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| EMPLOYMENT AND TRAINING ADMINISTRATION<br>ADVISORY SYSTEM<br>U.S. DEPARTMENT OF LABOR<br>Washington, D.C. 20210 | <b>CLASSIFICATION</b><br>WIA/Planning/Section 166 |
|   | <b>CORRESPONDENCE SYMBOL</b><br>OWI/INAP          |
|   | <b>DATE</b><br>April 13, 2011                     |

**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 22-10**

**TO: ALL WORKFORCE INVESTMENT ACT SECTION 166 INDIAN AND NATIVE AMERICAN GRANTEES**

**FROM: JANE OATES /s/  
Assistant Secretary**

**SUBJECT: 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**

1. **Purpose.** To provide planning guidelines and instructions to Indian and Native American grantees for the development of a One-Year Comprehensive Services Program (CSP) plan and Supplemental Youth Services Program (SYSP) plan for PY 2011, consistent with the purposes described in WIA Section 166.
2. **References.**
  - A. Section 166 of WIA; <http://www.doleta.gov/dinap/cfml/wiapage.cfm>;
  - B. Regulations implementing the WIA Section 166 Indian and Native American Program <http://www.doleta.gov/dinap/cfml/wiaregfinal.cfm>;
  - C. Training and Employment Guidance Letter (TEGL) 17-05, Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues: [http://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=2195](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2195);
  - D. Division of Indian and Native American Program (DINAP) Bulletin 99-05 Administrative Costs Limitations under WIA: <http://www.doleta.gov/dinap/bulletins/99-05.cfm>;
  - E. The Jobs for Veterans Act, Public Law (P.L.) 107-288: [http://www.doleta.gov/Seniors/html\\_docs/docs/veteransjobs.cfm#content](http://www.doleta.gov/Seniors/html_docs/docs/veteransjobs.cfm#content);
  - F. TEGL 10-09, Jobs for Veterans Act (JVA) of 2002, Public Law (P.L.) 107-288, Section 2(a) codified at 38 U.S.C. 4215: [http://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=2816](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816);
  - G. TEN 15-10, Protocol for Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in Whole or in Part by the U.S. Department of Labor (the Department): [http://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=2954](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2954); and
  - H. Career Pathways Initiative: <https://learnwork.workforce3one.org/>

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|----------------------------|--|
| <b>RESCISSIONS</b><br>None | <b>EXPIRATION DATE</b><br>Conti nui ng |
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### **3. Background.**

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. However, the Employment and Training Administration (ETA) is requesting a one-year plan for PY 2011 because in PY 2010, the first year of the planning cycle, a one-year extension was granted for all grantees existing plans. TEGL 29-09 granted this extension. All WIA Section 166 grantees must submit the one-year plan.

WIA states that such a plan shall –

- A. be consistent with the purpose of Section 166;
- B. identify the population to be served;
- C. 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;
- D. 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); and
- E. describe the performance measures to be used to assess the performance of entities in carrying out the activities (see Section 4.c below).

In addition to meeting the requirements of WIA Section 166 (e) indicated above, ETA encourages grantees to incorporate the “Career Pathways” model into their one-year plan. Item five of this TEGL discusses the Career Pathways model in detail and grantees are encouraged to incorporate this approach into the planning narrative. Career Pathways principles are explained in Item Five of this TEGL. By answering the questions in Attachment B, grantees will have addressed all the requirements of the planning narrative.

Grantees receiving Supplemental Youth Services Program (SYSP) funds must describe the services they intend to provide and the target population they intend to serve, such as dropouts, juvenile offenders, and/or college students.

### **4. Required Documents Included in the One-Year Strategic Plan.**

According to WIA regulations at 20 Code of Federal Regulations 668.720, the One-Year Strategic Plan is comprised of the following nine items, which are explained in further detail below.

#### **a. Attachment A. Grant Signature Sheet**

The Grant Signature Sheet serves as the “cover sheet” for the one-year plan and provides the Department with the signature of the official (or designee) authorized to enter into a grant agreement, (e.g., Tribal Chairman, Vice-Chairman, Executive Director, etc.). By signing the Grant Signature Sheet, the Tribe or nonprofit organization confirms the plan was approved by the governing body of the organization.

b. Attachment B. One-Year Strategic Plan Narrative

The planning narrative is a key component of the One-year strategic plan. It informs the Department of the grantee's strategy for training and employing Indian and Native Americans.

In describing the strategy, grantees must follow the planning process described at the WIA regulations at 20 CFR 668.700, and include the items listed at the regulations at 20 CFR 668.720 (a) (1) through (5).

c. Attachment C. Participant Planning, Efficiency, and Outcomes Worksheet

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.

Section VII of Attachment C requires grantees to estimate their performance outcomes for the three performance measures (Entered Employment, Employment Retention, 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.

**Entered Employment Rate:** 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 located at the following link: [https://ina.workforce3one.org/page/prog\\_planning](https://ina.workforce3one.org/page/prog_planning). 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 (see example on Attachment C included in this TEGL).

**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.

**Employment Retention:** The "national performance level" for Employment Retention for all grantees is 73.7 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 (see Item Six in this TEGL for further information on establishing individual grantee performance levels for this measure). 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 2011. However, grantees must strive to achieve a 73.7 percent Employment Retention Rate. Therefore, Line Two, Column "B" of Section VII must be equal to or greater than 73.7 percent (see example of Attachment C included in this TEGL).

**Average Earnings:** The “national performance level” for Average Earnings for all grantees is \$9,346. 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 also 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 2011. However, grantees must strive to achieve a \$9,346 Average Earnings Rate and, therefore, Line Three, Column “C” of Section VII must be equal to or greater than \$9,346 (see example on Attachment C included in this TEG).

| <b>Adult Performance Measures and Goals</b> |   |
|---|---|
| <b>Measure</b>                              | <b>Goal</b>                                   |
| Entered Employment Rate                     | Line N of the Performance Standards Worksheet |
| Employment Retention                        | 73.7 Percent                                  |
| Average Earnings                            | \$9,346                                       |

**Note:** To assist grantees in the completion of the Attachment C form, a usable version of Attachment C, along with instructions and an example of a completed form can be found at the following links:

An Excel version of Attachment C: [https://ina.workforce3one.org/page/prog\\_planning](https://ina.workforce3one.org/page/prog_planning)

Instructions for Attachment C: [https://ina.workforce3one.org/page/prog\\_planning](https://ina.workforce3one.org/page/prog_planning)

An example of a completed version of Attachment C: [https://ina.workforce3one.org/page/prog\\_planning](https://ina.workforce3one.org/page/prog_planning).

d. **Attachment D - Supplemental Youth Services (SYS) Planning Worksheet (ONLY for grantees that receive youth funding)**

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

| <b>Youth Performance Measures and Goals</b> |             |
|---|-------------|
| <b>Measure</b>                              | <b>Goal</b> |
| Attainment of Two or More Goals             | 80 Percent  |
| Educational Attainment for Dropouts         | 50 Percent  |

The SYS Planning Worksheet (Attachment D) is the instrument that grantees will use to submit youth performance measures for the one-year strategic plan. When completing Attachment D, 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 SYS planning worksheet and instructions can be found at the following link: [https://ina.workforce3one.org/page/prog\\_planning](https://ina.workforce3one.org/page/prog_planning)

e. Attachment E. - Assurances and Certifications

Grantees must provide certain assurances and certifications in order to receive a WIA Section 166 grant award. By signing the coversheet of Attachment E and completing specific required pages of the assurances and certifications, the grantee agrees to fully comply with the following assurances and certifications:

Assurances - Non-Construction Programs (Standard Form (SF -424B)

Debarment and Suspension Certification (20 CFR Part 98)

Certification Regarding Lobbying (29 CFR Part 93)

- Drug Free Workplace Certification (29 CFR Part 98)
- Nondiscrimination and Equal Opportunity Assurance (29 CFR Part 37)
- Certification of Non-Delinquency

f. Standard Form -424 (OMB Number 4040-0004)

The SF-424 is a standard form required for applications submitted for Federal assistance. An electronic version of the SF-424 can be found at:

<http://www.doleta.gov/dinap/pdf/RevisedSF424.pdf>.

**Note:** Grantees must ensure their organization's status in the Central Contractor Registration (CCR) is active and valid. If the status is inactive, funds will not be readily obligated and released for PY 2011.

g. Standard Form (SF)-424A (OMB Number 4040-0006)

SF-424A supplements the SF-424 by providing budget information on the amount of Federal assistance that is being requested. An electronic version of the SF-424A can be found at: <http://www.doleta.gov/dinap/pdf/sf424a.pdf>. Also include a budget narrative, further describing the SF-424A budget information.

h. Grantee Grievance Procedures

According to WIA regulations at 20 CFR 667.600, grantees must establish and maintain grievance and complaint procedures for participants and other interested parties. To ensure the requirements of this section are met, grantees must provide a copy of their grievance and complaint procedures as an attachment to this one-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.

- i. Indirect Cost Rate / Cost Allocation Plan (Applicable for Multi-funded Organizations Only).

OMB Circulars A-87 and A-122 require a current indirect cost plan (or a cost allocation plan) for organizations and Tribes that receive funds from more than one funding source. Organizations that receive funding from only one funding source do not require an indirect cost plan since all costs will be directly charged to that funding source. As part of the PY 2011 plan, multi-funded grantees must submit a current and approved copy of their indirect cost plan.

5. **Implementing Career Pathways Model into the Planning Narrative Strategy.** To further the Secretary's strategic goal of preparing workers for good jobs, and in support of the Native American Employment and Training Council's (Council) recommendations - to enhance educational attainment and careers, WIA Section 166 grantees will begin planning for the "Career Pathways" Program, "Trails to Opportunity," in its One-Year PY 2011 Strategic Plan. WIA Section 166 grantees will receive technical assistance and guidance throughout PY 2011 on establishing career pathways plans. The Department will work closely with the grantee community to successfully implement the career pathways model.

Illiteracy and low education attainment continue to hinder the ability of many Indian and Native Americans to compete in a competitive labor market. By including the career pathway framework, WIA Section 166 grantees can assist low-income Indian and Native American adults and youth address long-term education and training needs, providing its customers with the skills necessary to get a good job. Intensive training and support services are needed to enhance worker skills and help Indian and Native Americans succeed in a knowledge-based economy. The 21<sup>st</sup> century global economy will require greater skills and education levels as good paying jobs shift from manufacturing and textile occupations to knowledge and service-based occupations. Occupations that require a postsecondary education are expected to account for nearly half of all new jobs from 2008 to 2018.

Preparing Indian and Native American workers for good jobs requires that the WIA Section 166 Program focus on helping many Indian and Native Americans overcome a multitude of barriers to employment, providing additional opportunities for education and work experiences, and targeting assistance towards skills needed to secure good jobs, especially in high-growth industries.

The career pathways plan consists of a connected series of training and education programs, with integrated support services, work experiences, and learning on the job, that enable adults and youth to combine work and learning. The career pathways plan provides clear sequences of coursework and credentials that help individuals of varying skill levels earn credentials valued by employers, enter more rewarding careers in high-demand and emerging industries and occupations, and advance to increasingly higher levels of education and employment. "Ideally, career pathways are not a separate program, but a framework for weaving together adult education, training, and college programs that are currently separated into silos and connecting those services to employers' workforce needs," (CLASP, May 2010). A career pathways program consists of six key elements that usually occur simultaneously that include:

- A. Building Cross-Agency Partnerships: means establishing a diverse group of representatives from tribal, state, local agencies, and/or members of the business community to design, create, and implement a shared vision based on the needs of the community. Recommended partners should include, but are not limited to, tribal community colleges and education, Temporary Assistance for Needy Families providers, veteran affairs offices, social services agencies, workforce investment boards, and/or local One-Stop Career Centers.
- B. Engaging Employers and Gap Analysis: requires conducting a labor market analysis to identify the employment and training needs in the area. Assessing the gaps is a way for grantees to identify the best sectors around which to build career pathways. A career pathways plan should target high-demand and growing employment opportunities on or near the reservation or approved services area (e.g., hospitality, health care, construction, art, etc). The market analysis plan should also include an outreach strategy to engage employers in the target areas.
- C. Clarifying Roles and Responsibilities: identifying, defining, and formalizing the roles and responsibilities of the pathways team are critical components of the plan. The career pathways team guides the process when developing the plan, identifying key roles and responsibilities of team members, identifying labor market information, and developing a program design. The career pathways team should produce and use a written memorandum of understanding to guide this process.
- D. Program Design: provides a clear sequence of training, education, coursework, and credentials that prepare individuals, regardless of their skill level. For instance, what are the skill sets needed (e.g. a high school diploma, General Education Degree (GED), certificate, a postsecondary education, the military, etc.) to help customers secure good jobs. The program design should be created around high-demand industries in the area that support career ladders that pay family-sustaining wages and the program design should be supported by the tribal leadership, the community, and/or the state.
- E. Identifying Funding Needs/Sources: to operate the career pathways program (e.g., operating cost, supportive services, leveraged resources from the tribe, Federal, state, and local sources, etc.); and
- F. Align Policies and Programs: identifying and coordinating employment and training services with other tribal, local, or state agencies are keys to implementing a career pathway system. In this area, agencies and programs work cooperatively across organizations to leverage resources and foster systematic change.

Career pathways is an approach to linking education and training services in ways that will lead to sustainable jobs. Developing and implementing effective career pathways plans will take time. However, the long term goals are to: 1) increase the number of Indian and Native American individuals who earn a high school diploma, GED, or obtain a recognized credential that enable them to compete for employment in high-demand and emerging industries and occupations; 2) increase the number of participants that obtain long term, sustainable employment; 3) establish multiple entry and exit points for

individuals along the education and training continuum; and 4) create systemic change and enhance partnerships that better connect education, training, supportive services, and the workforce system.

Links such as <http://www.mypathcareers.org/> or <http://www.doleta.gov/programs/onet/> may assist grantees with more information in developing career pathways strategies.

**6. Background on Establishing Individual Performance Levels for PY 2011 for the CSP (Adult) Program.**

When establishing performance levels, ETA recognizes that external factors - such as local economic conditions and participant characteristics - have a significant effect on grantee performance. For instance, a grantee located in a major metropolitan area with more employment opportunities is more likely to place participants in jobs than a grantee located in a rural reservation area with very few jobs. Similarly, better educated participants with few employment barriers are more likely to obtain employment than less educated participants with multiple employment barriers. Therefore, in order to establish fair and reasonable performance targets for WIA Section 166 grantees, a regression model must be developed that factors in the unique economic conditions each grantee operates under and the unique participant characteristics that each grantee serves. ETA is in the process of developing regression models for individual WIA Section 166 grantees for all three measures. Until these are developed, ETA will use a regression model from the Job Training Partnership Act to program establish the Entered Employment Rate only.

**7. Period of Performance.**

This one-year plan covers Program Year April 1, 2011 - March 31, 2012 for SYSP and CSP. Grant funds provided for PY 2009 through PY 2011 can be expended during this one-year cycle since these grant funds have a three-year expiration date from date of obligation. The Secretary may make funds for the SYP available on April 1, 2011. However, SYS Program funds may not be available in grantee subaccounts at the beginning of the PY (April 1). Grantees may use "carry-over" funds from previous PYs (if available) to implement the SYSP.

Grantees that do not have unspent funds from previous PYs may use other (non-restricted) resources to begin operating a SYS Program and reimburse the resource for allowable costs retroactive to April 1 upon fund availability. However, grantees should be aware that a formal commitment or obligation of DOL funds will only occur when a Notice of Obligation has been issued by the Grant Officer and the subsequent one-year plan has been approved.

**8. 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 base-line 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

one-year plan must include a detailed administrative budget and narrative justification with the one-year plan. The budget should include items such as, but not limited to, indirect costs, staff salaries, fringe benefits, rental space, utilities, equipment, supplies, travel, etc. The regulations at 20 CFR 667.220 defines what functions and activities constitute administrative costs subject to the administrative cost limit.

**9. Waivers.**

WIA Section 166(h)(3) permits waivers of any statutory or regulatory requirement except for those areas cited in 20 CFR 668.920. Grantees must follow 20 CFR 189(i)(4)(B) and the regulations at 20 CFR 661.420(c), when requesting a waiver. A request to waive a statutory or regulatory requirement follows a separate process than the one-year plan approval, therefore, requests may be submitted along with the one-year plan, but must be clearly separate from the plan. Grantees may also submit a request for a waiver at any time during the one-year program period.

**10. Acquisition of Equipment.**

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 OMB Circulars A-102 [29 CFR 97.33] and A-110 [29 CFR 95.2 (n)], require prior Grant Officer approval. Equipment approval must be submitted separately and cannot be included in the overall plan approval process.

**11. PY 2011 Funding Allocations.**

The planned PY 2011 appropriation level for Section 166 CSP is \$52,758,000 and \$13,861,035 for SYSP. Attachments F and G of this TEGP provide the funding allotments for individual grantees. These allotments are for planning purposes only.

Estimated allotments are provided before the passage of the Department's Fiscal Year 2011 appropriation in anticipation of the appropriation of funds for PY 2011 for the WIA Section 166 Indian and Native American Program, but the Department will not obligate any funds for PY 2011 grants until they are appropriated. Grantees will then receive an official Notice of Obligation from the Grant Officer upon approval of the one-year plan.

**12. Assurances and Certifications.**

Attachment E provides the assurances and certifications that are required and must be submitted with this plan. 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.

**13. Action Requested.**

Grantees must submit the one-year plan which includes all the documents outlined in item four above postmarked no later than May 1, 2011, to the address provided below. Grantees must submit three copies of the plan with at least one plan having an original signature of an authorized official that matches one of the names on Attachment E, Special Clause 2- Key Officials.

Please be aware that mail in the Washington D.C. area remains subject to decontamination procedures. Therefore, it is recommended that grantees use an overnight mail service in order to expedite the delivery of the one-year plan. Please mail plans to:

U.S. Department of Labor  
Office of Workforce Investment  
Indian and Native American Program  
200 Constitution Avenue, N.W.  
FPB Room S-4206  
Washington, D.C. 20210  
**ATTN: MIS-CSP-DESK**

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

|  |                |                      |                |
|--|----------------|----------------------|----------------|
| Evangeline M. Campbell, Program Manager (202) 693-3737 |                |                      |                |
| 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 |

15. **Attachments.** The following attachments and required documents must accompany the one-year plan.

|                     |   |
|---------------------|---|
| Attachment A:       | Grant Signature Sheet   |
| Attachment B:       | One-Year Comprehensive Service Plan Narrative   |
| Attachment C:       | Participant Planning, Efficiency, and Outcomes Worksheet (obtain form on-line at: <a href="https://ina.workforce3one.org/page/prog_planning">https://ina.workforce3one.org/page/prog_planning</a> ) |
| Attachment D:       | Supplemental Youth Services (SYS) Planning Worksheet (obtain form on-line at: <a href="https://ina.workforce3one.org/page/prog_planning">https://ina.workforce3one.org/page/prog_planning</a> )     |
| Attachment E:       | Assurances and Certifications   |
| Required Documents: | SF-424 (OMB Number 4040-0004)<br>SF-424A (OMB Number 4040-0006)<br>Grantee Grievance Procedures<br>Indirect Cost Rate/Cost Allocation Plan (if applicable)  |

**Attachments for Information Only:** (Please do not return with the plan)

|               |                |
|---------------|----------------|
| Attachment F: | CSP Allotments |
| Attachment G: | SYS Allotments |