

CHAPTER 11
WORK FORCE INVESTMENT PROGRAM

[Prior to 7/17/96, see 261—Ch 18]

[Prior to 3/12/97, see 345—Ch 13]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

877—11.1(84A) Purpose. The program is designed to enable more Iowans to enter or reenter the work force by providing training and support services to groups within the population that have historically faced barriers to employment and which have been more difficult to serve with traditional job training programs.

877—11.2(84A) Definitions.

11.2(1) Eligibility terms.

“DWD” means the department of workforce development, the department responsible for the administration of the program.

“Employed” means:

1. An individual who, during the seven consecutive days prior to the application, did any type of work including working as a paid employee; working in the individual’s own business, profession or farm; or working 15 or more hours as an unpaid worker in an enterprise operated by a member of the family; or
2. An individual who is not working, but has a job or business from which the individual is temporarily absent because of illness, bad weather, vacation, labor-management dispute, or a personal reason, whether or not paid by the employer for time off, and whether or not seeking another job; or
3. Members of the armed forces who have not been discharged or separated; or
4. Participants in registered apprenticeship programs.

“Employed part-time” means an individual who is defined as being employed but is regularly scheduled for work less than 30 hours per week.

“Not in the work force” means a civilian 14 years of age or older who is not classified as employed, unemployed or employed part-time.

“Underemployed” means a working individual whose annualized wage rate does not exceed the higher of either the poverty income level for a family-of-one as established by the federal office of management and budget or 70 percent of the lower living standard income level for a family-of-one.

“Unemployed” means an individual who did not work during the seven consecutive days prior to application, who made specific efforts to find a job within the past four weeks prior to application, and who was available for work during the seven consecutive days prior to application (except for temporary illness).

“WDB” means the workforce development board.

11.2(2) Job Training Partnership Act (JTPA) terms. The definition of JTPA terms such as private industry council (PIC), local elected official (LEO), service delivery area (SDA), administrative entity and Job Training Partnership Act (JTPA) can be found in the Job Training Partnership Act (P.L. 97-300) and its implementing regulations at 20 CFR Part 626 et al. (September 22, 1989).

877—11.3(84A) Request for proposal process. Funds will be made available through a request for proposal process and grants will be awarded on a competitive basis.

11.3(1) Time frame for submittal. Proposals must be submitted by the deadline established in the request for proposal.

11.3(2) Length of projects. A proposed project may be designed for up to 12 months in duration, but must have an ending date no later than June 30 of the state fiscal year for which funding was awarded.

11.3(3) Required inclusions in the proposal. The regional advisory board will determine the required elements of the proposal which will be published in the request for proposal. Required inclusions may include, but are not limited to: identification of the target group(s) to be served, statement of financial need, signatures of project collaborators verifying coordination and collaboration efforts, proposed budget, description of the program design, goals and expected outcomes, evaluation of performance methods, past performance information, and signature of authorized official.

11.3(4) *Review criteria.* Proposals will be reviewed as set forth in subrule 11.3(5) based upon the following review criteria.

a. Statement of need. The proposal must contain a statement of need including an explanation of such things as: the need for service to the target group(s) that will be served, the financial need in the area, and why the target group(s) is not being served with current resources. Up to 20 points may be awarded for this category.

b. Budget. A detailed budget as prescribed in the request for proposal must be included in the proposal. Up to 10 points may be awarded for this category.

c. Program design. The proposal must include a detailed description of the project including: the types of activities and services that will be provided; the coordination and collaboration that will take place among the entities involved in the project; a description of which entities will be performing the various functions of the project such as administration, training, and services; and which entities will be providing, for example, the space, utilities, materials, supplies. Up to 30 points may be awarded for this category.

d. Experience of program operator. The proposal must include a description of the experience of the program operator and any other service providers involved in the project. If the project has previously been funded with work force investment funds, the proposal must provide an evaluation of past performance of the project. Up to 5 points may be awarded for this category.

e. Goals and expected outcomes. The proposal must indicate the goals of the project and the outcomes that are expected as a result of the activities and services that will be provided. Up to 25 points may be awarded for this category.

f. Performance measurement and evaluation of the project. The proposal must state the process by which the project will be evaluated by the private industry council (PIC) including performance measurement criteria and expected levels of performance that will be achieved. Up to 10 points may be awarded for this category.

11.3(5) *Selection process.* Selection of projects to be funded will be made by the regional advisory board after the proposals have been scored and recommended by a three-person evaluation team appointed by the regional advisory board.

a. Each reviewer on the evaluation team will evaluate each proposal independently for acceptability and will assign a numerical score to each proposal using the review criteria and point values listed in the request for proposal.

b. All reviewers' scores for each proposal will be averaged to obtain the final average score for the proposal.

c. A project must obtain a final average score of at least 70 out of a maximum of 100 points to be considered for funding.

11.3(6) *Continuing projects.* The regional advisory board reserves the right to designate the amount of funds available for continuing projects. For fiscal year 1999, regional advisory boards have the option of selecting project operators from the agencies that have operated projects in previous years or a member of the region's coordinating service provider using sole source procurement procedures. Sole source procurement will ensure the timely implementation of the program.

877—11.4(84A) Maximum grant amounts. The regional advisory board will set maximum grant amounts and publish the limitations in the request for proposal.

877—11.5(84A) Eligible recipients. Rescinded IAB 7/15/98, effective 7/1/98.

877—11.6(84A) Allowable costs and limitations.

11.6(1) *Allowable training activities and support services.* The allowable training activities and support services under this program will be determined by the regional advisory board and published in the request for proposal.

11.6(2) *Cost categories.* Allowable costs must be consistently charged against the two cost categories of administration and participant support/training.

11.6(3) *Cost limitations.* Costs of administration must not exceed 20 percent of the budget for any project in its first year of funding and must not exceed 15 percent of the budget for any subsequent years that a project is funded.

877—11.7(84A) Eligible participants. The target groups for this program will be established by the regional advisory board. The list of target groups and the definition of each will be published in the request for proposal.

11.7(1) *Priority consideration.* Regardless of the target group, no individual will be served with these funds unless, at the time of application, that individual is unemployed, underemployed, or not in the work force and a resident of Iowa. The process for selection of participants for any project using these funds should give priority consideration to individuals who are most in need of assistance and utilize the JTPA economically disadvantaged criteria to determine which individuals are most in need of assistance.

11.7(2) *Target groups.* Generally, the target groups will coincide with the target groups that are to be served with the JTPA 6 percent special projects and the JTPA state education coordination and grants 8 percent program in order to encourage coordination, collaboration, and joint funding with those programs.

11.7(3) *JTPA definition used.* The JTPA definitions of the target groups will be used whenever possible. If no JTPA definition exists for a target group, the regional advisory board will develop the definition and publish it in the request for proposal.

11.7(4) *Selection procedures.* Selection procedures for participants in this program should take into consideration those who are most in need of assistance and use the JTPA economically disadvantaged eligibility criteria as a guideline for selecting participants.

877—11.8(84A) Displaced homemaker set-aside. Funds will be set aside for displaced homemaker projects as prescribed by legislation, or if not prescribed by law, as determined by the regional advisory board.

877—11.9(84A) Administration.

11.9(1) *Contracts.* Upon selection of a proposal for funding, the DWD will issue a contract to the fiscal agent of the appropriate coordinating service provider. These rules and applicable federal and state laws and regulations become a part of the contract by reference.

11.9(2) *Record keeping and retention.* Financial records, supporting documents, statistical records, and all other records pertinent to the program shall be retained by the grant recipient in accordance with the following:

a. Records for any project shall be retained for three years after final closeout and audit procedures are completed and accepted by DWD;

b. Representatives of the state auditor's office and DWD shall have access to all books, accounts, documents, records and other property belonging to or in use by a grant recipient pertaining to the receipt of funds under these rules.

11.9(3) *Data collection and reporting requirements.* Grants recipients shall collect, maintain and report to DWD participant characteristic information, activity and service levels, participant status at termination, program outcomes and expenditures as prescribed in the contract. The reports will assess the use of funds in accordance with program objectives, the progress of program activities, and compliance with program requirements.

11.9(4) *Monitoring.* DWD may perform any review or field inspections it deems necessary to ensure program compliance.

a. The grant recipient must make available all of its records pertaining to all matters related to this program and shall permit DWD to utilize, monitor, examine, make excerpts or transcripts from such records, contracts, invoices, payrolls, personnel records, conditions of employment, the management information system, and other data and records related to all other matters covered by this program.

b. When problems of compliance are noted, DWD may require corrective action to be taken. Failure to respond to corrective action notifications may result in the implementation of 11.9(5).

11.9(5) Remedies for noncompliance. At any time before project closeout, DWD may, for cause, find that a grant recipient is not in compliance with the requirements under this program. At DWD's discretion, remedies for noncompliance may include the following:

- a. Issue a warning letter that further failure to comply with program requirements within a stated period of time will result in a more serious sanction.
- b. Condition a future grant.
- c. Direct the grant recipient to stop the incurring of costs with grant amounts.
- d. Require that some or all of the grant amounts be remitted to the state.
- e. Reduce the level of funds the recipient would otherwise be entitled to receive.
- f. Elect not to provide future WFIP funds to the recipient until appropriate actions are taken to ensure compliance.

Reasons for a finding of noncompliance include, but are not limited to: the grant recipient's use of program funds for activities not described in its application, the grant recipient's failure to complete approved activities in a timely manner, the grant recipient's failure to comply with the contract or any applicable state or federal rules or regulations, or the lack of continuing capacity by the grant recipient to carry out the approved project in a timely manner.

877—11.10(84A) Redistribution of funds. The regional advisory board reserves the right to recapture and redistribute funds based upon projected expenditures, if it appears that funds will not be expended in accordance with the proposed budget for a project.

These rules are intended to implement Iowa Code section 84A.8.

- [Filed emergency 6/22/90—published 7/11/90, effective 6/22/90]
- [Filed 9/28/90, Notice 7/11/90—published 10/17/90, effective 11/21/90]
- [Filed 5/22/92, Notice 3/18/92—published 6/10/92, effective 7/15/92]
- [Filed emergency 6/28/96—published 7/17/96, effective 7/1/96]
- [Filed 2/21/97, Notice 1/1/97—published 3/12/97, effective 4/16/97]
- [Filed emergency 6/26/98—published 7/15/98, effective 7/1/98]
- [Filed 8/19/98, Notice 7/15/98—published 9/9/98, effective 10/14/98]