



REGION XII

COUNCIL OF GOVERNMENTS

January 26, 2018

TO: Region 8 RWDB Members
FROM: RWDB Board Chair
RE: November RWDB Meeting

The next meeting of the Region 8 RWDB will be on **Thursday, February 15, 2018** at 5:30 PM at **Region XII COG in Carroll (1009 East Anthony Street)**. This will be a dinner meeting. Please call JoAnn (712-792-9914) or email (jolberding@region12cog.org) to RSVP.

RWDB AGENDA

TRAINING ROOM, REGION XII COG, CARROLL IA

February 15 - 5:30 p.m.

- I. Roll Call/Call to Order
- II. Introductions
- III. Approve the November 16, 2017 Meeting Minutes
- V. Disclosures of Any Conflicts of Interest
- VI. Old Business
 - A. Other
- VII. New Business
 - A. Swearing in of members
 - B. Consider Modification of Local Plan to include Priority to Veterans
 - C. Department of Labor State Monitoring Report Response and Reorganization Timeline
 - D. WIOA Report
 - E. IWD Report, including center usage data and Current Unemployment Rates
 - F. Partners Reports
 - G. Other
- VIII. Adjourn

SDR08 board meetings are open to all individuals regardless of disability. Any person with a disability requiring a reasonable accommodation to participate in a board meeting should contact Region XII COG at 712-792-9914 at least two business days prior to the meeting. This institution is an equal opportunity provider and employer.

Draft REGION 8 WORKFORCE INVESTMENT BOARD
November 16, 2017
Region XII COG Training Room, Carroll, IA

The meeting was called to order at 5:30 p.m. Board members present were Skoog, Godbersen, Smalley, Dorhout, Wenthold, Beardmore, Dvorak, Mauricio, Lee, Badding (by telephone), Wanninger, and Waigand. Absent board members were Behne, Burchfield, Jacobsen, Kraft, Litterer, Osborne, Rasmussen, Simonsen, and Spies. Also attending Beth Winqvist, WIOA Director. Dorhout moved to approve the minutes of the May 18, 2017 meeting. Waigand seconded. Motion carried. Beardmore asked the board if any members had a conflict of interest in regards to the agenda items. There were none reported. Members reviewed the August 17, 2017 meeting notes. New Board Bylaws are reviewed and discussed. Godbersen moved and Smalley seconded to approve the Board Bylaws as presented. Motion carried. Partner Request to Certify Carroll One-Stop was reviewed and discussed. Dorhout moved to approved the request as presented. Lee seconded. Motion carried. Annual Program Monitoring was distributed, reviewed, and discussed. Assessibility Assessment outcomes were discussed. WIOA report covered the Employer/Educator Summit, Veteran Outreach, Carroll Connections, and information on county meet and greets. Waigand gave an IWD report that included Labor Market Inofrmation resources. Partner reports were given by Waigand (IWD and Voc Rehab), Lee, (WITCC), and Dorhout (Job Corps). Skoog moved and Godbersen seconded to adjourn meeting. Motion carried.

Kim Reynolds, Governor
Adam Gregg, Lt. Governor
Beth Townsend, Director



December 21, 2017

VIA EMAIL ONLY @ quinn.christine@dol.gov

Christine Quinn, Administrator
U.S. Department of Labor
Employment and Training Administration
REGION 5
John C. Kluczynski Building
230 South Dearborn Street, 6th Floor
Chicago, IL 60604-1505

RE: Implementation of the Workforce Innovation and Opportunity Act (WIOA) in Iowa

Administrator Quinn:

Attached please find Iowa's responses to your letter dated November 8, 2017. While very disappointed in the language and content of the letter (given inaccuracies and failure to recognize those things already accomplished) and despite the significantly different feedback we received in the out brief of the audit in September, we will nonetheless continue with the work that has been well underway for quite some time. We have again provided an updated plan and timeline.

I have never thought that Iowa would be unsuccessful in implementing WIOA and nothing in the most recent correspondence changes my mind. Regardless of whether DOL recognizes it, Iowa has always had one of the most integrated workforce services delivery systems in the country and indeed were the model for the legislation that Senator Harkin recommended when drafting WIOA. We will continue to provide the highest quality of services to our citizens, including those served under the WIOA legislation.

If you have any questions, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Beth Townsend". The signature is fluid and cursive, with a large loop at the end.

Beth A. Townsend, Director

Attachments - Iowa's Responses
Iowa's Realignment Plan

1000 E Grand Avenue • Des Moines, IA 50319 • 515-281-5387 • 800-562-4692 • www.iowaworkforce.org

Equal Opportunity Employer/Program

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Finding 1: Local Areas Not Aligned Appropriately – State

Response:

Iowa complied with WIOA in its initial designation of local areas.

WIOA section 189(i)(1) is entitled, “Special Rule Regarding Designated Areas,” and states:

A State that has enacted, not later than December 31, 1997, a State law providing for the designation of service delivery areas for the delivery of workforce investment activities, may use such areas as local areas under this title, notwithstanding section 106.

Iowa Code section 84B.C, which the Iowa General Assembly enacted on May 2, 1996, states:

A workforce development center, as provided in section 84B.2, shall be located in each service delivery area. Each workforce development center shall also maintain a presence, through satellite offices or electronic means, in each county located within that service delivery area. **For purposes of this section, “service delivery area” means the area included within a merged area, as defined in section 260C.2, realigned to the closest county border as determined by the department of workforce development. However, if the state workforce development board determines that an area of the state would be adversely affected by the designation of the service delivery areas by the department, the department may, after consultation with the applicable local workforce development boards and with the approval of the state workforce development board, make accommodations in determining the service delivery areas, including but not limited to the creation of a new service delivery area. In no event shall the department create more than sixteen service delivery areas.**

(emphasis added).

The Iowa General Assembly enacted Iowa Code section 84B.C on May 2, 1996. It provides for the designation of service delivery areas for the delivery of workforce investment activities. Therefore, under the Special Rule Regarding Designated Areas in WIOA section 189(i)(1), Iowa may use the designated service delivery areas under Iowa Code section 84C.3 as local areas under WIOA Title I, notwithstanding WIOA section 106. Thus, the requirements from WIOA section 106 cited by the Regional Office in Finding No. 1 are not applicable to the designation of local areas under Iowa Code section 84B.3 as a matter of law under WIOA section 189(i)(1).

Even if one takes the position for the sake of argument that the Special Rule Regarding Designated Areas in WIOA section 189(i) (1) does not apply to Iowa the initial designation of local areas in Iowa complies with WIOA section 106, which states:

(1) IN GENERAL.—

(A) PROCESS.—Except as provided in subsection (d), and consistent with paragraphs (2) and (3), in order for a State to receive an allotment under section 127(b) or 132(b), the Governor of the State shall designate local workforce development areas within the State—

(i) through consultation with the State board; and

(ii) after consultation with chief elected officials and local boards, and after consideration of comments received through the public comment process as described in section 102(b)(2)(E)(iii)(II).

(B) CONSIDERATIONS.—The Governor shall designate local areas (except for those local areas described in paragraphs (2) and (3)) based on considerations consisting of the extent to which the areas—

(i) are consistent with labor market areas in the State;

(ii) are consistent with regional economic development areas in the State; and

(iii) have available the Federal and non-Federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of this Act, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

(emphasis added).

Thus, under the express text of WIOA section 107(b)(1)(B), WIOA sections 107(b) (2) and (3) create an exemption to the local area designation process and considerations contained in WIOA section 107(b)(1). Section 107(b)(2) applies to initial designation and states:

(2) INITIAL DESIGNATION.—During the first 2 full program years following the date of enactment of this Act, the Governor shall approve a request for initial designation as a local area from any area that was designated as a local area for purposes of the Workforce Investment Act of 1998 for the 2-year period preceding the date of enactment of this Act, performed successfully, and sustained fiscal integrity.

Iowa considered the criteria in WIOA section 107(b)(2) when performing initial designation of local areas. Because each of Iowa's 15 local areas were designated as a local area for the purposes of WIA for the two-year period preceding the date of WIOA's enactment and requested initial designation as a local area, Iowa applied the "performed successfully" and "sustained fiscal integrity" criteria. After that process, all 15 of Iowa's incumbent local areas under WIA were given initial designation under WIOA. This process was described in Iowa's Unified State Plan, which DOL and the U.S. Department of Education approved in 2016.

Because WIOA expressly authorizes a State to use service delivery areas designated under a qualifying state law (such as Iowa Code section 84B.C), notwithstanding Section 106, and WIOA section 107(b)(1) contains an express exception to its process and considerations for designating local areas that were designated as such for the two-period before the date of WIOA's enactment (such as each of Iowa's 15 current local areas), the Regional Office's conclusion that "the current local services areas in Iowa do not align with the characteristics around which WIOA intends a [local area] to be aligned, such as local labor market areas and/or economic development areas" is off base. Why would the Regional Office base a finding on noncompliance with what "WIOA intends" when WIOA exists in text form and that text (as quoted above) expressly authorizes States like Iowa to use as local areas that are not necessarily aligned with local labor market areas and/or economic development areas?

IWD's response to this component of Finding No. 1 is:

- 1) WIOA section 189(i)(1) expressly authorizes Iowa to use services delivery areas designated under Iowa Code section 84B.3, notwithstanding WIOA section 106.
- 2) Even if we assume for the sake of argument that WIOA section 106 applies to local area designation in Iowa, WIOA section 106(b)(1) creates an express exception to its process and considerations that applies to Iowa's 15 local areas.
- 3) Iowa designated its 15 local areas in compliance with WIOA sections 189(i)(1) and 106(1).
- 4) DOL and the U.S. Department of Education approved the initial designation of local areas in Iowa when they approved Iowa's Unified State Plan.

Even under the Special Rule in WIOA section 108(i)(1), the part of Finding No. 1 that Iowa's WIOA allotments cannot support 15 local areas is accurate and compelling. Iowa does not have enough WIOA funds to support the competitive procurement of 15 one-stop operators, as required under the DOL interpretation of WIOA section 121(d). Nor does Iowa have enough WIOA funds to support a full-time local board support staff person for each of the 15 local boards, which means that Iowa's local boards are not providing all of their required functions under WIOA section 107(d) and those functions that are being performed are being performed by WIOA Title I service provider staff, which makes independent oversight by the local boards of Title I service providers difficult if not impossible. IWD has developed the attached plan to address Finding No. 1, as well as other findings in the Monitoring Report to create administrative efficiency that allows each local area to have the resources necessary to meet all WIOA requirements.

Finding 2: Improper Disbursement of Local WIOA Funds - State

Response:

On or before April 2018, the CEO in each of Iowa's 15 local areas will designate a local fiscal agent. Because Iowa's 15 local areas will be reduced via realignment, IWD has included as part of the realignment plan training and technical assistance for the local board and chief elected official(s) in each of the new local areas to ensure that the local fiscal agent function is appropriately fulfilled under WIOA. This is outlined in the plan developed in response to Finding No. 1.

Finding 3: Non-Compliant State Monitoring and Oversight of Local System - State

Response:

IWD has developed the attached policies, procedures, and templates for WIOA Title I program monitoring that:

- 1) Requires annual on-site visits to all local areas in Iowa;
- 2) Ensures that all major grants and programs are monitored in any given year, as appropriate;
- 3) Results in the issuance of a report that identifies any needed corrective action; and
- 4) Provides for the provision of follow-up or technical assistance, as needed.

Further, the Realignment Committee and State Board will consider IWD's limited WIOA resources for monitoring during the realignment process to ensure that IWD can meet all WIOA monitoring requirements while acting within its limited budget with respect to the new local areas.

Finding 4: Lack of CEO Agreements - State

Response:

The plan submitted in response to Finding No. 1 includes the establishment of new CEO agreements in each of the new local areas that result from the realignment process.

Finding 5: Non-Compliant State Board - State

Response:

Iowa's State Board membership structure is set forth in the Iowa Code. In June 2015, in accordance with section 101(e) of WIOA, Iowa sought to have its State Board recognized as an alternative entity via a letter from the Governor to the U.S. Secretary of Labor. The letter reflected Governor Branstad's decision in evaluation of the options available under the WIOA legislation and after consideration of what was in the best interests of the state of Iowa. Iowa did not receive a response until June 29, 2016, when the Departments of Labor and Education (Departments) rejected Iowa's State Board membership structure in Iowa's Unified State Plan (USP). In the June 29, 2016 letter, the USP was conditionally approved on the receipt of additional information and changes. The Departments' letter was the first indication that the alternative entity would not be recognized.

Since that time, as the Regional Office is aware, IWD has been working diligently to constitute a WIOA-compliant State Board within the confines of the Iowa Constitution and Iowa Code. First, Iowa legislation had to be amended. Immediately after the Departments' conditional letter of approval for Iowa's USP, IWD drafted a legal memorandum that detailed the membership structure requirements in WIOA section 101(b) and distributed it to the State Board, Governor's office, legislators, partner agencies, and other stakeholders. After that, IWD met with stakeholders, including members of the Governor's office, the State Board, legislators from both parties and chambers, business organizations, and labor organizations. IWD advised all stakeholders of the requirements for State Board membership under WIOA section 101(b). Additionally, IWD kept the Regional Office updated on these efforts.

Based on conversations with stakeholders and public officials, IWD drafted legislation to amend the Iowa Code to change Iowa's State Board membership structure to comply with WIOA section 101(b). IWD legislative liaisons shepherded this legislation through both chambers of the Iowa General Assembly. The bill passed the Iowa House by an 88-9 vote and the Iowa Senate by a 49-0 vote. Former Gov. Branstad signed IWD's State Board membership structure bill into law on April 13, 2017.

In April, the United States Senate confirmed former Gov. Branstad as Ambassador to China and, at the end of May, then-Lt. Gov. Reynolds became Gov. Reynolds. IWD has brought new gubernatorial staff up to speed on the State Board membership requirements. The Governor's office has changed the State Board's webpage information on the website for Iowa boards and commissions to reflect the new WIOA-compliant membership requirements. Further, IWD has assisted the Governor's office in recruiting new members to the State Board. This is an effort that is complicated by Iowa Code provisions that limit the share of members on a board with respect to political affiliation and that require gender balance. Gov. Reynolds appointed members to a WIOA-compliant State Board and the first meeting of Iowa's fully transitioned State Board took place on November 20, 2017. IWD has previously provided the Regional Office with the membership roster.

Finding 6: Non-Compliant Local Board Membership - Regions 5, 10 and 12

Response:

The establishment of a local board in each of the local areas that result from realignment with a membership structure that complies with WIOA section 107(b) is included in the realignment plan submitted in response to Finding No. 1.

Finding 7: Local Workforce Development Boards (LWDBs) Are Not Performing WIOA Required Functions - State

Response:

One of the focuses of the State Board Realignment Committee is ensuring that Iowa's new local areas will have sufficient resources so that each local board can hire full-time support staff to ensure that all of the WIOA-required functions for local boards are performed by support staff employed directly by the local board and not a Title I service provider. While IWD is unable to commit the Committee to a specific course of action, IWD anticipates that the Committee will make a recommendation with respect to local realignment that allows each local area to meet this requirement. Therefore, the realignment plan attached in response to Finding No. 1 includes the hiring and orientation of local board support staff in each of the new local areas that results from realignment.

Finding 8: Nominal Funding Levels in One Stop Operator (OSO) Request for Proposals (RFPs) - State

Response:

Neither WIOA nor its implementing regulations require funding that is more than "nominal." This is a standard that DOL conjured out of thin air and, instead of including in a regulation, put on a FAQ webpage on its website. When IWD asked if DOL would define the term "nominal," DOL refused. This standard does not exist under the law and what makes it all the worse is that DOL has refused to define it, which means it is subject to differing and arbitrary interpretations.

Further, the Regional Office misreads its own implementing regulations. The DOL implementing regulations for one-stop operator create two alternative procurement standards, based on the level at which the competitive selection occurs:

State	All Other Non-Federal Entities
20 CFR section 678.605(b)	20 CFR section 678.605
In instances in which a State is conducting the competitive process described in paragraph (a) of this section, the State must follow the same policies and procedures it uses for procurement with non-Federal funds.	All other non-Federal entities, including subrecipients of a State (such as local areas), must use a competitive process based on local procurement policies and procedures and the principles of competitive procurement in the Uniform Guidance set out at 2 CFR 200.318 through 200.326. All references to “noncompetitive proposals” in the Uniform Guidance at 2 CFR 200.320(f) will be read as “sole source procurement” for the purposes of implementing this section.

In Iowa, the State was performing one-stop operator selection until the Regional Office directed us to stop. This means that “the same policies and procedures” that the State “uses for procurement with non-Federal funds” governed the procurement under 20 CFR section 678.605(b) and not the standards that apply to “[a]ll other non-Federal entities” under 20 CFR section 678.605(c). Put otherwise, the Regional Office has inappropriately applied its undefined “nominal” standard to Iowa’s one-stop operator procurement because 2 CFR section 200.319(a) and 29 CFR section 97.36(c)(1)(iii) do not apply under 20 CFR section 678.605(b).

IWD agrees that, if one-stop operator procurement is performed by a non-Federal entity other than the State such as a local board, then the procurement must comply with 20 CFR section 678.605(c) and the standards incorporated therein. However, if the one-stop operator procurement is performed by the State, “the State must follow the same policies and procedures it uses for procurement with non-Federal funds,” as required by 20 CFR section 678.605(b).

As the Regional Office notes in Finding No. 1, Iowa has insufficient WIOA funds to meet the one-stop operator requirement in each of its 15 current local areas. Ensuring sufficient WIOA funds to allow each local area to competitive select a one-stop operator in accordance with WIOA section 121(d) is one of the areas of emphasis in the work of the Realignment Committee of the State Board. While IWD is unable to commit the Committee to a specific course of action, IWD anticipates that the Committee will make a recommendation with respect to local realignment that allows each local area to meet the one-stop operator requirement even if WIOA funds are reduced in the coming years. Therefore, the realignment plan attached in response to Finding No. 1 includes the competitive designation or certification of a one-stop operator in accordance with WIOA section 121(d) in each of the new local areas that result from realignment.

Finding 9: Non-Compliant Memoranda of Understanding (MOUs) - Regions 5, 10 and 12

Response:

The creation and execution of MOUs that comply with WIOA section 121(c) in each new local area that results from realignment is included in the realignment plan submitted in response to Finding No. 1.

Finding 10: Stand-Alone Wagner-Peyser (W-P) Offices Not Allowable - State

Response:

The Webster City office and the staff that work in it are funded by State of Iowa General Fund dollars, not federal Wagner-Peyser Employment Service funds. In a conversation with Regional Office staff during the fall of 2016 WIOA implementation assessment, Regional Office staff stated that having traveling staff provide Wagner-Peyser services to rural communities on a part-time basis was allowable. IWD is disappointed at the Regional Office's apparent about-face on this question, since it could mean fewer services in rural Iowa.

IWD intends to work with legislators during the appropriations process to create a state workforce services program for traveling staff in order to remove such traveling services from federal interference. Iowa has a part-time legislature and the Iowa General Assembly begins its session on the second Tuesday in January. IWD anticipates a legislative resolution by the end of May 2018 that will make IWD traveling staff persons that are not funded by Federal money insulated from unnecessary Federal interference that intends to reduce services to Iowans.

Finding 11: One-Stop Certification Not Completed - State

Response:

DOL has no legal authority to direct a State or local area to revise its one-stop certification tool if it meets the requirements under 20 CFR section 678.800. The Regional Office makes no finding that the one-stop certification tool for Iowa does not comply with 20 CFR section 678.800. Presumably, that's because the one-stop certification tool complies with 20 CFR section 678.800. Given the legal reality that the one-stop certification meets all legal requirements under WIOA, what authority does the Regional Office have in attempting to dictate what is in a State's one-stop certification standards? IWD has recommended that local areas hold off on completing one-stop certification after discussions with the Regional Office. Nonetheless, many local areas have completed one-stop certification.

In the realignment plan submitted in response to Finding No. 1, completion of one-stop certification is included for each new local area that results from realignment. That one-stop certification will comply WIOA and its implementing regulations, including the provisions on "conflict of interest." Further, an effect of the realignment will be ensuring that independent local board support staff is performing one-stop certification, and not local provider staff.

The Regional Office need not provide examples of other states' one-stop certification assessments to IWD. Previous examples provided by the Regional Office did not comply with the requirements in 20 CFR section 678.800, so they are of little use.

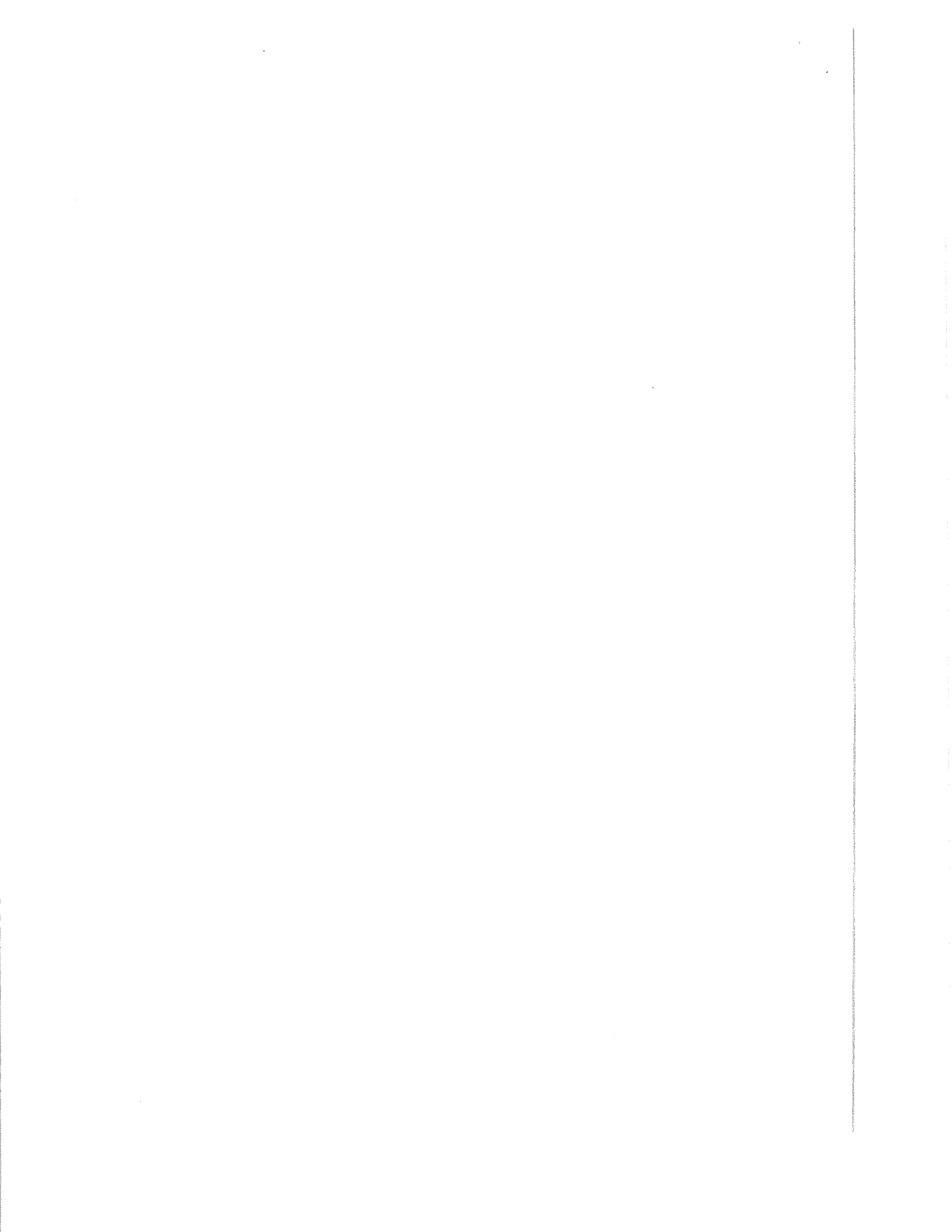
REALIGNMENT PLAN: Establishing WIOA-Compliant Local Areas

KEY	
To Complete	Complete

PLAN			
	Task(s)	Deadline	Completed
1.	Notify the directors of the service providers of WIOA Title I programs of the DOL directive	11/9/17	X
2.	Notify Local Workforce Development Board (LWDB) members, chief elected officials (CEOs), and State Workforce Development Board (Stat Board) members of DOL Mandate	11/13/17	X
3.	IWD reviews current monitoring policy, process, and templates	11/14/17	X
4.	First Meeting of WIOA-compliant State Board	11/20/17	X
5.	Establish State Board Realignment Committee	11/20/17	X
6.	WFS Operations team creates a new draft monitoring policy, processes, and templates to address all DOL recommendations	12/8/17	X
7.	LMI collects data regarding labor markets, economic development areas, commuting patterns, and one stop center customer distribution	Date of Realignment Committee Meeting	X
8.	First Realignment Committee Meeting	12/25/17 (Occurred on 12/13/17)	X
9.	Provide to Realignment Committee the data regarding labor markets, economic development areas, commuting patterns, and one stop center customer distribution	12/25/17 (Occurred on 12/13/17)	X
10.	Response to DOL Regional Office Monitoring Report (with Realignment Plan and new monitoring policy, procedures, and templates)	12/22/17	X
11.	Collect budget information from Iowa's current 15 local areas	12/29/17	

PLAN			
	Task(s)	Deadline	Completed
12.	Collect budget information for local areas in neighboring states	12/29/17	
13.	2nd Realignment Committee Meeting	1/4/18	
14.	Additional consultation with CEOs and current LWDBs on realignment	1/5/18 – 4/30/18	
15.	Additional Realignment Committee Meetings	TBD	
16.	Realignment Committee Recommendation	2/18/18	
17.	IWD drafts template CEO agreement	2/28/18	
18.	Outreach and consultation with current LWDBs and CEOs	11/20/17 – 4/30/18	
19.	Outreach to and orientation for CEOs on role and responsibilities under WIOA	1/2/18 – 6/30/18	
20.	CEOs designate fiscal agent for 15 current local areas	3/31/18	
21.	IWD drafts template CEO agreement	1/2/18	
22.	Comment period for local boards and CEOs on realignment	4/30/18	
23.	Iowa General Assembly enacts WIOA conformity legislation	4/30/18	
24.	State Board votes on Local Area configuration	5/31/18	
25.	Governor consults with State Board on new, WIOA-compliant LWDB membership criteria	5/31/18	
26.	Governor establishes new membership criteria for new WIOA-compliant LWDBs	6/30/18	
27.	CEOs execute CEO agreements for new WIOA-compliant Local Areas	9/1/18	
28.	CEOs establish WIOA-compliant bylaws for the new WIOA-compliance LWDBs	9/1/18	
29.	CEOs appoint members to WIOA-compliant LWDBs for each new Local Area	9/1/18	
30.	CEOs appoint one of the WIOA-compliant LWDB members representing business as chairperson of the LWDB	9/1/18	
31.	Orientation for WIOA-compliant LWDB members	9/1/18	
32.	LWDBs establish budget	9/1/18	
33.	CEOs designate fiscal agent(s) for new WIOA-compliant Local Areas	9/1/18	
34.	LWDBs hire support staff	10/1/18.	
35.	LWDBs procure local service providers for Title I programs	TBD	

PLAN			
	Task(s)	Deadline	Completed
36.	Transfer duties from current WIOA Title I service providers to the WIOA Title I service providers selected by the new LWDBs for the new Local Areas	TBD	
37.	Dissolve current Local Areas and LWDBs	TBD	
38.	Fiscal Agents distribute funds to service providers for WIOA Title I programs	TBD	
39.	LWDBs procure One -Stop Operators	TBD	
40.	LWDBs distribute funds to One-Stop Operators	TBD	
41.	LWDBs complete WIOA-compliant MOU's	TBD	
42.	LWDBs complete one-stop certification	TBD	
43.	LWDBs complete WIOA-compliant local workforce development plan	3/1/20	





Local Workforce Development Boards

GUIDANCE:

How to Add Language to Local Workforce Development Plans on Priority of Service for Veterans

Date of Issuance: January 19, 2018

1. Background.

- The U.S. Department of Labor (DOL), Veterans' Employment and Training Services (VETS) administers the Jobs for Veterans State Grant (JVSG) at the federal level.
- Iowa Workforce Development (IWD) administers the JVSG in Iowa.
- VETS conducted an audit of the JVSG in Iowa from June 9, through July 19, 2017.
- Under the Workforce Innovation and Opportunity Act (WIOA), local workforce development boards (WDBs) are required to develop a local workforce development plan (local plan).
- One finding in the VETS audit of Iowa's JVSG is that Iowa's local plans do not contain language consistent with the statutorily defined responsibilities for priority of service for veterans.
- This Guidance gives instructions and direction to WDBs on how to add language consistent with the statutorily defined responsibilities for priority of service for veterans to their local plans as an attachment.

2. Attachment.

- IWD has developed a Modification that contains the language required by VETS to be included in local plans.
- This Modification is included in the email with this Guidance.

Guidance: How to Add an Attachment to Local Workforce Development Plans
on Priority of Service for Veterans

3. WDB Action.

- Include on the agenda for your next WDB meeting an action to add to your Region's local plan a modification that contains language on priority of service for veterans.
- At your next WDB meeting, take action to add to your Region's local plan the modification that contains language on priority of service for veterans.
- After your WDB takes action to add to your Region's local plan the Modification that contains language on priority of service for veterans, email Kyle Clabby-Kane at the below address to notify him of the WDB action.

kyle.clabby@iwd.iowa.gov

4. Questions.

If you have questions or would like further information, contact Kyle Clabby-Kane at the above email address.

LOCAL SERVICE PLAN MODIFICATION TRANSMITTAL FORM

To Be Completed by Region: Region Number: Date Submitted Effective Date:	For State Use Only: Date Received: Date Approved: Effective Date:
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Provide a brief description of the CSP changes below:

Priority of Service for Veterans

Iowa Workforce Development (IWD) will provide all qualified Veterans with priority of service. In order to maximize and provide priority of services to Veterans, Veterans will be able to register at all Iowa *WORKS* locations. Registration is also available on-line 24/7 through <https://www.iowaworkforcedevelopment.gov/>, or any of the regional websites. Iowa complies with final regulations which state recipients of USDOL funds for qualified job training programs are subject to the priority of service regulations, and are required by law to provide priority of service to Veterans and eligible spouses. If the SBE eligible Veteran's needs cannot be met at the point of intake (as determined by core service staff) or if the eligible Veteran requests, he/she will be referred to the DVOP or appropriate service provider for assistance. The Iowa Director for Veterans' Employment and Training (DVET) and/or his designee (ADVET), has a standing invitation to address district management at their monthly meeting to describe expectations of the Jobs for Veterans Act, and to review program performance. The state has followed-up by requiring that each SWA describe in their local customer service plan how they will ensure priority of service is provided in their programs. IWD Management staff will consult with local partners on how to implement priority of service, and will be monitoring compliance with the established procedure. Regional Workforce Development Boards (RWDBs) are to ensure one-stop operators and service providers recruit individuals in the priority of service categories and develop and provide appropriate services to meet those populations' needs. Local areas must establish written policies and procedures to ensure priority for the populations described in this guidance for participants served in the WIOA Adult program for eligibility determinations beginning on July 1, 2015.

Additionally, based on local policy, the Boards may:

- Establish a process that also gives priority to other individuals; and
- Choose to provide individualized career and training services to adults whose income is above the WIOA income guidelines requirement but below the Board-established self-sufficiency wage level.

Each region submits their plan for providing priority of service to Veterans. Each plan is reviewed by the state liaisons to RWDB. The state liaisons work with the DVET to develop expectations that can be enforced locally. Priority of service is monitored in the following manner:

- Local management staff audits job orders and other services;
- Local management will take corrective action on Veteran customer complaints; and
- Local office management conducts a random review of initial Veteran applications for proper qualification, quality of service provided, and to ensure that the appropriate service

was provided.

Corrective action, in the form of continuing education and positive feedback, is provided by the DVOP. If problems persist, local management, the Division Administrator and the DVET will be consulted. Veterans will be made aware of their priority of service entitlement and about the services provided by DVOP staff to SBE eligible Veterans, not only through outreach activities, but through an information and self-assessment pamphlet available both in paper form and on the web. The pamphlet will describe for the Veteran the various services they may receive, their priority of service, and will provide a simple mechanism for the Veteran (and staff) to determine if career services are needed. It is expected that this method will help avoid oversight of Veterans in need of special services. In addition, large colorful posters featuring local Veterans were developed with non-JVSG funds and distributed to all IWD and partner locations asking, "Are You the Spouse of a Veteran?" and explaining priority of service for those individuals. The Jobs for Veterans Act (PL 107-288) provides an emphasis on serving veterans by establishing a priority of service for veterans and eligible spouses in all employment and training programs funded by the Department of Labor, including Wagner-Peyser (WP), WIOA and other job training programs offered through competitive grants. Priority of Service is the right of an eligible "Covered Person" to be given priority of service over an eligible non-covered person for the receipt of employment, training and placement services, notwithstanding other provisions of the law. "Covered Persons" take precedence over non-covered persons in obtaining services and shall receive access to services and resources earlier in time than a non-covered person. If services or resources are limited, the "Covered Person" receives access instead of or before the non-covered person. Procedures or policies that restrict a veteran's access to WIOA or WP services, even if such restrictions are intended to provide the veteran with specialized services, are contrary to the priority of service requirements. 20 CFR Part 1010 and 38 U.S.C. Section 4215(a)(1) defines "Covered Persons" to mean veterans and the spouses "of any of the following: a. any veteran who died of a service-connected disability; b. any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:

- i. Missing in action;
- ii. Captured in the line of duty by a hostile force; or
- iii. Forcibly detained or interned in the line of duty by a foreign government or power;
or
- iv. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs or any veteran who died while such a disability was in existence."

"Covered Persons must have served at least one day in the active military, naval or air service, and were discharged or released under conditions other than dishonorable as specified in 38 U.S.C 101(2). Active service includes full-time Federal service in the National Guard or a Reserve component. It does not include full-time duty performed strictly for training purposes, nor does it

include full-time active duty performed by National Guard personnel mobilized by the State rather than federal authorities.

“Spouses of military personnel killed in the line of duty do not currently qualify for priority of service.”

“As defined in USC 101, the term “surviving spouse” means a person of the opposite sex who was the wife or husband of a veteran at the time of the veteran’s death, and who lived with the veteran continuously from the date of marriage to the date of the veteran’s death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the spouse) and who has not remarried or (in cases not involving remarriage) has not since the death of the veteran, and after September 19, 1962, lived with another person and held himself or herself out openly to the public to be the spouse of such other person.

“The Jobs for Veterans Act provides priority service only to veterans or eligible spouses who meet the program’s eligibility requirements.”

Iowa Jobs State Veterans Program Plan

The Jobs for Veterans State Grants (JVSG) creates opportunities for all eligible veterans and eligible spouses to obtain meaningful and successful careers through provision of resources and expertise that maximize employment opportunities and protect veterans’ employment rights. Services provided by the Veteran Representative include comprehensive assessments, development of an Individual Employment Plan, career counseling, and referrals to other veteran and community organizations as needed. The Local Veteran Employment Representative (LVER) is a member of the business services team. The LVER promotes the hiring of veterans to employers, employer associations, and business groups; facilitates employer training, plans and participates in career fairs and conducts job development with employers. Iowa has an effective business services program across the state. There are Business Services Teams located in each of the 15 Regions who coordinate efforts with DVOP staff to contact current and prospective employers, Federal contractors and subcontractors, and others to promote Veterans -SBE, aged 18-24, and non-SBE - as excellent job candidates and employees. In addition, partners in the one-stops are utilized to train Veterans in identifying job skills as well as the “soft skills” related to job seeking and job retention. Assessment services are used to identify the skills, knowledge, abilities and preferences of Veterans so that the best possible job match can be made initially. Career exploration services are offered so that Veterans have a good knowledge of available jobs and specific information about occupations. Veterans are offered assistance in understanding the skills needed to function in the workplace, and help in understanding how job and career advancement can be accomplished with an employer. Targeting services to Veterans with Significant Barriers to Employment, IWD Management will serve the role of educators to the one-stop operators, their partners and the RWDB members. They will train and educate on:

- The identification of Veteran under Title 38 of the U.S.C;

- Criteria for the identification of needs for referral for career services;
- Veterans' preference requirements and methodologies;
- The difference between Priority of Service and Veterans' Preference, and;
- Veterans' integration policy as determined by Agency leadership.

Partners such as WIOA partners, PROMISE JOBS/TANF, Trade Act, and IVRS will also identify Veteran customers at their points of contact or entry, which may or may not be collocated with IWD Veteran staff at the one-stop. Those Veteran customers identified as having a significant barrier to employment as defined by USDOL, VETS, or age 18-24, will be referred to the DVOP for additional services. Veterans will be co-enrolled with PROMISE JOBS if they are receiving Family Investment Program (TANF) assistance and subject to the terms of a Family Investment Agreement (FIA), WIOA, or Trade Act if they are a dislocated worker. Veteran program management monitors case records monthly and quarterly report data to ensure compliance, address issues, quantify progress, and celebrate success with DVOP staff.

The state will ensure adherence to the legislative requirements for Veteran's staff. This includes, but is not limited to, employing only Veterans to fill the DVOP positions with a preference towards hiring disabled Veterans. Each of these staff is trained in their new roles and responsibilities under the Jobs for Veterans Act of 2002. The DVOP, and local Wagner-Peyser management, work closely with all partners to ensure the mandatory WIOA partners provide Veteran's priority of service. Iowa has focused staff resources on the utilization of DVOP Specialists, rather than LVERs, for a number of years. We believe it is a better investment of funds to ensure case management is offered to SBE Veterans and those aged 18-24 in accordance with VPLs 01-14, 03-14 and 04-14. All non-Vet staff are assigned to serve Veterans without an SBE, and we expect our non-JVSG funded BSRs to promote Veterans to our business customers. With the deployment of Iowa Governor Terry Branstad's "Home Base Iowa" initiative to encourage military personnel to make our state their home, we hired one LVER to conduct outreach to employers to assist Veterans in gaining employment, including conducting seminars, job search workshops, and facilitating employment, training and placement services. Once identified either by self-assessment, core service staff, or partner staff, that the individual is a Veteran who is eligible for and could benefit from DVOP services, that staff would refer the Veteran job seeker to the DVOP. In offices without a full time DVOP, local management will be responsible for ensuring there is an efficient means of referral that ensures no Veteran eligible for and requiring career services goes without the appropriate service. The DVOP will facilitate career services by working with the eligible Veteran to develop a written action plan to resolve barriers to employment (i.e. DVOP will refer for appointment with local county Veteran affairs to resolve financial issues and Veteran will follow through by making appointment and going to receive services). Iowa has instituted an Integrated System of service that includes all of the partners in the Workforce Center, "All Means All." The system consists of a Membership Team, Skills Development Team and Business Services Team. All DVOP Specialists will be assigned to the Skills Development Team, as this complies with their roles and responsibilities under Title 38. As a member of the Skills Development Team, they will be referred

any Veteran their coworkers have identified as eligible for DVOP services because of age (18-24) or who has a significant barrier to employment and needs career services. While working in Skills, they will assist only Veterans who meet the criteria outlined in VPLs 01-14, 03-14 and 04-14; all other Veterans will be served by the non-JVSG staff. The DVOP will locate, build and maintain good working relationships with Federal agencies (VA), state agencies (Health & Welfare, Education), community based organizations, Veterans and others that may be able to provide services to eligible Veterans age 18-24 or with a significant barrier to employment. The DVOP staff in Iowa have maintained an excellent working relationship with their local VA VR&E staff. The procedure followed in serving Chapter 31 Vets is in accordance with VA/DOL Technical Assistance Guide (TAG) Revised September 2015. Iowa has established the position of Intensive Services Coordinator (ISC) who is stationed remotely at the Des Moines Iowa *WORKS* office. The position is filled by a DVOP specialist. DVOPs receive referrals from the VR&E counselor through the ISC and are at that time informed of the Veteran's employment goal, barriers to employment and any other significant information.

Upon referral, the DVOP immediately conducts an interview to further assess the Veteran's situation. The DVOP will develop a mutually agreed upon, individualized case management plan to assist the Veteran while in receipt of employment services. The DVOP will provide resume assistance, interviewing techniques, job leads and establish job development referrals with employers. The DVOP will also make referrals to assist with any special needs the Veteran may have. The DVOP maintains a minimum of weekly contact with the Chapter 31 Veteran and each month submits the results of the month's activities to the VR&E counselor and the ISC. IWD has partnered with the state DOL/ETA Office of Apprenticeship and hosts the following website: <https://www.iowaworkforcedevelopment.gov/iowa-registered-apprenticeship-apprenticeshipusa>. This website has been recognized as the premier Apprenticeship web portal in the nation. DVOP staff routinely use this site to place Veterans in training. The Iowa Department of Education (IDOE) works closely with DVOP Specialists to disseminate information on Chapter 31 GI Bill programs, the Troops to Teachers program and various other educational programs to provide educational opportunities for our Veterans. DVOP staff work closely with TANF - Employment and Training program (referred to in Iowa as PROMISE JOBS) to provide job placement and referral assistance to Veterans who are TANF cash recipients (referred to in Iowa as the Family Investment Program). Though Iowa has no active duty military installations or medical facilities in the state, DVOP staff maintain a close working relationship with the Iowa National Guard. This provides a strong linkage and referral system between all returning National Guard Veterans and the one-stop center. IWD maintains a Veterans Benefits and Services book that lists Federal, State, and Local Veteran benefits and services. Several agencies have partnered in contributing to this book, to include USDOL Office of Apprenticeship, IDOE, both state and county Department of Veteran Affairs and others. This book is very well received and serves to both inform Veterans and to provide them with the knowledge to access Veteran services provided by IWD. This book is distributed to partners, agencies and civic organizations across the state by the DVOPs, Division Administrator, Iowa National Guard, Iowa Department of Veteran's Affairs, ESGR personnel and volunteers, and

USDOL VETS staff and is available electronically on <https://www.homebaseiowa.gov/veterans-resources>.

Regional Customer Service Plan Certification

I certify that the attached has been reviewed and approved by the Regional Workforce Investment Board and the Chief Elected Officials Board, and that I am authorized to sign on behalf of the group I represent.

RWIB Chair Signature / Date

CEO Chair Signature / Date