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MAINE WORKFORCE DEVELOPMENT SYSTEM

Policy: PY20-04 LOCAL AREA PLAN REQUIREMENTS
To: Local Workforce Boards; Chief Elected Officials; WIOA Required Partners.
From: Kimberley Moore, Bureau Director
Issued On: 01-20-2021
Status: DRAFT
Authority: WIOA Sec. 108; 20 CFR §679.500 - §679.580

This policy rescinds and replaces Policy PY16-07 Local/Regional Plan Requirements.

Purpose: to provide guidance to local workforce boards, chief elected officials, and one-stop partners regarding the development and submission of local area workforce development plans.

Background: Maine has three local areas made up of counties that are synonymous with the three workforce regions identified by the State Workforce Board (SWB); as such, the terms “local plan” and “regional plan” shall be interchangeable for the purpose of this guidance and in meeting local/regional plan requirements under the Workforce Innovation and Opportunity Act (WIOA).

The local plan serves as a four-year action plan to develop, align, and integrate service delivery strategies to support the State’s vision and strategic and operational goals. The local plan sets strategy to direct investments in economic, education, and workforce training programs to focus on providing relevant education and training to ensure individuals, including individuals with barriers to employment, have the skills to compete in the job market and employers have a ready supply of skilled workers.

Local areas must align local plans with the objectives of the Maine Unified Plan which is available at: https://www.maine.gov/swb/reports/state_plan/2020-2023_state_plan/2020_WIOA_Maine_Unified_Plan.pdf

Each local area must develop and submit a comprehensive four-year plan that addresses the provisions set forth in this guidance. The four-year plan covers workforce activities to be conducted by the local area between July 1, 2021 through June 30, 2024. Two years into the plan period, local areas must conduct a review of the plan, make any necessary adjustments or revisions to activities proposed for the remainder of the plan period and submit the plan modification using the same process as submittal of the four-year plan, including a public comment period.

Two-year plan modifications must reflect any changes in labor market and economic conditions, financing available to support Title IB and partner provided services, local board structure; and other factors affecting implementation of the local area plan.

Local plans will be evaluated to ensure they address the requirements set forth in this guidance and a recommendation will be made to the Governor regarding local plan approval. Plans will be considered approved 90 days after receipt of the plan, unless the Governor determines in writing that:

- a. There are deficiencies in workforce investment activities that have been identified through audits and the local area has not made acceptable progress implementing plans to address deficiencies;
- b. The plan does not comply with applicable provisions of the Act or regulations, including the required consultations and public comment provisions, and nondiscrimination requirements of 29 CFR 38;
- c. The plan does not align with the State plan; and/or
- d. The plan does not address the requirements put forth in this guidance.

Local Area Four Year Plan Submittal and Approval:

1. Prior to submission, the local board, must make the proposed plan available for public comment through electronic means for a period not to exceed 30 days. Requests for public comment should encourage members of the public, including representatives of business, labor, education, and other workforce stakeholders, to review and comment on the plan.
2. Copies of all public comments received, including copies of comments that represent disagreement with the local plan, must be submitted as an attachment to the plan. Copies of comments received may be scanned into one document for this purpose;
3. Plans must be submitted electronically in both WORD (.doc) and Adobe (.pdf) format to: Christopher.Quint@maine.gov Director, State Workforce Board and Laura.A.Fortman@maine.gov Commissioner, Maine Department of Labor.
4. Submittals must also be copied to Kimberley.Moore@maine.gov Director, Bureau of Employment Services and Virginia.A.Carroll@maine.gov, Director, Division of Policy and Evaluation;
5. The submission must identify the local board and name, title, phone number and email address of the contact person;
6. **Local four-year plans must be submitted on or before June 4, 2021.**
7. **Two-year plan modifications must be submitted on or before September 4, 2023.**
8. Local boards will receive a notification regarding approval status of the local plan within 90 days of submittal.

LOCAL PLAN CONTENTS:

Section 1: Strategic Planning / Regional Analysis

This section must include local area strategic planning elements consisting of:

- A. An analysis of the regional economic conditions, including existing and emerging in-demand industry sectors and occupations, the employment needs of businesses in in-demand industry sectors, and identification of Local area priority-industries identified via employer and stakeholder input and

other data tools and methods. Plans must describe the data tools and methods used to attain the information used in this analysis;

- B. An analysis of the knowledge and skills workers need to meet the employment needs of businesses in the local area, including those of businesses that make up in-demand industry sectors in the local area. Plans must describe the data tools and methods used to identify in-demand industry sector knowledge and skill requirements;
- C. An analysis of the workforce in the local area, including current labor force employment and unemployment data; information on labor market trends and the educational and skill levels of the workforce in the local area, including individuals with barriers to employment. Plans must describe the data tools and methods used to obtain such information;
- D. An analysis of the workforce development activities (including education and training) in the local area, including an assessment of the strengths and weaknesses of such activities and services and an explanation of any limitations in capacity to provide activities and services necessary to address the skill and employment needs of the workforce in the local area;
- E. A description of the local board's strategic vision and goals for preparing an educated and skilled workforce (including preparing youth and individuals with barriers to employment) to support regional growth and economic self-sufficiency. Plans must outline goals that support achievement of performance accountability measures identified in Section 116(b)(2)(A) of WIOA and formally negotiated with the State.
- F. Considering the analyses described in A-D above, explain how the local board will align the resources of and engage the entities that carry out the core programs in the local area in achieving the strategic vision and goals identified in E above.

Section 2: Local Workforce Development System *This section must include:*

- A. A description of the workforce development system in the local area identifying all the required partner programs that are included in the system and how the local board will work with each program entity in carrying out local workforce development initiatives. The description must explain how the local board will work to align and integrate programs and services to customers.
- B. A description of how the local board, working with the entities that provide the programs identified above, will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, including how the local board will facilitate the development of career pathways and co-enrollment, as appropriate, and improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, and/or that is portable and stackable);
- C. A description of the steps taken by the local board to engage entities in the formulation of the local plan. Describe the processes the local board (*and any of its subcommittees*) used to convene workforce system stakeholders to assist in development of the local plan. Explain how business and industry, education, social service agencies, economic development partners and all WIOA required partners and other workforce system stakeholders participated in and contributed to the development of the strategic vision for and development of local plan strategies and objectives.

Copies of meeting agendas, attendee names, and meeting minutes of each planning session must be available for review upon request.

- D.** A description of the strategies and services that will be used in the local area to:
 - a. Facilitate engagement of businesses, including small businesses and businesses in in-demand industry sectors and occupations, in workforce development programs;
 - b. Support a local workforce development system that meets the needs of businesses in the local area;
 - c. Better coordinate workforce development programs and economic development; and
 - d. Strengthen linkages between the one-stop delivery system with unemployment insurance programs and other required partner programs.

- E.** A description regarding how the Local area will utilize work-based learning approaches through such programs as registered apprenticeship (RA), on-the-job training (OJT), customized training (CT), industry sector strategies, integrated education and training strategies, career pathways initiatives, utilization of business intermediaries, and other business services and strategies designed to meet the needs of businesses and workers.

- F.** A description of how the local board will coordinate workforce development activities carried out in the local area with economic development activities carried out in the local area to promote entrepreneurial skills training, microenterprise services and training, and placement of participants;

- G.** A description of how the local board will leverage and coordinate supportive services in the delivery of workforce development activities carried out in the local area, including how the local board will work with other community partner providers to deliver supportive services to job seekers;

- H.** A description of how the Local board intends to promote a greater business voice in the delivery of workforce development activities carried out in the local area. This description should include how the board will engage businesses on decisions regarding the type and content of training activities required of the local workforce;

- I.** A description of how the local board will promote and cultivate industry-led partnerships and career pathways in delivery of workforce training opportunities;

- J.** A description of the role of faith-based or community-based organizations in the local one-stop system.

Section 3: Local One-Stop Delivery System

This section must include a description of the local one-stop delivery system, including:

- A.** A list of all the one-stop centers in the local area, indicating those that are comprehensive and affiliated;

- B.** A description of the customer flow process used in the local area. This description should include eligibility determination, assessment, individualized employment plans, training plans, case management and post-exit follow-up and must include an explanation of the flow of customers connected through co-enrollment or coordinated referral.

- C. A description of how the local board will ensure meaningful access to all customers including individuals with disabilities or for whom English is not their primary language.
- D. A description of the process the local board will use to solicit and competitively select a one-stop operator as required under Section 107 of WIOA;
- E. A description of how the local board will ensure the continuous improvement of eligible providers of services throughout the system and ensure that such providers meet the employment needs of local businesses, workers and job seekers;
- F. A description of how the local board will facilitate access to services for those who live in rural and remote areas using technology and other means;
- G. A description of how entities that make up the one-stop system, including one-stop operators and partners, will comply with Section 188 of WIOA, and the applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials, for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities;
- H. A description of the roles and resource contributions of the local one-stop system partners;
- I. A description of how the board will use individualized training accounts (ITAs) to address high-demand, difficult to fill, positions identified within local priority industries as stated under Section A;
- J. A description of how the local board will provide priority of service that conforms to the State plan and Policy PY15-03 Adult Priority of Service. This segment should include a description of any additional local requirements or discretionary priorities including data to support the need and how the local requirement or priority will be documented and implemented for the adult program;
- K. A description of how the local board will utilize funding to create incumbent worker training opportunities to avert layoffs or assist employees to retain jobs; and
- L. A description of how the local board will train and equip staff to provide excellent, customer-centric, WIOA-compliant, customer service.

Section 4: Title I - Adult, Dislocated Worker, and Youth Program Services *This section must include:*

- A. A description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;
- B. A description of how the local board will mobilize workforce development activities carried out in the local area in response to layoffs and in conjunction with rapid response activities, as described in WIOA Section 134(a)(2)(A);
- C. A description and assessment of the type and availability of youth workforce development activities in the local area, including activities for youth who are individuals with disabilities, which description

and assessment must include an identification of successful models of local area youth workforce investment activities;

- D.** A description of how the local board will coordinate education and workforce development activities carried out in the local area with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services;
- E.** A description of how the local board will coordinate workforce development activities carried out under this title in the local areas with the provision of transportation, including public transportation, and other appropriate supportive services in the local area;
- F.** A description how the local board will utilize adult program funding , based on priority groups as identified in the State plan;
- G.** A description of how the local board will utilize dislocated worker Funding;
- H.** A description of how the local board defines “self-sufficiency” for employed adult and dislocated worker participants;
- I.** A description of the local board’s definition of “unlikely to return to previous industry or occupation” when required for eligibility determination for dislocated worker services, if such policy is in place;
- J.** A description of how the local board will interpret and document eligibility criteria for youth “requires additional assistance to complete an educational program or secure and hold employment” for both in-school and out-of-school youth, as set forth in WIOA Sections 129(a)(1)(B)(iii)(VII) and (a)(1)(C)(iv)(VII);
- K.** A description of the documentation required to demonstrate need for training services;
- L.** A description of how the local board will, assess the need for, and provide the fourteen required program elements for youth program design;
- M.** A description of the steps the local board will take to ensure 20 percent of youth funds are used for work-based training activities, such as work experience, internships, on-the-job training, job shadow or other work experience activities, including how staff time setting up and monitoring such activities are counted in the 20 percent cost category;
- N.** A description of how the board will prioritize out-of-school youth and identify specific steps to ensure that 75 percent of youth funds are dedicated to out-of-school youth;
- O.** If the local area has contracted with youth service providers, provide a list and description of those providers and the specific service elements they provide;
- P.** Describe how the local board will ensure that basic and individualized career services, including follow-up, will be provided to adults and dislocated workers and how such services will be coordinated across programs with required partners;

- Q.** Explain the local board’s “follow-up” policy for adults and youth, including types of services provided, frequency of provision of follow-up services, and required documentation.

Section 5: Wagner Peyser Services *This section must include:*

- A.** Describe the plans, strategies, and assurances regarding maximizing coordination of services provided by the Maine Bureau of Employment Services (BES) under the Wagner Peyser Act (29 U.S.C. 49 et seq.) and services provided in the local area one-stop system to improve service delivery and avoid duplication of services to workers, job seekers and employers;
- B.** Describe how the local board will utilize the Wagner Peyser program to provide access to local workforce development services for unemployment insurance claimants;
- C.** Describe how services will be provided to migrant and seasonal farm workers in the local area;

Section 6: Title II – Adult Education and Literacy Programs *This section must include:*

- A.** A description of how the local board will coordinate workforce development activities in the local area with the provision of Adult Education and literacy activities under Title II of WIOA, including implementation of the career pathways model. The description should explain how the local board will comply with the requirement to review local applications submitted under Title II to the Office of Adult Education and Literacy Services and once the review has been conducted, how the local board will submit documentation of the review and any recommendations for increased alignment to the applicant for Title II services, in a timely manner;
- B.** A description of how the local board will coordinate efforts with Title II providers to align basic skills and English language assessments. Such coordination efforts should include:
 - An outline of the agreed upon steps that will be taken to align basic education skills and English language assessments within the local area, including, but not limited to, any Memoranda of Understanding (MOU) entered into;
 - An identification of how assessment scores will be shared among WIOA Title I and Title II providers (*consideration must be given to the Federal Education Rights and Privacy Act (FERPA)*);
 - An identification of service partners who will conduct approved assessments (*including for trade participants*) and when such assessments will be conducted, consistent with state and local policy;
 - An outline of how the local area will coordinate testing between workforce development and adult education providers; and,
 - An outline of how the local area will ensure that test administrators are trained in accordance with specific assessment test administration requirements;
- C.** A description of how the local board will ensure that the individual appointed to represent Title II services on the board will communicate with the state AEFLA grant recipient and coordinate with all Title II adult education service providers in the local area in a uniform, regular, and consistent manner;
- D.** A description of how adult education services will be provided in the local area one-stop system.

Section 7: Cooperative Agreements *This Section should include –*

- A. A description of any cooperative agreements between the local board or other local entities and as described in section 101(a)(11)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the designated State agency administering programs carried out under title I of such Act (29 U.S.C. 720 et seq.) with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross-training of staff, provision of technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination to ensure access to programs and services for individuals with disabilities;
- B. A description of how individuals with disabilities will be served through the local area one-stop system.

Section 8: Jobs for Veterans State Grants *This Section should include –*

- A. A description of how the Local board will provide priority of service to veterans and their eligible spouses;
- B. A description of how the Local board will engage local veteran’s employment representatives (LVERs) in connecting with and providing services to local businesses.

Section 9: Fiscal, Performance and Other Functions *This Section must include --*

- A. Identification of the entity responsible for the disbursement of grant funds described in section 107(d)(12)(B)(i)(III), as determined by the chief elected official or the Governor under section 107(d)(12)(B)(i);
- B. A description of the financial sustainability of one-stop services with current funding levels, and a description of the ability to adjust should funding levels change;
- C. A description of the competitive process to be used to award subgrants and contracts in the local area for activities carried out under this title, including describing risk assessment factors reviewed about potential subgrantees and contractors;
- D. A description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 116(c), to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers under Title IB, and the one-stop delivery system, in the local area;
- E. A description of the actions the local board will take toward becoming, or remaining, a high-performing board, and consistent with the factors developed by the state board pursuant to Section 101(d)(6) a description of the process used by the local board to review and evaluate performance of local one-stop centers;

- F.** A description, including a copy of, of the local area’s individual training account (ITA) policy. The description should include information such as staff-assisted selection processes, dollar limits, duration, etc.;

- G.** A description of how training services under chapter 3 of subtitle B will be provided in accordance with Section 134(c)(3)(G), including, if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of ITAs under that chapter and how the local board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;

- H.** A description of how core partners are working toward transition to an integrated, technology-enabled, common intake and case management system for programs carried out under WIOA by one-stop partners;

- I.** A description of the local board’s procedures for conducting oversight and monitoring of its WIOA activities and those of its subgrantees and contractors. The monitoring plan should address the monitoring scope and frequency and shall include the following:
 - The roles and responsibility of staff in facilitating this procedure;
 - A requirement that all subgrantee agreements and contracts be monitored at least annually;
 - Procedures for determining that expenditures have been made against the cost categories and within the cost limitations specified in the Act and WIOA regulations;
 - Procedures for determining compliance with other provisions of the Act and regulations and other applicable laws and regulations, including the method of monitoring to be used for subgrantees and contractors;
 - Provisions for the recording of findings identified during monitoring and how such findings will be explained to the subgrantee or contractor for response and the recording of all corrective actions;
 - Provisions of technical assistance as necessary and appropriate; and
 - Specific local policies developed by the local board for oversight of youth activities and employment and training activities under Title IB of WIOA;

- J.** A description of the local board’s policy and procedures regarding the handling of personally identifiable and confidential information (PII);

- K.** A description of the local board’s procedures for handling grievances and complaints from Title IB participants and other interested parties affected by the local one-stop system, including partners and service providers;

- L.** Provide a separate description of the process for each of the following :
 - Complaints alleging discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIOA Title I – financially assisted program or activity;
 - Complaints and grievances not alleging illegal forms of discrimination. This includes grievances from individuals alleging labor standards violations.
 - Remedies that may be imposed for a violation of any requirement under WIOA Title I, limited to, suspension or termination of payments under the title; prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I; reinstatement of an

employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment (where applicable); and other equitable relief as appropriate;

- M.** A description of the local board's policy and procedures regarding provision of aid, benefits, services, training, and employment services, including assurance that reasonable accommodation will be provided to qualified individuals with disabilities, unless providing such accommodation would cause undue hardship;
- N.** A description of how the local board will comply with the Americans with Disabilities Act. The description should include how the local board will provide reasonable accommodations regarding materials, technology, and physical and programmatic accessibility of facilities. The description should also include how the local board will provide staff training and support for addressing the needs of individuals with disabilities;
- O.** A description of the local board's policy and procedures in place to ensure that communications with individuals with disabilities, including individuals with visual or hearing impairments, are as effective as communications with others;
- P.** A description of the steps the local board will take to meet the language needs of limited English-speaking individuals who seek services or information. The description should include how the local board proposes that information will be disseminated to limited-English speaking individuals;
- Q.** A description of the local board's procurement system, including a statement of assurance that the procedures conform to the standards in OMB guidance set forth in 2 CFR 200.
- R.** A description of any documentation to demonstrate that the acquisition, management, and disposition of property adhere to property management procedures;
- S.** A description of any policies or procedures the local board adopted to avoid conflicts of interest or the appearance of such conflicts in the exercise of their responsibilities, particularly those related to the awarding of contracts;
- T.** A description of the local board or fiscal agent's accounting procedures, including the procedures used in preparing reports to the state. In addition to the requirement that all financial transactions be conducted in compliance with Generally Accepted Accounting Principles (GAAP), the fiscal management system must include the following in the accounting procedures. This description must address how the fiscal system;
 - Tracks funding types, funding amounts, obligations, expenditures and assets;
 - Permits the tracking of program income, stand-in costs, and leveraged funds; and
 - Is adequate to prepare financial reports required by the State;
- U.** A description of how the local board's (or local fiscal agent's) financial system will permit tracing of funds to a level adequate to establish that funds have not been used in violation of WIOA standards or USDOL regulations;

- V. A description of the local board's (or local fiscal agent's) cash management system, providing assurance that no excess cash will be kept on hand and that procedures are in place to monitor cash;
- W. A description of the local board's cost allocation procedures including:
- Identification of different cost pools;
 - Procedures for distribution of staff costs between cost categories (administrative cost, program cost and indirect cost);
 - Procedures used for distribution of funds from each cost pool;
 - Description of funds included in each cost pool;
 - Description of cost allocation plans for one-stop centers;
- X. A description of the local board's (or local fiscal agent's) procedure for collecting debts involving WIOA funds.

Section 10: Performance Accountability *This section must explain:*

1. How performance information on workforce development programs informs local strategic planning;
2. How local boards will use the Statistical Adjustment Model (SAM) to negotiate local area performance goals;
3. How performance information is used to oversee WIOA title IB programs and inform continuous quality improvements in the day to day management of Title IB programs;
4. How local area performance information is used to conduct performance-based intervention; and
5. How the local board will make local area performance information available to the public on a quarterly basis.

Contact:

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Auxiliary aids and services are available to individuals with disabilities upon request.