



Department of Labor and Training

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WORKFORCE INVESTMENT NOTICE: 09-12

TO: WORKFORCE INVESTMENT AREAS

FROM: Donna Treglia, Administrator-Workforce Investment Office

SUBJECT: Planning Guidance – ARRA TANF Subsidized Employment

DATE: March 22, 2010

PURPOSE. To provide guidance to the Local Areas regarding the implementation of a Rhode Island subsidized employment program, hereinafter referred to as Jobs Now Rhode Island, funded through the American Recovery and Reinvestment Act (ARRA) and Temporary Assistance to Needy Families (TANF) Emergency Contingency Funds (ECF). Adult and Youth fund allocations will be issued in a separate issuance.

REFERENCE. Section 403 c of the Social Security Act

BACKGROUND. TANF ECF, which are included as part of ARRA, are available to support states that experience increased service costs for low income families during the economic downturn. Rhode Island meets this criterion and has identified subsidized employment as a method of providing income support and work experience to eligible participants as well as providing Rhode Island employers with workers that they may not otherwise have been able to afford.

On behalf of the Rhode Island Department of Human Services (DHS), the state's TANF agency, Jobs Now Rhode Island will be managed by the Department of Labor and Training (DLT). The two local workforce investment boards (LWIB) will operate the program in accordance with the scope of services outlined in their Jobs Now Rhode Island program plan submission. The Department of Human Services will determine participant eligibility while the Department of Revenue and DLT will handle employer eligibility.

ARRA TANF Emergency Contingency Funds expire on September 30, 2010. There are discussions at the federal level regarding an extension of the funding. Should an extension be granted, there is the potential to continue subsidized employment activities through the extension period.

As additional information becomes available, this guidance may be amended.

PLAN SUBMISSION. To access funds, each local workforce investment area must submit, in cooperation with their board or authorized subcommittee, a Jobs Now Rhode Island program plan. It is at the local workforce investment area's discretion to propose how many subsidized employment participants will be served from April 1, 2010 – September 30, 2010 utilizing the ARRA TANF ECF. The funds must be encumbered by September 30, 2010.

Jobs Now Rhode Island program plans are due to the State Workforce Investment Office (SWIO) no later than **March 31, 2010**. SWIO will accept, deny, or ask for additional information as plans are submitted. Given the short timeframe for recruitment of employers and participants, local workforce investment areas are encouraged to submit plans as soon as possible for review.

Content: Plans must include:

1. A narrative addressing recruitment of employers and participants (youth and adult);
2. Identification of how many participants (youth and adult) will be served;
3. Targeted types of occupational placements (e.g. clerical, maintenance, customer service) and industry placements (healthcare, hospitality, non-profit);
4. Monitoring protocols to assure quality of subsidized placement and compliance with relevant employment laws and policies; and
5. A budget and budget narrative (submitted as a modification upon allocation issuance).

Additional information:

- Plans must be submitted for the period ending September 30, 2010. No wages or expenditures for Jobs Now Rhode Island may be encumbered after that date as the ARRA TANF ECF will expire on September 30, 2010.
- As applicable, the local workforce investment area must submit a copy of their Consortium Agreement and Amendment that reaffirms the original Articles and the provisions of the American Recovery and Reinvestment Act of 2009, including Section 403 c of the Social Security Act which establishes the Emergency Contingency Fund for State TANF Programs.
- Local areas have the flexibility to determine the appropriate type of assessment utilized with the ARRA TANF ECF. In all instances, the assessment must demonstrate that subsidized employment is an appropriate activity for the participant.

- Subsidized employment job slots funded with ARRA TANF ECF may not be created where an individual is on layoff from the same or a substantially equivalent job. In addition, local workforce investment areas may not create subsidized job slots when an employer has terminated individuals from employment or caused an involuntary reduction in its workforce in order to fill the vacancy with a subsidized worker. Local workforce investment areas must be vigilant to ensure that the funds are not simply subsidizing activity that would have occurred in the absence of the subsidy.
- Worksites may be in the for-profit, non-profit or public sector except for those entities currently participating in the WorkShare and/or TRADE programs. In all instances, worksites must follow all federal, state and local rules and regulations dealing with health and safety of the workers. Local workforce investment areas must consult with their own legal advisors in interpreting these rules and regulations.
- At a minimum, for the ARRA TANF ECF, local workforce investment areas must report, on a weekly basis, the following:
 - Number of participants in each employer category;
 - Number of participants who have transitioned from subsidized into unsubsidized employment

Fiscal and programmatic reporting forms will be forwarded separately from this WIN.

Action Required: Jobs Now Rhode Island plans must be approved through the local board process. Plans submitted to the State in accordance with these guidelines, that are (1) consistent with and meet all provisions of the subsidized employment program and (2) where no substantive issues have been identified by the State, will be presented to the Governor's Workforce Board, acting in its capacity as the State Workforce Investment Board, for review and approval. Plans will be considered approved with written notification provided by the State.

Two originals (signed hard copies) and one electronic copy should be clearly identified and submitted **before March 31, 2010** to:

Donna Treglia
Administrator, State Workforce Investment Office
Department of Labor & Training
1511 Pontiac Avenue
Cranston, Rhode Island 02920

In addition to the content described above, the plan should include the following assurances and signature page.

INQUIRIES. Questions concerning this WIN may be directed to me at 462-8784 (dtreglia@dlt.state.ri.us) or Mavis McGetrick at 462-8791 (mmcgetrick@dlt.state.ri.us).

ASSURANCES

- 1) The Local Workforce Investment Board, including the chief elected official and providers of the area, will all maintain fiscal controls and fund accounting procedures to ensure the proper disbursement of and accounting for all funds received through this program.
- 2) The Local Workforce Investment Board will assure that it shall keep records in an information management system that are sufficient to permit the preparation of reports and shall maintain such records, including standardized records for all individual participants, and submit such reports as the State may require.
- 3) The Local Workforce Investment Board assures that it will collect and maintain data necessary to show compliance with the nondiscrimination provisions. The Board assures compliance with Section 504 of the Rehabilitation Act of 1973 and the American's with Disabilities Act of 1990.
- 4) The Local Workforce Investment Board assures that funds will be spent in accordance with all applicable Federal and State laws and State issued guidance.
- 5) The Local Workforce Investment Board assures that veterans will be afforded services in compliance with the Jobs for Veterans Act.
- 6) The Local Workforce Investment Board assures that no funds received will be used to assist, promote, or deter union organizing.
- 7) The Local Workforce Investment Board assures that it developed this plan in consultation with the business community, labor organizations, and required partners.
- 8) The Local Workforce Investment Board assures it will comply with any grant procedures prescribed for use of these funds; including, but not limited to the following:

General Administrative Requirements

29 CFR part 97(OMB Circular A-102) --Uniform Administrative Requirements for State and Local Governments (as amended by the Act)

29 CFR part 95 (OMB Circular A-110) as applicable -- Uniform Administrative Requirements for Institutions of Higher Education

Audit Regulations and Requirements

29 CFR part 96 (as amended by OMB Circular A-133) -Single Audit Act;

29 CFR part 99 (OMB Circular A-133) Audit Requirements for recipients of Federal Financial Assistance

Cost Principles

OMB Circular A-87 -- (as amended by the Act), Cost Principles for State, Local, and Indian Tribal Governments

OMB Circular A-122 and A-22 Cost Principles for Non-Profit Organizations as applicable.

Assurances and Certifications

SF 424 B – Assurances for Nonconstruction Programs;

29 CFR part 31, 32 – Nondiscrimination and Equal Opportunity Assurance (and Regulation);

Miscellaneous Provisions

CFR part 93 – Certification Regarding Lobbying (and Regulation);

29-CFR part 98 –Drug Free Workplace and Debarment and suspension; Certifications (and regulation)

SIGNATURE PAGE

This Plan is submitted for the period of April 1, 2010 through September 30, 2010. We further certify that we will operate Jobs Now Rhode Island in accordance with all applicable federal and state laws, regulations and guidance.

Local Board Chair:

Original Signature

Name (printed or typed)

Date

Executive Director:

Original Signature

Name (printed or typed)

Date