company that, by reason of ownership or control of 25% or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.”

G.7 Lobbying/Advocacy Restricted

Pursuant to P.L. 117-103, Division H, Title V, Section 503, no federal funds may be used to pay the salary or expenses of any grant recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or executive order proposed or pending before the Congress or any state government, state legislature or local legislature or legislative body, other than for normal and recognized executive–legislative relationships or participation by an agency or officer of a state, local or tribal government in policymaking and administrative processes within the executive branch of that government.

G.8 Blocking Pornography Required

Pursuant to P.L. 117-103, Division H, Title V, Section 520, no Federal funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

G.9 Privacy Act

No funds can be used in contravention of 5 U.S.C. 552a (the Privacy Act) or regulations implementing the Privacy Act.

G.10 Procuring Goods Obtained Through Child Labor Prohibited

Pursuant to P.L. 117-103, Division H, Title I, Section 103, no Federal funds may be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries identified by the DOL prior to December 20, 2019. DOL has identified these goods and services at ILAB’s [List of Products Produced by Forced or Indentured Child Labor](#) webpage.

Attachment A: SF-424

G.11 Promotion of Drug Legalization Restricted

Pursuant to P.L. 117-103, Division H, Title V, Section 509, no Federal funds shall be used for any activity that promotes the legalization of any drug or other substance included in Schedule I of the schedules of controlled substances established under Section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications or where there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

G.12 Public Communications – Certain Information Requirement

Pursuant to P.L. 117-103, Division H, Title V, Section 505, when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all non-Federal entities receiving Federal funds shall clearly state:

1. The percentage of the total costs of the program or project which will be financed with Federal money;
2. The dollar amount of Federal funds for the project or program; and
3. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

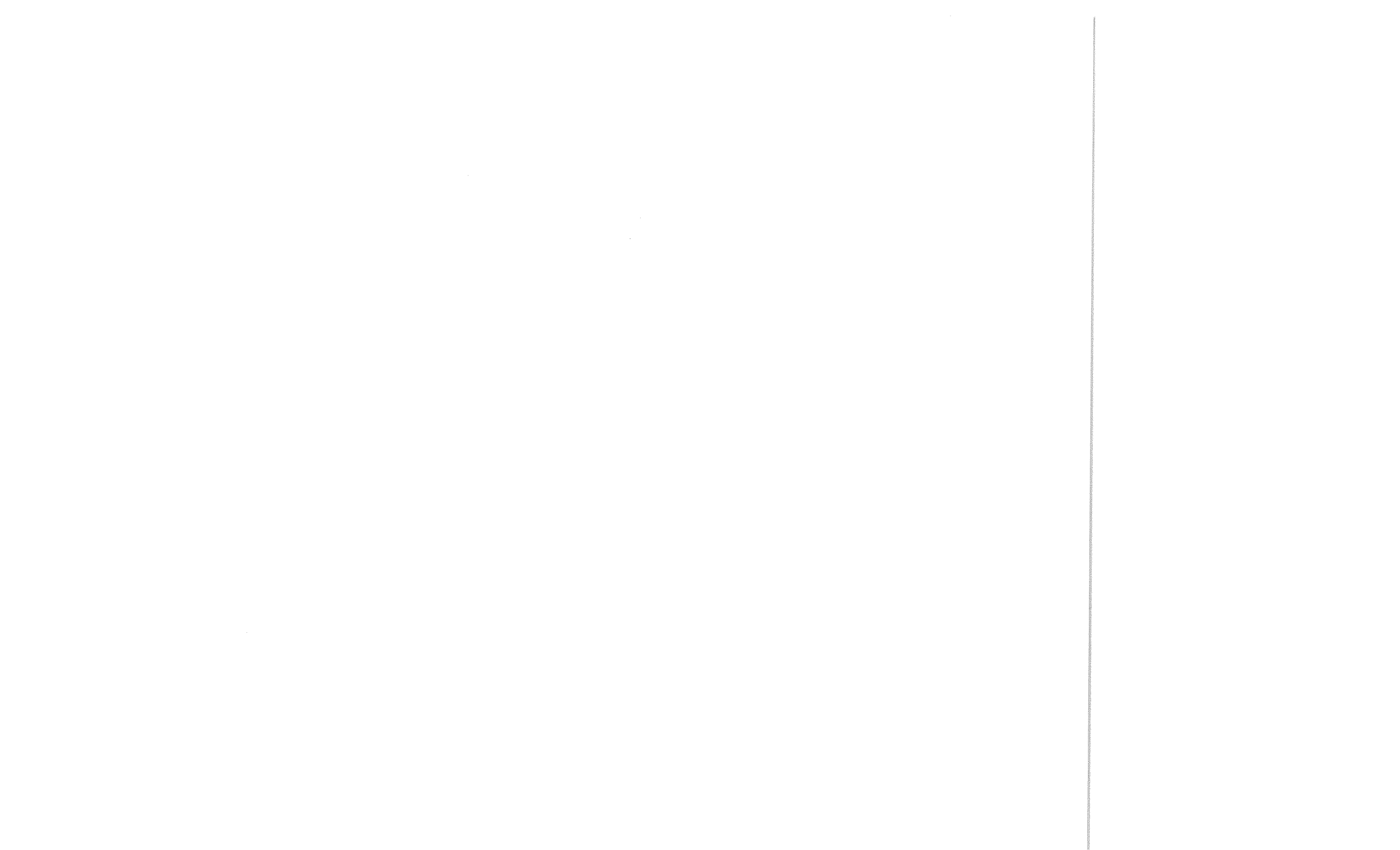
The requirements of this term are separate from those in 2 CFR Part 200 and, when applicable, both must be complied with.

G.13 Purchase of Sterile Needles or Syringes Restricted

Pursuant to P.L. 117-103, Division H, Title V, Section 526, no Federal funds shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug.

Part H: Attachments

H.1 Attachment A: SF-424



for obligation on July 1, 2022; this portion is commonly referred to as “base” funds. The second appropriations for the Adult and Dislocated Worker programs become available for obligation on October 1, 2022; this portion is commonly referred to as “advance” funds because they are provided in the appropriations act passed during the fiscal year immediately before the fiscal year when the funds are available. For example, funds for PY 2022 that will be made available on October 1, 2022 were appropriated during FY 2022, but not made available until FY 2023, and are called the FY 2023 “advance” funds. See Attachment A for details.

The Act, Division H, Title I, secs. 106(b) and 107, allows the Secretary of Labor (Secretary) to set aside up to 0.5 percent of each discretionary appropriation for activities related to program integrity and 0.75 percent of most operating funds for evaluations. For 2022, as authorized by the Act, the Department has set aside \$11,489,000 of the Training and Employment Services (TES) and \$2,819,000 of the State Unemployment Insurance and Employment Services Operations (SUIESO) appropriations impacted in this TEGL for these activities. ETA reserved these funds from the WIOA Adult, Youth, Dislocated Worker, Wagner-Peyser Act Employment Service, and Workforce Information Grant program budgets. Any funds not utilized for these reserve activities will be provided to the states.

ETA applied the reductions for evaluations and program integrity from the WIOA Adult and Dislocated Worker programs only to the FY 2023 “advance” funding levels; “base” funding is disseminated at the full amount appropriated in the Act.

The Act also specifies that the Secretary may reserve no more than 10 percent of the Dislocated Worker National Reserve funds to provide technical assistance and carry out additional activities related to the transition to WIOA. Lastly, salary caps are imposed under the Act, Division H, Title I, sec. 105. The funds provided to grantees in these allotments must not be used by a recipient or sub-recipient to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. The rates of basic pay for the Executive Schedule are found at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>. States also may establish lower salary caps. See TEGL No. 5-06, “Implementing the Salary and Bonus Limitations in Public Law 109-234.”

WIOA allotments for states are based on formula provisions contained in WIOA (see Attachment B for WIOA and Wagner-Peyser Act formula descriptions). The Act waives the competition requirement regarding funding to outlying areas (i.e., American Samoa, Guam, Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the United States Virgin Islands). For PY 2022, outlying area grant amounts are based on the administrative formula determined by the Secretary that was used under WIA.

WIOA specifically included the Republic of Palau as an outlying area, except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under WIOA. No such

determinations prohibiting assistance have been made (WIOA sec. 3(45)(B)). WIOA updated the Compact of Free Association Amendments of 2003, Pub. L. 108-188 (December 17, 2003) so that the Republic of Palau remained eligible for WIOA Title I funding. See 48 U.S.C. 1921d(f)(1)(B)(ix). The National Defense Authorization Act for Fiscal Year 2018, Pub. L. 115-91 (December 12, 2017), Division A, Title XII, Subtitle F, sec. 1259C(c) authorized WIOA Title I funding to Palau through FY 2024.

In addition to this TEGl, ETA will publish the allotments and descriptions of the allotment formulas in the <https://www.federalregister.gov/>.

In this Federal Register notice, ETA will invite comments on the allotment formula for outlying areas.

4. **WIOA PY 2022 Allotments.** Please see Appendices I through V for guidance and Attachments A through J for formula descriptions and allotment tables.
5. **Inquiries.** Questions regarding these allotments may be directed to the appropriate Regional Office. Information on allotments and planning requirements may also be found on the ETA Web site at <https://www.dol.gov/agencies/eta>.
6. **References.**
 - Consolidated Appropriations Act, 2022 (Pub. L. 117-103);
 - The National Defense Authorization Act for Fiscal Year 2018, Pub. L. 115-91 (December 12, 2017), Division A, Title XII, Subtitle F, sec. 1259C(c);
 - Balanced Budget and Emergency Deficit Control Act of 1985, as amended (Title II of Pub. L. 99-177);
 - Bipartisan Budget Act of 2018 (Pub. L. 115-123);
 - Budget Control Act of 2011 (Pub. L. 112-25);
 - Training and Employment Guidance Letter (TEGL) No. 14-17, *Updated Disadvantaged Youth and Adult Data for use in Program Year (PY) 2018 and future Workforce Innovation and Opportunity Act (WIOA) Youth and Adult Within-State Allocation Formulas*;
 - Workforce Innovation and Opportunity Act (Pub. L. 113-128);
 - Wagner-Peyser Act, as amended (29 U.S.C. 49 et seq.);
 - Compact of Free Association Amendments of 2003 (Pub. L. 108-188);
 - TEGl No. 5-06, *Implementing the Salary and Bonus Limitations in Public Law 109-234*;
 - TEGl No. 20-19, *Revised ETA-9130 Financial Report, Instructions, and Additional Guidance*; and
 - *Local Area Unemployment Statistics (LAUS) Technical Memorandum No. S-21-12, Program Year 2022 Areas of Substantial Unemployment under the Workforce Innovation and Opportunity Act, dated July 29, 2021.*
7. **Attachments.**
 - Appendix I – WIOA Youth Allotment Activities
 - Appendix II – WIOA Adult Allotment Activities

- Appendix III – WIOA Dislocated Worker Allotment Activities
- Appendix IV – Wagner-Peyser Act ES Allotment Activities
- Appendix V – Workforce Information Grants Allotment Activities
- Appendix VI – Submission Requirements and Reporting
- Attachment A - Program Year 2022 Funding
- Attachment B - WIOA and Wagner-Peyser Statutory Formula Descriptions for State Allotments
- Attachment C - WIOA Statutory and Discretionary Formulas for Sub-State Allocations
- Attachment D - WIOA Youth Activities Allotments, PY 2022 vs PY 2021
- Attachment E - WIOA Adult Activities Allotments, PY 2022 vs PY 2021
- Attachment F - WIOA Adult Activities PY 2022 Allotments, July 1 and October 1 Funding
- Attachment G - WIOA Dislocated Worker Activities Allotments, PY 2022 vs PY 2021
- Attachment H - WIOA Dislocated Worker Activities PY 2022 Allotments, July 1 and October 1 Funding
- Attachment I - Employment Service (Wagner-Peyser) Allotments, PY 2022 vs PY 2021
- Attachment J - Workforce Information Grants Allotments, PY 2022 vs PY 2021

Appendix I – WIOA Youth Allotment Activities

State WIOA Youth Activities Funds: Title I--Chapter 2--Youth Activities.

- A. State Allotments. The appropriated level for PY 2022 for WIOA Youth Activities totals \$933,130,000. After reducing the appropriation by \$3,963,000 for set asides authorized by the Act, \$929,167,000 is available for Youth Activities, which includes \$13,932,627 for Native American grantees, \$912,621,900 for states, and \$2,287,273 for outlying areas. The WIOA Youth formula has a section in WIOA for a reservation for Migrant and Seasonal Farmworker (MSFW) Youth if the appropriation exceeds \$925,000,000. Per WIOA 127(a)(1), ETA reserved 4 percent (\$325,200) of the excess amount for MSFW Youth. Note that under WIOA the basis for calculating the 1/4 of one percent reserved for outlying areas is based on the total available for Youth Activities after the MSFW Youth and Native American reservations. The Native American reservation is calculated on the total available for Youth Activities after the MSFW Youth reservation. Attachment D contains a breakdown of the WIOA Youth Activities program allotments by state for PY 2022 and provides a comparison of these allotments to PY 2021. Please note that the Department will provide information on the Native American Youth allotments in a separate Training and Employment Guidance Letter (TEGL).

Formula funds are allotted for PY 2022 Youth Activities among the states, in accordance with WIOA formula requirements. For reference, the Department allots these funds to the states based on the following data factors (summarized slightly):

1. The average number of unemployed individuals for Areas of Substantial Unemployment (ASUs) for the 12-month period, July 2020 through June 2021, as prepared by the states under the direction of the Bureau of Labor Statistics (BLS), in each state compared to the total number of unemployed individuals in ASUs in all states;
2. The number of excess unemployed individuals or excess unemployed individuals in ASUs (depending on which is higher) averages for the same 12-month period, July 2020 through June 2021, compared to the total excess individuals or ASU excess in all states; and
3. The number of disadvantaged youth (age 16 to 21, excluding college students not in the workforce and military) from special tabulations of data from the American Community Survey (ACS) in each state compared to the total number of disadvantaged youth in all states. The Census Bureau collected the data used in the special tabulations for disadvantaged youth between January 1, 2011 and December 31, 2015.

Since the total amount available for states in PY 2022 is below the required \$1 billion threshold specified in WIOA sec. 127(b)(1)(C)(iv)(IV), which was also the case in PY 2021, the Department did not apply the WIOA additional minimum provisions (see Attachment B). Instead, the minimums of 90 percent of the prior year allotment

percentage and 0.25 percent state minimum floor apply, as required by WIOA. WIOA also maintains that no state may receive an allotment that is more than 130 percent of the allotment percentage for the state for the previous year.

- B. PY 2022 Funding WIOA Agreement/Notice of Award (NOAs). Youth program funds are available to states to use once the PY 2022 WIOA Annual Funding Agreement/NOA is complete.

- C. Sub-State Allocations. States must distribute WIOA Youth Activities funds among local workforce areas (subject to reservation of the 15 percent limitation for statewide workforce employment and training activities) in keeping with the provisions of WIOA sec. 128 and their approved Unified or Combined WIOA State Plan. In allocating Youth Activities funds to local areas for PY 2022, states may use either the allocation formula described in WIOA sec.128(b)(2) or the discretionary allocation formula in WIOA sec. 128(b)(3), and ensure the state policy articulated in the approved State Plan remains consistent with this guidance. Consistent with sec. 182(e) of WIOA, sub-state allocations must be made available to local areas not later than 30 days after the date funds are made available to the state or 7 days after the date the local plan for the area is approved, whichever is later. **See Attachment C** for a description of sub-state allocation formulas.
 - 1. Allocation Formula. Thirty-three and 1/3 percent of the total funds available for local allocations are allocated based on each local area's relative share of each data factor listed below.
 - a. The relative number of unemployed individuals in Areas of Substantial Unemployment (ASUs) in each local area, compared to the total number of unemployed individuals in ASUs in all local areas in the state. For this factor, the timeframe for comparison is the 12-month period, July 2020 to June 2021.
 - b. The relative excess number of unemployed individuals in each local area, compared to the total excess number of unemployed individuals in all local areas in the state. See the definition of "excess number" below which requires a comparison of the excess unemployed in ASUs with excess unemployed in all areas. For this factor, the timeframe for comparison is the 12-month period, July 2020 to June 2021.
 - c. The relative number of disadvantaged youth (age 16 to 21, excluding college students not in the workforce and military), in each local area, compared to the total number of disadvantaged youth in all local areas in the state. The number of disadvantaged youth comes from special tabulations of data from the ACS prepared in accordance with the definition provided in WIOA. The Census Bureau collected this data between January 1, 2011 and December 31, 2015.

For purposes of identifying ASUs for the Youth Activities sub-state allocation formula, states must use data made available by BLS (as described in Local Area Unemployment Statistics (LAUS) Technical Memorandum No. S-21-12).

The term “excess number” means, used with respect to the excess number of unemployed individuals within a local area, the higher of (i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the local area; or (ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in ASUs in such local area.

In order to determine the number of disadvantaged youth for the sub-state Youth formula, states must use the special tabulations of ACS data available at <https://www.dol.gov/agencies/eta/budget/formula/disadvantagedyouthadults>. ETA obtained updated data for use in PY 2018 and the same data must be used in PY 2022. See TEGL No. 14-17 for further information.

States must utilize a minimum percentage (or stop loss) to ensure that no local area receives an allocation percentage that is less than 90 percent of the average allocation percentage received by the local area for the previous two years. An allocation percentage is the local area’s share or percentage of funds allocated to all local areas. States must **not** use 90 percent of the average *amount* allocated to the local area for the last two years. States must obtain amounts necessary to increase allocations to local areas to comply with the minimum percentage requirement by proportionately reducing the allocations to be made to other local areas.

States must not use a maximum percentage (or stop gain).

2. Discretionary Formula. Alternatively, a state may use a discretionary formula. When using a discretionary formula, a state distributes a portion that is at least 70 percent of the funds according to the allocation formula described in subparagraph C.1 of this Appendix, and the remainder on the basis of a formula that incorporates additional factors relating to:
 - a. excess youth poverty in urban, rural, and suburban areas; **and**
 - b. excess unemployment above the state average in urban, rural, and suburban local areas.

Of the portion of funds distributed according to the allocation formula described in subparagraph C.1, a state must not assign unequal percentages to the ASU, excess unemployment, and disadvantaged data factors. These three data factors carry equal weights and must not total less than 70 percent of the formula.

Of the remainder, states may determine the percentage to allocate to data factors reflecting excess youth poverty and excess unemployment above the state average.

States also have flexibility in choosing what data they want to use related to youth poverty and excess unemployment above the state average. States **may not** reuse the allocation formula data factors (ASU, excess unemployment, and disadvantaged youth) to distribute the remainder. Using data factors such as high school dropout rate may be an acceptable reflection of youth poverty, but the state must articulate how such factors relate to youth poverty in the State Plan.

For the portion of funds distributed according to the allocation formula (which represent at least 70 percent of the distributed funds), the state must employ the minimum percentage (or stop loss), as described in subparagraph C.1 on the allocation formula. The state may choose whether to apply the minimum percentage to the remainder portion of funds that the state distributes according to the discretionary formula (which represent not more than 30 percent of the distributed funds).

The State Board must develop the discretionary formula, and the Secretary must approve it as part of the State Plan.

D. Transfer of Funds. Local workforce areas do not have the authority to transfer funds to or from the Youth Activities program.

E. Re-allotment of Funds. WIOA sec. 127(c) requires the Secretary of Labor to recapture and reallocate Youth Activities program formula funds based on state obligation levels at the end of the first program year of use (ETA reallocates in accordance with 20 CFR 683.135). PY 2021 funds are only available for Federal obligation until the end of the program year, and so the Secretary does not have authority to reobligate PY 2021 funds after the first program year. Therefore, any reallocation of funds requires the use of PY 2022 funds. In other words, recapture and reallocation of PY 2022 funds is based on obligation levels of PY 2021 funds at the end of PY 2021.

1. The obligation threshold a state must meet to avoid recapture under WIOA sec. 127(c)(2) is 80 percent. The term obligation is defined at 2 CFR 200.71. The funds that a state allocates to a local area are state obligations. WIOA requires states to allocate at least 85 percent of Youth Activities funds to local areas. Therefore, by making the required local allocations, the state has obligated more than 80 percent of its PY 2021 funds and no further action is required regarding reallocation of PY 2022 funds.
2. States report the aggregate amount of allocations to the local areas on the Local Youth ETA 9130 (B) financial reports, along with obligations by local areas of those funds.

F. Small State Minimum Allotment States. WIOA sec. 129(a)(4)(B) allows a state that receives a small state minimum allotment under WIOA sec. 127(b)(1) (relating to the youth formula program) or 132(b)(1) (relating to the adult formula program) to submit a

request for approval to the Department to decrease the percentage of funds spent on out-of-school youth (OSY) to not less than 50 percent in a local area. To determine if a state receives a small state minimum allotment, review the PY 2022 columns in Attachments D and E. States that meet the criteria for PY 2022 as a minimum allotment state are those states that receive a PY 2022 WIOA Youth allotment of \$2,281,555 or receive a PY 2022 WIOA Adult allotment of \$2,163,640. If a state wishes to submit a small state OSY exception request, they must submit the request for PY 2022 by September 30, 2022. The request must be submitted to the appropriate ETA Regional Administrator and contain the required justification outlined in the WIOA final rule at 20 CFR 681.410(b).

Appendix II – WIOA Adult Allotment Activities

State Adult Employment and Training Activities Funds: Title I--Chapter 3--Adult and Dislocated Worker Employment and Training Activities.

- A. State Allotments. The total appropriated funds for Adult Activities in PY 2022 is \$870,649,000. After reducing the appropriated amount by \$3,024,000 for set asides authorized by the Act, \$867,625,000 remains for Adult Activities, of which \$865,455,937 is for states and \$2,169,063 is for outlying areas. Attachment E shows the PY 2022 Adult Employment and Training Activities allotments and a state-by-state comparison of the PY 2022 allotments to PY 2021 allotments.

The three formula data factors that the Department uses to distribute WIOA Adult Activities funds among the states are the same as those used for the Youth Activities formula, except that data is used for the number of disadvantaged adults (age 22 to 72, excluding college students not in the workforce and military), rather than the number of disadvantaged youth. Since the total amount available for the Adult Activities program for states in PY 2022 is below the required \$960 million threshold specified in WIOA sec. 132(b)(1)(B)(iv)(IV), as was also the case in PY 2021, the WIOA additional minimum provisions (See Attachment B) are not applicable. Instead, as required by WIOA, the minimums of 90 percent of the prior year allotment percentage and 0.25 percent state minimum floor apply. Like for the Youth program, WIOA also provides that no state may receive an allotment that is more than 130 percent of the previous year allotment percentage for the state.

- B. PY 2022 Funding WIOA Agreement/NOAs. For PY 2022, Congress appropriated funds for this program in two portions: \$158,649,000 is available for obligation on July 1, 2022 (PY 2022), and \$712,000,000 is available for obligation on October 1, 2022 (FY 2023). After reductions associated with evaluations and program integrity, the amount available for Adult Activities on July 1, 2022 (PY 2022) is \$158,649,000, and on October 1, 2022 is \$708,976,000. The Department prorated allotments to states and outlying areas based on these total amounts and will issue two NOAs (subject to the state submitting an approved State Plan under secs. 102 or 103 of WIOA). The first NOA covers the period starting July 1, 2022, under the PY 2022 WIOA grant agreement, and the other for October 1, 2022, also under the PY 2022 WIOA grant agreement (see Attachment F).
- C. Sub-State Allocations. States must distribute WIOA Adult Activities funds for PY 2022 allotments among local workforce areas (subject to reservation of the 15 percent limitation for statewide employment and training activities) in accordance with the provisions in WIOA section 133 and the approved State Plan. States must calculate the up to 15 percent available for statewide activities on the total allotment for PY 2022. In allocating WIOA Adult funds to local areas for PY 2022, states may use either the allocation formula described in WIOA sec. 133(b)(2)(A) or the discretionary allocation

formula in WIOA sec. 133(b)(3). Also, states must ensure the state policy articulated in the approved State Plan remains consistent with this guidance. **See Attachment C** for a description of sub-state allocation formulas.

1. Allocation Formula. Thirty-three and 1/3 percent of the total funds available for local allocations are allocated based on each local area's relative share of each data factor listed below.
 1. The relative number of unemployed individuals in ASUs in each local area, compared to the total number of unemployed individuals in ASUs in all local areas in the state. For this factor, the timeframe for comparison is the 12-month period, July 2020 to June 2021.
 2. The relative excess number of unemployed individuals in each local area, compared to the total excess number of unemployed individuals in all local areas in the state. See the definition of "excess number" below which requires a comparison of the excess unemployed in ASUs with excess unemployed in all areas. For this factor, the timeframe for comparison is the 12-month period, July 2020 to June 2021.
 3. The relative number of disadvantaged adults (age 22 to 72, excluding college students not in the workforce and military) in each local area, compared to the total number of disadvantaged adults in all local areas in the state. The Census Bureau collected the data used in the special tabulations for disadvantaged adults between January 1, 2011 and December 31, 2015.

For purposes of identifying ASUs for the Adult Activities sub-state allocation formula, states should use data made available by BLS (as described in LAUS Technical Memorandum No. S-21-12).

The term "excess number" means, used with respect to the excess number of unemployed individuals within a local area, the higher of (i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the local area; or (ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in ASUs in such local area.

In order to determine the number of disadvantaged adults for the sub-state Adult formula, states must use the special tabulations of ACS data available at <https://www.dol.gov/agencies/eta/budget/formula/disadvantagedyouthadults>. ETA obtained updated data for use in PY 2018 and the same data must be used in PY 2022. See TEGL No. 14-17 for further information.

States must utilize a minimum percentage (or stop loss) to ensure that no local area receives an allocation percentage that is less than 90 percent of the average allocation

percentage of the local area for the previous two years. An allocation percentage is the local area's share or percentage of funds allocated to all local areas. States must **not** use 90 percent of the average *amount* allocated to the local area for the last two years. States must obtain amounts necessary to increase allocations to local areas to comply with the minimum percentage requirement by proportionately reducing the allocations to be made to other local areas.

States must not use a maximum percentage (or stop gain).

In accordance with sec. 182(e) of WIOA, states must make sub-state allocations available to local areas not later than 30 days after the date funds are made available to the state, or 7 days after the date the local plan for the area is approved, whichever is later.

2. Discretionary Formula. Alternatively, a state may use a discretionary formula. When using a discretionary formula, a state distributes a portion that is at least 70 percent of the funds according to the allocation formula described in subparagraph C.1 of this Appendix, and the remainder on the basis of a formula that incorporates additional factors related to:

1. excess poverty in urban, rural, and suburban areas, **and**
2. excess unemployment above the state average in urban, rural, and suburban local areas.

Of the portion of funds distributed according to the allocation formula described in subparagraph C.1, a state must not assign unequal percentages to the ASU, excess unemployment, and disadvantaged data factors. These three data factors carry equal weights and must total at least 70 percent of the formula.

Of the remainder, states may determine the percentage to allocate to data factors reflecting excess poverty and excess unemployment above the state average.

States also have flexibility in choosing the data they want to use related to poverty and excess unemployment above the state average. States **may not** reuse the allocation formula data factors (ASU, excess unemployment, and disadvantaged adults) to distribute the remainder. Using data factors not directly describing poverty or excess unemployment may be acceptable, but the state must articulate how such factors relate to the statutory requirements in the State Plan.

The discretionary formula must also employ a minimum percentage, as described in subparagraph C.1 on the allocation formula. The minimum percentage may be applied to the 70 percent (or greater) portion or to the entire allocation.

The State Board must develop the discretionary formula, and the Secretary must approve it as part of the State Plan.

- D. Transfers of Funds. WIOA sec. 133(b)(4) provides the authority for local workforce areas, with approval of the Governor, to transfer up to 100 percent of the Adult Activities funds for expenditure on Dislocated Worker Activities, and up to 100 percent of Dislocated Worker Activities funds for expenditure on Adult Activities.
- E. Re-allotment of Funds. WIOA sec. 132(c) requires the Secretary of Labor to recapture and reallocate Adult Activities program formula funds based on state obligation levels at the end of the first program year of use (ETA reallocates in accordance with 20 CFR 683.135). PY 2021 funds are only available for Federal obligation until the end of the program year, and so the Secretary does not have authority to re-obligate PY 2021 funds after the first program year. Therefore, any re-allotment of funds requires the use of PY 2022 funds. In other words, re-allotment of PY 2022 funds is based on obligation levels of PY 2021 funds at the end of PY 2021.
1. The obligation threshold a State must meet to avoid recapture under WIOA sec. 132(c)(2) is 80 percent. The term obligation is defined at 2 CFR 200.71. The funds that a state allocates to a local area are state obligations. WIOA requires states to allocate at least 85 percent of Adult Activities funds to local areas. Therefore, by making the required local allocations, the state has obligated more than 80 percent of its PY 2021 funds and no further action is required regarding re-allotment of PY 2022 funds.
 2. States report aggregate allocations to the local areas on the Local Adult ETA 9130 (D) financial reports, along with obligations by local areas of those funds.

Appendix III – WIOA Dislocated Worker Allotment Activities

State Dislocated Worker Employment and Training Funds: Title I--Chapter 3--Adult and Dislocated Worker Employment and Training Activities.

The amount appropriated for Dislocated Worker Activities in PY 2022 totals \$1,376,412,000. The total appropriation includes formula funds for the states, while the National Reserve is used for National Dislocated Worker Grants, technical assistance and training, demonstration projects, Workforce Opportunity for Rural Communities, Community College Grants, and the outlying areas' Dislocated Worker allotments. After reducing the appropriated amount by \$4,502,000 for set asides authorized by the Act, a total of \$1,371,910,000 remains available for Dislocated Worker Activities. The amount available for outlying areas is \$3,429,775, leaving \$296,579,225 for the National Reserve and a total of \$1,071,901,000 available for states.

- A. State Allotments. Attachment G shows the PY 2022 Dislocated Worker Activities allotments and a state-by-state comparison of the PY 2022 allotments to PY 2021 allotments.

WIOA prescribes different data factors for the federal allotment of Dislocated Worker funds by the Department to the states, and for the sub-state allocation of Dislocated Worker funds by the Governor within a state. The Department has allotted the PY 2022 Dislocated Worker program state allotments among the states in accordance with the factors required by WIOA. For reference, the three data factors that the Department considers in allocating these funds to the states are (summarized slightly):

1. The relative number of unemployed individuals in each state, compared to the total number of unemployed individuals in all states. For this factor, the timeframe for comparison is the 12-month period, October 2020 through September 2021.
2. The relative number of excess unemployed individuals in each state, compared to the total excess number of unemployed individuals in all states. For this factor, the timeframe for comparison is the 12-month period, October 2020 through September 2021. No comparison to ASU excess is performed for this data factor.
3. The relative number of individuals in each state who have been unemployed for 15 weeks or more, compared to the total number of individuals in all states who have been unemployed for 15 weeks or more. For this factor, the timeframe for comparison is the 12-month period, October 2020 through September 2021.

WIOA sec. 132(b)(2)(B)(iii)(I) requires the Dislocated Worker formula to adopt a 90 percent minimum of the prior year allotment percentage (stop loss). WIOA also provides that no state may receive an allotment that is more than 130 percent of the allotment percentage for the state for the previous year (stop gain) under section 132(b)(2)(B)(iii)(II).

- B. PY 2022 Funding WIOA Agreement/NOAs. For PY 2022, Congress appropriated funds for this program in two portions for both formula funds and National Reserve funds. For state formula funds, \$215,553,000 is available for obligation on July 1, 2022 (PY 2022), and \$860,000,000 is available for obligation on October 1, 2022 (FY 2023). For the National Reserve, which includes funds for the outlying areas, \$100,859,000 is available for obligation on July 1, 2022 (PY 2022), and \$200,000,000 is available for obligation on October 1, 2022 (FY 2023). After reductions associated with evaluations and program integrity, the amount available for state formula funds on July 1, 2022 is \$215,553,000 and on October 1, 2022 is \$856,348,000. For the National Reserve, the amount available on July 1, 2022 is \$100,859,000 and on October 1, 2022 is \$199,150,000. Allotments to states and outlying areas are prorated based on the two amounts for formula funds and National Reserve, respectively. ETA will issue allotments in two NOAs: one for July 1, 2022, under the PY 2022 WIOA grant agreement, and the other for October 1, 2022, also under the PY 2022 WIOA grant agreement (see Attachment H).
- C. Sub-State Allocations. States will distribute Dislocated Worker Activities funds for PY 2022 among local workforce areas (subject to the Governor's reservation of up to 25 percent for statewide Rapid Response activities under WIOA sec. 133(a)(2) and the 15 percent limitation for statewide employment and training activities), in accordance with the provisions in WIOA section 133 and the approved State Plan. States must calculate up to 15 percent for statewide activities on the total allotment for PY 2022.

In allocating WIOA Dislocated Worker funds to local areas for PY 2022, states must ensure the state policy articulated in the approved State Plan remains consistent with this guidance. See **Attachment C** for a description of sub-state allocation formulas. Governors continue to prescribe the Dislocated Worker formula for sub-state allocations.

Under WIOA, the data factors that must be included are:

- insured unemployment data,
- unemployment concentrations,
- plant closing and mass layoff data,
- declining industries data,
- farmer-rancher economic hardship data, and
- long-term unemployment data.

A state may assign zero weight to a factor only where the state is able to demonstrate it does not have an appropriate data source to accurately reflect state needs for a given data factor. For example, the Bureau of Labor Statistics no longer produces the plant closing and mass layoff data, one of the six data factors WIOA requires. ETA recognizes that an accurate source of such data is no longer available at the national level. Some states have sub-state administrative data available and others do not. In order to assign a weight of zero to a data factor, such as the plant closing and mass layoff data factor, the state must include the following information in their State Plan:

- An inventory of available national or state-level data sources germane to the data factor.
- A discussion of why the available data sources are inadequate for the purposes of assigning a weight to a given data factor; and
- A description of how the Governor's formula is appropriate to distribute funds equitably throughout the state.

(Note that weighting a data factor at zero percent is not allowable under any other circumstance.)

WIOA requires the use of a minimum percentage (or stop loss) (see WIOA sec. 133(b)(2)(B)(iii)). A local workforce area must receive an **allocation percentage that is no less than 90 percent** of the average allocation percentage of the local area for the two preceding years. In the event of a shortage of funds, states must obtain the amounts necessary to increase the allocations to local areas to comply with this provision by proportionately reducing the allocations to other local areas. The minimum percentage methodology states use for Dislocated Worker funds is the same minimum percentage methodology used in the sub-state Youth and Adult allocation formulas. States are not required to use a maximum percentage (or stop gain), but may use one if desired.

- D. Transfers of Funds. WIOA sec. 133(b)(4) provides the authority for local workforce areas, with approval of the Governor, to transfer up to 100 percent of the Dislocated Worker Activities funds for expenditure on Adult Activities, and up to 100 percent of Adult Activities funds for expenditure on Dislocated Worker Activities.
- E. Re-allotment of Funds. WIOA sec. 132(c) requires the Secretary of Labor to recapture and reallocate Dislocated Worker program formula funds based on state obligation levels at the end of the first program year of use (ETA reallocates in accordance with 20 CFR 683.135). PY 2021 funds are only available for Federal obligation until the end of the program year, and so the Secretary does not have authority to re-obligate PY 2021 funds after the first program year. Therefore, any re-allotment of funds requires the use of PY 2022 funds. In other words, the Department will reallocate PY 2022 Dislocated Worker formula funds among states during PY 2022 based on state obligations of PY 2021 funds made during PY 2021. Likewise, obligation of PY 2022 funds will impact recapture and reallocation of PY 2023 funding.
1. WIOA sec. 134(a)(2)(A)(ii) gives states the flexibility to use PY 2021 Rapid Response funds that are not obligated by the end of PY 2021 for statewide activities. Per WIOA sec. 132(c), states must still obligate 80 percent of their PY 2021 Dislocated Worker program formula funds, which includes Rapid Response funds, by June 30, 2022 or potentially have PY 2022 funds recaptured and re-allotted to states who have obligated 80 percent of their PY 2021 funds.

2. The term obligation is defined at 2 CFR 200.71. The funds a state allocates to local areas are state obligations. States report aggregate allocations to the local areas on the Local Dislocated Worker ETA 9130 (F) financial reports, along with obligations by local areas of those funds.

Appendix IV – Wagner-Peyser Act ES Allotment Activities

Wagner-Peyser Act ES Final Allotments. The appropriated level for PY 2022 for grants for the ES programs totals was \$675,052,000. After reducing the appropriated amount by \$2,775,000 for set asides authorized by the Act, \$672,277,000 is available for ES programs. After determining the funding for Guam and the United States Virgin Islands, ETA calculates allotments to states using the formula set forth at section 6 of the Wagner-Peyser Act (29 U.S.C. 49e). ETA based PY 2022 formula allotments on each state's share of calendar year 2021 monthly averages of the Civilian Labor Force (CLF) and unemployment. The distribution of Wagner-Peyser Act funds for PY 2022 includes \$670,638,223 for states, as well as \$1,638,777 for Guam and the United States Virgin Islands. Attachment I shows the distribution of PY 2022 ES formula amounts by state compared to PY 2021.

Section 7(a) of the Wagner-Peyser Act (49 U.S.C. § 49f(a)) authorizes states to use 90 percent of the funds allotted to a state for labor exchange services, and other career services such as job search and placement services to job seekers; appropriate recruitment services for employers; program evaluations; developing and providing labor market and occupational information; developing management information systems; and administering the work test for unemployment insurance claimants.

Section 7(b) of the Wagner-Peyser Act (49 U.S.C. § 49f(b)), states that 10 percent of the funds allotted to a state must be reserved for use by the Governor to provide performance incentives for public employment service offices and programs, provide services for groups with special needs, and provide for the extra costs of exemplary models for delivering services of the type described in section 7(a) and models for enhancing professional development and career advancement opportunities of state agency staff.

Appendix VI – Submission Requirements and Reporting

1. **Submission Requirements.** In order to achieve greater efficiency and as part of ETA’s ongoing effort to streamline the mandatory grant award process, all states and outlying areas are required to submit an electronically signed copy of an SF- 424, Application for Federal Assistance, through Grants.gov for **each** WIOA funding stream under Funding Opportunity Numbers (henceforth, in this appendix, references to “states” shall be read to include outlying areas):

- **ETA-TEGL-9-21-YOUTH** [CFDA 17.259]
- **ETA-TEGL-9-21-ADULT** [CFDA 17.258]
- **ETA-TEGL-9-21-DW** [CFDA 17.278]

An electronically submitted SF-424 through Grants.gov constitutes an official signed document and must reflect the amount for **each** WIOA funding stream (Youth, Adult, and Dislocated Worker). The closing date for receipt of **each** SF-424 is 30 days from the issue date of this TEGL.

The PY 2022 “base” allotment of WIOA Adult and Dislocated Worker funds will be awarded during the period of availability beginning July 2022. The FY 2023 “advance” allotment will be awarded in the period of availability starting October 2022. *A copy of the executed PY 2022 WIOA Agreement will be available upon award of funds.*

In addition, all states must submit an electronically signed SF-424, Application for Federal Assistance, through Grants.gov for **each** Wagner-Peyser Act Employment Service (ES) program under Funding Opportunity Numbers:

- **ETA-TEGL-9-21-ES** [CFDA 17.207]
- **ETA-TEGL-9-21-WIG** [CFDA 17.207]

States must follow the instructions in this TEGL to receive Workforce Information Grants to States (WIGS) funding, including submission of SF-424s. Note that WIGS have specific grant deliverable requirements not outlined in this document. A forthcoming TEGL will list these grant deliverable requirements.

An electronically submitted SF-424 through Grants.gov constitutes an official signed document and must reflect the amount for **each** ES program and WIGS. The closing date for receipt of **each** ES program SF-424 is 30 days from the issue date of this TEGL. ETA will award the ES program and WIGS funds in July 2022. *A copy of the executed PY 2022 ES Agreement will be available upon award of funds.*

2. **Grants.gov Submission Process.** States must submit the SF-424, Application for Federal Assistance, through Grants.gov. States needing to register with Grants.gov may do so here: <https://www.grants.gov/web/grants/grantors/grantor-registration.html> Registration is a one-time process, and states that already have a Grants.gov account do not need to register again.

Appendix V – Workforce Information Grants Allotment Activities

Workforce Information Grants (WIGs). Total funds for PY 2022 are \$32,000,000. After reducing the total by \$44,000 for program integrity, \$31,956,000 is available for Workforce Information Grants. Funds are distributed to states by administrative formula with \$176,694 for Guam and the United States Virgin Islands. Guam and the United States Virgin Islands allotment amounts are partially based on CLF data from the BLS Current Population Study. The remaining funds are distributed to the states with 40 percent distributed equally to all states, and 60 percent distributed based on each state's share of the CLF for the 12 months ending September 2021. Attachment J contains the allotment amounts. Activities to be performed with money from WIGS will be described in a TEGL published later this year.

To submit the required SF-424s, states must:

- Select the *SEARCH GRANTS* tab on the Grants.gov homepage.
- Under the section, *BASIC SEARCH CRITERIA*, states enter the Funding Opportunity Number referenced above in Section 1 of this appendix for each WIOA funding stream (i.e. “ETA-TEGL”).
- Select the link to the applicable Opportunity Number provided in the search results.
- Select the *PACKAGE* tab.
- Under the *ACTIONS* column, select *APPLY*.

Submitting the SF-424 through Grants.gov constitutes an electronically signed SF-424, Application for Federal Assistance. For each funding stream, the Estimated Funding section of the SF-424 (item #18) must reflect the exact amount of the designated state allotment, referenced in the attachments to this TEG. Additionally, Item #11 of the SF-424 must include the Catalog of Federal Domestic Assistance Number (CFDA) for the applicable WIOA funding stream, which is referenced above in Section 1. Also, Item #18e of the SF-424 must indicate the amount of Indirect Costs claimed by the recipient, if any.

This submission process can be complicated and time-consuming. As such, the Department strongly encourages states to initiate the process as soon as possible, in order to allow time to resolve unanticipated technical problems.

Submission requirements stipulate that all applicants for Federal grant and funding opportunities must have a Data Universal Numbering System (D-U-N-S®) number, and must supply their D-U-N-S® number on the SF-424. Starting on or near April 4, 2022, the DUNS Number will be replaced by a new, non-proprietary identifier requested in and assigned by [SAM.gov](https://sam.gov). This new identifier is being called the Unique Entity Identifier (UEI), or the Entity ID. To learn more about SAM’s rollout of the UEI, please visit the U.S. General Service Administration (GSA), [Unique Entity Identifier Update](https://www.gsa.gov/unique-entity-identifier) webpage.

Before submitting, states must also ensure its registration with the System for Award Management (SAM) is current. (SAM replaced the Central Contractor Registry.) States can find instructions for registering with SAM at <https://sam.gov/content/entity-registration>. An awardee must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration. To remain registered in the SAM database after the initial registration, states must review and update the registration at least every 12 months from the date of initial registration. Failure to register with SAM and maintain an active account will result in Grants.gov rejecting your submission.

For technical issues encountered during application submission, states may call 800-518-4726 or 606-545-5035 to speak to a Customer Support Representative, or email the email address found in <https://www.grants.gov/web/grants/support.html>.

The Contact Center is open 24 hours a day, seven days a week, but closes on federal holidays.

States should e-mail all submission questions to Janice Sheelor, Grants Management Specialist, at Sheelor.Janice@dol.gov

The email must reference the specific Funding Opportunity Number, and include a contact name, email address, and phone number.

- 3. Reporting.** For the WIOA formula programs, states are required to submit the seven designated WIOA quarterly financial status reports covering funds received for each of the programs (including separate reports for each of the fund year periods for the Adult and Dislocated Worker Activities programs, July 1 funds and October 1 funds). These seven WIOA quarterly financial reports cover financial data for statewide Youth, statewide Adult, statewide Dislocated Worker, statewide Rapid Response (Dislocated Worker activities), local Youth, local Adult, and local Dislocated Worker activities. The Department also requires states to submit the designated financial reports each quarter for the ES program funds and the WIGS funds.

Please refer to published ETA guidance and instructions on the ETA Advisory publication page (<https://wdr.doleta.gov/directives/>).

4. Grant Award Descriptions.

WIOA Adult and Dislocated Worker programs

Purpose: The purpose of the WIOA Adult and Dislocated Worker grants is to serve individuals and help employers meet their workforce needs. The WIOA Adult program enables workers to obtain good jobs by providing them with job search assistance and training opportunities. The WIOA DW program aims to help dislocated workers get back to work as quickly as possible and overcome barriers to employment. When individuals become dislocated workers as a result of job loss, mass layoffs, global trade dynamics or transitions in economic sectors, the Dislocated Worker program provides services to assist them in re-entering the workforce.

Activities to be performed: WIOA specifies that most services for Adult and Dislocated Workers will be provided through the American Job Center network, also known as one-stop career centers. Under both programs, eligible individuals will receive career services, which are classified into two categories: basic and individualized services. While some job seekers may only need self-service or other basic career services such as labor exchange services, others may need more comprehensive services, such as individualized services, which include career planning, and developing an individual employment plan outlining needs and goals of the job seeker. Participants will also receive training services linked to job opportunities in their communities. To promote customer choice and involvement in career decisions, participants use an Individual Training Account to select an appropriate training program from an eligible training provider list. WIOA also authorizes the provision of supportive services (e.g. transportation and child care assistance) to enable an individual to participate in the program.

Expected Outcomes: The WIOA Adult and Dislocated Worker program outcomes are to ensure that individuals can access and receive the training services they are eligible for, so that they may overcome barriers to employment and reenter the workforce systems quickly as possible.

Intended beneficiaries: WIOA Adult funds must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Other categories include unemployed adults, dislocated workers, veterans, individuals with barriers to employment, and any eligible population.

Subrecipient Activities: The grantees may subaward funds from these programs to provide some of the individualized career services, training, as well as provide supportive services.

WIOA Youth program

Purpose: The purpose of the WIOA Youth grants is to provide resources for local workforce development areas to deliver comprehensive youth services that focus on assisting out-of-school youth and in-school youth, with one or more barriers to employment, prepare for employment and postsecondary education opportunities; attain educational and/or skills training credentials; and secure employment with career/promotional opportunities.

Activities to be performed: WIOA specifies that states provide resources for local workforce development areas to administer youth services. Local workforce development areas deliver comprehensive youth services to out-of-school youth and in-school youth. Training services include: tutoring; alternative secondary school services; paid and unpaid work experiences, which include: summer and year round employment opportunities, pre-apprenticeship programs, internships and job shadowing, and on-the-job training; occupational skill training; education offered concurrently with workforce preparation and training; leadership development opportunities; supportive services; mentoring; follow-up services; comprehensive guidance and counseling; financial literacy education; entrepreneurial skills training; services that provide labor market and employment information; and postsecondary education and training preparation activities.

Expected Outcomes: The WIOA Youth program outcomes are to provide activities that lead to the attainment of a secondary school diploma or recognized post-secondary credential and/or employment.

Intended beneficiaries: Youth, between the ages of 14 and 24, with one or more of the following characteristics: low-income; basic skills deficient; English language learner; justice system involvement; homeless; runaway; in foster care; pregnant or parenting; individual with a disability; or who requires additional assistance to complete an educational program.

Subrecipient Activities: Local workforce development agencies deliver comprehensive services to out-of-school and in-school youth to prepare them for postsecondary education and employment. Some of the types of service activities may include but are not limited to: tutoring; paid and unpaid work experiences, occupational skill training, follow-up services; and comprehensive guidance and counseling, and supportive services.

Wagner-Peyser Act Employment Service (ES)

Purpose: The purpose of the ES program is to bring together individuals looking for employment and employers looking for job seekers. The program does this by providing a variety of services, which are available to all individuals. The program provides job seekers with career services, including labor exchange services, job search assistance, workforce information, referrals to employment, and other assistance. Employers can use the ES to post job orders and obtain qualified applicants.

Activities to be performed: The ES is a universal access program that provides services to all individuals who need services. Allowable services include assessments of career interests, career guidance when appropriate, job search workshops, and referral to jobs or training as appropriate. Services offered to employers include referral of job seekers to job openings; matching job requirements with applicants' experience, skills and other attributes; helping with special recruitment needs; assisting employers with hard-to-fill job orders; assisting with job restructuring; and helping employers assist laid-off workers. Training services are not provided and not allowable under ES program.

Expected Outcomes: The ES program outcomes are to ensure that individuals are able to access and receive the services they need to overcome barriers to employment and reenter the workforce system as quickly as possible.

Intended beneficiaries: This is a universal access program that is available to all individuals who are US citizens.

Subrecipient Activities: The grantees may subaward funds to conduct LMI research as well as the provision of specific services such as assessments of career interests, career guidance, job search workshops, referral to jobs or training as appropriate, and others.

Workforce Information Grants to States (WIGS) program

Purpose: The purpose of this grant is to develop and disseminate essential state and local labor market information (LMI) for a range of customer groups: 1) job seekers; 2) businesses/employers; 3) workforce and labor market intermediaries such as employment, school, and career counselors, and case managers at American Job Centers, who help individuals find a job or make career decisions, or engage businesses seeking skilled workers; 4) program and service planners at educational institutions and community-based organizations; 5) policy makers, including state and local workforce development boards (WDBs); 6) partners, such as economic development entities and human resource professionals; and 7) other customers, including recipients of workforce development grants, researchers, commercial data providers, and the media.

Activities to be performed: Grantees must populate and maintain a database (the Workforce Information Database or WID), produce two types of public products (employment projections and a statewide economic analysis report), and ensure LMI staff are adequately trained. ETA also encourages grantees to produce other reports and data in addition to those required. Grantees have wide discretion in both the topics and presentation format. These reports should include accurate data, actionable information, and resources that enable data users to make informed decisions about the reemployment, work-based learning, training, and career pathways strategies that lead to rapid reemployment and worker advancement along a continuum of high-demand and higher wage jobs.

Expected Outcomes: By performing these duties users of LMI will have sufficient information to make informed decisions regarding employment, careers, education, and training.

Intended Beneficiaries: Job seekers, employers, staff in American Job Centers, state and local WDBs, national/state/local policy makers, students, academic researchers, labor market analysts, and other users of LMI.

Subrecipient Activities: A state may use WIGS funding to work with a subrecipient to conduct a study or research an LMI topic when a state LMI office does not have sufficient staffing or knowledge to conduct the work themselves.

The Workforce Innovation and Opportunity Act (Public Law 113-128)*

PROGRAM YEAR 2022 FUNDING

*PY 2022 WIOA funding is made available through the Consolidated Appropriations Act, 2022 (Public Law 117-103) dated March 15, 2022. ** Pursuant to the Act, ETA reserved \$11,489,000 of the funding appropriated for Training and Employment Services (TES) from the Youth, Adult and Dislocated Worker programs for evaluations and program integrity activities before allotments to states were calculated.*

BASE (PY 2022)

ADVANCE (FY 2023)

Appropriated and made available on April 1 and July 1 through the Act, dated March 15, 2022.

Funded in the Act, enacted March 15, 2022 but not made available until October 1, 2022. The FY 2023 appropriation can enact rescissions or temporary reductions on these funds.

PY 2022 Allotments = Base (PY 2022) + Advance (FY 2023)

April 1, 2022

Release 100% of Program Year 2022 Youth funds

PY 2022 Youth Allotments

July 1, 2022

Release approximately 18% of Program Year 2022 Adult funds

October 1, 2022

Release approximately 82% of Program Year 2022 Adult funds or when the FY 2023 appropriation passes.

PY 2022 Adult Allotments

July 1, 2022

Release approximately 20% of Program Year 2022 Dislocated Workers funds

October 1, 2022

Release approximately 80% of Program Year 2022 Dislocated Workers funds or when the FY 2023 appropriation passes.

PY 2022 Dislocated Worker Allotments

FY 2023 Advance funds are available for obligations and expenditures on or after October 1, 2022.

Delays in issuing the FY 2023 Advance funds may occur if there is a no approved DOL (budget) appropriation.

* **Authorizing legislation** such as WIOA Public Law 113-128 establishes policies and funding limits for programs and agencies.

** **Appropriations legislation** gives Departments authority to obligate and expend federal funds related to the program authorizations. Appropriations can further restrict the purpose, time, and amount of the program authorizations and through the Anti-Deficiency Act, Departments are prohibited from overobligating or overspending an appropriation. Appropriations legislation would include the Consolidated Appropriations Act, 2022 (Public Law 117-103) enacted March 15, 2022.

U. S. Department of Labor
Employment and Training Administration

Workforce Innovation and Opportunity Act (WIOA) and Wagner-Peyser Act Statutory Formulas for State Allotments

State Allotment Formula Descriptions – FOR INFORMATION ONLY

WIOA Youth Activities

Formula:

1/3: State relative share of total unemployed in areas of substantial unemployment (ASU) (average 12 months ending 6/30)

1/3: State relative share of excess unemployed (average 12 months ending 6/30)

1/3: State relative share of disadvantaged youth (American Community Survey 2011-2015)

Minimums:

(a) If total amount available for States is \$1 billion or less:

State allotment cannot be less than

(1) 90 percent of State relative share of prior year funding

(2) 0.25 percent of total available funds for States

(b) If total amount available for States exceeds \$1 billion:

State allotment cannot be less than

(1) 90 percent of State relative share of prior year funding

(2) 2014 allotment amount (Not applicable for Adult minimum)

(3) 0.3 percent of first \$1 billion plus 0.4 percent of amount over \$1 billion

Maximum:

130% of State relative share of prior year funding

WIOA Adult Activities

Same as Youth Activities, except

(a) Formula uses disadvantaged ADULTS instead of YOUTH

(b) Threshold for selecting minimum provisions is \$960 million instead of \$1 billion

WIOA Dislocated Workers

Formula:

1/3: State relative share of total unemployed (average 12 months ending 09/30)

1/3: State relative share of excess unemployed (average 12 months ending 09/30)

1/3: State relative share of long-term unemployed (average 12 months ending 09/30)

Minimum: 90 percent of State relative share of prior year funding

Maximum: 130 percent of State relative share of prior year funding

Employment Service (Wagner-Peyser Act)

Formula for 97% of funds:

2/3: State relative share of civilian labor force (average 12 months ending 9/30 (preliminary) or 12/31 (final))

1/3: State relative share of total unemployment (average 12 months ending 9/30 (preliminary) or 12/31 (final))

Minimums:

(a) 90 percent of State relative share of prior year funding

(b) 0.28 percent of total available funds for States

Maximum: None

Distribution of 3% of funds:

(1) States with civilian labor force below 1 million and under the national median civilian labor force density receive an amount which, when added to their share of the 97 percent portion, will result in an amount equal to 100 percent of their relative share of the prior year funding.

(2) Remaining States losing in relative share receive a share of the remaining funds prorated based on the amount needed to achieve 100 percent of their relative share of prior year funding.

Formula Data Factor Definitions

WIOA Youth and Adults Programs

ASU: contiguous areas with unemployment rate of 6.5 percent or more

Excess unemployed: higher of:

(1) excess unemployed (unemployment in excess of 4.5 percent) in ASU's; or

(2) excess unemployed (unemployment in excess of 4.5 percent) in all areas

Disadvantaged adults: individuals, age 22-72, meeting (or member of family meeting):

Census poverty level or

70 percent of lower living standard income level (LLSIL).

Disadvantaged youth: individuals, age 16-21, meeting (or member of family meeting):

Census poverty level or

70 percent of lower living standard income level (LLSIL).

WIOA Dislocated Workers Program

Excess unemployed: unemployment in excess of 4.5 percent

Long-term unemployed: number unemployed 15 or more weeks

Employment Service (Wagner-Peyser) - Self-explanatory

U. S. Department of Labor
Employment and Training Administration

FOR USE IN SUB-STATE ALLOCATION FORMULAS

Workforce Innovation and Opportunity Act (WIOA) Statutory and Discretionary Formulas for Sub State Allocations

Sub-State Allocations Statutory Formula Descriptions

WIOA Youth Activities

Formula:

1/3: Local area relative share of total unemployed in areas of substantial unemployment (ASU) (average 12 months ending 6/30)

1/3: Local area relative share of excess unemployed (average 12 months ending 6/30)

1/3: Local area relative share of disadvantaged youth (American Community Survey 2011-2015)

Minimums:

A local area may not receive an allocation percentage that is less than 90 percent of the average allocation percentage of the past 2 years.

Maximum: Not allowed

WIOA Adult Activities

Same as Youth Activities, except

Formula uses disadvantaged ADULTS instead of YOUTH

WIOA Dislocated Workers

Formula:

Funds to local areas must be allocated based on a formula created by the Governor using the following 6 data factors:

- Insured unemployment data
- Unemployment concentrations
- Plant closing and mass layoff data
- Declining industries data
- Farmer-rancher economic hardship data
- Long-term unemployment data

The formula will use the most appropriate data available

Weighting a factor zero is not permitted unless a rationale is presented in an approved State Plan.

Minimum:

A local area may not receive an allocation percentage that is less than 90 percent of the average allocation percentage of the past 2 years.

Maximum: Not required, but allowed

Sub-State Allocations Discretionary Formula Descriptions for Youth and Adult Activities

WIOA Youth Activities

Formula:

No less than 70 percent of the funds will be distributed as stated in the statutory formula;

1/3: Local area relative share of total unemployed in areas of substantial unemployment (ASU) (average 12 months ending 6/30)

1/3: Local area relative share of excess unemployed (average 12 months ending 6/30)

1/3: Local area relative share of disadvantaged youth (American Community Survey 2011-2015)

No more than 30 percent of the remaining funds will be distributed using additional data related to **both**:

- (1) Excess youth poverty in urban, rural, and suburban local areas; **and**
- (2) Excess unemployment above the State average in urban, rural, and suburban local areas

Minimums:

Statutory formula minimum must be applied to 70 percent or greater funds, or to the entire allocation.

Maximum: Not allowed

WIOA Adult Activities

Same as Youth Activities, except Formula uses disadvantaged ADULTS instead of YOUTH **and** EXCESS POVERTY instead of excess YOUTH poverty

Formula Data Factor Definitions

WIOA Youth and Adults Programs

ASU: contiguous areas with unemployment rate of 6.5 percent or more

Excess unemployed: higher of:

- (1) excess unemployed (unemployment in excess of 4.5 percent) in ASU's; or
- (2) excess unemployed (unemployment in excess of 4.5 percent) in all areas

Disadvantaged adults: individuals, age 22-72, meeting (or member of family meeting):

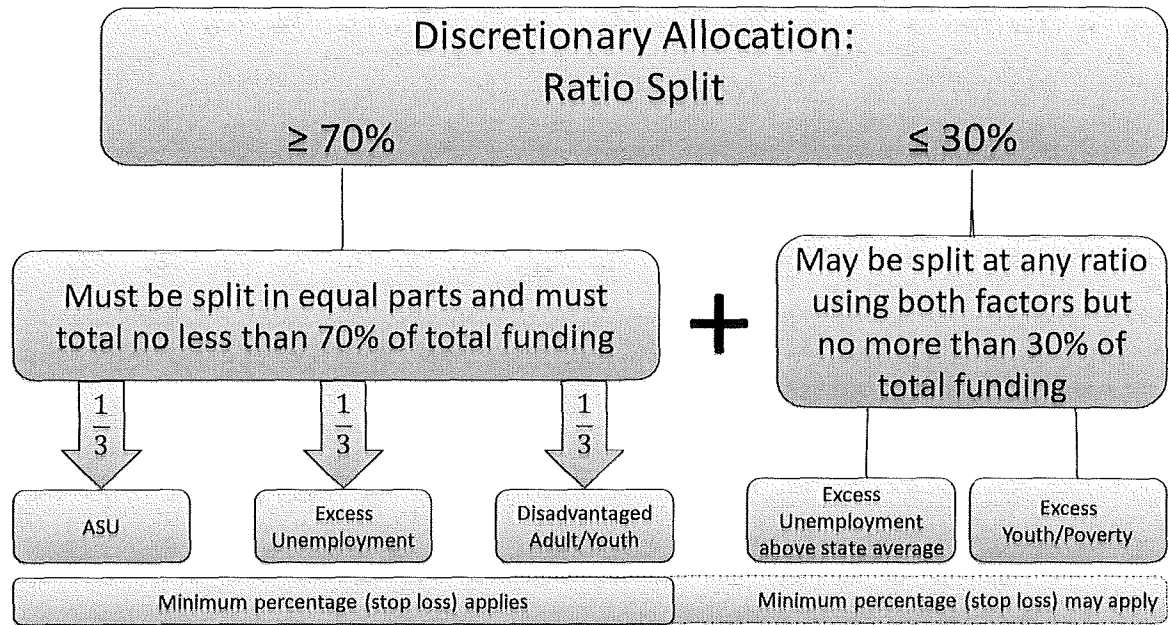
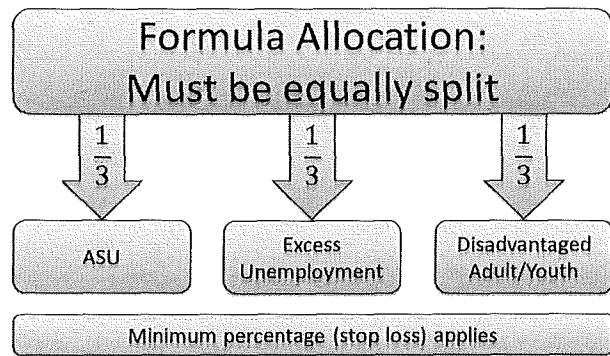
Census poverty level or 70 percent of lower living standard income level (LLSIL).

Disadvantaged youth: individuals, age 16-21, meeting (or member of family meeting):

Census poverty level or 70 percent of lower living standard income level (LLSIL).

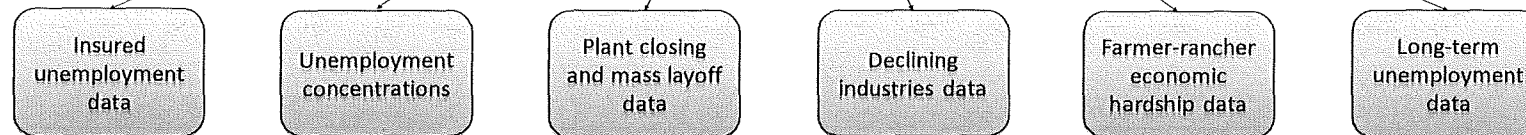
WIOA Youth and Adult Sub-State Allocations:
*Must be allocated to local areas per
Formula or Discretionary rules*

States must choose one of
these allocation methods



WIOA Dislocated Worker Sub-State Allocations:
*Must be allocated to local areas per
Formula created by the Governor*

States must use the following
six data factors using the most
appropriate data available



Sum of the weights of the six data factors must add up to 100 percent

Minimum percentage (stop loss) applies

Maximum percentage (stop gain) not required but may apply

Weighting a factor zero is not permitted unless a rationale is presented in an approved State Plan

U.S. Department of Labor
Employment and Training Administration
WIOA Youth Activities State Allotments
Comparison of PY 2022 Allotments vs PY 2021 Allotments

State	PY 2021	PY 2022	Difference	% Difference
Total	\$918,577,000	\$928,841,800	\$10,264,800	1.12%
Alabama	12,513,632	11,388,121	(1,125,511)	-8.99%
Alaska	4,596,951	4,183,488	(413,463)	-8.99%
Arizona	30,555,385	27,807,148	(2,748,237)	-8.99%
Arkansas	6,462,908	5,881,616	(581,292)	-8.99%
California	125,113,453	141,613,074	16,499,621	13.19%
Colorado	10,424,367	13,703,113	3,278,746	31.45%
Connecticut	8,846,154	10,925,731	2,079,577	23.51%
Delaware	2,583,296	2,350,947	(232,349)	-8.99%
District of Columbia	4,638,230	4,221,055	(417,175)	-8.99%
Florida	44,306,510	42,902,700	(1,403,810)	-3.17%
Georgia	19,124,371	17,404,272	(1,720,099)	-8.99%
Hawaii	2,933,243	3,855,827	922,584	31.45%
Idaho	2,835,184	2,580,180	(255,004)	-8.99%
Illinois	43,380,155	39,986,105	(3,394,050)	-7.82%
Indiana	16,938,860	15,415,332	(1,523,528)	-8.99%
Iowa	5,139,301	5,512,351	373,050	7.26%
Kansas	5,469,726	4,977,764	(491,962)	-8.99%
Kentucky	13,210,957	12,022,727	(1,188,230)	-8.99%
Louisiana	16,900,060	15,380,021	(1,520,039)	-8.99%
Maine	2,327,935	2,578,709	250,774	10.77%
Maryland	12,015,195	13,647,037	1,631,842	13.58%
Massachusetts	14,740,638	19,376,968	4,636,330	31.45%
Michigan	37,126,700	33,787,421	(3,339,279)	-8.99%
Minnesota	10,854,308	10,497,536	(356,772)	-3.29%
Mississippi	11,497,306	10,463,206	(1,034,100)	-8.99%
Missouri	11,189,065	10,182,689	(1,006,376)	-8.99%
Montana	2,256,341	2,281,555	25,214	1.12%
Nebraska	3,213,346	2,924,329	(289,017)	-8.99%
Nevada	12,205,226	11,823,134	(382,092)	-3.13%
New Hampshire	2,933,243	2,669,419	(263,824)	-8.99%
New Jersey	24,956,081	26,917,413	1,961,332	7.86%
New Mexico	8,559,309	7,789,461	(769,848)	-8.99%
New York	56,398,671	68,508,072	12,109,401	21.47%
North Carolina	23,769,771	22,179,701	(1,590,070)	-6.69%
North Dakota	2,256,341	2,281,555	25,214	1.12%
Ohio	41,201,337	37,495,574	(3,705,763)	-8.99%
Oklahoma	8,264,948	7,521,576	(743,372)	-8.99%
Oregon	10,931,465	10,396,634	(534,831)	-4.89%
Pennsylvania	42,231,894	38,433,440	(3,798,454)	-8.99%
Puerto Rico	25,906,013	23,575,954	(2,330,059)	-8.99%
Rhode Island	3,383,527	3,633,400	249,873	7.38%
South Carolina	9,690,097	8,818,543	(871,554)	-8.99%
South Dakota	2,256,341	2,281,555	25,214	1.12%
Tennessee	16,074,750	14,787,821	(1,286,929)	-8.01%
Texas	66,978,946	73,435,799	6,456,853	9.64%
Utah	4,222,059	3,842,315	(379,744)	-8.99%
Vermont	2,256,341	2,281,555	25,214	1.12%
Virginia	12,963,082	15,915,259	2,952,177	22.77%
Washington	22,996,776	20,928,382	(2,068,394)	-8.99%
West Virginia	6,609,801	6,015,297	(594,504)	-8.99%
Wisconsin	12,040,412	10,957,464	(1,082,948)	-8.99%
Wyoming	2,256,341	2,281,555	25,214	1.12%
State Total	902,536,349	912,621,900	10,085,551	1.12%
American Samoa	241,930	244,726	2,796	1.16%
Guam	821,183	830,674	9,491	1.16%
Northern Marianas	448,662	453,848	5,186	1.16%
Palau	75,000	75,000	0	0.00%
Virgin Islands	675,221	683,025	7,804	1.16%
Outlying Areas Total	2,261,996	2,287,273	25,277	1.12%
Native Americans	13,778,655	13,932,627	153,972	1.12%

U.S. Department of Labor
Employment and Training Administration
WIOA Adult Activities State Allotments
Comparison of PY 2022 Allotments vs PY 2021 Allotments

State	PY 2021	PY 2022	Difference	% Difference
Total	\$860,675,000	\$867,625,000	\$6,950,000	0.81%
Alabama	12,159,393	11,031,823	(1,127,570)	-9.27%
Alaska	4,323,978	3,923,005	(400,973)	-9.27%
Arizona	28,989,270	26,301,024	(2,688,246)	-9.27%
Arkansas	6,260,965	5,680,370	(580,595)	-9.27%
California	120,643,129	136,107,910	15,464,781	12.82%
Colorado	9,489,310	12,435,718	2,946,408	31.05%
Connecticut	8,052,523	9,952,310	1,899,787	23.59%
Delaware	2,485,077	2,254,630	(230,447)	-9.27%
District of Columbia	4,211,055	3,820,554	(390,501)	-9.27%
Florida	45,250,678	43,812,497	(1,438,181)	-3.18%
Georgia	18,383,564	16,678,811	(1,704,753)	-9.27%
Hawaii	2,790,201	3,656,552	866,351	31.05%
Idaho	2,545,842	2,309,760	(236,082)	-9.27%
Illinois	40,871,014	37,628,657	(3,242,357)	-7.93%
Indiana	15,591,116	14,145,314	(1,445,802)	-9.27%
Iowa	3,649,986	4,015,782	365,796	10.02%
Kansas	4,646,637	4,215,743	(430,894)	-9.27%
Kentucky	13,142,365	11,923,641	(1,218,724)	-9.27%
Louisiana	16,359,261	14,842,227	(1,517,034)	-9.27%
Maine	2,217,611	2,452,358	234,747	10.59%
Maryland	11,570,245	13,150,215	1,579,970	13.66%
Massachusetts	12,557,707	16,456,845	3,899,138	31.05%
Michigan	34,262,349	31,085,117	(3,177,232)	-9.27%
Minnesota	9,113,373	8,866,650	(246,723)	-2.71%
Mississippi	11,037,403	10,013,878	(1,023,525)	-9.27%
Missouri	10,388,598	9,425,238	(963,360)	-9.27%
Montana	2,146,308	2,163,640	17,332	0.81%
Nebraska	2,466,580	2,237,848	(228,732)	-9.27%
Nevada	11,982,987	11,527,452	(455,535)	-3.80%
New Hampshire	2,790,201	2,531,459	(258,742)	-9.27%
New Jersey	24,557,671	26,373,115	1,815,444	7.39%
New Mexico	8,295,640	7,526,365	(769,275)	-9.27%
New York	55,327,748	66,720,730	11,392,982	20.59%
North Carolina	23,044,630	21,080,103	(1,964,527)	-8.52%
North Dakota	2,146,308	2,163,640	17,332	0.81%
Ohio	38,449,912	34,884,358	(3,565,554)	-9.27%
Oklahoma	7,841,676	7,114,498	(727,178)	-9.27%
Oregon	10,636,982	10,110,571	(526,411)	-4.95%
Pennsylvania	39,079,073	35,455,175	(3,623,898)	-9.27%
Puerto Rico	26,940,143	24,441,918	(2,498,225)	-9.27%
Rhode Island	2,898,260	3,135,173	236,913	8.17%
South Carolina	9,361,171	8,493,087	(868,084)	-9.27%
South Dakota	2,146,308	2,163,640	17,332	0.81%
Tennessee	15,690,266	14,440,407	(1,249,859)	-7.97%
Texas	63,486,775	69,525,372	6,038,597	9.51%
Utah	3,293,860	2,988,412	(305,448)	-9.27%
Vermont	2,146,308	2,163,640	17,332	0.81%
Virginia	12,066,044	14,854,061	2,788,017	23.11%
Washington	21,709,068	19,695,933	(2,013,135)	-9.27%
West Virginia	6,477,259	5,876,607	(600,652)	-9.27%
Wisconsin	10,403,176	9,438,464	(964,712)	-9.27%
Wyoming	2,146,308	2,163,640	17,332	0.81%
State Total	858,523,312	865,455,937	6,932,625	0.81%
American Samoa	229,728	231,650	1,922	0.84%
Guam	779,764	786,288	6,524	0.84%
Northern Marianas	426,033	429,597	3,564	0.84%
Palau	75,000	75,000	0	0.00%
Virgin Islands	641,163	646,528	5,365	0.84%
Outlying Areas Total	2,151,688	2,169,063	17,375	0.81%

U.S. Department of Labor
Employment and Training Administration
WIOA Adult Activities
PY 2022 State Allotments

State	Total	7/1/2022	10/1/2022
Total	\$867,625,000	\$158,649,000	\$708,976,000
Alabama	11,031,823	2,017,217	9,014,606
Alaska	3,923,005	717,339	3,205,666
Arizona	26,301,024	4,809,256	21,491,768
Arkansas	5,680,370	1,038,680	4,641,690
California	136,107,910	24,887,923	111,219,987
Colorado	12,435,718	2,273,925	10,161,793
Connecticut	9,952,310	1,819,823	8,132,487
Delaware	2,254,630	412,269	1,842,361
District of Columbia	3,820,554	698,605	3,121,949
Florida	43,812,497	8,011,305	35,801,192
Georgia	16,678,811	3,049,793	13,629,018
Hawaii	3,656,552	668,616	2,987,936
Idaho	2,309,760	422,350	1,887,410
Illinois	37,628,657	6,880,563	30,748,094
Indiana	14,145,314	2,586,532	11,558,782
Iowa	4,015,782	734,303	3,281,479
Kansas	4,215,743	770,867	3,444,876
Kentucky	11,923,641	2,180,290	9,743,351
Louisiana	14,842,227	2,713,966	12,128,261
Maine	2,452,358	448,424	2,003,934
Maryland	13,150,215	2,404,574	10,745,641
Massachusetts	16,456,845	3,009,206	13,447,639
Michigan	31,085,117	5,684,049	25,401,068
Minnesota	8,866,650	1,621,305	7,245,345
Mississippi	10,013,878	1,831,081	8,182,797
Missouri	9,425,238	1,723,446	7,701,792
Montana	2,163,640	395,631	1,768,009
Nebraska	2,237,848	409,200	1,828,648
Nevada	11,527,452	2,107,845	9,419,607
New Hampshire	2,531,459	462,888	2,068,571
New Jersey	26,373,115	4,822,439	21,550,676
New Mexico	7,526,365	1,376,229	6,150,136
New York	66,720,730	12,200,175	54,520,555
North Carolina	21,080,103	3,854,588	17,225,515
North Dakota	2,163,640	395,631	1,768,009
Ohio	34,884,358	6,378,756	28,505,602
Oklahoma	7,114,498	1,300,917	5,813,581
Oregon	10,110,571	1,848,762	8,261,809
Pennsylvania	35,455,175	6,483,133	28,972,042
Puerto Rico	24,441,918	4,469,311	19,972,607
Rhode Island	3,135,173	573,280	2,561,893
South Carolina	8,493,087	1,552,998	6,940,089
South Dakota	2,163,640	395,631	1,768,009
Tennessee	14,440,407	2,640,491	11,799,916
Texas	69,525,372	12,713,016	56,812,356
Utah	2,988,412	546,444	2,441,968
Vermont	2,163,640	395,631	1,768,009
Virginia	14,854,061	2,716,130	12,137,931
Washington	19,695,933	3,601,487	16,094,446
West Virginia	5,876,607	1,074,563	4,802,044
Wisconsin	9,438,464	1,725,864	7,712,600
Wyoming	2,163,640	395,631	1,768,009
State Total	865,455,937	158,252,378	707,203,559
American Samoa	231,650	42,358	189,292
Guam	786,288	143,776	642,512
Northern Marianas	429,597	78,554	351,043
Palau	75,000	13,714	61,286
Virgin Islands	646,528	118,220	528,308
Outlying Areas Total	2,169,063	396,622	1,772,441

U.S. Department of Labor
Employment and Training Administration
WIOA Dislocated Worker Activities State Allotments
Comparison of PY 2022 Allotments vs PY 2021 Allotments

State	PY 2021	PY 2022	Difference	% Difference
Total	\$1,339,473,000	\$1,371,910,000	\$32,437,000	2.42%
Alabama	15,759,598	14,354,136	(1,405,462)	-8.92%
Alaska	7,633,223	6,952,482	(680,741)	-8.92%
Arizona	36,101,896	32,882,281	(3,219,615)	-8.92%
Arkansas	5,494,037	5,004,071	(489,966)	-8.92%
California	149,720,406	172,716,686	22,996,280	15.36%
Colorado	12,159,989	15,998,009	3,838,020	31.56%
Connecticut	12,337,604	13,434,048	1,096,444	8.89%
Delaware	3,066,268	2,792,814	(273,454)	-8.92%
District of Columbia	10,070,193	9,172,120	(898,073)	-8.92%
Florida	51,290,725	46,716,550	(4,574,175)	-8.92%
Georgia	33,419,357	30,438,974	(2,980,383)	-8.92%
Hawaii	2,119,112	2,787,961	668,849	31.56%
Idaho	2,028,089	1,847,221	(180,868)	-8.92%
Illinois	51,358,724	46,778,485	(4,580,239)	-8.92%
Indiana	14,963,227	13,628,787	(1,334,440)	-8.92%
Iowa	4,937,575	4,497,235	(440,340)	-8.92%
Kansas	4,544,741	4,139,435	(405,306)	-8.92%
Kentucky	14,548,366	13,250,923	(1,297,443)	-8.92%
Louisiana	18,464,174	16,817,514	(1,646,660)	-8.92%
Maine	2,322,923	2,242,181	(80,742)	-3.48%
Maryland	13,613,404	17,212,091	3,598,687	26.43%
Massachusetts	20,199,573	22,669,765	2,470,192	12.23%
Michigan	34,356,689	31,292,714	(3,063,975)	-8.92%
Minnesota	10,349,177	9,426,224	(922,953)	-8.92%
Mississippi	15,297,756	13,933,482	(1,364,274)	-8.92%
Missouri	12,028,805	10,956,060	(1,072,745)	-8.92%
Montana	1,753,248	1,596,891	(156,357)	-8.92%
Nebraska	2,203,020	2,006,552	(196,468)	-8.92%
Nevada	15,074,356	14,994,671	(79,685)	-0.53%
New Hampshire	2,326,314	2,118,850	(207,464)	-8.92%
New Jersey	33,932,137	36,473,636	2,541,499	7.49%
New Mexico	16,389,748	14,928,088	(1,461,660)	-8.92%
New York	65,468,288	82,585,211	17,116,923	26.15%
North Carolina	25,754,357	23,457,549	(2,296,808)	-8.92%
North Dakota	864,826	813,070	(51,756)	-5.98%
Ohio	33,700,620	30,695,154	(3,005,466)	-8.92%
Oklahoma	6,740,873	6,139,713	(601,160)	-8.92%
Oregon	11,192,082	10,443,575	(748,507)	-6.69%
Pennsylvania	47,138,266	42,934,413	(4,203,853)	-8.92%
Puerto Rico	69,068,117	62,908,530	(6,159,587)	-8.92%
Rhode Island	3,900,287	3,552,454	(347,833)	-8.92%
South Carolina	12,933,091	11,779,701	(1,153,390)	-8.92%
South Dakota	1,451,487	1,322,041	(129,446)	-8.92%
Tennessee	15,841,903	14,429,101	(1,412,802)	-8.92%
Texas	65,619,333	83,358,322	17,738,989	27.03%
Utah	3,862,696	3,518,216	(344,480)	-8.92%
Vermont	1,103,914	1,005,465	(98,449)	-8.92%
Virginia	15,538,166	14,152,452	(1,385,714)	-8.92%
Washington	24,433,523	22,254,509	(2,179,014)	-8.92%
West Virginia	11,649,037	10,610,160	(1,038,877)	-8.92%
Wisconsin	11,939,631	10,874,839	(1,064,792)	-8.92%
Wyoming	1,104,049	1,005,588	(98,461)	-8.92%
State Total	1,059,169,000	1,071,901,000	12,732,000	1.20%
American Samoa	357,527	366,291	8,764	2.45%
Guam	1,213,551	1,243,297	29,746	2.45%
Northern Marianas	663,037	679,289	16,252	2.45%
Palau	116,723	118,592	1,869	1.60%
Virgin Islands	997,845	1,022,306	24,461	2.45%
Outlying Areas Total	3,348,683	3,429,775	81,092	2.42%
National Reserve	276,955,317	296,579,225	19,623,908	7.09%

U. S. Department of Labor
Employment and Training Administration
WIOA Dislocated Worker Activities
PY 2022 State Allotments

State	Total	7/1/2022	10/1/2022
Total	\$1,371,910,000	\$316,412,000	\$1,055,498,000
Alabama	14,354,136	2,886,533	11,467,603
Alaska	6,952,482	1,398,103	5,554,379
Arizona	32,882,281	6,612,434	26,269,847
Arkansas	5,004,071	1,006,289	3,997,782
California	172,716,686	34,732,312	137,984,374
Colorado	15,998,009	3,217,106	12,780,903
Connecticut	13,434,048	2,701,508	10,732,540
Delaware	2,792,814	561,619	2,231,195
District of Columbia	9,172,120	1,844,460	7,327,660
Florida	46,716,550	9,394,424	37,322,126
Georgia	30,438,974	6,121,099	24,317,875
Hawaii	2,787,961	560,643	2,227,318
Idaho	1,847,221	371,465	1,475,756
Illinois	46,778,485	9,406,879	37,371,606
Indiana	13,628,787	2,740,669	10,888,118
Iowa	4,497,235	904,368	3,592,867
Kansas	4,139,435	832,416	3,307,019
Kentucky	13,250,923	2,664,683	10,586,240
Louisiana	16,817,514	3,381,903	13,435,611
Maine	2,242,181	450,889	1,791,292
Maryland	17,212,091	3,461,250	13,750,841
Massachusetts	22,669,765	4,558,757	18,111,008
Michigan	31,292,714	6,292,781	24,999,933
Minnesota	9,426,224	1,895,558	7,530,666
Mississippi	13,933,482	2,801,941	11,131,541
Missouri	10,956,060	2,203,199	8,752,861
Montana	1,596,891	321,125	1,275,766
Nebraska	2,006,552	403,506	1,603,046
Nevada	14,994,671	3,015,340	11,979,331
New Hampshire	2,118,850	426,088	1,692,762
New Jersey	36,473,636	7,334,634	29,139,002
New Mexico	14,928,088	3,001,951	11,926,137
New York	82,585,211	16,607,401	65,977,810
North Carolina	23,457,549	4,717,175	18,740,374
North Dakota	813,070	163,504	649,566
Ohio	30,695,154	6,172,615	24,522,539
Oklahoma	6,139,713	1,234,660	4,905,053
Oregon	10,443,575	2,100,142	8,343,433
Pennsylvania	42,934,413	8,633,859	34,300,554
Puerto Rico	62,908,530	12,650,536	50,257,994
Rhode Island	3,552,454	714,378	2,838,076
South Carolina	11,779,701	2,368,829	9,410,872
South Dakota	1,322,041	265,855	1,056,186
Tennessee	14,429,101	2,901,608	11,527,493
Texas	83,358,322	16,762,869	66,595,453
Utah	3,518,216	707,493	2,810,723
Vermont	1,005,465	202,193	803,272
Virginia	14,152,452	2,845,975	11,306,477
Washington	22,254,509	4,475,251	17,779,258
West Virginia	10,610,160	2,133,641	8,476,519
Wisconsin	10,874,839	2,186,866	8,687,973
Wyoming	1,005,588	202,218	803,370
State Total	1,071,901,000	215,553,000	856,348,000
American Samoa	366,291	123,142	243,149
Guam	1,243,297	417,980	825,317
Northern Marianas	679,289	228,368	450,921
Palau	118,592	39,869	78,723
Virgin Islands	1,022,306	343,685	678,621
Outlying Areas Total	3,429,775	1,153,044	2,276,731
National Reserve Total	296,579,225	99,705,956	196,873,269

U. S. Department of Labor
Employment and Training Administration
Employment Service (Wagner-Peyser)
PY 2022 vs PY 2021 Allotments

State	PY 2021	PY 2022	Difference	% Difference
Total	\$668,253,000	\$672,277,000	\$4,024,000	0.60%
Alabama	8,493,359	8,132,935	(360,424)	-4.24%
Alaska	7,264,229	7,307,972	43,743	0.60%
Arizona	14,480,622	14,420,924	(59,698)	-0.41%
Arkansas	5,064,818	4,980,892	(83,926)	-1.66%
California	79,341,643	82,214,927	2,873,284	3.62%
Colorado	11,558,593	12,535,126	976,533	8.45%
Connecticut	7,379,439	7,441,172	61,733	0.84%
Delaware	1,880,875	1,900,099	19,224	1.02%
District of Columbia	1,931,319	1,918,142	(13,177)	-0.68%
Florida	38,157,663	38,879,016	721,353	1.89%
Georgia	19,277,250	18,713,831	(563,419)	-2.92%
Hawaii	2,868,272	2,851,951	(16,321)	-0.57%
Idaho	6,052,395	6,088,841	36,446	0.60%
Illinois	26,407,178	26,228,600	(178,578)	-0.68%
Indiana	12,527,754	12,199,107	(328,647)	-2.62%
Iowa	5,955,328	5,922,601	(32,727)	-0.55%
Kansas	5,419,149	5,369,400	(49,749)	-0.92%
Kentucky	7,981,844	7,699,960	(281,884)	-3.53%
Louisiana	8,709,267	8,565,336	(143,931)	-1.65%
Maine	3,599,303	3,620,977	21,674	0.60%
Maryland	12,238,257	12,301,343	63,086	0.52%
Massachusetts	15,027,451	14,909,252	(118,199)	-0.79%
Michigan	19,947,034	19,223,218	(723,816)	-3.63%
Minnesota	11,205,122	10,949,342	(255,780)	-2.28%
Mississippi	5,359,095	5,216,683	(142,412)	-2.66%
Missouri	11,443,768	11,234,763	(209,005)	-1.83%
Montana	4,946,048	4,975,831	29,783	0.60%
Nebraska	4,784,749	4,580,711	(204,038)	-4.26%
Nevada	6,916,575	6,837,890	(78,685)	-1.14%
New Hampshire	2,708,149	2,612,731	(95,418)	-3.52%
New Jersey	18,576,861	18,696,713	119,852	0.65%
New Mexico	5,550,337	5,583,759	33,422	0.60%
New York	38,617,826	40,021,771	1,403,945	3.64%
North Carolina	19,324,850	18,987,978	(336,872)	-1.74%
North Dakota	5,036,558	5,066,886	30,328	0.60%
Ohio	22,991,322	22,422,864	(568,458)	-2.47%
Oklahoma	6,882,777	6,664,893	(217,884)	-3.17%
Oregon	8,184,234	8,219,250	35,016	0.43%
Pennsylvania	25,873,748	25,780,925	(92,823)	-0.36%
Puerto Rico	6,186,754	5,922,930	(263,824)	-4.26%
Rhode Island	2,265,237	2,226,894	(38,343)	-1.69%
South Carolina	8,856,996	8,758,024	(98,972)	-1.12%
South Dakota	4,654,937	4,682,968	28,031	0.60%
Tennessee	12,452,163	12,337,195	(114,968)	-0.92%
Texas	52,704,570	56,597,052	3,892,482	7.39%
Utah	5,726,955	5,574,504	(152,451)	-2.66%
Vermont	2,180,637	2,193,768	13,131	0.60%
Virginia	15,557,121	15,417,551	(139,570)	-0.90%
Washington	15,710,820	15,464,004	(246,816)	-1.57%
West Virginia	5,328,035	5,360,119	32,084	0.60%
Wisconsin	11,423,220	11,191,329	(231,891)	-2.03%
Wyoming	3,611,526	3,633,273	21,747	0.60%
State Total	666,624,032	670,638,223	4,014,191	0.60%
Guam	312,691	314,574	1,883	0.60%
Virgin Islands	1,316,277	1,324,203	7,926	0.60%
Outlying Areas Total	1,628,968	1,638,777	9,809	0.60%

U. S. Department of Labor
Employment and Training Administration
Workforce Information Grants to States
PY 2022 vs PY 2021 Allotments

State	PY 2021	PY 2022	Difference	% Difference
Total	\$31,950,000	\$31,956,000	\$6,000	0.02%
Alabama	506,353	506,864	511	0.10%
Alaska	284,363	285,764	1,401	0.49%
Arizona	662,635	669,420	6,785	1.02%
Arkansas	402,420	404,322	1,902	0.47%
California	2,481,342	2,470,599	(10,743)	-0.43%
Colorado	612,512	619,163	6,651	1.09%
Connecticut	465,877	455,646	(10,231)	-2.20%
Delaware	301,540	301,848	308	0.10%
District of Columbia	291,923	292,570	647	0.22%
Florida	1,433,659	1,461,300	27,641	1.93%
Georgia	835,600	851,132	15,532	1.86%
Hawaii	320,532	320,990	458	0.14%
Idaho	349,266	350,918	1,652	0.47%
Illinois	988,047	973,900	(14,147)	-1.43%
Indiana	637,407	637,447	40	0.01%
Iowa	443,566	438,745	(4,821)	-1.09%
Kansas	419,747	422,438	2,691	0.64%
Kentucky	481,407	478,220	(3,187)	-0.66%
Louisiana	487,139	488,417	1,278	0.26%
Maine	324,729	324,031	(698)	-0.21%
Maryland	622,290	612,523	(9,767)	-1.57%
Massachusetts	679,820	681,313	1,493	0.22%
Michigan	816,629	804,659	(11,970)	-1.47%
Minnesota	607,863	601,540	(6,323)	-1.04%
Mississippi	391,019	394,407	3,388	0.87%
Missouri	604,947	606,182	1,235	0.20%
Montana	306,992	307,706	714	0.23%
Nebraska	366,802	364,735	(2,067)	-0.56%
Nevada	422,026	426,010	3,984	0.94%
New Hampshire	332,835	333,085	250	0.08%
New Jersey	776,244	765,235	(11,009)	-1.42%
New Mexico	354,602	356,841	2,239	0.63%
New York	1,347,196	1,339,210	(7,986)	-0.59%
North Carolina	825,655	835,128	9,473	1.15%
North Dakota	291,668	291,967	299	0.10%
Ohio	920,322	913,859	(6,463)	-0.70%
Oklahoma	458,591	463,701	5,110	1.11%
Oregon	490,768	498,069	7,301	1.49%
Pennsylvania	1,003,087	985,407	(17,680)	-1.76%
Puerto Rico	366,973	369,856	2,883	0.79%
Rhode Island	309,099	308,165	(934)	-0.30%
South Carolina	526,505	525,780	(725)	-0.14%
South Dakota	299,083	299,791	708	0.24%
Tennessee	632,761	636,477	3,716	0.59%
Texas	1,882,605	1,907,849	25,244	1.34%
Utah	435,134	439,232	4,098	0.94%
Vermont	284,079	281,711	(2,368)	-0.83%
Virginia	758,607	745,168	(13,439)	-1.77%
Washington	706,823	704,841	(1,982)	-0.28%
West Virginia	337,023	337,779	756	0.22%
Wisconsin	606,266	608,147	1,881	0.31%
Wyoming	278,942	279,199	257	0.09%
State Total	31,773,320	31,779,306	5,986	0.02%
Guam	93,023	93,031	8	0.01%
Virgin Islands	83,657	83,663	6	0.01%
Outlying Areas Total	176,680	176,694	14	0.01%