

**ASSURANCES AND ATTACHMENTS – PLANNING PROCESS AND PUBLIC COMMENT**

☒	STATEMENT	REFERENCE	DOCUMENTATION and COMMENTS	
1.	☐	The state established processes and timelines, consistent with WIA Section 111(g) – and, where appropriate, 20 CFR 641.325 (g) – to obtain input into the development of the Integrated Workforce Plan and to give opportunity for comment by representatives of local elected officials, local workforce investment boards, businesses, labor organizations, other primary stakeholders, and the general public.	WIA Sections 112(b)(9), 111(g) 20 CFR 661.207 20 CFR 661.220(d) 20 CFR 641.325(f), (g), (h), 20 CFR 641.335	Include a link or copy of a summary of the public comments received.  <i>Transcript of public hearing held on 10/12/2012 can be found by clicking <a href="#">here</a>.</i>
2.	☐	The state afforded opportunities to those responsible for planning or administering programs and activities covered in the Integrated Workforce Plan to review and comment on the draft plan.	WIA Sections 112(b)(9), 111(g) 20 CFR 661.207 20 CFR 661.220(d)	✓
3.	☐	The final Integrated Workforce Plan and State Operational Plan are available and accessible to the general public.		✓
4.	☐	The state afforded the State Monitor Advocate an opportunity to approve and comment on the Agricultural Outreach Plan. The state solicited information and suggestions from WIA 167 National Farmworker Jobs Program grantees, other appropriate MSFW groups, public agencies, agricultural employer organizations, and other interested organizations. At least 45 days before submitting its final outreach, the State provided a proposed plan to the organizations listed above and allowed at least 30 days for review and comment. The State considered any comments received in formulating its final proposed plan, informed all commenting parties in writing whether their comments have been incorporated and, if not, the reasons therefore, and included the comments and recommendations received and its responses with the submission of the plan.	WIA Sections 112(b)(9), 111(g) 20 CFR 661.207 20CFR 661.220(d) 20 CFR 653.107 (d) 20 CFR 653.108(f)	Include a link or copy of a summary of the public comments received.  <i>Transcript of public hearing held on 9/7/2012 can be found by clicking <a href="#">here</a>. No written comments were received.</i>

5.	<input type="checkbox"/>	In the development of the plan, the state considered the recommendations submitted by the State Monitor Advocate in the annual summary of services to Migrant and Seasonal Farmworkers.	20 CFR 653.108(t)	✓
6.	<input type="checkbox"/>	The state established a written policy and procedure to ensure public access (including people with disabilities) to board meetings and information regarding board activities, such as board membership and minutes.	WIA Sections 111(g), 112(b)(9), 117(e) 20 CFR 661.207	<i>See Attachment: Assurance #6 (Page 9)</i>
7.	<input type="checkbox"/>	Where SCSEP is included in the Integrated Workforce Plan, the state established a written policy and procedure to obtain advice and recommendations on the State Plan from representatives of the State and area agencies on aging; State and local boards under the WIA; public and private nonprofit agencies and organizations providing employment services, including each grantee operating a SCSEP project within the state, except as provided under section 506 (a)(3) of OAA and 20 CFR 641.320(b); Social service organizations providing services to older individuals; Grantees under Title III of OAA, Affected Communities, Unemployed older individuals, Community-based organizations serving older individuals; business organizations and labor organizations	20 CFR 641.315(a)(1-10), 641.325 (f), (g), (h)	Include a link or copy of a summary of the public comments received.  <i>Transcript of public hearing held on 10/12/2012 can be found by clicking <a href="#">here</a>.</i>

**ASSURANCES AND ATTACHMENTS - REQUIRED POLICIES AND PROCEDURES**

		<b>STATEMENT</b>	<b>REFERENCE</b>	<b>DOCUMENTATION or COMMENTS</b>
8.	<input type="checkbox"/>	The state made available to the public state-imposed requirements, such as state-wide policies or guidance, for the statewide public workforce system, including policy for the use of WIA title I statewide funds.	WIA Sections 112(b)(2), 129, 134 20 CFR 665.100	<i>See Attachment: Assurance #8 (Page. 9)</i>
9.	<input type="checkbox"/>	The state established a written policy and procedure that identifies circumstances that might present a conflict of interest for any state or local workforce investment board member or the entity that s/he represents, and provides for the resolution of conflicts. The policy meets the requirements of WIA Sections 111(f) and 117(g).	WIA Sections 112(b)(13), 111(f), 117(g)	<i>See Attachment: Assurance #9 (Page 9)</i>

10.	<input type="checkbox"/>	The state has established a written policy and procedure that describes the state's appeals process available to units of local government or grant recipients that request, but are not granted, designation of an area as a local area under WIA Section 116.	WIA Sections 112(b)(15), 116(a)(5) 20 CFR 661.280 20 CFR 667.700	<i>See Attachment: Assurance #10 (Page 11)</i>
11.	<input type="checkbox"/>	The state established written policy and procedures that describe the state's appeal process for requests not granted for automatic or temporary and subsequent designation as a local workforce investment area.	20 CFR 667.640 20 CFR 662.280	<i>See Attachment: Assurance #11 (Page 13)</i>
12.	<input type="checkbox"/>	The state established a written policy and procedure that set forth criteria to be used by chief elected officials for the appointment of local workforce investment board members.	WIA Sections 112(b)(6), 117(b) 20 CFR 661.300(a), 20 CFR 661.325	<i>See Attachment: Assurance #12 (Page 14)</i>
13.	<input type="checkbox"/>	The state established written policy and procedures to ensure local workforce investment boards are certified by the governor every two years.	WIA Sec 117(c) 20 CFR 661.325	<i>See Attachment: Assurance #13 (Page 18)</i>
14.	<input type="checkbox"/>	Where an alternative entity takes the place of an SWIB, the state has written policy and procedures to ensure the alternative entity meets the definition under section 111(e) and the legal requirements for membership.	WIA Sections 111(e), (b) 20 CFR 661.210	<i>Not applicable to Rhode Island</i>
15.	<input type="checkbox"/>	Where the alternative entity does not provide representative membership of the categories of required SWIB membership, the state has a written policy or procedure to ensure an ongoing role for any unrepresented membership group in the workforce investment system. (Only applicable in cases where a state uses an alternative entity as its SWIB, and that entity does not provide for representative membership by individuals in the categories required by WIA sec. 111(b).)	WIA Sections 111(b), (e) 20 CFR 661.210(c)	<i>Not applicable to Rhode Island</i>
16.	<input type="checkbox"/>	When applicable, the state takes any action necessary to assist local areas in developing and implementing the One-Stop system.	WIA Sections 112(b)(14), 134(c) W-P Section 8(c)	<i>See Attachment: Assurance #16 (Page 18)</i>

17.	<input type="checkbox"/>	The state established procedures for determining initial and subsequent eligibility of training providers.	WIA Sections 112(b)(17)(A)(iii), 122, 134(d)(4) 20 CFR 663.515, 663.535	<i>See Attachment: Assurance #17 (Page 19)</i>
18.	<input type="checkbox"/>	All partners in the workforce and education system described in this plan will ensure the physical, programmatic, and communications accessibility of facilities, programs, services, technology, and materials for individuals with disabilities in One-Stop Career Centers.	WIA Section 188 W-P Section 8(b) 29 CFR part 37 20 CFR 652.8(j)	<i>See Attachment: Assurance #18 (Page 19)</i>
19.	<input type="checkbox"/>	The state ensures that outreach is provided to populations and sub-populations who can benefit from One-Stop Career Center services.	WIA Section 188 29 CFR 37	✓
20.	<input type="checkbox"/>	The state implements universal access to programs and activities to all individuals through reasonable recruitment targeting, outreach efforts, assessments, services delivery, partnership development, and numeric goals.	WIA Section 188 29 CFR 37.42	✓
21.	<input type="checkbox"/>	The state complies with the nondiscrimination provisions of section 188, including that Methods of Administration were developed and implemented.	WIA Section 188 29 CFR 37.20	✓
22.	<input type="checkbox"/>	The state collects and maintains data necessary to show compliance with nondiscrimination provisions of section 188.	WIA Section 185	✓
23.	<input type="checkbox"/>	For WIA Single-Area States only, the state has memorandums of understanding between the local workforce investment board and each of the One-Stop partners concerning the operation of the One-Stop delivery system in the local area.	WIA Sections 112(b)(5), 116(b), 118(b)(2)(B), 20 CFR 661.350(a)(3)(ii)	<i>Not applicable to Rhode Island</i>

**ASSURANCES AND ATTACHMENTS - ADMINISTRATION OF FUNDS**

	<b>STATEMENT</b>	<b>REFERENCE</b>	<b>DOCUMENTATION and COMMENTS</b>
24	<input type="checkbox"/> The state established written policy and procedures that outline the methods and factors used in distributing funds, including WIA Adult, Dislocated Worker, and Youth formula and rapid response funds. The policy establishes a process for funds distribution to local areas for youth activities under WIA Section 128(b)(3)(B), and for adult and training activities under WIA Section 133(b), to the level of detail required by Section 112(b)(12)(a). In addition, the policy establishes a formula, prescribed by the governor under Section 133(b)(2)(B), for the allocation of funds to local areas for dislocated worker employment and training activities.	WIA Sections 111(d)(5), 112(b)(12)(A), (C), 128 (b)(3)(B), 133(b)(2)(B), 133(b)(3)(B) 20 CFR 661.205(e)	<i>See Attachment: Assurance #24 (Page 20)</i>
24a.	<input type="checkbox"/> For Dislocated Worker funding formulas, the state's policy and procedure includes the data used and weights assigned. If the state uses other information or chooses to omit any of the information sources set forth in WIA when determining the Dislocated Worker formula, the state assures that written rationale exists to explain the decision.	WIA Section 133(b)(2)(B) 20 CFR 667.130(e)(2)(i)-(ii)	<i>See Attachment: Assurance #24a (Page 21)</i>
25.	<input type="checkbox"/> The state established a written policy and procedure for how the individuals and entities represented on the SWIB help to determine the methods and factors of distribution, and how the state consults with chief elected officials in local workforce investment areas throughout the state in determining the distributions.	WIA Sections 111(d)(5), 112(b)(12)(A), 128(b)(3)(B), 133(b)(3)(B), 20 CFR 661.205(e)	<i>See Attachment: Assurance #25 (Page 21)</i>
26.	<input type="checkbox"/> The state established written policy and procedures for any distribution of funds to local workforce investment areas reserved for rapid response activities, including the timing and process for determining whether a distribution will take place.	WIA Sections 133(a)(2), 134(a)(2)(A) 20 CFR 667.130(b)(2), (e)(4), 665.340	<i>See Attachment: Assurance #26 (Page 22)</i>
27.	<input type="checkbox"/> The state established written policy and procedures to competitively award grants and contracts for WIA Title I activities.	WIA Section 112(b)(16)	<i>See Attachment: Assurance #27 (Page 22)</i>

28.	<input type="checkbox"/>	The state established written criteria to be used by local workforce investment boards in awarding grants for youth activities, including criteria that the governor and local workforce investment boards will use to identify effective and ineffective youth activities and providers of such activities.	WIA Sections 112(b)(18)(B), 123, 129	<i>See Attachment: Assurance #28 (Page 23)</i>
29.	<input type="checkbox"/>	The state established written criteria for a process to award a grant or contract on a competitive basis for Summer Youth Employment Opportunities element of the local youth program, where a provider is other than the grant recipient/fiscal agent.	WIA Sections 123, 129(c)(2)(C) 20 CFR 664.610.	<i>See Attachment: Assurance #29 (Page 24)</i>
30.	<input type="checkbox"/>	The state distributes adult and youth funds received under WIA equitably throughout the state, and no local areas suffer significant shifts in funding from year-to-year during the period covered by this plan.	WIA Section 112(b)(12)(B)	✓
31.	<input type="checkbox"/>	The state established written fiscal-controls and fund-accounting procedures and ensures such procedures are followed to ensure the proper disbursement and accounting of funds paid to the state through funding allotments made for WIA Adult, Dislocated Worker, and Youth programs, and the Wagner-Peyser Act.	WIA Sections 112(b)(11), 127, 132, 184 W-P Sections 9(a), (c) 20 CFR 652.8(b), (c)	✓
32.	<input type="checkbox"/>	The state ensures compliance with the uniform administrative requirements in WIA through annual, onsite monitoring of each local area.	WIA Sections 184(a)(3), (4) 20 CFR 667.200, .400(c)(2), 667.410	<i>See Attachment: Assurance #32 (Page 24)</i>
33.	<input type="checkbox"/>	The state follows confidentiality requirements for wage and education records as required by the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, WIA, and applicable Departmental regulations.	WIA Sections 136(f)(2), (f)(3), 122, 185(a)(4)(B) 20 USC 1232g 20 CFR 666.150 20 CFR part 603	<i>See Attachment: Assurance #33 (Page 25)</i>
34.	<input type="checkbox"/>	The state will not use funds received under WIA to assist, promote, or deter union organizing.	WIA Section 181(b)(7) 20 CFR 663.730	✓

**ASSURANCES AND ATTACHMENTS - ELIGIBILITY**

	<b>STATEMENT</b>	<b>REFERENCE</b>	<b>DOCUMENTATION and COMMENT</b>
35.	<input type="checkbox"/> Where the SWIB chooses to establish them, the state established definitions and eligibility documentation requirements regarding the “deficient in basic literacy skills” criterion.	WIA Sections 101(13)(C)(i) CFR 664.205(b)	<i>See Attachment: Assurance #35 (Page 25)</i>
36.	<input type="checkbox"/> Where the SWIB chooses to establish them, the state established definitions and eligibility documentation requirements regarding “requires additional assistance to complete and educational program, or to secure and hold employment” criterion.	WIA Sections 101(13)(C)(iv) 20 CFR 664.200(c)(6), 664.210	<i>See Attachment: Assurance #36 (Page 26)</i>
37.	<input type="checkbox"/> The state established policies, procedures, and criteria for prioritizing adult title I employment and training funds for use by recipients of public assistance and other low-income individuals in the local area when funds are limited.	WIA Section 134(d)(4)(E) 20 CFR 663.600	<i>See Attachment: Assurance #37 (Page 26)</i>
38.	<input type="checkbox"/> The state established policies for the delivery of priority of service for veterans and eligible spouses by the state workforce agency or agencies, local workforce investment boards, and One-Stop Career Centers for all qualified job training programs delivered through the state's workforce system. The state policies: 1. Ensure that covered persons are identified at the point of entry and given an opportunity to take full advantage of priority of service; and 2. Ensure that covered persons are aware of: a. Their entitlement to priority of service; b. The full array of employment, training, and placement services available under priority of service; and c. Any applicable eligibility requirements for those programs and/ or services. 3. Require local workforce investment boards to develop and include policies in their local plan to implement priority of service for the local One-Stop Career Centers and for service delivery by local workforce preparation and training providers.	WIA Sections 112(b)(17)(B), 322 38 USC Chapter 41 20 CFR 1001.120-.125 Jobs for Veterans Act, P.L. 107-288 38 USC 4215 20 CFR 1010.230, 1010.300-.310	<i>See Attachment: Assurance #38 (Page 27)</i>

**ASSURANCES AND ATTACHMENTS - PERSONNEL AND REPRESENTATION**

	<b>STATEMENT</b>	<b>REFERENCE</b>	<b>DOCUMENTATION and COMMENTS</b>
39. <input type="checkbox"/>	<p>The state assures that Migrant and Seasonal Farmworker (MSFW) significant office requirements are met.</p> <p>Note: The five states with the highest estimated year-round MSFW activities must assign full-time, year-round staff to outreach activities. The Employment and Training Administration designates these states each year. The remainder of the top 20 significant MSFW states must make maximum efforts to hire outreach staff with MSFW experience for year-round positions and shall assign outreach staff to work full-time during the period of highest activity.</p> <p>If a state proposes that its State Monitor Advocate work less than full-time, the state must submit, for approval by the Department, a plan for less than full-time work, demonstrating that the state MSFW Monitor Advocate function can be effectively performed with part-time staffing.</p>	<p>WIA Section 112(b)(8)(A)(iii), 112(b)(17)(A)(iv) W-P Sections 3(a), (c)(1)-(2) 20 CFR 653.107(a), 107(i), 653.112(a), 653.108(d)(1)</p>	<p><i>See Attachment: Assurance #39 (Page 29)</i></p>
40. <input type="checkbox"/>	<p>Merit-based public employees provide Wagner-Peyser Act-funded labor exchange activities in accordance with Departmental regulations.</p>	<p>W-P Sections 3(a), 5(b) 20 CFR 652.215 Intergovernmental Personnel Act, 42 USC 4728(b)</p>	<p>✓</p>
41. <input type="checkbox"/>	<p>The state has designated at least one person in each state or Federal employment office to promote and develop employment opportunities, job counseling, and placement for individuals with disabilities.</p>	<p>W-P Section 8(b) 20 CFR 652.211</p>	<p>✓</p>
42. <input type="checkbox"/>	<p>If a SWIB, department, or agency administers state laws for vocational rehabilitation of persons with disabilities, that board, department, or agency cooperates with the agency that administers Wagner-Peyser services.</p>	<p>W-P Section 8(b) 20 CFR 652.211</p>	<p>✓</p>

#### **ASSURANCE #6**

**The state established a written policy and procedure to ensure public access (including people with disabilities) to board meetings and information regarding board activities, such as board meetings and minutes.**

All statewide guidance and policies are discussed at open meetings of the State Workforce Investment Board and are posted to the Department of Labor and Training's website. The State Workforce Investment Board members are also posted to the DLT website.

All meetings are publicly noticed and are open to the public in compliance with the federal "sunshine provisions" and Rhode Island's open meeting law. Minutes of all meetings are posted to the Rhode Island Secretary of State's website. The Rhode Island open records law is also applicable to workforce investment boards at both the state and local levels. The boards maintain public web sites to provide access to their activities, initiatives, and programs. Rhode Island also follows federal and state laws regarding accommodations for individuals with disabilities.

The state alternative document reproduction centers will prepare minutes and other text documents in Braille, audio cassette, or other formats upon request.

All meetings are held in handicapped accessible sites. Interpreters for the deaf are made available on an as-needed basis.

#### **ASSURANCE #8**

**The state made available to the public state-imposed requirements, such as state-wide policies or guidance, for the statewide public workforce system, including policy for the use of WIA title I statewide funds.**

All state-imposed requirements, such as policies or guidance for the statewide public workforce system are available to the public, are widely disseminated and are posted to the Department of Labor and Training's website by [clicking here](#).

#### **ASSURANCE #9**

**The state established a written policy and procedure that identifies circumstances that might present a conflict of interest for any state or Local Workforce Investment Board member or the entity that s/he represents, and provides for the resolution of conflicts. The policy meets the requirements of WIA sections 111(f) and 117(g).**

The state identified circumstances that might present a conflict of interest for any state or Local Workforce Investment Board member or the entity that s/he represents and provides for the resolution of conflicts. In Workforce Investment Notice #99-13, issued February 23, 2000, the state established the following policy:

Every workforce investment board shall adopt in its bylaws conflict of interest standards meeting the minimum standards set forth in this policy. These conflict of interest standards shall apply to all workforce investment board members (voting and non-voting) and the members of committees established by the workforce investment board.

A workforce investment board member with a conflict of interest regarding any matter is prohibited from discussion and voting in connection with that matter.

Any workforce investment board member (or specific entity represented by that member) who significantly participates in the development of contract specifications or standards is prohibited from receiving any direct financial benefit from any resulting contract.

Any workforce investment board member who significantly participates in a board discussion or decision relating to specific terms of a contract, the determination of specific standards for performance or a contract, the development of invitations for bid (IFB) or requests for proposals (RFP) or other such bid processes leading to a contract, or any similar discussions or decisions is prohibited from receiving any direct financial benefit from any resulting contract. In addition, no corporation, partnership, firm, association, or other entity shall receive the contract if it would create a conflict of interest for the workforce investment board member who significantly participated in the manner described above. Any workforce investment board member, including one-stop partner, who significantly participates in the development of contract specifications, is prohibited from bidding on those contracts or supervising staff who are paid from funding awarded under such contracts.

The prohibition regarding the conflict of interest shall also apply to contracts entered into or responses to RFPs accepted from immediate family members of an interested party or a corporation or business in which the immediate family member may occupy a management position or own shares of some portion of the company or business of subsidiary or related business

Each workforce investment board member shall file a statement of financial interest with the Rhode Island Ethics Commission (Rhode Island General Law 36-14.1) at the time they become a board member and every year thereafter. Nothing stated in the policy will exempt the member from compliance with any of the provisions of R.I.G.L. 36-14.1.

Each board member shall provide written notice to the workforce investment board that they have filed with the Rhode Island Ethics Commission indicating the date of such filing. A copy of this notice shall be forwarded to the Workforce Investment Office.

Any workforce investment board member with a potential or actual conflict of interest must disclose that fact to the workforce investment board as soon as the potential conflict is discovered and, to the extent possible, before the agenda for a meeting involving the matter at issue is prepared. If it should be determined during a meeting that a conflict of interest exists, the member must verbally declare such conflict of interest, such declaration must be clearly noted in the minutes, and such member must recuse him/herself from the remainder of the discussion and the voting. Each board member is responsible for determining whether any potential or actual conflict of interest exists or arises during his/her service on the board. Board members are also responsible for reporting such potential or actual conflict of interest as soon as it is discovered that such a condition exists.

If a contract or purchase is made by the workforce investment board involving its own member with a conflict of interest, the workforce investment board shall justify the terms and conditions of the contract or purchase. When a contract or purchase is made by the board involving its own member or an entity

with which the board member is associated, the board must establish and document to the reasonable satisfaction of the State Workforce Investment Office that the contract or purchase was adequately bid or negotiated and that the terms of the contract or price of the purchase are fair and reasonable to the workforce investment board. The workforce investment board shall adopt procedures that serve to minimize the appearance of conflicts of interest.

Workforce investment board members who are also one-stop partners should not serve on any committees that deal with oversight of the one-stop system or allocation of resources that would potentially be allocated to that member's program. This shall not apply to public sector members or representatives who do not realize a pecuniary benefit as a result of their action or vote.

The State Workforce Investment Office will provide technical assistance to coordinate compliance with the conflict of interest standards and assist in answering questions and avoiding potential problems. The State Workforce Investment Office staff will provide technical assistance upon request from local boards concerning the conflict of interest standards. The SWIO's intent is to assist the board to avoid compliance violations or the appearance of violations.

#### **ASSURANCE #10**

**The state has established a written policy and procedure that describes the state's appeals process available to units of local government or grant recipients that request, but are not granted, designation of an area as a local area under WIA Section 116**

Workforce Investment Notice #00-12 established the following policy and procedures:

WIA at Section 116 provides the criteria for state designation of local areas. There are three types of designation. They are: automatic, temporary and discretionary. States are required to consult with their State Boards and chief local elected officials as well as to accept comments from the public prior to the designation of areas.

Automatic designation: There are three circumstances under which a local area is entitled to automatic designation they are: (1) single local units of government with a population of at least 500,000, (2) rural concentrated employment programs under the JTPA, and (3) areas that served as a service delivery area under the JTPA in a State that has a population of not more than 1,100,000 and a population density greater than 900 persons per square mile.

The request for designation must come from the chief local elected official or grant recipient for the area.

Criteria (3) is the only criteria applicable in the State of Rhode Island and is only applicable to the Providence/ Cranston Workforce Investment Area, as the Greater Rhode Island Workforce Investment Area is differently comprised than it was under the JTPA and therefore does not meet the criteria as set forth in WIA.

**Temporary designation:** WIA at Section 116 also provides for the initial temporary designation of areas. As areas have already been designated in the State of Rhode Island and there have been no requests for appeal, there is no need to address temporary designation under this Appeal Process.

**Discretionary designation:** For areas not entitled to temporary or permanent designation the State after considering issues such as (1) Geographic areas served by local educational agencies and intermediate educational agencies (2) Geographic areas served by postsecondary educational institutions and area vocational education schools. (3) The extent to which such local areas are consistent with labor market areas (4) the distance that individuals will need to travel to receive services provided in such local areas, and (5) the resources of such local areas that are available to effectively administer WIA activities and after consultation with and a recommendation from the State Board, the chief local elected officials and a period of public comment areas may be designated by the Governor in accordance with his/her discretion.

**Subsequent designation:** Areas which have been accorded temporary designation under this paragraph shall be designated for 2 years, after which the Governor shall extend the designation until the end of the period covered by the State plan if the area substantially met (as defined by the State Board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle.

**Appeals process:** Areas, which have received discretionary designation, are subject to re-designation following the expiration of their term of designation. Discretionary areas denied a request for re-designation have no recourse and are not entitled to an appeal of the determination. Areas designated as temporary workforce investment areas, which are determined not to have met the subsequent designation criteria, may appeal this determination by:

1. Filing an appeal in writing to the Rhode Island Department of Labor and Training and addressed to the Governor's Liaison within 10 days of receipt of written notice that their request for designation has been denied.
2. The request for appeal must state with specificity the basis under which the State's determination that the area has not met the requirements for re-designation are challenged.
3. Within 10 days of receipt of a properly noticed and drafted request for appeal the State shall appoint an impartial trier of fact to hear the matter.
4. A hearing shall be held no later than 45 days following the receipt of the Notice of Appeal by the State.
5. A determination shall be made by the hearing officer within 15 days of the close of the hearing and shall be communicated in writing to the parties.
6. There shall be no further State level right to appeal from the determination of the hearing officer.
7. Local areas may choose to appeal to the Secretary of Labor in accordance with the procedures provided under WIA at Section 166.

## **ASSURANCE #11**

**The state established written policy and procedures that describe the state's appeal process for requests not granted for automatic or temporary and subsequent designation as a local workforce investment area.**

Workforce Investment Notice #00-12 established the following policy and procedures:

WIA at Section 116 provides the criteria for state designation of local areas. There are three types of designation. They are: automatic, temporary and discretionary. States are required to consult with their State Boards and chief local elected officials as well as to accept comments from the public prior to the designation of areas.

**Automatic designation:** There are three circumstances under which a local area is entitled to automatic designation they are: (1) single local units of government with a population of at least 500,000, (2) rural concentrated employment programs under the JTPA, and (3) areas that served as a service delivery area under the JTPA in a State that has a population of not more than 1,100,000 and a population density greater than 900 persons per square mile.

The request for designation must come from the chief local elected official or grant recipient for the area.

Criteria (3) is the only criteria applicable in the State of Rhode Island and is only applicable to the Providence/ Cranston Workforce Investment Area, as the Greater Rhode Island Workforce Investment Area is differently comprised than it was under the JTPA and therefore does not meet the criteria as set forth in WIA.

**Temporary designation:** WIA at Section 116 also provides for the initial temporary designation of areas. As areas have already been designated in the State of Rhode Island and there have been no requests for appeal, there is no need to address temporary designation under this Appeal Process.

**Discretionary designation:** For areas not entitled to temporary or permanent designation the State after considering issues such as (1) Geographic areas served by local educational agencies and intermediate educational agencies (2) Geographic areas served by postsecondary educational institutions and area vocational education schools. (3) The extent to which such local areas are consistent with labor market areas (4) the distance that individuals will need to travel to receive services provided in such local areas, and (5) the resources of such local areas that are available to effectively administer WIA activities and after consultation with and a recommendation from the State Board, the chief local elected officials and a period of public comment areas may be designated by the Governor in accordance with his/her discretion.

**Subsequent designation:** Areas which have been accorded temporary designation under this paragraph shall be designated for 2 years, after which the Governor shall extend the designation until the end of the period covered by the State plan if the area substantially met (as defined by the State Board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle.

**Appeals process:** Areas, which have received discretionary designation, are subject to re-designation following the expiration of their term of designation. Discretionary areas denied a request for re-

designation have no recourse and are not entitled to an appeal of the determination. Areas designated as temporary workforce investment areas, which are determined not to have met the subsequent designation criteria, may appeal this determination by:

1. Filing an appeal in writing to the Rhode Island Department of Labor and Training and addressed to the Governor's Liaison within 10 days of receipt of written notice that their request for designation has been denied.
2. The request for appeal must state with specificity the basis under which the State's determination that the area has not met the requirements for re-designation are challenged.
3. Within 10 days of receipt of a properly noticed and drafted request for appeal the State shall appoint an impartial trier of fact to hear the matter.
4. A hearing shall be held no later than 45 days following the receipt of the Notice of Appeal by the State.
5. A determination shall be made by the hearing officer within 15 days of the close of the hearing and shall be communicated in writing to the parties.
6. There shall be no further State level right to appeal from the determination of the hearing officer.
7. Local areas may choose to appeal to the Secretary of Labor in accordance with the procedures provided under WIA at Section 166.

## **ASSURANCE #12**

**The state established a written policy and procedure that set forth criteria to be used by chief elected officials for the appointment of Local Workforce Investment Board members.**

In WIN #99-09, change 1, the state established the following written policy and procedures for the appointment of workforce investment board membership nominations:

All nominations for the private sector/business members of the WIB must come from local business organizations and business trade associations;

Nominations for educational representatives to the WIB, excluding the educational representatives of mandated one-stop partners, must come from among individuals nominated by local educational agencies, institutions, or organizations representing such local educational entities;

Nominations for labor representatives to the WIB must come from nominations by recognized state and local labor federations, or, for a local area in which no employees are represented by such organizations, other representatives of employees;

All other nominations to categories of membership required under section 117 of WIA shall be at the initiation of the chief local elected official(s) for the workforce investment area, except for representatives of the one-stop mandatory partners;

## Nominations of mandatory one-stop partners

Representatives of the one-stop partners who are employees of the state shall be nominated by the head of their respective agency.

Representatives of community colleges shall be nominated by the chancellor of the community college system.

The lead elected official in accordance with the intergovernmental agreement may designate an elected official which can be any member of the consortium or of the legislative bodies of their respective municipalities or from among the highest ranking executive of their municipalities to represent the three workforce investment act funding streams, adult, youth and dislocated worker. At the option of the local consortium of elected officials, one individual may be appointed to represent these three funding streams. Sub-grant recipient or administrative staff of the Local Workforce Investment Board cannot be designated as this representative.

Workforce Investment Board membership requirements:

### **Business**

Private sector representatives of businesses in the local area, appointed to local WIBs shall be:

Owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority. A majority must represent businesses that reflect the employment opportunities within the local workforce investment area. Private sector representatives shall constitute a majority of the members. Nominations shall be solicited from local business organizations and business trade associations.

### **Education**

Representatives of “local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist)”, selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities. WIA also requires that Carl Perkins vocational education and adult basic literacy be represented on the board as one-stop partners. Where either of the education representatives also represents the one stop partners, one educational representative may fill multiple categories.

The board must have a minimum of two educational representatives.

The two educational one-stop partners, adult education and literacy and postsecondary vocational education may satisfy the educational requirement. Please note the nomination requirements for educational representatives as stated in the workforce investment act must be met even if a one-stop partner is selected as an educational representative.

### **Labor**

At least two (2) representatives of labor organizations for a local area in which employees are represented by labor organizations, or for a local area in which no employees are represented by such organizations, other representatives of employees.

### **Community based organizations**

At least two (2) representatives of community-based organizations (CBOs) including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present. WIA does not mandate that CBO representation on a local board be from organizations representing individuals with disabilities and veterans but that “special consideration” be given to these organizations.

LEOs shall solicit nominations from a wide variety of community-based organizations that deal with workforce development or human services with emphasis on those that service targeted populations such as veterans and people with disabilities.

It is recommended that the community-based organizations have a strong tie to workforce development, serve a large portion of the Workforce Investment Area and that they represent the diverse aspects of the population.

### **Economic development**

Two (2) representatives of economic development agencies which may include local planning and zoning commissions or boards, community development agencies and other local agencies and institutions responsible for regulating, promoting, or assisting in local economic development.

LEOs shall solicit nominations from local economic development entities both public and private. The LEOs are encouraged to use organizations such as Rhode Island economic development corporation to identify appropriate economic development entities in their area.

### **One-stop Partners**

One representative of each of the one-stop partners.

Adult, dislocated worker, and youth activities (one-stop partner) - The LEO shall be the representative for the Title 1 adult, youth and dislocated worker programs.

Employment service (one-stop partner) – The LEO shall solicit nominations from the director of the state Department of Labor and Training. This person may also serve as the representative for trade adjustment assistance, and migrant and seasonal farm worker’s programs.

Adult education and literacy – The representative must be from a comprehensive adult basic education provider and may also serve as one of the educational representatives if all requirements for the educational representative and adult education and literacy representative are met.

The LEO shall solicit nominations from the Commissioner of Education.

Postsecondary vocational education – The LEO shall solicit nominations from local postsecondary vocational education boards in the area to represent postsecondary vocational education. This representative may also serve as one of the educational representative if all requirements for the educational representative and postsecondary vocational educational representative are met.

Vocational rehabilitation (one-stop partner) – The LEO shall solicit nominations from the administrator of the office of rehabilitation services.

Welfare-to-work (one-stop partner) – The LEO shall be the representative for the Title 1 welfare-to-work programs or may designate a representative as described in section v paragraph d. This representative may also serve as the Title 1 adult, dislocated worker and youth representative.

Older worker (one-stop partner) – The LEO shall solicit nominations from the Director of the Department of Labor and Training, the operator of the state’s Senior Community Service Employment Program. This person may also serve as the representative for the Trade Adjustment Assistance, Older Worker and Employment Service programs.

Trade Adjustment Assistance (one-stop partner) – The LEO shall solicit nominations from the director of the state Department of Labor and Training. This person may also serve as the representative for the Employment Service, Older Worker and Migrant and Seasonal Farm Worker’s programs.

Veterans employment and training programs – The LEO shall solicit nominations from the director of the state Department of Labor and Training.

Community service block grants – The LEO shall solicit nominations from all community service block grantees in the area that administer employment and training programs or activities. Community action program agencies that administer employment and training programs/activities would be an example. This person may also serve as the representative for housing and urban development if the agency administers CSBG and HUD funded programs.

Unemployment insurance (one-stop partner) – The LEO shall solicit nominations from the director of the state Department of Labor and Training.

Job Corps (one-stop partner) - The LEO shall solicit nominations from the job corps staff located in the state.

Migrant and seasonal farm worker programs – The director of the Department of Labor and Training will nominate a candidate to the LEO to represent migrant and seasonal farm worker programs on the Local Workforce Investment Board. This person may also serve as the representative for the trade adjustment assistance, older worker program and the employment service.

Native American programs – The executive director for the Rhode Island American Indian Council will nominate a candidate to the LEO to represent Native American programs on the Local Workforce Investment Board.

Other one-stop partners – Additional one-stop partners must also be represented on the local board if the one-stop partner and the Local Workforce Investment Board have negotiated and signed a memorandum of understanding.

### **Other board members**

The LEO “may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.”

The rationale for how these other board members are appropriate additions to the board must be included in the request for board certification.

### **Replacing members**

Members appointed to the local WIB who cease to represent the category of membership to which they were appointed must be replaced within 60 days of the time that notice is provided to the local WIB chair.

### **ASSURANCE #13**

**The state established written policy and procedures to ensure Local Workforce Investment Boards (LWIB) are certified by the governor every two years.**

In WIN #99-09 change 1 the state established the following procedure:

The Governor shall certify the LWIB if the Governor determines that its composition and appointments are consistent with law and state policy. Such certification will be for a period not to exceed two years.

Requests for LWIB certification are submitted to the WIA liaison. Such requests must include the following membership information:

- Name of workforce investment board member, title, business address, and phone number;
- A brief description of the workforce investment board member's functional employment responsibilities and the qualifications of the workforce investment board member;
- Agency and/or sector affiliation (business, education, labor, community based organization, economic development and/or one-stop partner);
- The workforce investment board member's term of appointment (including beginning and ending dates);
- If the member is a workforce investment board officer, indicate the position held.

LWIBS will be re-certified every two years in accordance with WIA. Recertification after the first two year period shall be dependent upon various factors including but not limited to whether the local workforce investment area has met substantial performance under WIA.

### **ASSURANCE #16**

**When applicable, the state takes any action necessary to assist local areas in developing and implementing the one-stop system.**

Rhode Island has historically supported the development of the one-stop system and will continue to do so to the extent funding is available.

With the recent reduction in state set-aside funding, the state will be unable to continue the same level of assistance provided to the local areas as it has in the past. Going forward the state will be primarily limited to providing technical assistance to poor performing areas.

The State Workforce Investment Office in conjunction with the Governor's Workforce Board and its public workforce partners will strive to identify opportunities to leverage existing resources to better cultivate the mission of the one-stops and secure better outcomes. This is a primary goal of the Workforce Innovation Fund.

## **ASSURANCE #17**

### **The state established procedures for determining initial and subsequent eligibility of training providers.**

The state has established procedures for determining initial eligibility of training providers. Initial eligibility is granted to post secondary educational programs that are eligible to receive funds under Title IV of the Higher Education Act of 1965, and programs under the National Apprenticeship Act of 1937. For those training providers who do not meet the above criteria, the Governor requires that proof of liability insurance and financial statements be submitted to qualify for initial eligibility.

For PY-11, a new eligible training provider application was developed that required the applicants to provide additional information, such as job placement activities and the qualifications of staff. Also, in Workforce Investment Notice #10-25, issued May 3, 2011, the following enhancements were made to the ETPL process:

- All training services must be directly linked to local employment opportunities. The applicant must ensure that the training leads to a job that is included on the “in-demand list”. This list can be updated by LWIBs, LMI, and industry partnerships as market conditions warrant.
- Only training programs that lead to a certificate, as defined by WIA in Training and Employment Guidance Letter #17-05 and WIN #06-15 will be approved. However, in WIN #10-25, change 1, issued on June 29, 2012, the State Workforce Investment Office reserves the right to approve training programs that do not lead to a WIA certificate but have been determined to address specific needs of participants and employers.
- Organizations approved for the eligible training provider list will be expected to achieve positive employment outcomes for those enrolled in their programs. These outcomes will assist the Local Workforce Investment Boards, and ultimately the state of Rhode Island, in meeting performance standards which are set by the US department of labor.

RI is requesting an extension of the waiver of the time limit on initial eligibility for training providers on the Eligible Training Provider List. This waiver addresses the requirement for subsequent eligibility determination included in the Workforce Investment Act, and would extend the period of initial eligibility of training providers through Program Year 2016.

## **ASSURANCE #18**

### **All partners in the workforce and education system described in this plan will ensure the physical, programmatic and communications accessibility of facilities, programs, services, technology, and materials for individuals with disabilities in one-stop career centers.**

One-stop career centers, the primary deliverer of workforce development services in Rhode Island, are universally accessible, welcoming service delivery sites, where all people, including people with a range of disabilities and/or other multiple employment challenges can feel welcome; receive integrated quality services that provide education and career pathways, ultimately resulting in jobs that provide economic self-sufficiency. The original one stop implementation grant from USDOL in 1997-2000, the Work

Incentive Grant (WIG) from 2000-2003, and the Disability Program Narrative Initiative (2006-2008) have strengthened existing partnerships and new ones have been developed that have resulted in sustainable activities in the one-stop career centers for people with disabilities.

Accessibility considerations include physical accessibility of the resource room, computer workstations, ergonomic elements, alternate input and output devices such as voice recognition software, software that reads aloud the text on the screen, or enlarges screen text for the visually impaired.

In July 2012, a captioned telephone for the hearing impaired was installed in all networkri offices. This telephone connects to a captioning service that transcribes the conversation into a script that is displayed in the captel window. Captel users can listen to the caller, like a traditional phone, and also read the captions in the display window.

In addition, physical access of the buildings, accessible parking within easy reach of the center's main entrance, accessible routes that do not require stairs and accessible path of travel to reception areas, rooms, offices and restrooms are ensured.

One-stop accessibility for physical infrastructure, technology, web sites, marketing, training, and resources has been successful because people with disabilities were significantly represented in the planning and implementation of Rhode Island's one-stop system. In 2001, netWORKri received a Service Excellence Award for accessibility at the USDOL regional one-stop conference, and this dedication to serving individuals with disabilities continues until this day.

#### **ASSURANCE #24**

**The state established written policy and procedures that outline the methods and factors used in distributing funds, including WIA Adult, Dislocated Worker, and Youth formula and rapid response funds. The policy establishes a process for funds distribution to local areas for youth activities under WIA Section 128(b)(3)(B), and for adult and training activities under WIA Section 133(b), to the level of detail required by Section 112(b)(12)(a). In addition, the policy establishes a formula, prescribed by the governor under Section 133(b) (2)(B), for the allocation of funds to local areas for dislocated worker employment and training activities.**

In accordance with WIA regulations, Rhode Island distributes its funds through formula distribution. For both Adult and Youth allotments, 5% is reserved for statewide activities through the State Workforce Investment Office with the remaining 95% being allocated to the Workforce Investment Areas. The funds allocated to the Workforce Investment Areas are distributed using the following three part formula utilizing labor market data:

- Part I: 33 1/3 percent on the basis of the number of unemployed individuals residing in areas of substantial unemployment in each Workforce Investment Area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the state;
- Part II: 33 1/3 percent on the basis of the relative excess number of unemployed individuals who reside in each Workforce Investment Area as compared to the total excess number of unemployed individuals in the state;

- Part III: 33 1/3 percent being the relative number of economically disadvantaged adults (for adult funds) or youth (for youth funds) within each Workforce Investment Area as compared to the total number of economically disadvantaged adults/youth in the state

For Dislocated Worker allotments, 5% is again reserved for statewide activities with 25% used for Rapid Response and the remaining 70% being allocated to the Workforce Investment Areas. The funds allocated to the Workforce Investment Areas are distributed using the following five factors utilizing labor market data as prescribed by the Governor:

- Insured Unemployment Data 33.4%
- Unemployment Concentrations 33.3%
- Plant Closings and Mass Layoff Data 0%
- Declining Industries Data 0%
- Long-term Unemployment Data 33.3%

Allocations for Program Year 2012 can be found in the following Workforce Investment Notices:

[WIN #11-23](#)  
[WIN #11-24](#)

#### **ASSURANCE #24 A**

**For Dislocated Worker funding formulas, the state's policy and procedure includes the data used and weights assigned. If the state uses other information or chooses to omit any of the information sources set forth in WIA when determining the Dislocated Worker formula, the state assures that written rationale exists to explain the decision.**

As evidenced above, Rhode Island's policy and procedures for Dislocated Worker funding formulas includes the data and weights assigned. The state has chosen to use only three of the five factors for determining Dislocated Worker allocations. Due to the size of the State and the make-up of the Workforce Investment Areas it was determined that using just the three factors resulted in a more equitable distribution of funds.

#### **ASSURANCE #25**

**The state established a written policy and procedure for how the individuals and entities represented on the SWIB help to determine the methods and factors of distribution, and how the state consults with the chief elected officials in the local workforce investment areas throughout the state in determining the distributions.**

In Rhode Island the Governor's Workforce Board (GWB) provides assistance to the Governor and the officially designated WIA Liaison with the development of the formula used to determine the local Workforce Area allocations for the Dislocated Worker, Adult and youth programs. Each year these allocations and the weights and factors utilized to determine them are communicated to the public

workforce system by a GWB endorsed and RI State Workforce Investment Office (SWIO) promulgated Workforce Investment Notice. For the most recent year's methodology please see the links provided in Assurance #24.

Each year the SWIO staff, with the assistance of RI's Labor Market Information Division, compiles the regulatory, economic and labor market information necessary to analyze and evaluate the allocation formula and its relative impacts. This analysis is made available to and vetted with the Governor's Workforce Board's Strategic Investment and Evaluation Committee. These meetings are publically announced and Local Workforce Areas are welcome to provide input. Chief elected officials may weigh in during this process.

Recommendations based on the Committee and staff analysis are shared with the Director of the Department of Labor and Training/Governor's WIA Liaison. Finally the SWIO, on behalf of the Governor and the WIA Liaison, issues the Workforce Investment Notices communicating the allocations.

#### **ASSURANCE #26**

**The state established written policy and procedures for any distribution of funds to local workforce investment areas reserved for rapid response activities, including the timing and process for determining whether a distribution will take place.**

In Rhode Island rapid response services are provided state-wide primarily by staff of the Department of Labor and Training's Business Service Center.

#### **ASSURANCE #27**

**The state established written policy and procedures to competitively award grants and contracts for WIA Title I activities**

The Department of Labor and Training follows state contracting procedures and its delegated contracting authority for awarding competitive and non-competitive grants and contracts for activities under Title I of WIA.

**Policy:** For grants, the selection of service providers shall be made on a competitive basis to the extent practicable. All solicitations shall (a) include a clear and accurate description of the technical requirements for the service to be procured; (b) identify all requirements which the offerors must fulfill and all other factors to be used in evaluating proposals; (c) ensure that all pre-qualified lists of persons, firms, or other organizations, which are used in acquiring services, are current and include sufficient numbers of qualified sources to ensure maximum open and free competition.

The award shall go to the responsive offeror whose proposal is most advantageous to the program based on price, technical specifications, and other considered factors. Such determinations shall be in writing and take into consideration whether the organization has:

- Adequate financial resources or the ability to obtain them;
- The ability to meet the program design specifications at a reasonable cost;
- The ability to meet performance goals;
- A satisfactory record of past performance;
- A satisfactory record of integrity, business ethics, and fiscal accountability;
- The necessary organizational experience, accounting and operational controls; and
- The technical skills to perform the work.

When requests for proposals are issued, advertisements will be placed in a paper of general circulation to publicize the competitive process and a notice will be posted to the State of Rhode Island Division of Purchases' website.

Sole source procurement: (solicitation of a proposal from only one source, the funding of an unsolicited proposal, or after solicitation of a number of sources, when competition is determined to be inadequate) shall be used when it is in the best interest of program operations and resources, but in every case, the use of sole source procurements shall be justified and documented. This type of procurement shall be used when the award of a grant is infeasible under competitive proposals and one of the following circumstances applies:

- The item or service is available only from a single source, or the provider has a unique capacity to provide the service;
- The public exigency or emergency need for the service does not permit a delay resulting from competitive solicitation; and
- After solicitation of a number of sources, competition is determined to be inadequate.

Single source procurement: means that other entities are capable of, or authorized to, provide the services or who can administer a grant program. Users of this method of non-competitive procurement must document how the service is unique or why, if it is not unique, the state will benefit by exempting the contract from the requirements for competition.

## **ASSURANCE #28**

**The state established written criteria to be used by Local Workforce Investment Boards in awarding grants for youth activities, including criteria that the governor and Local Workforce Investment Boards will use to identify effective and ineffective youth activities and providers of such activities.**

Workforce Investment Boards will use the same criteria identified in Assurance #27, except where local ordinances are more strict. In addition to basic procurement requirements, the State and LWIBs will consider the following in the award of youth contracts:

- Strategies effective in the recruitment of out-of-school youth;
- Demonstrated effectiveness in working with youth;
- Past performance in providing successful interventions for youth;
- Program design elements, which will support retention in employment;
- Integration of the legislatively required ten (10) youth program elements necessary to be in place in each Workforce Investment Area;

- Replication of a successful program design or elements of successful program designs based upon available research in the area of youth services;
- The degree to which follow-up has been incorporated into the program design.

**ASSURANCES #29**

**The state established written criteria for a process to award a grant or contract on a competitive basis for Summer Youth Employment Opportunities element of the local youth program, where a provider is other than the grant recipient/fiscal agent.**

The WIA regulations, at 20 CFR 664.610, state that if the grant recipient/fiscal agent elects to directly provide subsidized summer employment opportunities for youth in the local area, then the competitive selection requirements do not apply for this program element. However, if other providers are used to provide subsidized summer youth employment opportunities, those providers must be selected through the award of grants or contracts following the competitive procurement process described in Assurance #28. Employers providing unsubsidized youth employment opportunities are excluded from the competitive selection process. Whether summer employment opportunities are competitively selected or directly provided by the grant recipient, direct linkages to academic and occupational learning must be included.

**ASSURANCE #32**

**The state ensures compliance with the uniform administrative requirements in WIA through annual, onsite monitoring of each local area.**

**Policy:** Each state (including the governor of the state), local area (including the chief elected official of the local area), and providers receiving funds under this Title, shall comply with the applicable circulars and regulations of the office of management and the budget for the type of entity receiving federal WIA funds. Nothing in this policy shall preclude the entity that is receiving federal funds from adopting new policies and procedures or utilizing existing policies and procedures provided they are at least as restrictive as the federal circulars and regulations. The SWIO, therefore, prescribes the following administrative and fiscal requirements as state policy.

**Fiscal/Administrative Requirements  
Cross Reference of Administrative Requirements**

Requirement	State/Local Government	Nonprofit Organizations	Institutions of Higher Education	Commercial Organizations
Audit	29 CFR Part 99	29 CFR Part 99	29 CFR Part 99	20 CFR 667.200 (b) (ii) (WIA Regulations)
Audit Resolution	29 CFR Part 96	29 CFR Part 96	29 CFR Part 96	20 CFR 667.500 et. Seq. (WIA Regulations)

Cost Principles	A-87	A-122	A-21	48 CFR Part 31
Allowable Costs	A-87	A-122	A-21	48 CFR Part 31
Uniform Admin. Requirements	29 CFR Part 97	29 CFR Part 95	29 CFR Part 95	29 CFR Part 95
Lobbying Restrictions	29 CFR Part 93			
Suspension and Debarment	29 CFR Part 98			
Drug-Free Workplace	29 CFR Part 98			

Additional administrative requirement - Procurement transactions under this Title between local boards and units of state or local governments shall be conducted only on a cost-reimbursable basis.

Monitoring - The state will conduct, on an annual basis, onsite monitoring of each local area within the state to ensure compliance with the uniform administrative requirements. In addition, the Local Workforce Investment Boards shall conduct on a semi-annual basis both internal and on site monitoring to ensure compliance with the uniform administrative requirements. The workforce development boards will forward a copy of the monitoring report to the SWIO along with documented corrective action.

If the governor determines that a local area is not in compliance with the uniform administrative requirements, he shall require corrective action to secure prompt compliance and impose the sanctions provided under Section 184 in the event of failure to take the required corrective action.

**ASSURANCE # 33**

**The state follows confidentiality requirements for wage and education records as required by the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, WIA, and applicable Departmental regulations.**

The state assures that it will comply with the confidentiality requirements of section 136(f)(3).

**ASSURANCE # 35**

**Where the SWIB chooses to establish them, the state established definitions and eligibility documentation requirements regarding the “deficient in basic literacy skills” criterion.**

Section 664.205 of the regulations stipulates that the definition and eligibility documentation requirements regarding the “deficient in basic literacy skills” criterion may be established at the state or local level. The State, in consultation with the local areas, has established the following definition:

An individual is determined to be deficient in basic literacy skills when that individual

1. Computes or solves problems, reads, writes or speaks English at or below the 8<sup>th</sup> grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test; or
2. Is unable to compute or solve problems, read, write, or speak English at level necessary to function on the job, in the individual's family or in society. Included is a youth with an educational attainment (as determined by a generally accepted standardized test) that is one or more grade levels below the grade level appropriate to the age of the individual.

When determining the level of deficiency for a youth participant, it is essential to determine the grade level at which the participant should be functioning. According to the Rhode Island Department of Education in order to enter the first grade, a child must be six years old on or before September 1. The following chart will be used to track the grade level/age requirement.

Age	6	7	8	9	10	11	12	13	14	15	16	17
Grade Level	1	2	3	4	5	6	7	8	9	10	11	12

**ASSURANCE# 36**

**Where the SWIB chooses to establish them, the state established definitions and eligibility documentation requirements regarding “requires additional assistance to complete and educational program, or to secure and hold employment” criterion.**

The SWIB chose to allow the local boards to establish the definition and eligibility documentation.

**ASSURANCE #37**

**The state established policies, procedures, and criteria for prioritizing adult Title I employment and training funds for use by recipients of public assistance and other low-income individuals in the local area when funds are limited.**

The state and local areas use the following criteria to determine whether the priority for service should be implemented:

- An analysis of all federal and state employment and training funds available for low income or economically disadvantaged individuals, including recipients of public assistance.
- An analysis of the demographics of the workforce investment areas to determine how many individuals can be served with the funds available.

To the extent that funds are insufficient, the priority must be applied.

Before setting aside the priority, workforce investment areas would have to demonstrate that marketing and outreach to the priority target group did not result in enrollments.

The state has established the following goals for priority of service levels for the following populations who are in training; (1) for adult and youth customers, a minimum of 12 percent for individuals with disabilities; (2) for economically disadvantaged and recipients of public assistance, a minimum of 35 percent with an additional goal of achieving 65 percent; and (3) others with multiple barriers to employment and training; including, but not limited to, ex-offenders, basic skill deficient, homeless, etc. Local plans will indicate how these levels of services will be achieved. The plans will be reviewed on an annual basis to ensure that these service levels have been met.

The priority of service to public assistance recipients and other low income individuals for intensive and training services was issued through state planning instructions for the local plans. Thus, the priority of service is defined in each local plan and implemented at that level. Refer to exhibit 11, WIN 06-07.

### **ASSURANCE #38**

**The state established policies for the delivery of priority of service for veterans and eligible spouses by the state workforce agency or agencies, Local Workforce Investment Boards, and one-stop career centers for all qualified job training programs delivered through the state's workforce system. The state policies:**

- 1. Ensure that covered persons are identified at the point of entry and given an opportunity to take full advantage of priority of service; and**
- 2. Ensure that covered persons are aware of:**
  - a) Their entitlement to priority of service;**
  - b) The full array of employment, training, and placement services available under priority of service; and**
  - c) Any applicable eligibility requirements for those programs and/ or services.**
- 3. Require Local Workforce Investment Boards to develop and include policies in their local plan to implement priority of service for the local one-stop career centers and for service delivery by local workforce preparation and training providers.**

### **Key Definitions:**

Veteran means a person who served in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable. Active service includes full-time duty in the National Guard or a reserve component, other than full-time duty for training purposes.

Eligible spouse means the spouse of any of the following:

- Any veteran who died of a service-connected disability;
- Any member of the armed forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
  - Missing in action;
  - Captured in line of duty by a hostile force; or forcibly detained or interned in line of duty by a foreign government or power;
- Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the department of veterans affairs;

- Any veteran who died while a disability, as indicated in paragraph (3) of this section, was in existence.

Covered person means a veteran or eligible spouse.

**Implementation:** “Priority of Service” means, with respect to any qualified job training program, that a covered person shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of the law.

Priority in the context of providing priority of service to veterans and other covered persons in qualified job training programs covered means the right to take precedence over non-covered persons in obtaining services. Depending on the type of service or resource being provided, taking precedence may mean:

- The covered person receives access to the service or resource earlier in time than the non-covered person; or
- If the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.

Please note that the priority of service does not change the intended function of a program or service. Covered persons must meet all statutory eligibility and program requirements for participation in order to receive priority for a program or service.

Local Workforce Investment Boards must develop and include in their strategic plans, policies implementing priority of service for the local one-stop career centers and for service delivery by local workforce preparation and training providers. These policies must establish processes to ensure that covered persons are identified at the point of entry, whether in person or virtual, so the covered persons are able to take full advantage of priority of service. These processes shall ensure that covered persons are aware of:

- Their entitlement to priority of service;
- The full array of employment, training and placement services available under priority of service; and
- Any applicable eligibility requirements for those programs and/or services.

Priority of service applies to every qualified job training program funded, in whole or in part, by the United States Department of Labor, including:

- Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services); and
- Any such program or service under the public employment service system, one-stop career centers, the Workforce Investment Act of 1998, a demonstration or other temporary program;
- Any workforce development program targeted to specific groups; and
- Those programs implemented by states or local service providers based on federal block grants administered by the Department.

### **ASSURANCE #39**

**The state assures that Migrant and Seasonal Farmworker (MSFW) significant office requirements are met.**

**Note: The five states with the highest estimated year-round MSFW activities must assign full-time, year-round staff to outreach activities. The Employment and Training Administration designates these states each year. The remainder of the top 20 significant MSFW states must make maximum efforts to hire outreach staff with MSFW experience for year-round positions and shall assign outreach staff to work full-time during the period of highest activity.**

**If a state proposes that its State Monitor Advocate work less than full-time, the state must submit, for approval by the Department, a plan for less than full-time work, demonstrating that the state MSFW Monitor Advocate function can be effectively performed with part-time staffing.**

The State Monitor Advocate is designated a half time position because of the lack of identified migrant seasonal farmworkers in the state. This has been previously acknowledged and approved by the USDOL.

Rhode Island has the New England Farm Workers' Council as the WIA Section 167 grantee serving MSFWs. We will continue to cooperate with the Council, the RI Department of Agriculture and the migrant education groups in the area. A copy of this plan has been provided to the New England Farm Worker's Council.

Rhode Island continue to focus on sector initiatives and building talent development that will drive regional economic competitiveness, job growth and new opportunities for all workers including Migrant Seasonal Farmworkers. Increased outreach will support the development of MSFW's and sustain the long term prosperity of the farming businesses in Rhode Island.