

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIA/Planning/Section 166
	CORRESPONDENCE SYMBOL OWI/DINAP
	DATE June 11, 2012

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 34-11

TO: ALL SECTION 166 INDIAN AND NATIVE AMERICAN GRANTEES

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Extension or Modification of Program Year (PY) 2011 One-Year Strategic Planning Directions for New Designated Grantees and Funding Allotments for Selected Grantees of the Workforce Investment Act (WIA) Indian and Native American Program.

1. **Purpose.** To notify WIA Section 166 Indian and Native American grantees of the Employment and Training Administration's (ETA) (a) decision to allow existing designated grantees that were granted waivers to extend or modify their current Comprehensive Services Program (CSP) plan and Supplemental Youth Services Program (SYSP) plan through Program Year (PY) 2013 (June 30, 2014) and (b) provision of planning directions for new designated grantees. This Training and Employment Guidance Letter (TEGL) also gives final funding allotments for designated grantees that were granted waivers, and directions for newly designated grantees.

2. **References.**

- Section 166 of WIA located at: <http://www.doleta.gov/dinap/cfml/wiapage.cfm>;
- Regulations implementing WIA Section 166 Indian and Native American Program located at: <http://www.doleta.gov/dinap/cfml/wiapage.cfm>;
- TEGL 22-10, *Planning Guidance and Instructions for Submission of a One-Year Strategic Plan for the Workforce Investment Act (WIA) Section 166 Indian and Native American Program for Program Year (PY) 2011* located at: <http://wdr.doleta.gov/directives/attach/TEGL/TEGL22-10-ACC.pdf>;
- Career Pathways Initiative located at: <https://learnwork.workforce3one.org/>;
- *Notice of Availability of Funds and Solicitation for Grant Applications for Indian and Native American Employment and Training Programs; Solicitation for Grant Applications and Announcement of Competition Waivers for Program Years 2012 and 2013*, Vol.77, NO.52, page 15811FR located at: <http://www.gpo.gov/fdsys/pkg/FR-2012-03-16/xml/FR-2012-03-16.xml#seqnum15811>; and
- Planning forms included in this TEGL located at: https://ina.workforce3one.org/page/prog_planning

3. **Background.** WIA Section 166 requires grantees to have an approved two-year strategic plan in order to operate a WIA Section 166 grant. The current PY 2011 strategic plan

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two-year strategic plan in place beginning July 1, 2012. In lieu of developing a “full” two-year plan, ETA will authorize current designated grantees the option to extend or modify their current one-year plan.

A grant extension/modification is only available to those current grantees that have been designated as a WIA Section 166 grantee in PY 2012, as provided in Attachment E of this TEGL. Incumbent grantees that are not designated for PY 2012-PY 2013 will not receive a grant award. Therefore, their grant cannot be extended or modified. Grantees that are not designated for PY 2012-PY 2013 must discontinue WIA grant services on June 29, 2012.

New designated grantees are required to submit a Two-Year Strategic Plan that implements the Career Pathway model (TEGL 22-10) before June 29, 2012, and a strategy to accept the former grantee’s participant caseload to not disrupt services currently being provided. The Career Pathway model is further discussed in Attachment F of this TEGL. A copy of TEGL 22-10 can be obtained at:

http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3012

4. Implementing a Two-Year Strategic Plan for PY 2012 and 2013.

A. Grantees Who Received a Waiver Avoiding Competition under Solicitation for Grant Announcement (SGA) PY 11-04

ETA will approve all grant extensions/modifications from WIA Section 166 grantees that received a waiver of PY 2012 competition and will consider the legislative plan requirement satisfied by approving an extension/modification of the current plan. Grantees receiving an extension must continue to provide the same services in the same manner as they have been provided under their PY 2011 plan.

WIA Section 166 grantees may request ETA approval to modify a plan to add, expand, delete, or diminish any service allowable under the regulations (20 CFR 668.750(b)). However, grantees must follow the SGA requirement to serve the entire geographic service area(s) for which they were designated. A grantee choosing to modify its PY 2011 strategic plan must include a planning narrative (Attachment F) and a revised Comprehensive Services Form (Attachment C). Grantees must request a modification to their two-year plan if major changes are planned or circumstances require significant changes to the scope, purpose, or design of the grant, such as:

- i. For grantees who have proposed to serve more than 100 participants annually, an expectation that the number of participants will be reduced by 25% or more;
- ii. For grantees who have proposed to serve 100 or fewer participants annually, an expectation that the number of participants will be reduced by 25 or more;
- iii. A determination that the strategy provided in the current one-year plan is not meeting the workforce needs of the community;
- iv. Shifts in the local labor market and/or employer demands (such as job skills training) which require a strategy that is significantly different from the current approved plan;

- v. A change in the efficiency level provided in the PY 2011 strategic plan; or
- vi. A change in the administrative cost limit that was approved in the PY 2011 plan.
- vii. Being newly designated for an area that was open for competition.

In order to receive an extension/modification and to receive PY 2012 funding, all designated WIA Section 166 grantees must submit the following information:

1. *Signed Cover Letter.* The cover letter must indicate the grantee's request to extend/modify its PY 2011 Strategic Plan. Grantees requesting to modify must also include a narrative that clearly explains what is being revised in the plan, and provide justification for the proposed changes. The cover letter must also have an original signature.
2. *Grant Application – Standard Form 424 (SF-424).* The SF-424 must clearly identify the grantee and must be signed by an individual with authority to enter into a grant agreement (Attachment A). Upon confirmation of an award, the individual signing the SF-424 on behalf of the grantee shall be considered the authorized representative of the applicant. As stated in block 21 of the SF-424 form, the signature of the authorized representative on the SF-424 certifies that the organization is in compliance with the Assurances and Certifications form SF-424B (available at <http://apply07.grants.gov/apply/FormLinks?family=15>). In addition, the authorizing signature in block 21 of the SF-424 form constitutes assurance by the applicant of the following in accordance with 29 CFR 37.20.

As a condition to the award of financial assistance from the Department of Labor (Department) under Title I of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- Section 188 of WIA prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

The following information is about how to fill out particular items on the SF-424:

- **Item #8(c)—Organizational Data Universal Numbering System (D-U-N-S®):** All applicants for Federal grant and funding opportunities are required to have a current D-U-N-S® number, and must supply their D-U-N-S® number on the SF-424. The D-U-N-S® number is a nine digit identification number that uniquely identifies business entities. If you do not have a D-U-N-S® number, you can get one for free through the D&B Web site: <http://fedgov.dnb.com/webform/displayHomePage.do>.
- **Item #11—Catalog of Federal Domestic Assistance Number (CFDA):** The CFDA number for the WIA Section 166 program is 17.265. This number must be provided in item #11.
- **Item #14—Areas Affected by Project:** Applicants must provide the geographic area(s) for which they were designated. Current grantees that received a waiver must serve the entire geographic service area(s) for which they were designated. Grantees designated for areas that were open to competition must serve the entire geographic area(s) for which they were designated. Grantees may include service areas in an attachment to the SF-424 if additional space is needed.
- **Item #17—Proposed Project Start Date and End Date:** WIA Section 166 Adult and Youth programs are funded for a two-year period and are based on a PY period. The two year plan covers the period from July 1, 2012 through June 30, 2014. (WIA permits the Secretary to make youth funds available for obligation beginning on April 1, 2012, so that grantees can begin planning the youth program. See Section 5: Period of Performance and Section 6: PY 2012 Funding Allocations below for more information).
- **Item #18—Estimated Funding:** The WIA Section 166 program is a formula funded program, which is based on population characteristics, geographic service area, and annual congressional appropriations. Since WIA Section 166 funding awards are calculated by the Department/ETA, it is not necessary for applicants to complete Item #18.
- **Item #19—Is Application Subject to Review By State Under Executive Order 12372 Process?** The WIA Section 166 program is not subject to Executive Order 12372.

3. Budget Information Form and Narrative Standard Form 424A (SF 424A) and Attachment B. SF- 424A can be found at:

<http://apply07.grants.gov/apply/FormLinks?family=15>. Current designated grantees must use the PY 2012 funding allotments listed in Attachment E and newly designated grantees will receive allotment information from the Grant Officer. In preparing the Budget Information Form, the grantee must provide a concise narrative explanation to support the budget request, explained in detail below.

- The budget narrative must provide a description of costs associated with each line item on SF-424A;
- The entire Federal grant amount requested (PY 2012 and PY2013) must be included on the SF-424, and SF-424A and budget narrative, for the Adult and Youth. In the absence of a PY 2013 appropriation, grantees should use PY 2012 figures to plan for PY 2013;
- The amount listed on SF-424, SF-424A and budget narrative must be the same. Please note that the funding amount included on SF-424 will be considered the official funding amount requested if any inconsistencies are found; and
- Grantees that fail to provide an SF-424A with an approved D-U-N-S[®] number, SF-424A, and a budget narrative will not receive funding.

All designated grantees must be registered with the Federal Central Contractor Registry (CCR). Step-by-step instructions for registering with CCR can be found at http://www.grants.gov/applicants/org_step2.jsp.

An awardee must maintain an active CCR registration with current information at all times during which they have an active Federal award or an application under consideration. To remain registered in the CCR database after the initial registration, the applicant is required to review and update on an annual basis from the date of initial registration or subsequent updates its information in the CCR database to ensure it is current, accurate and complete. For purposes of this paragraph, the applicant is the entity that meets the eligibility criteria and has the legal authority to apply and to receive the award. Failure to register with the CCR will result in your grant not being funded.

4. *Comprehensive Services Form* (if applicable):

WIA regulations at 20 CFR 668.710 require a projection of participant services and expenditures covering the planning cycle. Attachment C is the form grantees will use to describe planned services, cost for services, cost per participant, and performance outcomes. As previously stated, designated grantees seeking to modify their PY 2011 plan must complete the Comprehensive Services Form (Attachment C). Grantees seeking an extension of their PY 2011 plan are not required to submit this form. All grantees newly designated to service areas must also complete this form.

Section VII of Attachment C requires grantees to estimate their performance outcomes for the three performance measures (Entered Employment Rate, Employment Retention Rate, and Average Earnings). When completing Section VII, grantees must plan to meet the “recommended level” of performance for the Entered Employment Rate and the “national performance levels” for Employment Retention and Average Earnings. The Performance Standard Worksheet can be found at: https://ina.workforce3one.org/page/prog_planning/.

Note: The link above includes Performance Standards Worksheets for all WIA Section 166 grantees (126 pages). Please be sure the grantee name on Line A matches your organization when obtaining the recommended level of performance.

- **Entered Employment Rate (EER):** Each WIA Section 166 grantee has a “recommended level” of performance for the Entered Employment Rate which can be found on Line N of the grantee’s Performance Standards Worksheet. The rate on Line One, Column “A” of Section VII must be equal to or greater than the recommended level found on Line N of the Performance Standards Worksheet.
- **Employment Retention:** The “national performance level” for Employment Retention for all grantees is 73.1 percent. This is the level established for the WIA Section 166 Program overall, and does not factor in local economic conditions, nor does it factor in the characteristics of the participants served. Since a level of performance for Employment Retention has not been established for each grantee, ETA will not find grantees deficient for not meeting the Employment Retention rate at the end of PY 2012. However, grantees must strive to achieve a 73.1 percent Employment Retention rate. Therefore, Line Two, Column “B” of Section VII must be equal to or greater than 73.1 percent.

Average Earnings: The “national performance level” for Average Earnings for all grantees is \$10,049. This is the level established for the WIA Section 166 Program overall, and does not factor in the local economic conditions, or the characteristics of participants served.

Thus, a level of performance for Average Earnings has not been established for individual grantees. ETA will not find WIA Section 166 grantees deficient for not meeting the Average Earnings rate at the end of PY 2012. However, grantees must strive to achieve a \$10,049 Average Earnings rate and, therefore, Line Three; Column “C” of Section VII must be equal to or greater than \$10,049.

Adult Performance Measures and Goals	
Measure	Goal
Entered Employment Rate	80.5 Percent
Employment Retention	73.1 Percent
Average Earnings	\$10,049

Note: To assist grantees in the completion of the Attachment C form, a type-ready version, along with instructions and an example of a completed form, can be found at: https://ina.workforce3one.org/page/prog_planning.

5. SYSP Planning Worksheet (ONLY for newly designated grantees that receive youth funding or designated grantees seeking a modification to their SYSP)

WIA regulations at 20 CFR 668.420 require grantees to include performance measures for the SYSP in order to measure program progress. ETA has established two performance indicators for the WIA Section 166 Youth Program, which are:

Youth Performance Measures and Goals	
Measure	Goal
Attainment of Two or More Goals	80 Percent
Educational Attainment for Dropouts	50 Percent

A designated grantee requesting a modification to the SYSP must complete the Planning Worksheet (Attachment D). All newly designated grantees operating the SYSP are also required to complete this form. Grantees must strive to achieve the recommended level of 80 percent performance for “Attainment of Two or More Goals” and 50 percent performance for “Educational Attainment for Dropouts.” A usable version of the SYSP planning worksheet and instructions can be found at: https://ina.workforce3one.org/page/prog_planning.

A grant extension/modification/award letter and Notice of Obligation (NOO) authority from the Grant Officer will serve as the grantee’s notice of an approved grant extension/modification. Unilateral grant extensions/modifications award letters will be issued on or around May 31, 2012 for grantees receiving youth funds, and July 1, 2012 for grantees receiving adult funding only. Grantees must submit the required information for ETA approval no later than June 29, 2012.

B. New Designated Grantees:

All new designated grantees must submit a two-year plan before June 30, 2012, to receive funding. New designated grantees who are acquiring an existing service area must include a caseload transfer strategy in the two- year plan. Newly designated grantees must also submit the items listed in Section 4(A) of this TEGl.

WIA Section 166(e) requires that grantees submit to the Secretary a program plan that describes a two-year strategy for meeting the needs of Indian, Alaska Native, or Native Hawaiian individuals. In order to receive PY 2012 funding, all newly designated WIA Section 166 grantees must submit the items in Section 4 (A) and the full two-year plan.

WIA states that such a plan shall –

- (i) be consistent with the purpose of Section 166;
- (ii) identify the population to be served;
- (iii) identify the education and employment needs of the population to be served in the manner in which the activities to be provided will strengthen the ability of the individual served to obtain or retain unsubsidized employment;
- (iv) describe the activities to be provided and the manner in which such activities are to be integrated with other appropriate activities (e.g., career pathways);

- (v) describe the performance measures to be used to assess the performance of entities in carrying out the activities (see Sections 4 and 5 above);

In addition to meeting the requirements of WIA Section 166(e) indicated above, ETA encourages newly designated grantees to incorporate the Career Pathways model into their two-year plan. Attachment F of this TEGL discusses the Career Pathways model in detail and grantees are expected to incorporate this approach into the planning narrative. By answering the questions in Attachment F, grantees will have addressed all the requirements of the planning narrative. New designated grantees receiving SYSP funds must also describe the services they intend to provide and the target population they intend to serve in the planning narrative.

New PY 2012-PY 2013 grantees are also required to submit Grievance Procedures. According to the WIA regulations at 20 CFR 667.600, grantees must establish and maintain a procedure for grievances and complaints for participants and other interested parties. To ensure the requirements of this section are met, newly designated grantees must provide a copy of their grievance and complaint procedures as an attachment to their two year plan. At a minimum, the grievance procedures must include: 1) a process for addressing grievances and complaints from participants and other applicable parties; 2) an opportunity for a fair and impartial hearing to be completed by the grantee within 60 days of the filing of a grievance; and 3) an opportunity to file a grievance with the Department's WIA Section 166 Indian and Native American Program when a decision is not made within 60 days, or either party is dissatisfied with the local hearing decision. Discrimination complaints filed under provisions of WIA Section 188 may be directed or mailed to the Director, Civil Rights Center, U.S. Department of Labor, Room N-4123, 200 Constitution Avenue, N.W., Washington, D.C. 20210 in accordance with 29 CFR Part 37.

- 5. **Period of Performance.** Grantees requesting an extension and/or modification to their PY 2011 strategic plan will receive a unilateral extension/modification to add PY 2012 and PY 2013 funding to their existing grant when such funds become available. New designated grantees must submit a Comprehensive Service plan for approval. The period of performance for WIA Section 166 grantees is from July 1, 2012 - June 30, 2014. The SYSP performance period begins April 1, 2012 for all grantees operating SYSP programs and covers the period from April 1, 2012 through June 30, 2014.

Grantees should be aware that SYSP funds were not available in their grantee subaccounts on April 1, however, grantees that received a waiver may use "carryover" funds from previous PYs (if available) to implement the SYSP. Waived grantees that do not have carryover funds from previous PYs may use other (nonrestricted) resources to begin operating a SYSP and reimburse the resource for allowable costs (retroactive to April 1) when funds become available in grantees subaccounts. The options in this paragraph are not available on any grantee for areas that were open to competition.

IMPORTANT: WIA Section 166 grantees are advised that issuance of a formal commitment or obligation of the Department PY 2012 funds will only occur when a Notice

of Obligation (NOO)/award letter has been issued by the Grant Officer. Grantees that expend funds prior to receiving an official “designation” letter and a NOO/award letter from the Grant Officer assume the risk of not being reimbursed for funds that have been used for their WIA Section 166 program.

6. **PY 2012 Funding Allocations.** The PY 2012 appropriation level for the Section 166 CSP is \$47.5 million and \$12.3 million for the SYSP. WIA Section 166 grantees should use the allotments on Attachment E for planning purpose and newly designated grantees should use allotment information received from the Grant Officer. As noted above, entities that have been designated as a Section 166 grantee will receive an official NOO/award letter from the Grant Officer.
7. **Administrative Cost Limit.** Division of Indian and Native American Program (DINAP) Bulletin 99-05 (dated December 10, 1999) provides ETA’s policy on administrative cost limits for the WIA Section 166 Program. The policy sets a baseline limit of 15 percent (of the funding year allocation) for administrative costs. ETA may approve a higher administrative limit, not to exceed 20 percent, if grantees provide acceptable justification for a higher limit, as outlined in the above bulletin. In addition, grantees requesting a rate higher than 15 percent for this two-year plan must include a detailed administrative budget and narrative justification with the two-year plan. The budget should include items such as, but not limited to, indirect costs, staff salaries, fringe benefits, rental space, utilities, equipment, supplies, and travel. 20 CFR 667.220 defines what functions and activities constitute administrative costs subject to the administrative cost limit.
8. **Waivers.** WIA Section 166(h)(3) permits waivers of any regulatory requirement except for those areas cited in 20 CFR 668.920; a waiver can be requested at any time. When submitting a waiver, grantees must follow the WIA regulations at 20 CFR 661.420(c). Waiver approvals require a separate process and, therefore, should not be included in a plan modification.
9. **Acquisition of Equipment.** Grant Officer approval is required prior to the acquisition of equipment that has a useful life of more than one year and an acquisition cost of \$5,000 or more per unit pursuant to Office of Management and Budget (OMB) Circulars A-102 [29 CFR 97.33] and A-110 [29 CFR 95.2 (n)]. Approval of equipment is a separate process. Grantees must submit requests for the purchase of equipment separately. These requests will not be approved under an extension/modification.
10. **Assurances and Certifications.** Newly designated grantees must submit the assurances and certifications with their plan (see Attachment G). Newly designated grantees should review the assurances and certifications to ensure they understand and agree to the responsibilities and requirements in administering a WIA Section 166 grant.
11. **Action Requested.** Grantees requesting an extension and/or modification to the PY 2011 strategic plan must submit the items listed in Section 13. Upon approval, the Grant Officer will issue a unilateral extension/modification to add PY 2012 and PY 2013 funding to the existing WIA Section 166 grant when such funds become available. Grantees receiving an

extension/modification must spend PY 2012 and PY 2013 funds in accordance with the strategies and services identified in the PY 2011 approved plan. All documents must be submitted to the DINAP office by close of business June 29, 2012. Grant extensions/modifications must be approved by the Grant Officer before PY 2012 funds can be obligated.

New designated grantees must submit the items listed in Section 13, below. Upon approval of the two year plan and required documentation, the Grant Officer will issue an NOO to obligate PY 2012 and PY 2013 funds to the new WIA Section 166 grant when such funds become available. Newly designated grantees must submit the two-year plan and documentation by June 30, 2012. The PY 2012 Strategic Plan must be approved by the Grant Officer before PY 2012 funds can be obligated.

Please submit the required documents to the following address:

U.S. Department of Labor
Division of Indian and Native American Program
200 Constitution Avenue, N.W.
Room S-4209
Washington, D.C. 20210
ATTN: MIS-CSP DESK

12. Inquiries. Please direct questions to your designated Federal Project Officer provided below.

Andrea Brown (East)	(202)693-3736	Duane Hall (Midwest)	(972)850-4637
Craig Lewis (Midwest)	(202)693-3384	Guy Suetopka (West)	(415)625-7988
Dawn Anderson (Midwest)	(202)693-3745	Si Seciwa (West)	(415)625-7987

13. Attachments. WIA Section 166 grantees requesting an extension must submit the attachments listed under Section 13 (A) of this TEG. Designated grantees seeking to modify their existing grant must include the information listed under Section 13(B). New designated grantees must include the attachments listed in both 13(A) and 13 (B) of this section. Items listed in Section C are for informational purposes only, and need not be submitted.

A. Required Documents For Grantees Requesting an extension and Newly Designated Grantees

Cover Letter
Grant Application – Standard Form 424 (Attachment A)
Budget Information Form and Narrative Standard Form 424A (Attachment B)

B. Additional Required Documents For Grantees Requesting Modification and For Newly Designated Grantees:

Comprehensive Services Form (Attachment C)
Supplemental Youth Planning Worksheet, if applicable (Attachment D)
Narrative, if applicable (Attachment F)
Assurance and Certifications (Attachment G)

C. The Following Attachments are for Informational Purposes Only:

Designated Grantees Granted Waivers, PY 2012 Funding Allotments
(Attachment E) are available as type-ready forms at :
https://ina.workforce3one.org/page/prog_planning