



WIOA SEC. 683

ADMINISTRATIVE PROVISIONS



Subparts: A – H

Presented by:

Office of Grants Management

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EMPLOYMENT AND TRAINING ADMINISTRATION
UNITED STATES DEPARTMENT OF LABOR

Today's Presenters

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Today's Agenda

✓ Purpose

✓ Terms and Definitions

✓ Subparts

✓ Q & A



Subpart A - *Funding and Closeout*

Subpart B - *Administrative Rules, Costs and Limitations*

Subpart C - *Reporting Requirements*

Subpart D - *Oversight and Resolution of Findings*

Subpart F - *Grievance Procedures, Complaints, and State Appeals Processes*

Subpart G - *Sanctions, Corrective Actions, and Waiver of Liability*

Subpart H - *Administrative Adjudication and Judicial Review*

◇ **Subpart E** - *Pay for Performance Contract Strategies* - Will be discussed at a later time.

Purpose of Training

- ❖ Previously found in Sec 667 in WIA
- ❖ Updated to reflect OMB's Uniform Guidance (2 CFR part 200) and DOL's exceptions (2 CFR part 2900)
- ❖ Impacts to Federal, State, Local & Title I Programs
- ❖ Applies to formula, discretionary grants and cooperative agreements funded under title I of WIOA and parts of Wagner-Peyser
- ❖ This presentation only contains the WIOA provisions that were identified as **new** or **changed** from WIA
 - ◆ Highlighted the **NEW** provisions in **green**
 - ◆ Highlighted the **CHANGED** language in **orange**



New & Changed Terms & Definitions

- ❖ **2 CFR 200.24** – Cooperative Agreement
- ❖ **2 CFR 200.40** – Federal Financial Assistance
- ❖ **2 CFR 200.51** – Grant Agreement
- ❖ **2 CFR 200.69, 2900.2** – Non-Federal Entity
- ❖ **2 CFR 200.74** – Pass-through Entity
- ❖ **2 CFR 200.86** – Recipients
- ❖ **2 CFR 200.93** – Subrecipients
- ❖ **2 CFR 200.71** – Obligations
- ❖ **2 CFR 200.97** – Unliquidated Obligations

◇ *All other definitions at 2 CFR part 200 apply to the regulations where relevant, but will not be discussed in this session. Please review the Code of Federal Regulations.

<https://www.ecfr.gov>



Subpart A: Funding & Closeout

WIOA Final Rule § 683.1

- ❖ **Sec. 683.105** – *Authority of Funds Under WIOA & W-P*
- ❖ **Sec. 683.110** – *Period of Performance*
- ❖ **Sec. 683.115** – *Required State Planning Information*
- ❖ **Sec. 683.120** – *Allotment Of WIOA Title I Formula Funds*
- ❖ **Sec. 683.125** – *Minimum Funding Provisions*
- ❖ **Sec. 683.130** – *Funds Transfer Between Adult and DW*
- ❖ **Sec. 683.140** – *Local Reallocation Procedures*
- ❖ **Sec. 683.145** – *Merit Review and Risk Assessment*
- ❖ **Sec. 683.150** – *Closeout Requirements*

Award Document

Subpart A Sec. 683.105

WHAT'S NEW:

- ❖ Timeline and application of the competitive reevaluation criteria for Research, studies, and multi-State projects - **683.105(e)**.
- ❖ Fiscal Year (FY) of Appropriations; Program Year (PY) Basis
 - ◇ Program Year July 1- June 30
 - ◆ Youth Funds - April 1
 - ◆ WIOA - July 1
 - ◆ Wagner-Peyser - July 1
 - ◆ Discretionary Grants - In accordance fiscal year appropriation

Authority of Funds under WIOA & W-P

Subpart A SEC.683.105

WHAT'S CHANGED:

- ❖ Federal funds allotted to States and **outlying areas** for each program will be obligated by grant agreement - **683.105(b)**
- ❖ Native American and Migrant & Seasonal Farmworker programs competitive grants **683.105(c) & (d)**
 - ◆ Available every 4 years
 - ◆ Not to exceed a period of performance of 4 years

IMPACTS:

- ✓ States
- ✓ Locals

Period of Performance

Subpart A: SEC. 683.110

WHAT'S NEW:

Grant funds expended by States

- ◆ Program year and 2 succeeding program years

Grant funds expended by local areas

- ◆ Program year and the succeeding program year

Pay-for-Performance

- ◆ Obligated pay-for-performance funds are available until expended

Local Areas

- ◆ Funds not expended in 2 years must be returned to the state

Shortest Period of Availability

Example: DW Funds

- ❖ State receives PY 2017 DW funds on July 5, 2016. Funds expire on June 30, 2019
- ❖ State receives a special allotment to serve DW participants on February 26, 2017. Funds expire September 30, 2018
- ❖ State must spend the special allotment funds first!

Required State Planning Information

Subpart A: SEC. 683.115

WHAT'S CHANGED:

- ❖ Must submit a Unified or Combined State Plan

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs

Allotment Of WIOA Title I Formula Funds

Subpart A: SEC. 683.120

WHAT'S NEW:

- ❖ Local areas funded within 30 days of the State being funded or 7 days after approval of local plan – 683.120(a)(2)(iii)
- ❖ Unobligated rapid response funds, after the first year, can be used for statewide activities – 683.120(f)(2)
- ❖ College students and members of Armed Forces excluded from calculation of substantial unemployment – 683.120(g)

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs

Minimum Funding Provisions

Subpart A: SEC. 683.125

WHAT'S CHANGED:

- ❖ **Minimum Funding Provisions** – For a fiscal year, local area must not receive an allocation percentage less than 90 percent of the average allocation percentage for the two preceding years

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs

Transfer Between Adult & DW Programs

Subpart A: SEC. 683.130

WHAT'S CHANGED:

- ❖ Local workforce development boards (local WDBs) can transfer up to **100%** between Adult and Dislocated Workers (DW) programs

IMPACTS:

- ✓ States
- ✓ Locals

Merit Review & Risk Assessment

Subpart A: SEC. 683.145

WHAT'S NEW:

- ❖ DOL to perform merit review process and required risk assessment as prescribed by 2 CFR 200.204 of competitive grants under title I, subtitle D – **683.145(a)**
- ❖ Additional factors weighed for Native American, MSFW & other subtitle D grantees – **683.145(b) & (c)**

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs

Closeout Requirements

Subpart A SEC. 683.150

WHAT'S NEW:

- ❖ All required reports must be submitted no later than 90 calendar days of POP end – **683.150(a)(1)**
- ❖ After closeout reports are received, DOL must make prompt settlement of adjustments to Federal costs – **683.150(e)**
- ❖ Must account for real and personal property acquired with grant funds – **683.150(f)**

IMPACTS:

- ✓ Federal
- ✓ States
- ✓ Locals
- ✓ Title I Programs



Closeout Requirements (Cont.)

Subpart A SEC. 683.150

WHAT'S NEW:

❖ Closeout of grant does not affect: – 683.150(h)(1-5)

- ◆ Subsequent disallowance of costs by ETA
- ◆ Returning of funds due to later refunds, corrections, or other transactions
- ◆ Audit requirements
- ◆ Property management
- ◆ Records retention

❖ Pass-through entities of WIOA funds must institute a timely closeout process – 683.150(j)

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs

Knowledge Check | Poll

Each State must prepare either a Unified or Combined State Plan that covers “core programs” including WIOA Adult, Dislocated Workers, and Youth formula programs, Wagner-Peyser Act employment services, Adult Education, and Vocational Rehabilitation?

- A. True
- B. False



Subpart B: Administrative Rules, Costs & Limitations

WIOA Final Rule § 683.2

- ❖ **Sec. 683.200** – *General Fiscal and Administrative Rules*
- ❖ **Sec. 683.205** – *Administrative Cost Limitations*
- ❖ **Sec. 683.215** – *Administrative Costs: Functions and Activities*
- ❖ **Sec. 683.220** – *Internal Controls Requirements*
- ❖ **Sec. 683.230** – *Veterans Income Eligibility Determination*
- ❖ **Sec. 683.235** – *Construction*
- ❖ **Sec. 683.240** – *Real Property With Federal Equity*
- ❖ **Sec. 683.290** – *Salary and Bonus Restrictions*
- ❖ **Sec. 683.295** – *Earning Profit Under WIOA*

General Fiscal & Administrative Rules

Subpart B SEC. 683.200

WHAT'S CHANGED:

- ❖ For those items requiring prior approval in the **Uniform Guidance**, the authority to grant or deny approval is delegated to the Governor – **683.200(b)(2)**

WHAT'S NEW:

- ❖ Must disclose in writing any potential conflict of interest – **683.200(c)(5)(iiii)**
- ❖ Timely disclosure in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations – **683.200(h)**

IMPACTS:

- ✓ States, Locals, Title I Programs

Administrative Costs Limitations

Subpart B Sec. 683.205

WHAT'S NEW:

- ❖ Cost of negotiating a One-Stop Partners Memorandum of Understanding (MOU) or Infrastructure Funding Agreement (IFA) are excluded from administrative costs limitations – **683.205(a)(5)**

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs

Administrative Costs: Functions & Activities

Subpart B: SEC. 683.215

WHAT'S CHANGED:

- ❖ **Regions** are now **included** as entities that can incur administrative costs – **683.215(a)**
- ❖ **Fiscal agent responsibilities** now **included** in the list of administrative costs – **683.215(b)(1)(x)**

WHAT'S NEW:

- ❖ Must make efforts to streamline administrative services to reduce administrative costs – **683.215(d)**

IMPACTS:

- ✓ **States, Locals, Title I Programs**

Internal Controls Requirements

Subpart B SEC. 683.220

WHAT'S NEW:

- ❖ **Must have an internal control structure and written policies to safeguard to protect sensitive information**
- ❖ **Internal controls should be in compliance with:**
 - ◆ Standards for Internal Control in the Federal Government
 - ◆ Internal Control Integrated Framework
- ❖ **Internal controls must include reasonable assurance that the entity is:**
 - ◆ Managing the award
 - ◆ Complying with Federal statutes, regulations, term and conditions

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs

Veteran Income Eligibility Determination

Subpart B SEC. 683.230

WHAT'S NEW:

- ❖ This section establishes policy for use of **pre-military wages for veterans and other individuals** when local areas impose a priority of service threshold for “low income individuals” with Title I WIOA funds.

<https://wdr.doleta.gov/directives/>

IMPACTS:

- ✓ States
- ✓ Locals

Construction

Subpart B SEC. 683.235

B

WHAT'S CHANGED:

- ❖ WIOA title I funds must not be spent on construction, purchase of facilities or buildings, or other capital expenditures for improvement to land or building, **except with the prior written approval of the Secretary**

IMPACTS:

- ✓ States
- ✓ Locals



Real Property with Federal Equity

Subpart B SEC. 683.240

WHAT'S NEW:

- ❖ **Instructions for using real property with Federal equity:**
 - ◆ SESA properties: Federal equity acquired in real property is transferred to the States
 - ◆ Wagner-Peyser (ES) must be co-located in One-stop centers



Real Property with Federal Equity (Cont.)

Subpart B SEC. 683.240

WHAT'S NEW:

- ❖ **Reed Act-funded properties:** May be used for the one-stop delivery system to the extent that the proportionate share of Reed Act equity is less than or equal to the proportionate share of occupancy by Unemployment Compensation and W-P programs – **683.240(b)**
- ❖ **JTPA and WIA-funded properties:** Now transferred to WIOA title I programs and must be used for WIOA purposes. – **683.240(c)**

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs

Salary & Bonus Restrictions

Subpart B SEC. 683.290

WHAT'S NEW:

- ❖ States may establish a lower level than Level II of Executive Schedule (OPM) – **683.290(d)**
- ❖ This section does not apply to contractors providing goods and services – **683.290(c)**

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs



Earning Profit Under WIOA

Subpart B SEC. 683.295

WHAT'S CHANGED:

- ❖ For-profit entities are eligible to be one-stop operators, service providers, and eligible training providers – 683.295(a)(1-2)

WHAT'S NEW:

- ❖ Programs authorized by other section of WIOA are prohibited from earning and keeping profit in Federal financial assistance – **683.295(b)**
- ❖ Income earned by non-profit entity may be retained only if used to carry out program – **683.295(c)**

IMPACTS:

- ✓ States, Locals, Title I Programs

Knowledge Check | Poll

Which of the following is NOT considered an administrative activity:

- A. Procurement
- B. Fiscal Agent Responsibilities
- C. Intake of Participants
- D. Costs of Good and Services for Administrative Functions



Knowledge Check | Poll

The salary and bonus limitation outlined in Sec. 683.290 applies to staff of the local board and one-stop operators?

- A. True
- B. False



Subpart C: Reporting Requirements

WIOA Final Rule § 683.3

- ❖ **Sec. 683.200** – *General Fiscal and Administrative Rules*
- ❖ **Sec. 683.300** – *Financial Reporting and Subrecipient Reporting*
- ❖ **Sec. 683.300** – *Electronic Documents, Data Systems, Reports*

Reporting Requirements

Subpart C SEC. 683.300

WHAT'S NEW:

- ❖ Reports, records, plan or any other data required to be submitted or made available through electronic means
- ❖ Subrecipient reporting: States must require the use of a template to report on outcomes achieved by the core programs for:
 - ◆ Annual eligible training provider performance reports
 - ◆ Local area performance reports
- ❖ Financial reports: Local WDBs submit quarterly financial report to the Governor



Reporting Requirements (Cont.)

Subpart C SEC. 683.300

WHAT'S NEW:

- ❖ All reports, whenever practicable, should be collected, transmitted, and stored in open and machine readable formats – **683.300(f)**
- ❖ Develop strategies for aligning data systems based upon guidelines issued by the Secretaries of Labor and Education (FERPA) – **683.300(g)**
- ❖ Reporting may be required more frequently at Grant Officer's discretion – **683.300(h)**

IMPACTS:

- ✓ Federal
- ✓ States
- ✓ Locals
- ✓ Title I Programs

Reporting Requirements (Cont.)

Subpart C SEC. 683.300

WHAT'S CHANGED:

- ❖ Increased accountability and transparency through electronic reporting, evaluations and required reports, records, plans, and data
- ❖ Use of financial and performance records across **ALL** programs

IMPACTS:

- ✓ Federal
- ✓ States
- ✓ Locals
- ✓ Title I Programs



Knowledge Check | Poll

Failure to meet the minimum performance measures can lead to sanctions being placed on States?

- A. True
- B. False



Subpart **D**: Oversight & Resolution of Findings

D

WIOA Final Rule § 683.4

- ❖ **Sec. 683.400** – *Oversight and Resolution of Findings*
- ❖ **Sec. 683.410** – *Roles and Responsibilities*
- ❖ **Sec. 683.420** – *Procedures for Resolution of Findings*



Oversight & Resolution Responsibilities

Subpart D SEC. 683.400

WHAT'S NEW:

- ❖ Documentation of monitoring reports, audit work papers with corrective action plans made available for review – **683.400(d)**
 - ◆ *At the request of the Secretary, Governor, or representative of Federal Government*

IMPACTS:

- ✓ Federal
- ✓ States
- ✓ Title I Programs



Roles & Responsibilities

Subpart D SEC. 683.410

WHAT'S NEW:

❖ Governor must certify to the Secretary every 2 years that:

- ◆ State has implemented Uniform Guidance
- ◆ Local areas are compliance with annual certification and disclosures
- ◆ State has taken appropriate corrective action
- ◆ *Failure to do so may result in suspension and debarment*

IMPACTS:

- ✓ States
- ✓ Title I Programs

Procedures for Resolution of Findings

Subpart D SEC. 683.420

WHAT'S CHANGED:

- ❖ For subrecipients, direct recipients must have **written** monitoring, audit resolution, debt collection, and appeal procedures – 683.420(a)(i)

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs



Knowledge Check | Poll

States, direct recipients and subrecipients serving as pass-through entities awarded funds under subtitle D of Title I of WIOA, must have written monitoring and resolution procedures in place.

- A. True
- B. False



Subpart **E**: Pay for Performance Contract Strategies

E

WIOA Final Rule § 683.5

Pay for Performance Contract Strategies is new under WIOA and will be addressed separately at a later time.



Subpart **F**: Grievance, Complaints, & State Appeals

F

WIOA Final Rule § 683.6

- ❖ **Sec. 683.600** – *Grievance, Complaints, and State Appeals*
- ❖ **Sec. 683.650** – *Appeal Processes*



Ability to File Grievances

Subpart F SEC. 683.600

WHAT'S NEW:

- ❖ Local WDBs and CEOs also considered “other interested parties” and may file grievances and complaints alleging violations
– **683.600(a)**
- ❖ DOL guidance is forthcoming and will expand on the subject of non-discrimination and complaints
- ❖ States must provide opportunity for appeal to the Secretary
– **683.600(d)(5)**

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs

Ability to File Grievances

Subpart F SEC. 683.600

WHAT'S CHANGED:

- ❖ WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38)

Final Rule to be released shortly

- ❖ Sec. 184(f) Discrimination against Participants

IMPACTS:

- ✓ States
- ✓ Locals
- ✓ Title I Programs

Appeal Processes

Subpart F Sec. 683.650

F

WHAT'S CHANGED:

- ❖ A local area which has failed to meet local performance indicators for **3** consecutive program years and received Governor's notice to reorganize, may appeal to the **Governor** to rescind or revise the plan – 683.650(c)

IMPACTS:

✓ States
✓ Locals

Knowledge Check | Poll

Filing grievances and complaints under State established procedures includes Local WDBs except CEOs.

- A. True
- B. False



Knowledge Check | Poll

Complaints arising under WIOA sec 184(f) or sec 188, will be referred to the appropriate State or local area for resolution in accordance with the section.

- A. True
- B. False



Subpart F: Sanctions, Corrective Actions and Waiver of Liability

WIOA Final Rule § 683.7

- ❖ **Sec. 683.710** – *Responsible Party For Title I and Wagner-Peyser Funds*

Responsibility of Funds

Subpart G SEC. 683.710

WHAT'S NEW:

- ❖ Use of a fiscal agent does not relieve CEO or Governor of responsibility for any misuse of grant funds – **683.710(b)(4)**

IMPACTS

- ✓ States
- ✓ Title I Programs

Subpart **H**: Administrative Law Judge Authority

H

WIOA Final Rule § 683.8

❖ **Sec. 683.820** – *Authority of Administrative Law Judge*



Administrative Law Judge Authority

Subpart H SEC. 683.820

WHAT'S NEW:

- ❖ The ALJ has full authority of the Secretary under WIOA except in grant selection appeals of awards under WIOA Title I, subtitle D – **683.820(b)(1)**

IMPACTS:

✓ **Federal**



Questions?

