

OREGON WORKFORCE PARTNERSHIP**CONFLICT OF INTEREST**

Adopted 7/29/2024

CONFLICT OF INTEREST POLICY**ARTICLE I – PURPOSES**

It is important that Oregon Workforce Partnership's directors, officers, and staff are aware that both real and apparent conflicts of interest or dualities of interest sometimes occur while conducting the affairs of the corporation and that the appearance of conflict can be troublesome even if there is in fact no conflict whatsoever. Conflicts occur because the many people associated with Oregon Workforce Partnership should be expected to have and do in fact generally have multiple interests and affiliations and various positions of responsibility within the community. In these situations, a person will sometimes owe identical duties of loyalty to two or more corporations. The purpose of the conflict-of-interest policy is to protect the Oregon Workforce Partnership's tax-exempt interest when it is contemplating entering into a transaction or agreement that might benefit the private interest of an officer, director or staff member or might result in a possible excess benefit transaction. The policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Conflicts are undesirable because they potentially or eventually place the interests of others ahead of the Oregon Workforce Partnership's obligations to its charitable purposes and to the public interest. Conflicts are also undesirable because they often reflect adversely upon the person involved and upon the institutions with which they are affiliated, regardless of the facts or motivations of the parties. However, the long-range best interests of Oregon Workforce Partnership do not require the termination of all association with persons who may have real or apparent conflicts that are harmless to all individuals or entities involved.

Each member of the board of directors and the staff of Oregon Workforce Partnership has a duty of loyalty to the corporation. The duty of loyalty generally requires a director or staff member to prefer the interests of Oregon Workforce Partnership over the director's/staff's interest or the interest of others. In addition, directors and staff of the corporation shall avoid acts of self-dealing which may adversely affect the tax-exempt status of the corporation or cause there to arise any sanction or penalty by a governmental authority.

ARTICLE II – DEFINITIONS**Interested Person**

Any director, principal officer, member of a committee with governing board delegated powers, or staff member, who has a direct or indirect financial interest, as defined below, is an interested person.

Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment or family:

- (a) An ownership or investment interest in any entity with which Oregon Workforce Partnership has a transaction or agreement,
- (b) A compensation arrangement with Oregon Workforce Partnership or with any entity or individual with which the corporation has a transaction or agreement, or

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(c) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which Oregon Workforce Partnership is negotiating a transaction of arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

ARTICLE III – PROCEDURES**3.1 Duty to Disclose**

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with the governing board delegated powers considering the proposed transaction or arrangement.

3.2 Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon, the remaining board or committee members shall decide if a conflict of interest exists.

3.3 Procedures for Addressing the Conflict of Interest

- (a) An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the conflict of interest.
- (b) The chairperson of the governing board or committee, if appropriate, shall appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- (c) After exercising due diligence, the governing board or committee shall determine whether the corporation can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- (d) If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the corporation's best interest, or its own benefit, and

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whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

3.4 Violations of the Conflict of Interest Policy

(a) If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

(b) If after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose as actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

ARTICLE IV – RECORDS OF PROCEEDINGS

4.1 Minutes

The minutes of the governing board and all committees with board delegated powers shall contain:

(a) The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.

(b) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

ARTICLE V – COMPENSATION

5.1 A voting member of the governing board who receives compensation, directly or indirectly, from the corporation for services is precluded from voting on matters pertaining to that member's compensation.

5.2 A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the corporation for services is precluded from voting on matters pertaining to that member's compensation.

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- 5.3 No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the corporation, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

ARTICLE VI – ANNUAL STATEMENTS

Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

- (a) Has received a copy of the conflict of interest policy.
- (b) Has read and understands the policy.
- (c) Has agreed to comply with the policy.
- (d) Understand that the corporation is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

ARTICLE VII – PERIODIC REVIEWS

To ensure the corporation operates in a manner consistent with its charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall at a minimum, include the following subjects:

- (a) Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.
- (b) Whether partnerships, joint ventures, and arrangements with management corporations conform to the corporation's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

ARTICLE VIII – USE OF OUTSIDE EXPERTS

When conducting the periodic reviews as provided in Article VII, the corporation may, but need not, use outside advisers. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

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CODE OF CONDUCT

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1. Purpose

This Code of Conduct implements and interprets state and federal requirements governing organizations receiving state and federal funding.

2. Effective Date

This policy shall take effect upon adoption by Oregon Workforce Partnership (OWP) Board of Directors.

3. Definitions

A. The term “official” means any member, administrative or financial management contractor, staff, temporary staff or volunteer of Oregon Workforce Partnership, its committees or work groups. The term “official” also includes anyone authorized to act on behalf of the OWP Board. The term also includes all individuals who participate in the making of OWP Board policy, procurement, fund obligation, contract management or personnel decisions.

B. The term “immediate family” means a spouse, parent, in-law, guardian, child, brother, sister, foster child, grandchild, grandparent, or other person to whom the official is not related but who resides in the same household. The relatives listed above need not reside in the same household to be included as immediate family.

4. Trust

Officials shall treat their positions as a public trust. Therefore:

A. The powers and resources of the OWP Board are to be used for the benefit of the public rather than for personal benefit.

B. Officials shall establish and implement all policies and standards in good faith, as equitably and economically as possible, regardless of their personal views.

C. Whistle blowing is appropriate in the event of unlawful or improper actions. Anyone who observes unlawful or improper actions by an official is expected to report them. The report can be made to the Oregon Workforce Partnership Board Chair or Vice Chair. It is improper to harass or punish individuals who seek accountability through whistle blowing.

D. Citizens shall have a fair and equal opportunity to express their views to officials.

E. Officials shall not give the appearance of impropriety. Officials and members of their immediate family should not accept any personal gift, meal or

entertainment valued at \$50 or more per year from any single source in which the official has an interest related to either the activities of OWP Board or its staff. The official and immediate family members should consider the decisions he/she may have to make and shall exercise conservative judgment. The key question is “By accepting this gift/meal/entertainment, am I giving preferential treatment to the gift giver, or am I giving the appearance to reasonable people of giving favor to the individual?” If the answer is “yes” to either question, then even a gift below the \$50 threshold should not be accepted.

Officials may accept gifts for the benefit of the OWP Board and may be guests at meals or entertainment activities. For example, gifts as part of a company grant or giving program should be accepted, and shall become the property of the Board. Gifts for employee awards, volunteers, and community cooperation are allowed. Donations to OWP Board programs are also allowed.

- F. Officials shall devote all OWP Board resources, including paid time, equipment, computers, supplies and capital assets to public benefit. Examples:
- Time paid for by the OWP Board is intended for OWP Board business.
 - Office supplies are for OWP Board or staff use only.
 - Officials must not use OWP Board letterhead or refer to their public position when requesting personal benefits or resolving disputes.

The OWP Board may adopt procedures allowing for limited use of fax, photocopiers and phones.

- G. The OWP Board may take a position on pending state or federal legislation or rulemaking. Officials may then provide information or otherwise act as directed on that position. Lobbying activities cannot be supported by federal and/or state grant funding.

5. Objectivity

OWP Board decisions shall be based on the merits of each issue, independent and objective. Therefore:

- A. If an individual official or OWP Board member’s financial or personal interests will be specifically affected by an OWP Board decision, the affected person is to withdraw from participating in the decision. This prohibition applies to all OWP Board, any standing committees or work group meetings, and discussions before or during meetings which involve lobbying for or against an OWP Board action or agenda item or which deliberating towards a decision. This prohibition against participating in the decision also includes the personal or financial

interests of the official's immediate family and household. Refusal and disqualification involves a statement such as "My brother-in-law is part owner of the property under discussion. Therefore, I will not be speaking or voting on this lease."

Also, in the case of a potential conflict where the effect is not certain, the conflict must be disclosed and participation in the decision prohibited.

An exception is made where the official's financial interests are included with a whole class of citizens. In this case, an informational disclosure may be appropriate, such as "We will be voting on the Northeast Career Center. My sister is receiving training from the Center."

- B. Officials shall avoid bias or favoritism and shall respect cultural differences as part of decision-making and the conduct of workforce area business.
- C. Intervention on behalf of constituents or friends is limited to assuring fairness and clarifying policies or improving service to citizens. Officials should avoid giving citizens any reason to believe they would receive better or different services if they had a personal connection with the official.

6. Accountability

Open government allows citizens to make informed judgments and to hold officials accountable. Therefore:

- A. Officials shall exercise their authority in open meetings supported by public records subject to the normal and usual exceptions, including but not limited to 1) pending or threatened litigation; 2) personnel decisions; 3) contract negotiations where disclosure of the OWP Board's position may inflate costs or prevent a board from carrying out its mission as effectively as possible.
- B. OWP Board and Managers should ensure that their practices for purchasing, contracting, and hiring include routines that elicit fair choices and assure protection of assets. Such routines include checklists, separation of duties, bank account reconciliations and reports to management.

7. Informal or Formal Opinions

An informal or formal opinion concerning a conflict of interest or ethical situation may be requested. If the situation involves the OWP Board staff,

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such requests should be directed to the Oregon Workforce Partnership Board Chair, or if the situation involves the Board Chair, to the OWP Board's Vice Chair.

OREGON WORKFORCE PARTNERSHIP**GRIEVANCES AND COMPLAINTS****Adopted 7/29/2024****PURPOSE**

This policy provides guidance and procedures under which Oregon Workforce Partnership (OWP) and its sub-recipients accept and process grievances and complaints. Claims allege a violation of the Workforce Innovation and Opportunity Act (WIOA), grants, or agreements and their applicable laws, regulations, and non-discrimination provisions.

REFERENCES

Code of Federal Regulations 20 CFR 683.600, 610 & 620

Code of Federal Regulations 29 CFR 38.35

WIOA Sec. 181 (c) & 188

POLICY

Oregon Workforce Partnership (OWP) shall operate all workforce programs in conformance with the Workforce Innovation and Opportunity Act (WIOA) and all other applicable laws and regulations. No application or provision of services shall allow discrimination based on race, color, religion, sex, national origin, (including limited English proficiency) age, disability, political affiliation or belief, citizenship status, or participation in any Workforce Innovation and Opportunity Act (WIOA) Title I-financially assisted program or activity as prohibited by WIOA or this part. This includes pregnancy, childbirth, and related medical conditions, transgender status, and gender identity. Should a suspected violation of this policy occur, the grievance or complaint should be addressed as follows:

Who May File

Any applicant, participant, service provider, One-Stop Operator, WorkSource Oregon (WSO) Partner, or another interested party may file a complaint alleging a violation of Workforce Innovation and Opportunity Act (WIOA), grants, agreements or non-discrimination laws.

Where to File

One can file a grievance or complaint with the sub-recipient/program provider EO Officer, or the Oregon Workforce Partnership (OWP) Executive Director. In the interest of expediency, filing with the person closest to the alleged violation is preferable.

Resolution Process

Sub-recipients/program providers and employers of participants must use OWP procedures to process complaints related to the terms and conditions of the participant's training or employment. If a complaint process covered under a collective bargaining agreement is required, then those procedures may be used. Any hearings conducted by an employer must comply with all provisions for hearings described in this policy.

Complainants with Disabilities

Accommodations in methods of communication and accessibility of locations will be made in compliance with ADA requirements for those with disabilities.

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PROCEDURES**General Provisions**

Written complaint procedures shall be made available to every applicant of the Workforce Innovation and Opportunity Act (WIOA) services. Reasonable efforts will be made to ensure that participants, individuals and recipients of federal assistance under the Workforce Innovation and Opportunity Act (WIOA) understand those complaint procedures. The written complaint procedure will include a notice that the complainant and respondent have the right to be represented by an attorney or another individual of their own choice. Complaints alleging violations of the Workforce Innovation and Opportunity Act (WIOA) laws and regulations other than the alleged act of discrimination must be filed within one year from the date of the alleged occurrence. Discrimination complaints must be filed within 180 days from the date of the alleged act of discrimination. All references to days shall be defined as calendar days, with timelines beginning on the day a complaint is received by the appropriate party as outlined herein. The Assistant Secretary of the U.S. Department of Labor for a good cause may extend periods.

An sub-recipient/program provider EO Officer receiving a grievance or complaint will immediately notify the Oregon Workforce Partnership (OWP) Executive Director. The Oregon Workforce Partnership (OWP) Executive Director will determine if the complaint relates to an alleged violation of Workforce Innovation and Opportunity Act (WIOA) laws and regulations or alleged discrimination, or is more appropriately referred to another program or organization offering services through the WorkSource Oregon system.

PROCESS

In addition to the process outlined below, allegations of discrimination will adhere to the process requirements as described at 29 CFR Part 38, Subject Group 88. Complainants alleging discrimination may at any time before issuance of a Final Decision, choose to pursue Alternative Dispute Resolution (ADR).

Complaint Receipt

Upon receipt of a grievance or complaint, the EO Officer will establish a file to contain the following:

- The complainant's application and enrollment forms;
- Completed complaint form or statement documenting the alleged infringement;
- A chronological log of events related to the alleged violation;
- Relevant correspondence;
- Record of any attempted resolutions before the filing of the complaint.

Complaints alleging discrimination must be filed in writing, either electronically or in hard copy, and must contain the information as outlined at 29 CFR 38.70.

OREGON WORKFORCE PARTNERSHIP**GRIEVANCES AND COMPLAINTS****Adopted 7/29/2024****Informal Resolution**

An attempt should be made to resolve the satisfaction of all the parties through informal agreement. The friendly resolution process must be completed within ten days of receiving the complaint. If all parties are satisfied, the claim is considered resolved, and the terms and conditions of the resolution must be documented in the complaint file.

Formal Resolution

When an informal resolution is not possible, Oregon Workforce Partnership (OWP) will issue a determination within 20 days of receiving the complaint. If an appeal of the decision is not requested within 14 days from the date of determination, the claim is considered resolved, and the complaint file is documented accordingly.

Hearing

If the Formal Resolution is appealed, the Oregon Workforce Partnership (OWP) Executive Director will refer the claim to the Higher Education Coordinating Commission State Grievance Coordinator for designation of a hearing officer to ensure the complaint receives fair and impartial treatment. The hearing must be conducted within 45 days of the date the complainant the grievance was filed by. The hearing officer will schedule a formal interview and mail a written notice to the complainant, respondent, and any other interested party at least seven days before the hearing.

Parties may present witnesses and documentary evidence and question others who offer evidence and testimony. The complainant may request that records and documents be produced. Attorneys or other designated representatives may represent each party. All statements will be taken under oath or affirmation.

The hearing will be recorded by either audiotape or writing. The hearing officer's recommended resolution will include a summary of factual evidence presented during the hearing and the conclusions upon which the recommendation is based.

Final Decision

The Oregon Workforce Partnership (OWP) Executive Director will review the recommendation of the hearing officer and issue a final decision within 60 days of the date the complainant filing the grievance.

Appeal

An appeal may be requested if any party is dissatisfied with the Final Decision, or any party who does not receive a Final Decision or resolution within 90 days of the complaint being filed, may request an appeal. Appeals may be submitted to:

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Higher Education Coordinating Commission
Office of Workforce Investments (HECC-OWI)
3225 25th Street SE
Salem, OR 97302

HECC-OWI will review the complaint file, the hearing record, and all applicable documents and issue a final decision within 30 days of receipt of the appeal.

Further Appeal

Any party that receives an adverse decision after appeal may seek a further appeal with the US Department of Labor. All appeals must be submitted by certified mail, return receipt requested, and addressed to:

Secretary of Labor
Attention: ASET
U. S. Department of Labor
Washington, D.C. 20210

OREGON WORKFORCE PARTNERSHIP**DISASTER RECOVERY****Adopted 7/29/2024****PURPOSE**

The purpose of this policy is to document expectations for staff and sub-recipients in the event of a disaster.

POLICY

Any number of occurrences may disrupt normal business activities for a time. Staff and sub-recipients are to ensure that negative impacts of any disruption are addressed immediately and effectively to minimize the potential impact on customers, employees, partners and Oregon Workforce Partnership (OWP).

A disaster is an occurrence that affects one or more business activities of the Oregon Workforce Partnership (OWP) to the extent that the capability to perform routine operations is impaired. In the event of a disaster, staff and sub-recipients will, to the best of their ability:

- Minimize interruptions to the normal services.
- Limit the extent of disruption and damage.
- Minimize the economic impact of the interruption.
- Establish alternative means of operation, if required.
- Minimize loss of participant records.
- Resume normal business operations, as soon as possible after the event.

OREGON WORKFORCE PARTNERSHIP**RECORD CONFIDENTIALITY AND RETENTION**

Adopted 7/29/2024

PURPOSE

Oregon Workforce Partnership (OWP) and sub-recipients are required to maintain and retain records of fiscal and program activities funded under the Workforce Innovation and Opportunity Act (WIOA) confidentially, with appropriate safeguards.

REFERENCES

Code of Federal Regulations 2 CFR 200.333-337

Code of Federal Regulations 29 CFR 38.41-45

Code of Federal Regulations 29 CFR 97.42

WIOA Sec. 185 (a)

DEFINITIONS

Retention Period: The retention period for the records of each funding period starts on the day the grantee (State of Oregon) submits to the awarding agency (Department of Labor) its single or last expenditure report for that period.

Final Expenditure Report: Shall be submitted with the annual settlement for the program year in which the final expenditures for the funding period are reported.

POLICY

Oregon Workforce Partnership (WWP) and any sub-recipient of WIOA funds will incorporate into their management systems the following procedures for the management of all WIOA records:

1. Retain all records and documents pertinent to participants, grant agreements, interagency agreements, contracts or any other award. This would include financial, statistical, or other pertinent records, and supporting documentation for a period of at least three years after the original submittal by the State of Oregon Higher Education Coordinating Commission Office of Workforce Investments of the final expenditure report (closeout) for that funding period to the Federal Department of Labor, the awarding agency;
2. Retain all records of non-expendable personal property for a period of at least three years after final disposal of property;
3. Retain indirect cost records such as computations or proposals, cost allocation plans, and supporting documentation for three years from the date the indirect cost rate package is submitted for negotiation. If not submitted for negotiation, the three-year period identified in (1) above shall apply;
4. Retain all records pertinent to applicants, registrants, eligible applicants/registrants, participants, current employees, terminated employees, and applicants for

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employment for a period of not less than three years from the close of the applicant program year; or until program year participant records are called for by Oregon Workforce Partnership (OWP) to take into its possession. Such records must be maintained as a complete record system, and in a manner, that ensures the confidentiality and safekeeping of records.

5. Retain records regarding complaints and action taken on the claims for a period of not less than three years from the date of the resolution of the claim;
6. Retain all records beyond the required three years if any litigation or audit has begun or a claim is instituted involving the grant or agreement covered by the files. The records shall be retained until the dispute, review or claim has been resolved or the required three years, whichever period is longer.
7. If sub-recipients are unable to keep their records, Oregon Workforce Partnership (OWP) will take custody and be responsible for the maintenance and retention of the records of any fiscal agent or recipient.
8. Oregon Workforce Partnership (OWP) shall dispose of no records addressed in this policy without instruction from or approval. Oregon Workforce Partnership (OWP) will provide guidelines and timelines for disposing of records. Any files that are confidential in nature, including participant records, must be shredded or similarly destroyed. Non-confidential documents may be recycled. If there is any outstanding litigation or audit claim begun on records before termination of retention, the files will be retained until resolution of litigation or audit claim.

OREGON WORKFORCE PARTNERSHIP**MONITORING****Adopted 7/29/2024****PURPOSE**

The purpose of this policy is to outline procedures Oregon Workforce Partnership (OWP) will use to conduct monitoring of sub-recipients and contractors to ensure compliance of programs receiving Workforce Innovation and Opportunity Act (WIOA) funding.

REFERENCES

Code of Federal Regulations 29 CFR 683.410
WIOA Sec. 183

POLICY

Oregon Workforce Partnership (OWP) will conduct annual monitoring of each sub-recipient and contractor to ensure compliance with WIOA and Oregon Workforce Partnership (OWP) rules and regulations. This monitoring will consist of an on-site review and desk audit. A final report of all sub-recipient monitoring will be provided to the Oregon Workforce Partnership Board annually.

PROCEDURE

Oregon Workforce Partnership (OWP) will contact sub-recipients and contractors approximately one month before the visit to establish the date and time that any on-site monitoring will take place. During the 30 days, sub-recipients and contractors will be asked to respond to the monitoring guide. Concurrently, Oregon Workforce Partnership (OWP) will conduct a desk audit including contract scope of work, budget activity and participant data.

On-Site Visit: Upon initiation of an on-site review, Oregon Workforce Partnership (OWP) will conduct an entrance conference with the appropriate personnel to convey the focus of the visit and go over specific tasks to be completed during the visit. A tour of the site may be conducted to assess the suitability of the facility as it relates to, health and safety, accessibility for the disabled, comfort, adequacy of training equipment and materials, and any other issues affecting programmatic compliance.

During the on-site visit, documentation to be reviewed may include, but not be limited to, administrative records, contract files, financial records, and participant files. Interviews may be conducted with program provider staff, participants and employers to obtain information about program administration, operations, and the quality and effectiveness of training.

The review will determine contractual compliance and any area(s) of non-performance.

Oregon Workforce Partnership (OWP) will conduct an exit conference with the program administrator and fiscal manager to discuss monitoring results, identify any required corrective actions, and offer technical assistance.

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Monitoring Report: A final monitoring report will be provided within 30 calendar days after completion of the review. Sub-recipients and contractors will have 30 days to respond or appeal any area of the report. The Oregon Workforce Partnership (OWP) Executive Director will issue a final decision on the appeal, in writing, to the sub-recipient or contractor.

Oregon Workforce Partnership (OWP) may also issue corrective action plans as a result of monitoring results. Timelines and parameters for compliance with corrective action will be spelled out in corrective action documents, which may be separate from the final monitoring report.

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INCIDENT REPORTING

Adopted 7/29/2024

PURPOSE

This policy provides guidance and procedures under which Oregon Workforce Partnership (OWP) and its sub-recipients in reporting instances of suspected fraud, program abuse, and criminal conduct. It aims to ensure compliance with federal regulations and the directives outlined in the Training and Employment Guidance Letter (TEGL) 15-23, thereby promoting the integrity and accountability of WIOA-funded activities. This policy also provides protections against retaliation for individuals reporting such incidents in good faith and outlines the processes for documenting and reporting to the Office of Inspector General (OIG) and the Employment and Training Administration (ETA).

REFERENCES

Code of Federal Regulations 20 CFR 683.600; 620
Training and Education Guidance Letter (TEGL) 15-23

DEFINITIONS

Emergency: A situation involving imminent health or safety concerns or the imminent loss of funds exceeding \$50,000.

Employee/Participant Misconduct: Actions occurring during or outside work hours that reflect negatively on the U.S. Department of Labor (Department) or its mission including, but not limited to: conflict of interest or the appearance of conflict of interest involving outside employment, business and professional activities; the receipt or giving of gifts, fees, entertainment, and favors; misuse of Federal property; and misuse of official information and such other activities as might adversely affect the confidence of the public in the integrity of the government (See 29 CFR Part 0; 5 CFR Parts 2635 and 5201), as well as serious violations of Federal and state law.

Fraud, Misfeasance, Nonfeasance, or Malfeasance: Any alleged deliberate action or inaction which may be in violation of Federal statutes and regulations. This category includes, but is not limited to, indications of bribery, forgery, extortion, embezzlement, theft of participant checks, kickbacks from participants or contractors, intentional payments to a contractor without the expectation of receiving services, payments to ghost (fake) enrollees, misuse of appropriated funds, and misrepresenting information in official reports.

Gross Mismanagement: Actions or situations arising out of management ineptitude or oversight and leading to a major violation of statutory (such as Workforce Innovation and Opportunity Act) processes, regulations, or contract/grant provisions. Such actions or situations have the potential to severely hamper accomplishment of program goals, waste government resources, and jeopardize future support for a particular program/project. This category includes, but is not limited to, unauditible records, unsupported costs, highly inaccurate fiscal reports or program reports, payroll discrepancies, payroll deductions not paid to the Internal Revenue Service, and lack of good internal control procedures.

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Incident Referrals: When the OIG receives an incident report from any source, the OIG determines whether the allegations have merit and, when appropriate, conducts or arranges for an investigation and/or audit. However, in instances where the OIG determines that the incident report does not have investigative or audit merit, the incident report is referred to ETA for resolution. In these instances, depending on the circumstances, ETA will either forward the incident report to the recipient to research and report back, or ETA will work with the recipient to analyze and report on the incident. When an incident report is referred to a recipient, the recipient must prioritize this activity, so ETA can report the resolution to the OIG in a timely manner.

Misapplication of Funds: Any alleged deliberate use of funds, assets or property not authorized or provided for by legislation or regulations, grants, or contracts. This category includes not limited to, nepotism, political patronage, use of participants for political activity, ineligible enrollees, conflicts of interest, failure to report income from Federal funds, violation of contract/grant procedures, and the use of Federal funds for other than specified purposes. An incident report should be filed when there appears to be an intent to misapply funds rather than merely for a case of minor mismanagement.

POLICY

This policy aligns with the directives outlined in TEGL 15-23 and requires dual reporting to both the Office of Inspector General (OIG) and the Employment and Training Administration (ETA). Maintenance of internal procedures regarding criminal fraud, abuse, waste, or other criminal activity will be monitored annually to ensure ongoing compliance and timely updates.

Sub-recipients must report allegations of fraud, waste, and abuse, as well as criminal and other illegal or improper activities in ETA-funded grant programs and operations to the OIG via the OIG Hotline Portal (<https://www.oig.dol.gov/hotline.htm>). Additionally, sub-recipients must send screenshots or photos of the OIG report to ETA via email at ETAIncidentReporting@dol.gov, with the subject line: "ETA Incident Report – [Oregon]." This dual reporting requirement ensures that both the OIG and ETA are promptly informed of any incidents.

In situations involving imminent health or safety concerns or the imminent loss of funds exceeding \$50,000, sub-recipients must report the incident within one working day by telephone to the OIG Hotline at 1-800-347-3756 or 202-693-6999 and follow up immediately thereafter with a written incident report. No action, including retaliation, will be taken against any individual who discloses information concerning criminal or improper activities or makes a good faith complaint to proper authorities. Individuals reporting incidents may remain anonymous if they choose, and their anonymity must be protected.

OREGON WORKFORCE PARTNERSHIP**INCIDENT REPORTING****Adopted 7/29/2024****PROCEDURES**

To comply with this policy, OWP and our sub-recipients must follow these procedures. To report an incident to the OIG, you must complete the relevant fields in the OIG Hotline Portal <https://www.oig.dol.gov/hotline.htm>. At each submission page, you are required to take screenshots or photos of each step (Your Information, Alleged Violator Information, and Allegation Information) before final submission.

Once you have submitted your form, OWP and our sub-recipients must report the same incidents to ETA by sending the screenshots or photos taken during the OIG report submission process to ETA via email at ETAIncidentReporting@dol.gov. The subject line of the email should read: "ETA Incident Report – [Oregon]." If personal information such as Social Security Numbers (SSNs) was provided to the OIG, it must be redacted before sending the email to ETA.

OREGON WORKFORCE PARTNERSHIP

PROPERTY MANAGEMENT

Adopted 7/29/2024

PURPOSE

This policy guides on the management, control, transfer, and safeguarding of property procured using Workforce Innovation and Opportunity Act (WIOA) or other granted funds, by Oregon Workforce Partnership (OWP), its sub-recipients. This policy is intended to supplement but not replace any applicable federal and state laws and regulations governing the management of property purchased with WIOA or other granted funds.

REFERENCE

Code of Federal Regulations 2 CFR 200.310 – 316

DEFINITIONS

- **Real Property:** Land, buildings and building improvements.
- **Renovations/Rearrangements:** Repairs, alterations and capital improvements to real property.
- **Equipment:** Tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost, or depreciable value at the acquisition of \$5,000 or more.
- **Fixed Assets:** Real property or equipment with an acquisition cost or depreciable value of \$5,000 or more.
- **Materials & Supplies:** All tangible personal property other than real property, renovations/rearrangements, and equipment.
- **Personal Property:** Tangible non-expendable personal property having a useful life of more than one year and an acquisition cost of less than \$5,000.

POLICY

Sub-recipients will maintain a detailed listing of all items of any Real Property, Renovations/Rearrangements and Equipment with an acquisition cost of \$5,000 or greater purchased in part or entirely with WIOA or other granted funds. At a minimum, the listing must consist of the item description, serial number if applicable, location of the item, date of purchase, and purchase price.

Purchases of fixed assets and all renovations, alterations and capital improvements to real property, shall appear as separate line items in proposals and budgets. These purchases must be pre-approved by the cognizant agency overseeing the funds distributed to Oregon Workforce Partnership (OWP). Pre-approval requests are to be routed through Oregon Workforce Partnership (OWP) during the proposal, budget or budget modification process. Those in possession of property covered under this policy must ensure adequate safeguards to prevent loss, damage or theft of property. Any loss, damage or theft of property covered

OREGON WORKFORCE PARTNERSHIP**PROPERTY MANAGEMENT****Adopted 7/29/2024**

under this policy shall be investigated, fully documented, and immediately reported to Oregon Workforce Partnership (OWP). In the case of possible theft, a copy of the report made to local law enforcement authorities must also be provided.

Sub-recipients must notify Oregon Workforce Partnership (OWP) before the disposal or relocation from one address to another of any property covered under this policy. All Fixed Assets with an aggregate market value higher than \$5000 must be disposed of by following the federal standards for the disposition of property purchased with WIOA or other granted funds.

On an annual basis, and or at grant closeout, Oregon Workforce Partnership (OWP) may conduct a physical inventory of property, equipment and renovations/rearrangements purchased with WIOA or other granted funds.

OREGON WORKFORCE PARTNERSHIP**METHOD FOR EVALUATION & SELECTION****Adopted 7/29/2024****PURPOSE**

To provide guidance on the evaluation & selection of contractors and vendors when utilizing a formal procurement process.

REFERENCES

2 CFR 200.320 Methods of Procurement to be Followed

POLICY

Procurements made using a formal process shall utilize the request for proposal or request for qualifications methods.

PROCEDURE

Request for Proposal/Qualifications:

Includes all relevant information for the prospective proposer to successfully submit a proposal that meets the criteria of the request.

Is advertised to the general public to promote fair and open competition.

Includes a scoring rubric that clearly explains the method for scoring the proposals and the relative weight given to each subject matter in the response.

Proposals are prescreened to ensure proposing entity meets all the administrative requirements to receive the funding and carry out the program requirements of the associated grant.

Proposals are reviewed by a panel of subject matter experts who are not board members or employees of Oregon Workforce Partnership.

Each panel member independently scores the responses. Individual scores are aggregated to arrive at an overall score for each proposal.

An appeal process and procedure is embedded in the request for proposal/qualifications and And adhered to by Oregon Workforce Partnership.

OREGON WORKFORCE PARTNERSHIP**ACCOUNTING SYSTEMS****Adopted 7/29/2024****PURPOSE**

To ensure awarded grants are reported on an accrual basis.

REFERENCES

2 CFR 2900.14 Financial Reporting

POLICY

All transactions are entered into the Accounting System on an accrual basis following Generally Accepted Accounting Principles (GAAP). Transactions are dated effective of when the transaction occurs, not when payment is exchanged.

PROCEDURES**Accrual Accounts:**

Accounts Payable, Accounts Receivable, Prepaid Expense, Deferred Revenue and other Balance sheet accounts are used in a double entry process to date expenses and revenues in the time period the transactions occur.

Expenses: Invoices are debited to the appropriate expense category and credited to the accounts payable ledger on the date the transaction occurs or in the time period covered by the product or service.

Revenues: Revenues are credited to the appropriate revenue category and debited to the accounts receivable ledger with an effective date in compliance with GAAP guidelines for revenue recognition.

OREGON WORKFORCE PARTNERSHIP

AUDIT REQUIREMENTS

Adopted 7/29/2024

PURPOSE

To ensure compliance with federal grant and assistance audit requirements.

REFERENCES

2 CFR 200.500 Audits

POLICY

If more than \$750,000 in federal funds are expended during the fiscal year, OWP must have a single or program-specific audit conducted by an independent auditor,

PROCEDURES**Procurement of Independent Auditor:**

Prior to completion of a fiscal year in which it is anticipated that a single audit or program specific audit is required, a Request for Proposal (RFP) following federal procurement standards is released to procure an independent auditor. The successful proposer may be engaged for a period of 5 fiscal years, at which time the RFP process is repeated.

Financial Statements: Financial Statements, including the Schedule of Expenditures of Federal Awards (SEFA) are prepared by OWP staff for submittal to the auditor. OWP will provide the auditor with access to personnel, accounts, books, supporting documentation and other information as needed.

Audit Submission: Completed audit must be submitted to the Federal Audit Clearinghouse in accordance with federal audit submittal requirements.

Correction: OWP will promptly follow-up and take any corrective action on audit findings, including preparation of a summary schedule of audit findings and a corrective action plan.

Board Review: Auditor, with assistance from OWP staff will present the audit results to the OWP board of directors at the next board meeting following the completion of the audit.

OREGON WORKFORCE PARTNERSHIP

BUDGET CONTROL & MODIFICATION

Adopted 7/29/2024

PURPOSE

To document the procedure for creation, documentation and approval of the annual budget.

REFERENCES

2 CFR 200.300 Standards for Financial and Program Management

POLICY

An annual budget will be created and approved that identifies anticipated revenues and expenditures by the grant or source of funding.

PROCEDURES**Budget Development:**

OWP staff will develop the annual budget with input from the board of directors. The budget will allocate anticipated revenues and expenditures for the coming fiscal year toward individual grants and funding sources.

Budget Approval: Prior to the start of the fiscal year, OWP staff will present the budget to the board of directors for approval.

Budget Tracking/Reporting: Actual revenue and expenditures will be tracked against the budget in the organization's accounting system. OWP staff will provide a quarterly report of budget vs. actual to the board of directors.

Modification: Should OWP receive other grants or assistance during the fiscal year that are greater than 10% of the overall budget, a budget modification will be prepared and presented to the board of directors for approval.

OREGON WORKFORCE PARTNERSHIP

CLOSEOUT PROCESS

Adopted 7/29/2024

PURPOSE

To establish processes for closing out grants and other funding agreements.

REFERENCES

2 CFR 200.343 Closeout

POLICY

Grants and funding agreements shall be closed at the the completion of the grant period or completion of the program or work requirements in accordance with their closeout processes.

PROCEDURES

Documentation: No later than 90 calendar days after the end date of the period of performance, or the date prescribed in the grant or funding agreement, all financial, performance, and other reports as required by the terms and conditions of the grant or agreement shall be submitted to the awarding agency or pass-through entity.

Obligations: All grant obligations must be liquidated no later than 90 days after the end date of the period of performance.

Refunds: Any unobligated advance payments must be promptly returned to the awarding agency or pass-through entity.

Real and Personal Property: Real and personal property purchased with grant funds must be accounted for in accordance with 2 CFR 200.310 Insurance Coverage, 2 CFR 200.316 Property Trust Relationship, and 2 CFR 200.329 Reporting on Real Property

Other: Any other closeout processes stated in the grant or funding agreement must be completed as required.

OREGON WORKFORCE PARTNERSHIP**DEBT COLLECTION****Adopted 7/29/2024****PURPOSE**

This policy sets forth procedures for the collection of any debt due and owed to Oregon Workforce Partnership (OWP). It establishes procedures for the recovery of unallowable and disallowed expenditures under the Workforce Innovation and Opportunity Act (WIOA) or other grants to help ensure that all funds administered by Oregon Workforce Partnership (OWP) are properly accounted for, and whenever feasible, recoverable.

REFERENCES

Code of Federal Regulations 2 CFR 200.426 & 200.428
WIOA Sec. 184

POLICY

Once it has been determined that a debt is owed to Oregon Workforce Partnership (OWP), the following procedures will be followed:

Notification Process

If the liability lies with a program participant or subcontractor, the sub-recipient or contractor will initiate collection procedures using their internal debt collection processes. Should the sub-recipient or contractor be unsuccessful in recovering the debt from the program participant or their subcontractor after using their internal methods, they may forward documentation and a request for assistance to Oregon Workforce Partnership (OWP). Support from Oregon Workforce Partnership (OWP) does not relieve the sub-recipient or contractor from liability of debt.

If the liability lies with the sub-recipient or contractor, or if the sub-recipient or contractor is seeking OWP assistance in collecting from a participant or contractor, Oregon Workforce Partnership (OWP) may send up to three debt collection letters to the delinquent party at no less than 30 calendar day intervals, or until the debt is collected. The debt collection letters will be sent Certified Mail-Return Receipt Requested. If the delinquent party grieves the existence of a balance, they will be encouraged to seek legal advice.

The first and second (which shall be more strongly worded than the first) collection letters will include the following:

- Amount of the debt
- The basis for the liability
- Date debt will be considered delinquent
- Interest Rate to be charged after the delinquency date
- Administrative Appeal Rights of the debtor

OREGON WORKFORCE PARTNERSHIP**DEBT COLLECTION****Adopted 7/29/2024**

The third collection letter will include the same information as the first two letters and will also indicate Oregon Workforce Partnership's (OWP) intention to impose one or more of the following sanctions:

Withholding payments due to the sub-recipient or contractor when the delinquent party is a program participant or subcontractor;

- Initiation of litigation against the delinquent party;
- Withholding of future funding
- Termination of current agreements
- Introduction of debarment

If the debt is due to an unallowable/disallowed cost by sub-recipient or contractor, the sub-recipient or contractor shall be notified in writing of the existence and the basis of the debt. The same Oregon Workforce Partnership (OWP) procedures explained above will apply to debt collection from sub-recipient or contractor.

Debt Settlement

In the event sub-recipient or contractor desires to compromise and settle the debt for less than the full amount, Oregon Workforce Partnership (OWP) shall decide as to whether or not the compromise is in its best interests. In making that determination, Oregon Workforce Partnership (OWP) shall consider the following factors:

- Amount of the debt
- Possible repayment methods
- Debtor's repayment history to date
- Debtor's ability to satisfy the terms of the compromise
- Cost of further debt collection proceedings
- The probable success of any litigation

An approval will be obtained from the appropriate governmental authorities with oversight of the affected funds, prior to any debt being compromised or terminated

Litigation of Debt

Oregon Workforce Partnership (OWP) shall seek legal counsel to determine if a dispute is in its best interests. If, after considering the probable success of litigation, Oregon Workforce Partnership (OWP) determines to proceed, legal counsel will be retained to carry out the dispute. If, after consultation, it is determined that dispute is not in the best interests of Oregon Workforce Partnership (OWP), a request for waiver may be submitted to the proper authority for any disallowed cost.

OREGON WORKFORCE PARTNERSHIP

DEBT COLLECTION

Adopted 7/29/2024

Record of Debt Collection Process

Oregon Workforce Partnership (OWP) must maintain a record of all actions taken during the collection process, including any supporting documentation. These records shall include any information supporting the outcome of any decisions made regarding courses of activity during the collection process.

OREGON WORKFORCE PARTNERSHIP**COST ALLOCATION****Adopted 7/29/2024****PURPOSE**

Oregon Workforce Partnership (OWP) is a consortium composed of the nine Local Workforce Boards in the State of Oregon. OWP provides advocacy, networking, and training opportunities that support and strengthen the Oregon Workforce System. This work and its associated projects are typically run with unrestricted funding. However, OWP also procures and coordinates grants on behalf of all the Local Workforce Boards that support workforce programs across the state.

The purpose of this cost allocation plan is to describe the methodology whereby costs are allocated across multiple funds.

METHODOLOGY**Salaries, Wages, Taxes and Benefits**

OWP Staff costs are built into grant budgets. Staff costs are allocated to grants in alignment with the grant budgets. Remaining staff costs are allocated to unrestricted funding.

Materials, Supplies, Fees, Insurance, Dues, and Other General Expenses

OWP costs for general expense items that are not directly attributable to a distinct project, program or grant are allocated to non-program related grant funding, such as indirect or administrative designated funds. The cost basis is the proportionate share of staff costs related to specific grants. The remainder is allocated to unrestricted funding.

OREGON WORKFORCE PARTNERSHIP**SELECTIVE SERVICE****Adopted 7/29/2024****PURPOSE**

The purpose of this policy is to establish guidelines for participants in federal workforce programs regarding Selective Service Registration requirements. The US Department of Labor requires that all individuals assigned male at birth and receiving any assistance or benefits under this title shall follow the Selective Service requirements if otherwise eligible.

REFERENCES

Training and Employment Guidance Letter (TEGL) 11-11 Change 2

POLICY

To participate in a federally funded workforce program or receiving assistance, all males 18 years old or older must be registered for Selective Service. Male applicants who are 18 years or older must be registered at the time of application. Male participants who turn 18 years of age while receiving services must register within 30 days to continue receiving services. Women, males who were born before January 1, 1960, or males who have not yet reached their 18th birthday are not allowed to register with the Selective Service System and are therefore not required.

Males who reach their 26th birthday and have not registered with Selective Service are no longer eligible to register and may be unable to access many federally funded services. Applicants who failed to register must provide proof that the failure was not knowing and willful in order to be considered for receiving federally funded services. Oregon Workforce Partnership is responsible for evaluating the evidence presented by the applicant to determine whether the failure to register was knowing and willful.

For transgendered participants, compliance with selective service is predicated on the individual's gender as assigned at birth/as recorded on a birth certificate.

For participants in federally funded programs, hard copy paper documentation must be collected at enrollment or upon the participant's 18th birthday to determine eligibility.

STANDARD PROCEDURE**Required Persons**

Men required to register include those males who are:

- United States (U.S.) citizens;
- Parolees;
- Veterans discharged before their 26th birthday;
- Non-citizens who take up residency in the U.S. prior to their 26th birthday:
 - a. Illegal aliens;
 - b. Legal permanent residents;
 - c. Seasonal agricultural workers; and/or
 - d. Refugees.

OREGON WORKFORCE PARTNERSHIP**SELECTIVE SERVICE**

Adopted 7/29/2024

- Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

Documentations for Required Persons

When an applicant states he has registered with the Selective Service, verification or registration is required. Sub-recipient will use the one of following for verification:

- Print out of online verification at www.sss.gov/RegVer/wfVerification.aspx
- Selective Service Registration Card
- Certified Post Office Receipt of Registration
- Selective Service Verification Form (Form 3A)
- DD-214 "Report of Separation"
- Selective Service Acknowledgement letter

Exceptions to Selective Service for U.S. Citizens

Exceptions to the mandatory registration for U.S. citizens are as follow:

- Males who are serving in the military on full-time active duty;
- Male attending the service academies who are discharged after their 26th birthday;
- Male hospitalization, incarcerated, or institutionalized are not required to register during their confinement; however, they must register within 30 days of release if they have not reached their 26th birthday; and
- Male veterans discharged after their 26th birthday

Documentation for Exceptions for U.S. Citizens

Acceptable forms of supporting documentation include:

- Status information letter showing the individual was not required to register

Exceptions to Selective Service for Non-U.S. Citizens

Exceptions to the mandatory registration for U.S. citizens are as follow:

- Non-U.S. male who came into this county for the first time after his 26th birthday
- Non-U.S. male who first entered the United States illegally after his 26th birthday
- Non-U.S. male on a valid non-immigrant visa

Documentation for Exceptions for Non-U.S. Citizens

Acceptable forms of supporting documentation include:

- Exemption letter from the Selective Services System
- Date of entry into U.S. stamp in passport
- I-94 with date of entry stamp on it

OREGON WORKFORCE PARTNERSHIP**SELECTIVE SERVICE****Adopted 7/29/2024**

- Letter from U.S. Citizenship and Immigration Services indicating the date of entry into U.S. along with documentation of the individuals age
- Proof the individual was not living in the U.S. from age 18-26

Failure to Register Waiver

If the individual was required to register and did not, documentation must show that the failure to register was not knowing and willful. This should include a copy of the Letter of Status from the Selective Service System along with written explanation and supporting documents (if applicable) which will be submitted to Oregon Workforce Partnership for written approval prior to enrollment. Oregon Workforce Partnership staff will review the documentation and provide a decision and next steps to the sub-recipient staff in writing.

Males Who Turn 18 While Enrolled in a Federally Funded Program

A male who turns 18 years of age while enrolled in a federally funded program is required to register with the Selective Services within 30 days of his 18th birthday, or will be suspended from program services until he registers. Sub-recipients must have a system in place to flag such persons, so the Selective Service registration can be conducted within 30 days of their 18th birthday and documented in Oregon Workforce Partnership's participant database.

OREGON WORKFORCE PARTNERSHIP**EQUAL OPPORTUNITY****Adopted 7/29/2024****PURPOSE**

The purpose of this policy is to ensure compliance with equal opportunity and non-discrimination regulations by Oregon Workforce Partnership (OWP) staff and sub-recipients.

REFERENCES

Code of Federal Regulations 29 CFR 37 & 38

WIOA Sec. 188

POLICY

Oregon Workforce Partnership (OWP) and Workforce Innovation and Opportunity Act (WIOA) services are subject to Equal Opportunity (EO) rules and regulations. Services must be available to eligible participants regardless of race, color, religion, sex, national origin, age, disability, political affiliation, or belief. In addition, for beneficiaries, applicants, and participants only, WIOA prohibits discrimination because of citizenship status, or because of an individual's participation in WIOA Title I-financially assisted program or activity. Oregon Workforce Partnership (OWP) will designate an EO Officer.

Programs are required to inform each participant of EO rights and grievance procedures, by following this policy, at the time of program enrollment. Sub-recipients are required to post EO posters in a prominent location where applicants and participants gather. Signs will be available in Spanish and English at each service location.

Recruitment brochures and other materials (including pamphlets, flyers, and other publications distributed or communicated in written or oral form, electronically or on paper, for customers, staff or the general public) that describe WIOA Title I-funded programs or activities will include the following approved EO Tagline:

- English: Oregon Workforce Partnership/"SUB-RECIPIENT NAME" is an equal opportunity program/employer. Language assistance is available to individuals with limited English proficiency free of cost. Auxiliary aids or services are available upon request to individuals with disabilities. Oregon Relay 1-800-735-2900.
- Spanish: Oregon Workforce Partnership/"SUB-RECIPIENT NAME" es un programa/empleador que respeta la igualdad de oportunidades. Hay asistencia de idiomas para personas con conocimiento limitado del inglés sin costo y servicios auxiliares disponibles a pedido para discapacidades. Oregon Relay 1-800-735-2900.

Grievances will be handled by following the Oregon Workforce Partnership (OWP), state, and federal policies on grievance reporting.

OREGON WORKFORCE PARTNERSHIP**INDIVIDUAL TRAINING ACCOUNTS****Adopted 7/29/2024****PURPOSE**

The purpose of this policy is to establish guidelines for the issuance of Individual Training Accounts for participants engaged in approved training.

REFERENCES

Code of Federal Regulations 20 CFR 680.210; 230; 310
Oregon State Workforce Policy: 122 (a)
Training and Employment Guidance Letter (TEGL) 10-09, 19-16
WIOA Sec. 122 (a)(3)
WIOA Sec. 134 (c)(3)(a); 134 (d)(4)(g)

POLICY

An Individual Training Account (ITA) is intended to provide financial assistance for training services that give the participants the sustainable skills necessary for competitive employment. ITAs are not essential for short-term prevocational services, such as GED or workforce preparation classes or individualized career services. ITA funds are available to purchase training services from eligible training providers for Adults and Dislocated Workers. Eligible training programs are established through the Eligible Training Provider List (ETPL).

ITAs for training services are allowable for Adults, Dislocated Workers, and or Out-of-School Youth (ages 18-24). Participants are expected to make a self-informed choice about their employment future and training services needed. Sub-recipients are expected to provide information, assessments, and resources to participants for the participant to have an active role in managing their employment goals and future ITA.

ITA Obligations and Authorization

Before any ITA training funds are expended, an ITA application must be approved by sub-recipient staff. The following criteria for the award of a scholarship will consider:

Need for Training

The award of an ITA is not an entitlement, therefore, even though a participant may be eligible (including priority of service participants), the provision of training must be needed for the participant to obtain employment that leads to economic self-sufficiency.

Furthermore, the participant must express the desire to complete a training program directly linked to the employment opportunities in the local area or show a willingness to commute.

Use of Assessments

Individuals who indicate a need for training through the ITA must receive an interview, evaluation, or assessment *and* a career plan (IEP) prior to ITA obligations. During the evaluation, Sub-recipient staff will verify the need for training and if the person is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment. Assessments must also

OREGON WORKFORCE PARTNERSHIP**INDIVIDUAL TRAINING ACCOUNTS**

Adopted 7/29/2024

verify if the participant has the skills, qualifications, and means to participate successfully in training services. Utilizing evaluation conducted within the last six months are allowable.

Strategic Occupations

All ITAs need to consider the connection between the employment goal of the applicant and positions that lead to self-sufficiency and within the regionally emerging industries.

Eligible Training Provider

ITA funding may only be obligated and paid toward training programs located on the Eligible Training Provider list (ETPL). This includes programs found in Washington, Idaho, and Utah's ETPL. Eligible training programs approved by Washington, Idaho, or Utah are only available to Oregon participants if the Out-of-State programs are not offered in Oregon and the participant agrees to attend training through the out-of-state training program.

Sub-recipient will notify participants of the training program eligibility expiration dates. If a training program is removed from the ETPL before the first day of class, that program is not eligible for ITA funding. If the removal of a training program takes place after the first day of class, the ITA funds can pay for the completion of the training program.

Registered Apprenticeship

ITAs may be developed for participants enrolled into a Registered Apprenticeship program that has registered with U.S. Department of Labor or with Oregon's Bureau of Labor and Industry; Apprenticeship and Training Division. ITA funding does not cover the on-the-job portion of the program; however, can include, some or all, of the classroom portion of the Registered Apprenticeship. A combination of ITA and OJT funding to completely fund the Registered Apprenticeship is allowable.

Time and Funding Limits

Oregon Workforce Partnership (OWP) does not have a time limit for ITA completion. Participants who need to prepare for a training program, such as completing math, reading, writing prerequisites, are not considered to have started the training program and cannot be funding by an ITA award unless the prerequisite class is a part of the overall training program.

WIOA ITA funding is defined in the ITA Standard and includes tuition and fees. The amount and duration of an ITA award shall be determined on an individual basis with consideration of other financial assistance available to the participant.

Coordination of ITA Funds and Financial Aid

ITA funding is limited to participants who are unable to obtain grant assistance from other sources to pay for the entire cost of training or require assistance beyond available grants.

OREGON WORKFORCE PARTNERSHIP**INDIVIDUAL TRAINING ACCOUNTS**

Adopted 7/29/2024

Participants need to apply for financial aid each year, and a copy of the award or denial notification must accompany the ITA application. Participants who require WIOA assistance in addition to other grants, such as Federal Pell Grants, will need the sub-recipient to make funding arrangements with the additional funding entities. A WIOA participant may enroll in a WIOA-funded training program while the participant's Pell grant is pending as long as the Sub-recipient has arrangements with the training provider. Agreements must include reimbursements. If the Pell Grant covers the complete training, the training provider must reimburse the sub-recipient the WIOA funds that were used to underwrite the training for the amount the Pell Grant covered, including fees the training provider charges to attend training.

Coordination of ITA Funds and Other Federal Assistance

Sub-recipients are to consider other sources of funding for training (excluding loans) to pay for training costs to ensure WIOA funds can supplement but do not replace, other sources.

Educational funding for Veterans who receive training benefits administered through the Department of Veterans Affairs is not required to exhaust benefits to receive WIOA training.

ITA Payments

Sub-recipients may write a Purchase Order (PO) or voucher for each identified to receive an ITA award. Sub-recipients have the flexibility to decide when to bill actual expenditures with the training provider. PO or vouchers are required to address de-obligations as individuals receive additional resources and or leave the training program before completion.

Training and Satisfactory Progress

Participants must be able to demonstrate the necessary skills to complete the training and enter employment and have no legal barriers to entering the occupation for which the instruction is targeted. Participants enrolled in an ITA must maintain at least a 2.0-grade average in graded courses or programs, and at least a satisfactory rating in ungraded courses, each quarter/semester/term. If a participant has two consecutive quarters/semesters/terms where the grade falls below a 2.0 GPA, Oregon Workforce Partnership (OWP) approval is required before further training payments.

Oregon Workforce Partnership (OWP) will consider the following before approval:

- Cause of failure such as; illness, injury, or disability of the participant or member of the family;
- Weather conditions/natural disasters prevented the participant from completing training;

OREGON WORKFORCE PARTNERSHIP**INDIVIDUAL TRAINING ACCOUNTS****Adopted 7/29/2024**

- Training is delayed or canceled;
- Employment that caused the participant to disengage from training;
- Advice from academic personnel that recommended student “dropping” from the training program
- Modification to the training request

ITA Modifications

Sub-recipient staff can change the participant’s professional goal when a participant decides after attending one-quarter of school if the occupation chosen is not right-fitting for the participant. The participant must complete the same activities, such as labor and wage information, before the approval of the ITA modification.

OREGON WORKFORCE PARTNERSHIP

PRIORITY OF SERVICE

Adopted 7/29/2024

PURPOSE

This policy aims to establish the priority of service concerning the Workforce Innovation and Opportunity Act Adult funding for career and training services.

REFERENCES

Code of Federal Regulations 20 CFR 1010.200-250
Code of Federal Regulations 20 CFR 679.370
Code of Federal Regulations 20 CFR 680.600 – 680.660
Oregon Workforce Investment Board Priority of Service Policy
Training and Education Guidance Letter (TEGL) 19-16; 10-09
WIOA Sec. 3 (5); (50); (53); (36)(a)
WIOA Sec. 134 (c)(3)(E) n
Policy 08 Adult and Dislocated Worker Eligibility

DEFINITIONS

- **Veteran:** An individual who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.
- **Eligible Spouses of Veterans:** The spouse of a veteran who is a member on active duty at the time of application who is missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty by a foreign government or power for a total of more than 90 days, or a veteran with a total disability from a connected service, or died from a service-connected disability.
- **Recipients of Public Assistance:** An individual who receives, or in the past six months has received or is a member of a family that is receiving or in the past six months has received public assistance through Temporary Aid for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), General Assistance or Refugee Cash Assistance, or Supplemental Security Income (SSI).
- **Low-Income Individual:** An individual who receives, or in the past six months has received or is a member of a family that is receiving or in the past six months has received public assistance through SNAP or is in a family where the total family income does not exceed the Federal Poverty line or 70% of the Lower Living Standard Income Level (LLSI). An individual with a disability whose family does not meet income eligibility criteria, but meets the income criteria, may be considered a low-income individual for priority of services.
- **Basic Skills Deficient:** An individual who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or society.

POLICY

Under WIOA, the priority of service means that a "covered" person shall be given priority over a "non-covered person" for the receipt of employment, training, and placement services provided. Depending on the type of service or resources provided, priority means that the "covered" person receives access

OREGON WORKFORCE PARTNERSHIP**PRIORITY OF SERVICE****Adopted 7/29/2024**

to the service or support earlier in time than the "non-covered person," or if the service is limited, the covered person receives access to the service or support instead of, or before, the "non-covered" person. A "covered" person includes veterans and eligible spouses of veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.

Priority of Service for veterans applies to all qualified job-training programs. Veterans will be identified and made aware of their entitlement to the priority of service, the full range of program services under the priority of service, and all applicable eligibility requirements during the point of entry. When a veteran does not have verifying documentation of veteran or eligible veteran status, the veteran or eligible spouse should be enrolled, and priority of service will be made available once documentation of status is verified. To receive training services under WIOA, veteran status must be verified.

For other priority populations, verification of priority of service should occur during enrollment for Adult applicants. Services will be provided to "covered" participants in the following priority order:

- Veterans and eligible spouses who are also included in the priority groups are given statutory priority for WIOA Adult formula funding.
- Individuals who are not veterans or eligible spouses but meet one of the statutory priorities (priority groups) for WIOA Adult formula funding:
 - a. Recipients of public assistance
 - b. A low-income Individual
 - c. Basic skills deficient

Documentary Evidence for Verifying Priority of Service

Required WIOA eligibility documentation must be in every participant's file and available for review by Oregon Workforce Partnership (OWP). Required documentation sources for general WIOA eligibility are included in the table below. At least one document from every applicable category must be provided.

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Priority of Service	Veteran Status, which includes a recently separated veteran, and eligible spouses	<ul style="list-style-type: none"> a. DD-214 Military Separation Record b. An official notice issued by the Department of Veterans Affairs that establishes entitlement to a disability rating or award of compensation to a qualified dependent. c. An official notice issued by the Department of Defense documents an individual's eligibility based on the missing or detained status of that individual's active-duty spouse. d. An official notice issued by a state veterans' service agency that documents veteran status or spousal rights, provided that the State veterans' service agency requires federal documentation of that information.
	Public Assistance Recipient, TANF, SNAP SSI/SSDI, other public assistance	<ul style="list-style-type: none"> a. Agency records b. Crossmatch with public assistance records
	Low-Income	<ul style="list-style-type: none"> a. Check stubs, W-2, or Employer records, including self-employment. b. Unemployment Insurance records c. Court records d. Self-employment records e. Verification with outside agencies f. Customer Attestation
	Basic Skills Deficient	<ul style="list-style-type: none"> a. less than a score of three on the National Career Readiness Certificate assessment b. Documentation of enrollment into an Adult Education/Literacy program no older than six months c. Staff case notes with detailed observation illustrating limited English Skills d. CASAS test showing basic skills deficiency

OREGON WORKFORCE PARTNERSHIP**SUPPORTIVE SERVICES****Adopted 7/29/2024****PURPOSE**

The purpose of this policy is to guide the provision of supportive services and needs-related payments to youths, adults, and dislocated workers participating in Workforce Innovation & Opportunity Act (WIOA) funded programs in compliance with federal and state laws, regulations, policies, and guidance.

REFERENCES

Code of Federal Regulations 20 CFR 680.900-970; 681.570
Code of Federal Regulations 20 CFR Part 200
Code of Federal Regulations 26 CFR 1.21-1
Federal Register/Vol. 80. Number 73: Proposed Rulemaking
Training and Employment Guidance Letter (TEGL) 19-16
WIOA Sec. 134 (d)(3)(b) & 134 (c)(3)
WIOA Sec. 3 (59)

POLICY

Supportive Services may be provided to enable an individual to participate in WIOA activities. Participants must be enrolled in a WIOA youth program or WIOA Adult/Dislocated Worker individualized or training-level services to receive supportive services. The justification and documentation for all supportive services must be included in electronic and hard copy participant records.

Supportive services are intended to be provided in situations where a participant would not have otherwise been able to successfully participate in WIOA-authorized activity. Supportive services will be provided on a case-by-case basis, only when determined necessary, and reasonable through a needs-based analysis, and dependent on funds availability.

Supportive services are not intended to take the place of public assistance and income maintenance payments provided by social service agencies and should only be utilized when it has been determined that other sources or services outside the WIOA are not available to the participant, including all local workforce partners, community services providers, and other public and/or private agencies. Provision of supportive services will be coordinated with these organizations, when appropriate.

Documentation for each supportive service payment must be maintained in the participant file. Sub-recipients will develop protocols for distribution and provision of Supportive Services that include:

- Internal controls that result in equitable treatment of participants;
- Documentation of "last resort"
- Assurance of coordination with and non-duplication of other community resources.

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Allowable Supportive Services:

The following list includes allowable supportive services as guided by WIOA. This list is not exhaustive.

Community Services: Community services are defined as local resources that can assist participants in overcoming barriers to employment. This includes, *but is not limited to*; birth certificates and government identification. For youth, supportive services can pay fees to organizations that provide opportunities to develop leadership skills through service to their respective communities is allowable.

Transportation: Transportation assistance may include; bus passes, mileage reimbursement, emergency car repairs, tire purchases, car payments, vehicle licenses, driver's licenses, and parking passes. Requests for transportation assistance by check or gas voucher/card can be made for participants in ongoing job search, training or employment activities, or WIOA program services.

ChildCare: Childcare services can only be paid for dependent children, under the age of 13, who receive services from state registered childcare facilities or providers. Tutoring centers, summer school, and summer camps are not allowable childcare services. The number of childcare hours and the rates negotiated with the childcare provider shall be documented. WIOA program will pay childcare costs up to the rates established by the State of Oregon Department of Human Services. Payments for childcare will be made only for actual hours of childcare required to participate in an approved activity. This shall include not more than one hour travel time to a training site (two-hour round trip). The participant is liable for payment of any childcare costs incurred over and above the amount authorized by the WIOA program.

Dependent Care: Supportive Services for dependent care are only allowable for costs associated with care of a legal dependent who is unable to dress, clean, or feed themselves *or* if the dependent must have constant attention to prevent the dependent from injuring themselves or others. Dependent Care will be subject to the same hour limitations and documentation requirements as childcare and payments for care cannot be paid to the participant's spouse, parent of qualifying person, or other family members in the home. Application fees for the care of a qualified individual is an allowable expense. Dependent care centers are allowable expenses; however, overnight care centers or camps are not.

Housing: Housing support payments include application fees and rent that supports participation in approved WIOA activities. Utilities such as electricity, water, and sewage are considered necessary housing expenses and allowable. WIOA programs are required to coordinate with appropriate agencies and or social service organizations to provide emergency services.

Educational Testing: Fees and other costs associated with educational testing are allowable expenses. These would include testing for high school equivalency tests, professional certifications, and credentials.

Reasonable Accommodations for Individuals with Disabilities: Qualified participants with a disability can request reasonable accommodations to participate in education or employment effectively.

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Referrals to Health Care: Allowable expenses include medical testing/treatment prescriptions, mental health testing, or counseling. Health care costs are only allowable for the participant who is engaging in WIOA services when the health care cost directly permits the person to participate in training, job search, or employment.

Legal Aid Services: Legal aid services must be able to assist the participant in removing specific barriers to employment.

Uniform or Appropriate Work Attire and Work-Related Tools: When employees are required to purchase uniforms or tools, this cost is allowable. Tools, equipment, or clothing that is generally supplied by the employer are not allowable. Clothing and or footwear for interviewing or training are allowable. Clothing items must be directly related to the participant's occupational goal.

Books, Fees, and School Supplies: Supplies necessary to complete secondary or post-secondary educational training are allowable if the participant is not receiving other funding, such as Pell Grants or scholarships that cover these costs.

Training Related Applications, Tests, and Certificates: Professional license fees, certificates, applications, and test preparation materials that ensure the participant is prepared for a job interview, entering employment, and or obtaining or renewing a license for employment opportunities are allowable.

Needs-Related Payments: Needs-Related Payments (NRPs) are financial supports that may be made available to eligible participants who are unable to participate in, or complete an approved training program without such assistance. NRPs are one of the supportive Services authorized by WIOA and are intended to provide cash assistance to participants. This assistance would be contingent upon the availability of funds and the number of requests received. All NRPs must be approved by WWP before being provided. The Oregon Workforce Partnership (OWP) may limit or eliminate the availability of NRPs, at its sole discretion, at any time based on funding availability. Needs Related Payments should be provided when it is determined that ongoing resources and income from all other sources are not adequate to support the participant while in WIOA-approved training.

To qualify, a participant must meet the eligibility requirements;

- Be enrolled in an eligible training program within required timeframes
- Be unemployed and have not qualified for or exhausted their unemployment compensation; and
- Not have been disqualified from receiving unemployment insurance benefits because of fraud or overpayment, and must have received unemployment insurance benefits within the last 12 months.

Note: Dislocated workers enrolled in approved training who are unemployed but who receive payments as a member of a reserve component of the U. S. Armed Services, or as a member of the National Guard, for periods of duty of 72 consecutive hours or less, shall be considered unemployed for purposes of qualifying for NRPs.

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Participants who qualify may be eligible to receive NRPs for up to 52 weeks, at an amount not to exceed the participant's most recent weekly unemployment insurance benefit amount at the time the participant exhausted their weekly benefit. For participants who did not qualify for unemployment compensation, the weekly payment level may not exceed the poverty level for an equal period.

Limits and Restrictions

Oregon Workforce Partnership (OWP) supportive services limits are established based on funding availability and supportive services line items for applicable grants. Sub-recipients are required to manage supportive services funding which includes implementing protocols that ensure the equitable disbursement of supportive services to participants.

Supportive Services are not limited to the allowable list. Adult, Dislocated Worker, and Youth programs can offer other supportive services with pre-approval from Oregon Workforce Partnership (OWP). The following list includes disallowed supportive service costs.

- Payment toward goods or services incurred or received before the participant's enrollment in WIOA.
- Fines and penalties may not be paid with WIOA funds under any circumstances.
- Alcohol or Tobacco
- The purchase of goods or services that are illegal under federal, state, local law or statute
- Union dues, participant memberships, subscriptions (unless it is a specific requirement of a training program or necessary and reasonable condition of employment)

Re-Enrollment

Former participants who re-enroll shall be eligible for all supportive services; however, no participant shall be re-enrolled expressly for obtaining support services.