

Appendix VI: Administrative and National Policy Requirements

A. Administrative Program Requirements

All grant recipients will be subject to all applicable federal laws and regulations, including the Uniform Guidance, the 2024 revisions to the Uniform Guidance, and the terms and conditions of the award. The grant(s) awarded under this TEGL will be subject to the following administrative standards and provisions:

- i. Non-Profit Organizations, Educational Institutions, For-profit entities, and State, Local, and Indian Tribal Governments – 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and 2 CFR Part 2900 (the Department’s Supplement to 2 CFR Part 200).
- ii. All recipients must comply with the applicable provisions of the Workforce Innovation and Opportunity Act (WIOA), Public Law No. 113-328, 128 Stat. 1425 (codified as amended at 29 U.S.C. 3101 et. seq.) and the applicable provisions of the regulations at 20 CFR Part 675 et. seq.
- iii. All entities must comply with 29 CFR Part 93 (New Restrictions on Lobbying), 29 CFR Part 94 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)), 2 CFR Part 180 (Office of Management and Budget Guidance to Agencies on Government-wide Debarment and Suspension (Non-procurement), and, where applicable, 2 CFR Part 200 (Audit Requirements).
- iv. 29 CFR Part 2, subpart D—Equal Treatment in Department of Labor Programs for Faith-Based and Community Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries.
- v. 29 CFR Part 31—Nondiscrimination in Federally Assisted Programs of the Department of Labor—Effectuation of Title VI of the Civil Rights Act of 1964.
- vi. 29 CFR Part 32—Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance.
- vii. 29 CFR Part 35—Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor.
- viii. 29 CFR Part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.
- ix. 29 CFR Part 38 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act.
- x. 29 CFR Parts 29 and 30—Labor Standards for the Registration of Apprenticeship Programs, and Equal Employment Opportunity in Apprenticeship and Training, as applicable.
- xi. The Department will follow the procedures outlined in its Freedom of Information Act (FOIA) regulations (29 CFR Part 70). If a FOIA request is received for your application, the procedures in Department’s FOIA regulations for responding to requests for commercial/business information submitted to the government will be followed, as well as all FOIA exemptions and procedures. See generally 5 U.S.C. § 552; 29 CFR Part 70.

- xii. Standard Grant Terms and Conditions of Award—see the following link: [Resources | U.S. Department of Labor \(dol.gov\)](#).¹⁰

B. Other Legal Requirements

1) Religious Activities

Guidance from DOL on the effect of the Religious Freedom Restoration Act on recipients of DOL financial assistance is found at <https://www.dol.gov/agencies/oasam/grants/religious-freedom-restoration-act/guidance>.¹¹

In accordance with 29 CFR 2.32(a), Equal Participation of Faith-Based Organizations, applicants for DOL financial assistance are notified:

(i) Faith-based organizations may apply for DOL awards on the same basis as any other organization, subject to the protections and requirements of subpart D of 29 CFR Part 2 and any applicable constitutional and statutory requirements, including 42 U.S.C. 2000bb et seq. DOL will not, in the selection of recipients, discriminate for or against an organization on the basis of the organization's religious character, motives, or affiliation, or lack thereof, or on the basis of conduct that would not be considered grounds to favor or disfavor a similarly situated secular organization.

(ii) A faith-based organization that participates in this program will retain its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law.

(iii) A faith-based organization may not use direct Federal financial assistance to support or engage in any explicitly religious activities except where consistent with the Establishment Clause of the First Amendment and any other applicable requirements. An organization receiving Federal financial assistance also may not, in providing services funded by DOL, or in conducting outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

2) Lobbying or Fundraising

In accordance with Section 18 of the Lobbying Disclosure Act of 1995 (Public Law 104 - 65) (2 U.S.C. § 1611), non-profit entities incorporated under Internal Revenue Service Code section 501(c)(4) that engage in lobbying activities are not eligible to receive federal funds and grants. No activity, including awareness-raising and advocacy activities, may include fundraising for, or lobbying of, U.S. federal, state, or local governments (see 2 CFR Part 200.450 for more information).

3) Transparency Act Requirements

You must ensure that you have the necessary processes and systems in place to comply

¹⁰ <https://www.dol.gov/agencies/eta/grants/resources>

¹¹ <https://www.dol.gov/agencies/oasam/grants/religious-freedom-restoration-act/guidance>

with the reporting requirements of the Federal Funding Accountability and Transparency Act of 2006 (Pub. Law 109-282, as amended by the Government Funding Transparency Act of 2008, Pub. Law 110-252, Title VI, Chap. 2, Sec. 6202), as follows:

- Except for those excepted from the Transparency Act under sub-paragraphs 1, 2, and 3 below, you must ensure that you have the necessary processes and systems in place to comply with the subaward and executive total compensation reporting requirements of the Transparency Act, should you receive funding.
- a. Upon award, you will receive detailed information on the reporting requirements of the Transparency Act, as described in 2 CFR Part 170, Appendix A, which can be found at [2010-22705.pdf \(govinfo.gov\)](https://www.govinfo.gov/content/pkg/FR-2010-09-14/pdf/2010-22705.pdf).¹²

The following types of awards are not subject to the Federal Funding Accountability and Transparency Act:

1. Federal awards to individuals who apply for or receive federal awards as natural persons (e.g., unrelated to any business or non-profit organization they may own or operate in their name).
2. Federal awards to entities that had a gross income, from all sources, of less than \$300,000 in the entities' previous tax year; and,
3. Federal awards if the required reporting would disclose classified information.

4) Safeguarding Data Including Personally Identifiable Information (PII)

Applicants submitting applications in response to this TEGl must recognize that confidentiality of PII and other sensitive data is of paramount importance to the Department and must be observed except where disclosure is allowed by the prior written approval of the Grant Officer or by court order. By submitting an application, you are assuring that all data exchanges conducted through or during the course of performance of this grant will be conducted in a manner consistent with applicable federal law and [TEGL No. 39-11](https://www.govinfo.gov/content/pkg/FR-2012-06-28/pdf/2012-12711.pdf)¹³ (issued June 28, 2012). All such activity conducted by the ETA and/or recipient(s) will be performed in a manner consistent with applicable state and federal laws.

By submitting a grant application, you agree to take all necessary steps to protect such confidentiality by complying with the following provisions that are applicable in governing the handling of confidential information: You must ensure that PII and sensitive data developed, obtained, or otherwise associated with federally funded grants is securely transmitted.

- i. To ensure that such PII is not transmitted to unauthorized users, all PII and other sensitive data transmitted via email or stored on Compact Discs, Digital Video Discs, thumb drives, etc., must be encrypted using Federal Information Processing Standards (FIPS) 140-2 compliant and National Institute of Standards and Technology (NIST) validated cryptographic module. You must not email unencrypted sensitive PII to any entity, including ETA or contractors.

¹² <https://www.govinfo.gov/content/pkg/FR-2010-09-14/pdf/2010-22705.pdf>

¹³ <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-39-11>

- ii. You must take the steps necessary to ensure the privacy of all PII obtained from participants and/or other individuals and to protect such information from unauthorized disclosure. You must maintain such PII in accordance with the ETA standards for information security described in TEGL No. 39-11 and any updates to such standards we provide to you. Grant recipients who wish to obtain more information on data security should contact their Federal Project Officer.
- iii. You must ensure that any PII used during the performance of your grant has been obtained in conformity with applicable federal and state laws governing the confidentiality of information.
- iv. You further acknowledge that all PII data obtained through your ETA grant must be stored in an area that is physically safe from access by unauthorized persons at all times and the data will be processed using recipient-issued equipment, managed information technology (IT) services, and designated locations approved by ETA. Accessing, processing, and storing of ETA grant PII data on personally owned equipment, at off-site locations, (e.g., employee's home), and non-recipient managed IT services (e.g., Yahoo mail), is strictly prohibited unless approved by ETA.
- v. Your employees and other personnel who will have access to sensitive/confidential/proprietary/private data must be advised of the confidential nature of the information, the safeguards required to protect the information, and that there are civil and criminal sanctions for noncompliance with such safeguards that are contained in federal and state laws.
- vi. You must have policies and procedures in place under which your employees and other personnel, before being granted access to PII, acknowledge their understanding of the confidential nature of the data and the safeguards with which they must comply in their handling of such data, as well as the fact that they may be liable to civil and criminal sanctions for improper disclosure.
- vii. You must not extract information from data supplied by ETA for any purpose not stated in the grant agreement.
- viii. Access to any PII created by the ETA grant must be restricted to only those employees of the grant recipient who need it in their official capacity to perform duties in connection with the scope of work in the grant agreement.
- ix. All PII data must be processed in a manner that will protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal, or any other means. Data may be downloaded to, or maintained on, mobile or portable devices only if the data are encrypted using NIST validated software products based on FIPS 140 -2 encryption. In addition, wage data may be accessed only from secure locations.
- x. PII data obtained by the recipient through a request from ETA must not be disclosed to anyone but the individual requestor, except as permitted by the Grant Officer or by court order.
- xi. You must permit ETA to make onsite inspections during regular business hours

for the purpose of conducting audits and/or conducting other investigations to assure that you are complying with the confidentiality requirements described above. In accordance with this responsibility, you must make records applicable to this Agreement available to authorized persons for the purpose of inspection, review, and/or audit.

- xii. You must retain data received from ETA only for the period required to use it for assessment and other purposes, or to satisfy applicable federal records retention requirements, if any. Thereafter, you agree that all data will be destroyed, including the degaussing of magnetic tape files and deletion of electronic data.

5) Record Retention

You must follow federal guidelines on record retention, which require that you maintain all records pertaining to grant activities for a period of at least three years from the date of submission of the final expenditure report. See 2 CFR Part 200.334-200.338 for more specific information, including information about the start of the record retention period for awards that are renewed quarterly or annually, and when the records must be retained for more than three years.

6) Use of Contracts and Subawards

You must abide by the following definitions of contract, contractor, subaward, and subrecipient.

Contract: Contract means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient conducts procurement transactions under a federal award.

Contractor: Contractor means an entity that receives a contract.

Subaward: Subaward means an award provided by a pass-through entity to a subrecipient to contribute to the goals and objectives of the project by carrying out part of a federal award received by the pass-through entity. The authority of the pass-through entity under this part goes through the subaward agreement between the pass-through entity and subrecipient. A subaward may be provided through any form of legal agreement, including an agreement consistent with criteria in 2 CFR 200.331, including an agreement that the pass-through entity considers a contract.

Subrecipient: Subrecipient means an entity that receives a subaward from a pass-through entity to carry out part of a federal award. The term subrecipient does not include a beneficiary or participant. A subrecipient may also be a recipient of other federal awards directly from a federal agency.

You must follow the provisions at 2 CFR Part 200.331-200.333 regarding subrecipient monitoring and management. Also see 2 CFR Part 200.308(f)(6) regarding prior approval requirements for subawards. When awarding subawards, you are required to comply with provisions on government-wide suspension and debarment found at 2 CFR Part 180 and 2 CFR Part 2998 (the Department's Supplement to 2 CFR Part 180).

7) Closeout of Grant Award

Any entity that receives an award under this TEGL must close its grant with ETA at the end of the final year of the grant. Information about this process may be found in [ETA's Grant Closeout FAQ](#).¹⁴

C. Other Administrative Standards and Provisions

Except as specifically provided in this TEGL, our acceptance of an application and an award of federal funds to sponsor any programs(s) does not provide a waiver of any grant requirements and/or procedures. For example, the Uniform Guidance requires that an entity's procurement procedures ensure that all procurement transactions are conducted, as much as practical, to provide full and open competition. If an application identifies a specific entity to provide goods or services, ETA does not provide the justification or basis to sole source the procurement (i.e., avoid competition).

¹⁴ <https://www.dol.gov/agencies/eta/grants/management/closeout>