



POLICY MANUAL

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PREFACE

As the director of the Institute for Public Administration (IPA) at the University of Delaware, I am pleased to provide the Delaware Workforce Development Board Policy Manual (Policy Manual).

The purpose of the Policy Manual is to support the internal operations of the Delaware Workforce Development Board, ensure the board is fulfilling its mandate, and help the board and staff best serve Delawareans. To complete this project, IPA staff conducted best-practice research on other workforce development boards and organizations nationwide; collected, reviewed, and analyzed board policies, both physical and digital copies; and helped uncover potential areas for policy improvements.

IPA is committed to working with organizations that engage and serve our state's workforce pipeline from youths to adults and all those seeking employment. It is my hope that this manual will help to structure and inform the path forward for the Delaware Workforce Development Board.

Jerome R. Lewis, Ph.D.

Director, Institute for Public Administration

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INTRODUCTION

Federal Workforce Innovation and Opportunity Act

The Workforce Innovation and Opportunity Act (WIOA) is the primary federal legislation that supports workforce development. WIOA was enacted in 2014 and supersedes the Workforce Investment Act of 1998. The law was enacted to create increased coordination and alignment among federal workforce development and related programs. The intention of this act is to provide workforce development activities through state and local workforce development systems; to increase worker retention, employment, and earnings; and boost occupational skill attainment. The end goal is to improve the quality of the workforce and promote agency in personal and professional lives (Workforce Innovation and Opportunity Act, and Congressional Research Service, 2022).

WIOA authorizes the formation of workforce development activities for eligible youth and statewide employment and training activities for adult and dislocated workers. Workforce development boards are established to carry out these functions in partnership with the state and local communities.

Delaware Workforce Development Board

The Workforce Innovation and Opportunity Act took effect on July 1, 2015, and charged Delaware to establish workforce development areas. Under WIOA, the Governor of Delaware is the Chief Elected Official of the workforce development area; under his authority, he designated the entire state as a single workforce development area for all cities and counties within the state boundaries.

WIOA requires the establishment of a Workforce Development Board, which is the Delaware Workforce Development Board (DWDB). DWDB is the state entity that provides policy guidance and oversight related to WIOA. As of 2020, Executive Order #36 established the current duties, functions, and membership of the DWDB. The Delaware Department of Labor's Division of Employment and Training (DOL/DET) and the DWDB are jointly designated as the administrative entity to carry out the administrative functions related to WIOA. DOL/DET is the grant recipient for funds allocated by WIOA. Delaware operates as a single service delivery area, which means the DWDB acts as both a state and local board, in accordance with WIOA. A single delivery system enables the Governor and board to build on prior successes by reinforcing existing relationships among core partners, additional partners, and One-Stop partners.

Delaware's publicly funded workforce development system is a partner and demand-driven system overseen by the DWDB. DWDB membership cannot exceed 53 members, and these members represent a variety of state agencies and important stakeholder viewpoints. The DWDB also works with required and additional WIOA One-Stop partners. Delaware has 13 partner organizations covering a variety of separate and independent service activities and core programs (see Table 1 for all partners). All workforce development partners sign a Memorandum of Understanding (MOU) agreeing to perform certain functions in accordance with the 2014 WIOA stipulations. Many partner organizations have their own hierarchal structures, functional requirements, and policies.

The Governor, as the CEO under WIOA, also designates state agencies to be the Performance Accountability and Customer Information Agency (PACIA), responsible for facilitating the assessment of Delaware’s core programs.

- The Delaware Department of Labor’s (DOL) Division of Employment and Training (DOL/DET) is designated as the PACIA for Title I (Youth, Adult, and Dislocated Worker Programs) and Title III Employment Service Programs, is also designated as the One-Stop Operator, and is the grant recipient for funds allocated by the WIOA.
- The DOL Division of Vocational Rehabilitation (DOL/DVR) is designated as the PACIA for the WIOA Title IV–Vocational Rehabilitation Program.
- The Delaware Department of Education (DDOE) is designated as the PACIA for the Title II Adult and Family Literacy Programs and for combined WIOA programs including the Strengthening Career & Technical Education for the 21st Century Act and the Prison Education Program.

The DWDB works across numerous agencies and organizations that seek to provide Delawareans with dedicated, timely, and comprehensive information and assistance that meets their needs. Ultimately, the purpose of the DWDB is to make recommendations for how Delaware can align workforce development programs in a manner that supports a comprehensive and streamlined workforce development system (Workforce Development Board Bylaws, 2023).

Table 1. Delaware’s One-Stop Partner Programs and Activities

Agency	Partner	Programs and Activities
DOL	Division of Employment and Training	<ul style="list-style-type: none"> • WIOA Statewide Activities • WIOA Youth and Adult & Dislocated Workers • WIOA Wagner-Peyser Act • Trade Act • WIOA National Dislocated Worker Grant • Local Veterans Employment Representative • Disabled Veterans Outreach Program • Ticket to Work Program administered by the Social Security Administration established under sec. 1148 of Social Security Act (42 USC 1320b-19) • Delaware Department of Labor, Division of Vocational Rehabilitation • Title I of the Vocational Rehabilitation Act • The Client Assistance Program (CAP) authorized under sec. 112 of the Rehabilitation Act of 1973 (29 USC 732)
DOL	Division of Unemployment Insurance	<ul style="list-style-type: none"> • Programs Authorized under State Unemployment Compensation Laws (in accordance with federal law)
Department of Health and Social Services (DHSS)	Division for the Visually Impaired, DHSS	<ul style="list-style-type: none"> • Title I of the Vocational Rehabilitation Act
DHSS	Division of Social Services	<ul style="list-style-type: none"> • Temporary Assistance for Needy Families (TANF) authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq) • Supplemental Nutrition Assistance Program (SNAP) employment and training programs, authorized under secs. 6(d)(4) and 6(o) of the Food and Nutrition Act of 2008 (7 USC 732) • Stand by Me
DHSS	Division of State Service Centers	<ul style="list-style-type: none"> • Employment and Training Activities Carried out under the Community Services Block Grant (42 USC 9901)
DHSS	Division of Services for Aging and Adults with Physical Disabilities	<ul style="list-style-type: none"> • Senior Community Service Employment Activities Authorized under title V of the Older Americans Act of 1965 (42 USC 3056)

Agency	Partner	Programs and Activities
DDOE	Delaware Department of Education	<ul style="list-style-type: none"> • Adult Education and Literacy Activities authorized under Title II • Post-Secondary Vocational Education Activities Authorized under the Carl D. Perkins Vocational and Applied Technology Act (20 USC 3201)
Delaware State Housing Authority (DSHA)	DSHA	<ul style="list-style-type: none"> • Employment and Training Activities carried out by the Department of Housing and Urban Development
	Wilmington Job Corps Center	<ul style="list-style-type: none"> • Job Corps (Title I Subtitle C WIOA)
	Criminal Justice Council	<ul style="list-style-type: none"> • Programs authorized under sec. 212 of the Second Chance Act of 2007 (42 USC 17532)
Telamon	National Farmworker Jobs Program	<ul style="list-style-type: none"> • Section 121(b)(1)(B) of WIOA identifies required partners in the local one-stop delivery systems.
Department of State		<ul style="list-style-type: none"> • Division of Libraries • Division of Small Business
<p>Note: The Division of Libraries and the Division of Small Business are additional partners. All other partners listed are required partners under the federal WIOA legislation.</p>		

SECTION 1: GOVERNANCE

- *Executive Order 36*
- *Delaware Workforce Development Board Bylaws*
- *Membership Appointments Policy*
- *Board Member Designee and Proxy Policy*
- *Public Meeting Policy*
- *Policy on Conflicts of Interest and Disclosure of Certain Interests*
- *Monitoring Policy*
- *Technical Assistance and Training Policy*
- *Policy for Individuals with Disabilities*

Executive Order 36

EXECUTIVE ORDER

NUMBER THIRTY-SIX

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: AMENDING EXECUTIVE ORDER NUMBER THIRTY-FIVE REESTABLISHING THE WORKFORCE DEVELOPMENT BOARD

WHEREAS, a well-educated and highly skilled workforce provides businesses in Delaware with a competitive edge critical for their success; and

WHEREAS, coordinating the planning, budgeting, and service delivery functions of the various federal and state workforce development programs at the state and local level will increase accountability, improve the quality and effectiveness of services, and help provide businesses in this state with an element critical to their success – a high quality workforce; and

WHEREAS, the Workforce Innovation and Opportunity Act (WIOA), which took effect on July 1, 2015, charged the State of Delaware with the establishment of Workforce Development Areas; and

WHEREAS, the Governor of the State of Delaware is the Chief Elected Official (CEO) of the Workforce Development Area per the WIOA; and

WHEREAS, the Governor of the State of Delaware has, by his authority, designated the entire State as a single Workforce Development Area for the cities and counties within the state boundaries; and

WHEREAS, the WIOA requires the establishment of a Workforce Development Board to provide policy guidance and oversight with respect to the WIOA; and

WHEREAS, the WIOA requires the Governor, as the CEO, and the Workforce Development Board, to be partners in the implementation of the WIOA; and

WHEREAS, WIOA establishes performance accountability indicators and reporting requirements to assess the effectiveness in achieving positive outcomes for individuals served by the workforce development system's programs, including the use of quarterly wage data, consistent with state law, for performance measurement purposes; and

WHEREAS, the US DOL developed the State Wage Interchange System (SWIS) to facilitate the interstate exchange of wage data between participating state agencies for the purpose of assessing and reporting on state and local performance for the programs authorized under WIOA; and

WHEREAS, the Governor, as the CEO under WIOA, shall designate state agencies to be the Performance Accountability and Customer Information Agency (PACIA), responsible for facilitating the assessment of Delaware's core programs; and

WHEREAS, the WIOA provides Delaware with the opportunity to coordinate and streamline investments in the workforce under one board at the state level to provide career services and training to eligible residents of Delaware; and

WHEREAS, empowering local business, labor, and community leaders to take a prominent role in their communities' economic and workforce development activities will enhance the quality, efficiency, and responsiveness of these programs.

NOW, THEREFORE, I, JOHN C. CARNEY, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby **DECLARE** and **ORDER** the following:

1. The Delaware Department of Labor's (DOL) Division of Employment and Training (DOL/DET) is designated as the PACIA for the WIOA Title I (Youth, Adult and Dislocated Worker Programs) and Title III Employment Service Programs and shall be the Grant Recipient for funds allocated by the WIOA for the Title I and Title III Programs so identified.
2. The DOL Division of Vocational Rehabilitation (DOL/DVR) and the Delaware Department of Health and Social Services Division for the Visually Impaired are each designated as the PACIA for the WIOA Title IV Vocational Rehabilitation Program.
3. The Delaware Department of Education (DOE) is designated as the PACIA for the Title II Adult and Family Literacy Programs, and for combined WIOA programs including the Strengthening Career & Technical Education for the 21st Century Act and the Prison Education Program.
4. The Workforce Development Board (the "Board") is hereby reestablished and reconstituted, shall not exceed fifty-three members, shall reflect the demographic and geographic diversity of the state, and shall be composed of the following:
 - a. The Governor;
 - b. Two members of the Senate, appointed by the President Pro Tempore of the Senate, and two members of the House of Representatives, appointed by the Speaker of the House;
 - c. Members appointed by the Governor as follows:
 - i. a majority shall be representatives of business in the state, who shall be appointed in consultation with state business organizations/trade associations, to include:
 - (1) owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority; and
 - (2) representatives of businesses (including small businesses) or organizations representing businesses that provide employment opportunities that, at a minimum, include high quality, work relevant training and development in in-demand industry sectors or occupations in the state;
 - ii. not less than twenty percent shall be representatives of the workforce in the state, who:
 - (1) shall include representatives of labor organizations, who have been nominated by state labor federations;
 - (2) shall include a representative, who shall be a member of a labor organization or a training director from a joint labor-management apprenticeship program, or if no joint program exists in the state, a representative of an apprenticeship program in the state;

- (3) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and
 - (4) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth;
 - iii. other appointed members shall include the following:
 - (1) one county elected official;
 - (2) Mayor of the City of Wilmington, or his/her designee;
 - (3) a representative of the Delaware Prosperity Partnership;
 - (4) individuals the Governor may appoint in order for the membership of the Board to remain in compliance with federal requirements;
 - d. Members serving by virtue of position shall include the following:
 - i. Secretary of the Department of Labor;
 - ii. Secretary of the Department of Education;
 - iii. Secretary of the Department of Health and Social Services;
 - iv. Director of the Division of Small Business;
 - v. Director of the Delaware State Housing Authority;
 - vi. Commissioner of the Department of Correction;
 - vii. Department of Labor Director of Vocational Rehabilitation;
 - viii. The Delaware Equal Opportunity Officer.
5. The members in 4.c. and 4.d. shall be included in the overall balancing of the membership of the Board per the WIOA. An individual member of the Board may not be deemed to be a representative for more than one subcategory described above.
 6. Appointed members shall serve at the pleasure of the appointing authority. Members who serve by virtue of position may appoint a designee to serve in their stead and at their pleasure. A member must provide the designation in writing to the Chair. The Governor may consider the member to have resigned if the member is absent for three consecutive, regular Board meetings.
 7. The Governor shall appoint from the members appointed under 4.c.i. one person to serve as Chair and one person to serve as Vice Chair.
 8. A majority of the members must be present at a Board meeting in order to have a quorum and conduct official business. A vacant position is not counted for quorum purposes. Decisions of the Board must be approved by a majority of those members constituting a quorum at a meeting of the Board.
 9. The Board shall meet at the call of the Chair, or as provided by bylaws adopted by the Board, but shall not meet less than annually.

10. An Executive Director shall be appointed by the Board.
11. The DOL/DET and the Board are jointly designated as the Administrative Entity to carry out the administrative functions pursuant to WIOA. DOL/DET shall be the Grant Recipient for funds allocated by WIOA as identified in paragraph 1 of this Executive Order. The Board will designate a One-Stop operator through a competitive procurement process.
12. The Board shall be responsible for the following:
 - a. The development, implementation and modification of the state plan required by applicable federal law;
 - b. Review of statewide policies, programs, and the activities of one-stop partners, and make recommendations on actions that should be taken to align workforce development programs in the state, consistent with the State Plan, in a manner that supports a comprehensive and streamlined workforce development system in the state, including review and provision of comments on the combined state plan for programs and activities of one-stop partners that are not core programs;
 - c. Development and continuous improvement of the workforce development systems in the state, through the:
 - i. identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system;
 - ii. development of strategies to support the use of career pathways for the purpose of providing individuals, including low skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment;
 - iii. development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;
 - iv. development and expansion of strategies for meeting the needs of employers, workers, and jobseekers particularly through industry or sector partnerships related to in-demand sectors and occupations;
 - v. development of strategies to support staff training and awareness across programs supported under the workforce development system;
 - d. Development and updating of comprehensive state performance accountability measures, including state adjusted levels of performance, to assess the effectiveness of the core programs in the state;
 - e. Identification and dissemination of best practices;
 - f. Development and review of statewide policies affecting the coordinated provision of services through the state's one-stop delivery system;
 - g. Development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the One-Stop delivery system;
 - h. Development of strategies for aligning technology and improving data systems across one-stop partner programs to enhance the quality of service delivery and improve

efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation to improve coordination of services across one-stop partner programs);

- i. Development of the statewide workforce and labor market information system;
 - j. Development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the state;
 - k. Development of the Demand Occupation List and Eligible Training Provider List;
 - l. Negotiation of performance measures;
 - m. Conducting oversight of youth activities, career services and training activities, and the One-Stop system authorized under WIOA;
 - n. Carrying out the responsibilities of Local Boards; and
 - o. Ensuring compliance with WIOA including any subsequent amendments.
13. The Board shall promulgate bylaws, consistent with applicable law and with this Executive Order, governing its organization and procedure. These bylaws shall include provisions outlining procedures for the determination of a conflict of interest for a board member, and how a conflict shall be handled.
14. With respect to the Title I and Title III WIOA Programs identified in paragraph 1 of this Executive Order, the Board shall work with the DOL/DET to ensure that the DOL/DET can:
- a. Ensure that a list of eligible providers is made available to participants and the public through the One-Stop system;
 - b. Administer all WIOA programs;
 - c. Maintain sound fiscal practices and procedures which will ensure that all funds are managed in accordance with the Delaware State Code, state budget and accounting policies, and WIOA;
 - d. Administer any other programs recommended by the Board;
 - e. Maintain a management information system to monitor eligibility, intake, performance, and compliance with contracts, the State Plan, and other applicable regulations under WIOA for those enrolled in WIOA programs;
 - f. Manage a request for proposal process, review and evaluate proposals, execute contracts and review and monitor contract performance;
 - g. With the concurrence of the Board, take prompt and appropriate corrective action upon learning of violations of agreements, contracts, WIOA or any related regulations;
 - h. Establish and maintain a procedure for handling grievances, investigations, and hearings as required by WIOA;
 - i. Develop an annual budget for administering the programs per WIOA;
 - j. Report on operations, federal performance measures and expenditures of all WIOA core programs as required by WIOA;
 - k. Maintain eligibility determination, intake, assessment and referral procedures for those enrolled in WIOA programs; and

- I. Provide regular training for all staff involved in implementation of WIOA.
- 15. The Board shall prepare an annual report as required by WIOA and shall provide a copy to the Governor, the President Pro Tempore of the Delaware State Senate, and the Speaker of the Delaware House of Representatives within thirty (30) days of submission to the federal government.
- 16. Members of the Board may receive reimbursement for necessary travel expenses.
- 17. Executive Order No. 51, signed by Governor Jack Markell on June 12, 2015, and Executive Order No. 35, signed by Governor John Carney on November 25, 2019, are hereby rescinded.

Last Approved: February 6, 2020.

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Delaware Workforce Development Board Bylaws

ARTICLE 1.0 NAME AND NATURE OF THE BOARD

Section 1.1

The Delaware Workforce Development Board (the “Board” or the “DWDB”) was established pursuant to the authority in “The Workforce Innovation and Opportunity Act of 2014 (WIOA),” and pursuant to Executive Order 36, dated February 6, 2020 (“Executive Order 36”). The purpose of the Board is to review statewide policies and programs and make recommendations on actions that should be taken by the State to align workforce development programs in a manner that supports a comprehensive and streamlined workforce development system.

The Board shall assist the Governor in executing the duties outlined in Executive Order 36. Those duties shall include:

- a. the development, implementation, and modification of the state plan required by applicable federal law;
- b. the review of statewide policies, programs, and the activities of one-stop partners, and make recommendations on actions that should be taken to align workforce development programs in the state, consistent with the State Plan, in a manner that supports a comprehensive and streamlined workforce development system in the state, including the review and provision of comments on the combined state plan for programs and activities of one-stop partners that are not core programs;
- c. the development and continuous improvement of the workforce development in the state through:
 1. the identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system;
 2. the development of strategies to support the use of career pathways for the purpose of providing individuals, including low skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment;
 3. the development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;
 4. the development and expansion of strategies for meeting the needs of employers, workers, and jobseekers particularly through industry or sector partnerships related to in-demand sectors and occupations;

- v. the development of strategies to support staff training and awareness across programs supported under the workforce development system;
- a. the development and updating of comprehensive state performance accountability measures, including state adjusted levels of performance, to assess the effectiveness of the core programs in the state;
- b. the identification and dissemination of best practices;
- c. the development and review of statewide policies affecting the coordinated provision of services through the state's one-stop delivery system;
- d. the development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system;
- e. the development of strategies for aligning technology and data systems across one-stop partner programs to enhance the quality of service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation to improve coordination of services across one-stop partner programs);
- f. the preparation of the Board's annual reports;
- g. the development of the statewide workforce and labor market information system;
- h. the development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the state;
- i. the development of the Demand Occupation List and Eligible Training Provider List;
- j. negotiation of performance measures;
- k. conducting oversight of youth activities, career services and training activities, and the One-Stop system authorized under WIOA;
- l. carrying out the responsibilities of Local Boards; and
- m. ensuring compliance with WIOA, including any subsequent amendments.

ARTICLE 2.0 MEMBERS

Section 2.1 Membership

The members of the Board shall be appointed in accordance with WIOA and Executive Order 36. The number of Board members shall not exceed 53.

Section 2.2 Qualifications

The composition of the Board will satisfy the criteria for membership as delineated in WIOA. Any Board member who no longer represents the organization that served as the basis for his or her initial appointment to the Board shall be succeeded by another representative of that organization or another organization in the same category.

Section 2.3 Nominations

In accordance with current law and Executive Order 36, DWDB membership originates in the following places:

1. The Governor of Delaware is on the Board;
2. The Delaware Speaker of the House appoints two members from that body to the Board;
3. The Delaware President Pro Tempore of the Senate appoints two members of that body to the Board;
4. The Governor appoints:
 - o representatives of business in the state;
 - o representatives of the workforce in the state;
 - o individuals the Governor may appoint in order for the membership of the Board to remain in compliance with federal requirements and
5. Other appointed members, which shall include the following:
 - o one county elected official;
 - o Mayor of the City of Wilmington, or his/her designee;
 - o a representative of the Delaware Prosperity Partnership.
6. The remainder of the Board consists of:
 - o The Secretary of the Department of Labor or his or her designee;
 - o The Secretary of the Department of Education or his or her designee;
 - o The Secretary of The Department of Health and Social Services or his or her designee;
 - o The Director of the Division of Small Business or his or her designee;
 - o The Director of the Delaware State Housing Authority or his or her designee;
 - o The Commissioner of the Department of Correction or his or her designee;
 - o The Department of Labor Director of Vocation Rehabilitation or his or her designee; and
 - o The Delaware Equal Opportunity Officer or his or her designee.

Private Business Appointments. The Governor will appoint members from a standing list of potential members nominated by the state business organizations, or trade associations as outlined in Federal Regulation 679 § 679.110. The DWDB Executive Director will notify the Governor's Office of Boards and Commissions when a vacancy occurs. In the event the standing list has been exhausted, the Executive Director will ask the Delaware State Chamber of Commerce for nominations and will forward them to the Office of Boards and Commissions for consideration.

House and Senate Appointments. The Executive Director of the DWDB will contact after each statewide election the Speaker of the House and the President Pro Tempore to determine if there are any changes to the House and Senate appointments. These appointed members are subject to the DWDB bylaw term limits. The Speaker and President Pro Tempore will send an appointment letter to the DWDB and the member when there are new appointments.

Cabinet Secretaries and State Agency leaders. Board members on the DWDB whose board appointment is due to holding a governmental position (e.g., those listed in paragraph 4(d) of Executive Order 36) will end their terms when they leave said positions. When this occurs, the Executive Director of the DWDB will coordinate with the Governor's office for a smooth transition.

Section 2.4 Term Limits

The terms for Board members of the DWDB are three years. Board Members may serve no more than two consecutive three-year terms, except for members appointed under Section 2.3 (5) & (6). Term limits begin on the date of the gubernatorial appointment letter.

Notwithstanding the provisions of this Section 2.4, Board members on the DWDB whose board appointment is due to holding a governmental position (e.g., those listed in paragraph 4(d) of Executive Order 36) will end their terms when they leave the said positions. When a board member reaches the end of their term, they shall remain a board member until their successor is appointed by the relevant appointing authority. The Executive Director and Chair of the Board will manage the appointments process to ensure that term appointments are staggered to ensure only a portion of the membership will expire in a given year.

Section 2.5 Proxy Voting

The DWDB allows proxy voting when a regular member cannot attend a meeting. The appointed Board member will notify the DWDB Executive Director in writing of the proxies' name and confirm the proxy may or may not vote in lieu of the member.

Section 2.6 Virtual Meetings

The DWDB may hold virtual meetings when permitted to under 29 Del. C. § 10006.

Section 2.7 Travel Expense Reimbursement

Members of the Board may receive reimbursement for reasonable and necessary travel expenses incident to their duties as members of the Board to the extent funds are available and in accordance with State law.

Section 2.8 Removal

A Board member may be recommended to the Governor for removal from the Board for cause by a majority of the Board members present at the meeting. The Governor may consider the member to have resigned if the member is absent for three consecutive regular Board meetings.

ARTICLE 3.0 GENERAL POWERS

General Powers

The business and affairs of the Board shall be managed by the Board and in between full Board meetings the Executive Committee.

ARTICLE 4.0 MEETINGS

Section 4.1 Meetings

The Board shall meet annually and additionally as needed, on dates determined by the Chair. Notice of all such meetings shall be noticed publicly in accordance with 29 Del. C. § 10004 and shall also be sent by the Executive Director of the Board to each Board member at least seven (7) days prior to the meeting. Such notice shall state the time, date, and place of meeting, and shall also state the purpose thereof. In addition, meetings will be held in compliance with 29 Del. C. § 10004.

Section 4.2 Quorum

A majority of the members of the Board shall constitute a quorum for the transaction of business at a meeting. A vacant position is not counted for quorum purposes. Decisions of the Board must be approved by a majority of those members constituting a quorum at a meeting of the Board.

ARTICLE 5.0 OFFICERS

The Board officers shall consist of the Chair and such other officers as may be required and whose duties may be fixed by the Board. The Chair is appointed by the Governor. The Chair shall be a representative of business in the state. Should there be a vacancy of an officer other than the Chair, the Chair will appoint a member to serve in that capacity until the next scheduled meeting.

ARTICLE 6.0 COMMITTEES

Section 6.1 Executive Committee

The Executive Committee will be composed of Board members who are officers of the Board, the chairpersons of committees, the Secretary of Labor, the Director of the Division of Small Business, the Secretary of the Department of Education, and the Secretary of the Department of Health and Social Services. The majority of the members shall be from the private sector.

Membership shall not exceed 15. The Board Chair will serve as Chair of the Executive Committee. The Executive Committee shall exercise all the authority of the Board during the intervals between full Board meetings. The Executive Committee will meet as requested by the Chair. The quorum and voting requirements in Section 4.2 of these bylaws apply to the Executive Committee.

Section 6.2 Other Committees

Other committees, standing or special, shall be appointed by the Chair as the Board or the Executive Committee deemed necessary to carry out the work of the Board. Except as otherwise prohibited by law and these bylaws, the Chair may invest any such committees with such powers and authority, subject to such conditions, as may be fitting.

ARTICLE 7.0 EXECUTIVE DIRECTOR

The Board shall employ an Executive Director to be responsible for day-to-day operations. Other persons or firms may also be engaged or employed to assist the Board in carrying out its programs and responsibilities. All such engagement or employment must be by action of the Chair, with the approval of the Board or the Executive Committee in between full board meetings.

ARTICLE 8.0 CONFLICT OF INTEREST

Any member of the Board who is an employee or a board member of an organization applying for funds, or deemed eligible to receive Individual Training Accounts, shall disclose this fact at Board meetings and/or Committee meetings. In all such cases, these individuals shall refrain from voting upon any matter related to such contracts, or upon any matter in which he or she, or his or her, immediate family may have a financial interest. All Board members will comply with the conflict of interest provision of Section 101(f) of WIOA and the State's Code of Conduct.

ARTICLE 9.0 AMENDMENTS TO BYLAWS

Amendments to these bylaws shall be adopted by the affirmative vote of a majority of the members of the Board present at a meeting held pursuant to 29 Del. C. § 10004.

Last Approved: 2021

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Membership Appointments Policy

Introduction: In accordance with CFR § 679.100, the purpose of the State Workforce Development Board (WDB) is to convene state, regional, and local workforce system and partners, to -

- A. Enhance the capacity and performance of the workforce development system;
- B. Align and improve the outcomes and effectiveness of Federally funded and other workforce programs and investments; and
- C. Through these efforts, promote economic growth.
- D. Engage public workforce system representatives, including businesses, education providers, economic development, labor representatives, and other stakeholders to help the workforce development system achieve the purpose of the Workforce Innovation and Opportunity Act (WIOA); and
- E. Assist to achieve the State's strategic and operational vision and goals as outlined in the State Plan.

A State Workforce Development Board is established by the Governor in accordance with the requirements of WIOA Federal Regulation § 679.110. Membership includes private business and labor representatives, local government, cabinets secretaries, and state agency leaders.

Private Business and Labor Appointments: The Governor will appoint members from a standing list of potential members nominated by the state business organizations, or trade associations as outlined in Federal Regulation § 679.110. The DWDB Executive Director will notify the Governor's Office of Boards and Commissions when a vacancy occurs.

House and Senate Appointments: The Executive Director of the DWDB will contact after each statewide election the Speaker of the House and the President Pro Tempore to determine if there are any changes to the House and Senate appointments. These appointed members are subject to the DWDB bylaw term limits. The Speaker and President Pro Tempore will send an appointment letter to the DWDB and the member when there are new appointments.

Cabinet Secretaries and State Agency Leaders: Board members on the DWDB whose board appointment is due to holding a governmental position (e.g., those listed in paragraph 4(d) of Executive Order 36) will end their terms when they leave said positions. When this occurs, the Executive Director of the DWDB will coordinate with the Governor's office for a smooth transition.

Nominating New Members to the DWDB

WIOA requires new private sector board members be nominated through a business or trade organization. (e.g., Delaware State Chamber of Commerce). Government members who are appointed, based on an appointed position are automatically nominated and approved by the Governor's office. For private sector members, the process is this:

- a. The Chairperson of the Board will accept, review, and meet with individuals recommended by business/trade organizations for board membership, which meet the criteria, established in WIOA and DWDB bylaws. The chairperson will, in consultation with the executive committee, forward nominees to the DWDB Executive Director for processing.

- b. The Executive Director will forward nominee to the Governor's office (Office of Boards and Commissions) for review and final determination. Please note, only the Governor can appoint a new member.
- c. The Governor's office will, after review, notify the DWDB Executive Director if the nominee is acceptable for further processing and whether to send the application to the individual being recommended for board membership.
- d. If recommendation is approved for nomination, individual is sent an application. Application is to be returned to the DWDB office for review. The DWDB Executive Director will forward complete application to the Governor's office for final disposition.
- e. If approved, the Governor's office will send an appointment letter to the appointee and DWDB Executive Director for filing.
- f. The Executive Director will contact the new member to schedule a new member's orientation and inform them of the next quarterly board meeting.

Policy Review Date: September 12, 2023

Board Adoption Date: September 12, 2023

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Board Member Designee and Proxy Policy

Board Member Proxy Voting Policy

Introduction: Delaware Workforce Development Board (DWDB) members that cannot attend a meeting may send a proxy or alternative in their place. Reference: 20 CFR § 679.110 (d)(4). For the purposes of this policy, the DWDB defines proxy as a one-time event for a board member to send a representative in her place.

Policy: DWDB allows proxy voting when a regular member cannot attend a meeting. The appointed DWDB member will notify the DWDB Executive Director in writing of the proxy's name and confirm whether the proxy may vote in lieu of the member.

- A. If the alternative designee is a business representative, she must have optimum policy-making and hiring authority.
- B. Other alternative designees must have demonstrated experience and expertise and optimum policy-making authority.

Board Member Designee

Introduction: DWDB members appointed by virtue of their position within the state may designate an alternative designee. Reference CFR § 679.110 (d)(4). For the purposes of this policy, DWDB defines designee as a long-standing representative designated to carry out the role and duties of being a DWDB member.

Policy: DWDB members appointed by virtue of their position may assign a designee to represent the government agency. Should a DWDB member choose to nominate a designee, said designee must hold a senior management position within the agency or office she represents; have demonstrated experience, expertise, and optimum policy-making authority; and be able to serve for a full year to preserve board continuity. The designation must be made by letter addressed to the DWDB Chair. Other DWDB members may not designate someone to serve or vote on their behalf at the full-board or committee meetings.

- A. Only governmental appointees (*e.g.*, cabinet secretaries, directors) may name a designee for any meeting. Designees must be identified in writing. All designees may vote or comment as if they were permanent board members.
- B. If a designee and the permanent board member for whom she is designated attend same meeting, only the permanent board member may vote. In this situation, the designee is considered a member of the public with the same parliamentary freedoms or restrictions.

Policy Review Date: September 2023

Board Adoption Date: September 12, 2023

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BOARD DESIGNEE AUTHORIZATION FORM

Only Governmental appointees (e.g., cabinet secretaries, directors) may name a designee for any meeting. Designees must be identified in writing. All designees may vote or comment as if they were permanent board members.

If a designee and the permanent board member for whom they are designated attend same meeting, only the permanent board members may vote. In this situation the designee is considered a member of the public with the same parliamentary freedoms or restrictions.

(Board Member Print Name)

(Title)

(Signature and Date)

I request that the individual named below has designated authority to vote on my behalf in my capacity as a Delaware Workforce Development Board member. This authorization is effective until

_____.

Authorized Designee:

(Designee's Name and Title)

(Designee's Email and Phone Number)

(Designee's Signature and Date)

Public Meeting Policy

Introduction: The state's Freedom of Information Act (FOIA) requires agencies to post public meetings on the Public Meeting Calendar to ensure that government is open and accountable to its citizens. Reference, Delaware Code Title 29, Chapter 100.

Policy Statement: In Accordance with Delaware Code Title 29, Chapter 100, the Delaware Workforce Development Board (DWDB) fully complies with the state's open meeting law which requires:

- a. Every meeting of all public bodies shall be open to the public except when closed under executive session.
- b. A meeting that is open to the public under paragraph (a) of this section must include time for public comment, unless the meeting is of a public body within the General Assembly which is governed by the rules of proceedings adopted under § 9 of Art. II of the Delaware Constitution.
 1. The time for public comment must provide a meaningful opportunity for the public to engage with the public body.
 2. A public body may impose reasonable time, place, and manner restrictions on the length of the public comment period and the amount of time allotted for each public comment.

DWDB may call for an executive session closed to the public upon affirmative vote of a majority of members present at a meeting. The vote on the question of holding an executive session shall take place at a meeting which shall be open to the public, and the results of the vote shall be made public and shall be recorded in the minutes. The purpose of such executive sessions shall be set forth in the agenda.

DWDB shall not prohibit the removal of any person from a public meeting who is willfully and seriously disruptive of the conduct of such meeting.

DWDB shall give public notice of their regular meetings and of their intent to hold an executive session closed to the public, at least 7 days in advance of the meeting. The notice must include all the following:

- a. The agenda if the agenda has been determined.
- b. The date, time, and place of a meeting, including whether such meeting will be conducted by videoconferencing.

An agenda provided is subject to change. Changes to an agenda may include any of the following:

- a. Additional items, including an executive session, which arise at the time of the public body's meeting.
- b. The deletion of items, including an executive session.

DWDB shall give public notice of any special or rescheduled meeting as soon as reasonably possible, but in any event no later than 24 hours before such meeting. A special or rescheduled meeting shall be defined as one to be held less than 7 days after the scheduling decision is made. The public notice of a special or rescheduled meeting shall include an explanation as to why the notice could not be given.

Public notice required shall include, but not be limited to, conspicuous posting of said notice at the principal office of the public body holding the meeting, or if no such office exists at the place where meetings of the public body are regularly held and making a reasonable number of such notices available. In addition, public notice required by this subsection shall include, but not be limited to,

electronic posting on a designated State of Delaware website, approved by the Registrar of Regulations by May 1, 2013, which shall be accessible to the public. When the agenda is not available at the time of the initial posting of the public notice it shall be added to the notice at least 6 hours in advance of said meeting, and the reasons for the delay in posting shall be briefly set forth on the agenda.

DWDB shall maintain minutes of all meetings, including executive sessions, conducted pursuant to this section, and shall make such minutes available for public inspection and copying as a public record. Such minutes shall include a record of those members present and a record, by individual members, of each vote taken and action agreed upon. Such minutes or portions thereof, and any public records pertaining to executive sessions conducted pursuant to this section, may be withheld from public disclosure so long as public disclosure would defeat the lawful purpose for the executive session, but no longer. Prior to being posted, draft minutes may be distributed to members of the public body who were present at the open public meeting. Draft minutes may continue to be revised and corrected up until final minutes are approved by the public body at an open meeting.

Every regularly scheduled meeting of a public body shall be held within the geographic jurisdiction of that public body.

The DWDB holds its meetings in accessible environments for all ability levels to ensure the public has the greatest access available.

Policy Review Date: Needs Board Approval (As of February 2024)

Board Adoption Date:

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Policy on Conflicts of Interest and Disclosure of Certain Interests

It is essential that the citizens of Delaware have confidence in the integrity of the work of the Delaware Workforce Development Board (DWDB). The Board serves the Delaware community, and this responsibility requires both the board and all committees to conduct its business in a fair and transparent manner. The appearance of an actual or apparent Conflict of Interest by a member of the DWDB or Committee can cause harm to the credibility of both the DWDB and the Committee. It is in this context that the following policy is adopted as a Policy on Conflicts of Interest for both the Board and Committee.

This Policy on Conflicts of Interest is intended to help members of the Board and Committees identify situations that present potential conflicts of interest, and to provide procedures which will allow work to be deemed ethical and valid. (All italicized and capitalized terms are defined in Section 1 of this policy.)

1. Definitions

- a. A "Conflict of Interest" is any circumstance described in Section 2 of this Policy.
- b. A "Responsible Person" is any person serving as a Member on the DWDB and/or Committee.
- c. A "Family Member" is a spouse, domestic partner, parent, child or spouse of a child, brother, sister, or spouse of a brother or sister, of a *Responsible Person*.
- d. A "Material Financial Interest" in an entity that has a financial interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect a *Responsible Person* or *Family Member's* judgment with respect to transactions to which the entity is a party. This includes all forms of compensation.
- e. A "Contract or Transaction" is any agreement or relationship involving the sale or purchase of goods, services, or rights of any kind, the providing or receipt of a loan or grant, or the establishment of any other type of pecuniary relationship. (The making of a gift to the DWDB or Committee is not a *Contract or Transaction*.)

2. Conflict of Interest Defined: For purposes of this policy, the following circumstances shall be deemed to create *Conflicts of Interest*:

- a. Outside Interests
 1. A *Contract or Transaction* between the DWDB or Committee and a *Responsible Person* or *Family Member*.
 2. A *Contract or Transaction* between the DWDB or Committee and an entity in which a *Responsible Person* or *Family Member* has a *Material Financial Interest*.
 3. A *Contract or Transaction* between the DWDB or Committee and an entity in which a *Responsible Person* or *Family Member* is a director, officer, agent, partner, associate, trustee, personal representative, receiver, guardian, custodian, conservator, or other legal representative, or has a relationship where any bias or appearance of bias in a decision-making process exists.
- b. Gifts, Gratuities and Entertainment: A *Responsible Person* accepting gifts, entertainment, or other favors from any individual or entity that:
 1. does, or is seeking to do, business with the DWDB or Committee; or

2. has received, is receiving, or is seeking to receive a loan or grant, or to secure other financial commitments from the DWDB or Committee; or
3. under circumstances where it might be inferred that such action was intended to influence or possibly would influence the *Responsible Person* in the performance of his or her duties. This does not preclude the acceptance of items of nominal or insignificant value or entertainment of nominal or insignificant value, which are not related to any particular transaction, or activity of the DWDB or Committees.

3. Procedures

- a. Prior to any DWDB or Committee action on a *Contract or Transaction* involving a *Conflict of Interest*, a *Responsible Person* having a *Conflict of Interest* and who is in attendance at the meeting shall disclose all facts material to the *Conflict of Interest*. Such disclosure shall be reflected in the minutes of the meeting.
 - b. A *Responsible Person* who plans not to attend a meeting at which he or she has reason to believe the Board, or Committee will act on a matter in which the *Responsible Person* has a *Conflict of Interest* shall disclose to the chair of the meeting all facts material to the *Conflict of Interest*. The Chair shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.
 - c. A *Responsible Person* who has a *Conflict of Interest* shall not participate in the DWDB's or Committee's discussion of the matter except to disclose material facts and to respond to questions. Such *Responsible Person's* shall not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting.
 - d. A *Responsible Person* who has a *Conflict of Interest* with respect to a *Contract or Transaction* that will be voted on at a meeting may not vote on the *Contract or Transaction*. Such person's ineligibility to vote shall be reflected in the minutes of the meeting.
 - e. In the event it is not entirely clear that a *Conflict of Interest* exists, the individual with the potential conflict shall disclose the circumstances to the Chair or the Chair's designee, who shall determine whether there exists a *Conflict of Interest* that is subject to this policy.]
4. **Confidentiality:** Each *Responsible Person* shall exercise care not to disclose confidential information acquired in connection with such status or information, the disclosure of which might be averse to the interests of the DWDB and its Committee. Furthermore, a *Responsible Person* shall not disclose or use information relating to the business of the DWDB or the DWDB's Committees for the personal profit or advantage of the *Responsible Person* or a *Family Member*.
5. **Review of policy**
- a. Each *Responsible Person* shall be required to review a copy of this policy and to acknowledge in writing that he or she has done so.
 - b. Each *Responsible Person* shall annually complete a disclosure form identifying any relationships, positions, or circumstances in which the *Responsible Person* is involved that he or she believes could contribute to a *Conflict of Interest* arising. Such relationships, positions or circumstances might include service as a director of or consultant to a nonprofit organization, or ownership of a business that might provide

goods or services to the DWDB and the DWDB's Committees. Any such information regarding business interests of a *Responsible Person* or a *Family Member* shall be treated as confidential and shall generally be made available only to the Chair, the Executive Director, and any committee appointed to address *Conflicts of Interest*, except to the extent additional disclosure is necessary in connection with the implementation of this Policy.

- c. This policy shall be reviewed annually by each Member of the DWDB and Committee. Any changes to the policy shall be communicated immediately to all *Responsible Persons*.

Policy Review Date: Needs Board Approval (As of February 2024)

Board Adoption Date:

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Conflict of Interest Disclosure Form



DELAWARE WORKFORCE DEVELOPMENT BOARD

Name: _____

I have no outside activities, nor have I accepted any gifts, gratuities, or entertainment, that present an actual or apparent Conflict of Interest.

I have the following outside activities, or have accepted gifts, gratuities, or entertainment, that present an actual or apparent Conflict of Interest.

Please describe in the space provided below any relationships, positions, or circumstances in which you are involved that you believe have contributed, or could contribute, to a Conflict of Interest arising (as defined in the Delaware Workforce Development Board's Policy on Conflicts of Interest for the Board and its Committee).

I hereby certify that the information set forth above is true and complete to the best of my knowledge. I have reviewed, and agree to abide by, the Policy of Conflict of Interest of the Delaware Workforce Development Board and Committee that is currently in effect.

Signature: _____ Date: _____

Monitoring Policy

Introduction: The Delaware Workforce Development Board (DWDB) has established an oversight and monitoring process that includes an annual onsite review of all program providers through monitoring visits and ongoing reviews of Eligible Training Providers List (ETPL). These activities are required to fulfill the oversight responsibilities in accordance with the Workforce Innovation and Opportunity Act (WIOA). Recipients are responsible for managing the day-to-day operations of the federal and state funding they receive. To fulfill their role as a steward of federal and state funds, DWDB staff monitors to identify potential problems and areas where technical assistance or corrective action might be necessary.

Policy: Monitoring is performed through desk reviews and onsite visits. Monitoring activities include:

- A review of program and participant services to include the intake and referral process, eligibility certification, priority of service, registration, objective assessment, classroom training, on-the-job training, work experience, and supportive services;
- A review of program administration and management practices, including fiscal and accounting procedures, reporting, internal control systems (*e.g.*, protection of personally identifiable information (PII)); and
- A review of nondiscrimination and equal opportunity (EO) policy and procedures.

Frequency of Monitoring

Programmatic and fiscal monitoring is conducted each year with a minimum of one on-site visit per year. EO WIOA Section 188 monitoring is conducted once per year.

Due to the complexity of each funding source's compliance requirements, all newly funded providers will receive additional guidance in the form of an orientation site visit and initial site visit. DWDB reserves the right to conduct additional site visits as necessary.

Site visits can consist of the following types:

Pre-monitoring Site Visits

Procedure:

- a. Before final approval of a new provider, DWDB will conduct a pre-monitoring site visit. The purpose of this visit is to determine the organization's capacity for meeting the application requirements and minimum standards for training services.
- b. The review will be consistent with the regular monitoring DWDB conducts on its providers. Anything that the potential provider does not have in place, it must either develop according to the timelines set by DWDB or demonstrate its capacity to meet the requirement.
- c. The site visit will be followed by a site-visit report to be completed as soon as possible, but no later than 30 business days after the visit. The report will include timelines that potential providers must adhere to receive application approval.
- d. If deadlines are not met by the organization or if the documentation provided is inadequate, DWDB may deny implementation of the application with the organization. DWDB may also deny application initiation with the organization if the pre-monitoring site visit causes DWDB to conclude that the organization does not have sufficient capacity to meet the application obligations or meet minimum standards.

- e. DWDB will work with the organization as much as possible to assist them in understanding the requirements of the application and site visit report. DWDB will provide trainings when possible and as needed by the organization to meet requirements.

Orientation Site Visit

Procedure:

- a. Within three months of a provider commencing services, DWDB may schedule an orientation site visit with the provider. DWDB might not conduct the orientation site visit if DWDB determines that all the items to be reviewed and the information needed by the provider were covered during the pre-award site visit.
- b. The site visit is an opportunity for the administration organization staff to make introductions with the provider and give an overview of the roles and responsibilities of the administrative organization and the provider. Administrative organization staff will review the policies, monitoring tools, data requirements, and other application requirements.
- c. At a minimum, the orientation site visit will consist of a review of the monitoring tools, the provider's administrative and programmatic policy and procedure manuals, personnel files, any services specific standards of care, and client files.
- d. Each provider must undergo a DWDB accountant review. This review will include reviewing the provider's fiscal policies and financial records, as well as providing additional technical assistance as needed.
- e. DWDB will verify that the provider's client-satisfaction process is in place.
- f. Any recommendations for improvements and any required actions will be documented in a letter to the provider with a timeline. The provider is responsible for addressing those recommendations within the timeline provided. Failure to address the recommendations could result in sanctions, including disallowed expenses for that time.

Initial Site Visit

Procedure:

- a. Within the initial application year, DWDB will schedule an initial site visit.
- b. This site visit is an opportunity to evaluate the implementation of compliance guidelines and recommendations from the orientation site visit. Failure to address the required actions from the orientation site visit could result in sanctions.
- c. The initial site visit will be a full review using all current monitoring tools including data and fiscal tools.
- d. Any findings and recommendations will be documented in a site visit report to the organization as soon as possible, but no later than 30 business days after the visit.
- e. Any findings will need to be addressed in a formal plan of corrections in accordance with the plan-of-correction policy.
- f. Following the initial site visit, each provider will be monitored according to the DWDB monitoring policy.

Annual Site Visits

All providers providing training services funded by the DWDB shall receive one programmatic, pre-arranged site visit each year for the purpose of evaluating application compliance. Additional site visits may be conducted as needed. A formal written report of the site visit findings shall be provided to the provider by DWDB as soon as possible, but no later than 30 business days after completion of the site visit. Providers have 30 business days in which to respond in writing to the findings unless another timeline is given as a part of the site visit report. DWDB retains the right to make unscheduled site visits at any time when the need is indicated by specific circumstances.

Procedure:

- a. DWDB staff will contact appropriate provider staff to schedule a date for the visit.
- b. Written notification of the site visit will be sent to the organization staff 30 calendar days before the visit.
- c. A copy of the monitoring tools to be used will be sent to the appropriate staff two weeks before the visit.
- d. Monitoring staff will identify the staff to be present and activities planned.
- e. The provider will be contacted the week prior to the site visit to confirm date and time of the visit.
- f. Providers must confirm the date and time of the visit.
- g. Providers must submit to DWDB copies of policies requested at least seven calendar days before the scheduled visit.
- h. Monitors will conduct desktop audits of the provider prior to the on-site review. The desktop audit may include a review of the timeliness of reports submitted by the provider, a review of organization or program policies and procedures, and a review of information in Delaware Job Links (DJL).
- i. Employee or client interviews can be scheduled at DWDB's discretion, as needed to assist DWDB in determining organization compliance and effectiveness of service delivery. When scheduling and conducting client interviews, DWDB will strictly uphold client confidentiality procedures and ensure that clients fully understand that the interview is completely voluntary and that they may opt out at any time. The monitor will notify the provider in writing that she plans to interview employees or clients. The monitor will include the method for those interviews.
- j. Monitoring staff will arrive at the designated provider site visit at the agreed upon date and time with all proper materials for conducting the site visit (site visit evaluation instrument, copy of appropriate sections of application, schedule of provider submissions dates for required reports, etc.).
- k. Monitoring staff will meet with the appropriate provider staff to summarize initial findings and recommendations.
- l. Monitoring staff will complete a formal written report of the site visit, identifying specific recommendations and findings, and send the report to the provider as soon as possible but no later than 30 business days of completion of the site visit. The report will notify the provider that it must respond to all findings in writing within 30 business days or in another timeframe indicated by DWDB.

- m. DWDB staff will evaluate the provider's written response and notify the provider in writing if the provider response is inadequate in any fashion. Staff shall notify the provider in writing when all findings are properly resolved.
- n. The monitor will review the provider response and take further actions if the response is not received within the required timeframe or if findings are not resolved in a timely manner or the provider is otherwise noncompliant.

Supplemental Site Visits

Supplemental site visits will be conducted for any established provider as needed to assess compliance with guidelines. The DWDB reserves the right to conduct additional site visits as necessary, and the visits may be announced or unannounced.

Procedure:

- a. DWDB staff will determine if a supplemental site visit is necessary.
- b. DWDB staff will focus the review on newly established compliance criteria and may also review administrative and programmatic policy and procedure manuals, personnel files, client files, and any previous findings.
- c. Employee or client interviews can be scheduled at DWDB staff discretion. When scheduling and conducting client interviews, DWDB staff will strictly uphold client's confidentiality procedures and ensure the clients fully understand that the interview is completely voluntary and that they may opt out at any time.
- d. DWDB staff will communicate the results to the provider in the form of a supplemental site visit report as soon as possible but no later than 30 business days.
- e. Any findings will need to be addressed in a formal plan of correction.

Follow-up Site Visits

When deficiencies are found that warrant additional site visits at a provider, DWDB staff will conduct follow-up site visits to verify that the plan of correction is being implemented. The DWDB reserves the right to conduct additional follow-up site visits as necessary to verify the implementation of a plan of correction.

Procedure:

- a. DWDB staff will conduct a follow-up site visit when it is determined to be necessary to ensure that a provider is meeting application obligations and program standards. Follow-up site visits may also be conducted due to a change at the organization, such as a change in management, staff, address, or other circumstances that might warrant a follow-up site visit.
- b. DWDB staff may conduct the follow-up site visit within 30 days following the adoption of the plan of correction.
- c. DWDB staff may contact the provider to determine staff availability but is not obligated to do so.
- d. The monitor will focus her review on the findings from the site visit report, any changes made to address the findings in the adopted plan of correction, and any newly established compliance criteria.

- e. Employee or client interviews can be scheduled at DWDB's discretion as needed to assist DWDB in determining organization compliance and effectiveness of service delivery. When scheduling and conducting client interviews, DWDB staff will strictly uphold client confidentiality procedures and ensure that clients fully understand that the interview is completely voluntary and that they may opt out at any time.
- f. The monitor will send a letter to the provider regarding the follow up visit as soon as possible but no later than 30 business days of the visit. In the letter, the monitor will state that an adequate system has been implemented to address each finding or recommend further action by the organization.
- g. Failure to implement the plan of correction and address each finding to the satisfaction of the administrative organization could result in disallowed expenses for that time, withheld reimbursements, or other sanctions.

Plan of Correction

Policy Statement: If gaps or deficiencies are found during the monitoring process, the monitoring report will include recommendations to address the identified problem areas. A plan of correction may also be required when deficiencies are found through desktop monitoring or if issues are identified between site visits. The type and extent of the issues identified will dictate the required corrective action. Recommended actions may include:

- **Technical Assistance:** The monitor will recommend the provision of technical assistance or additional guidance when a deficient condition is caused by inadequate information or training.
- **Policy or Procedural Changes:** The monitor will submit appropriate recommendations for procedural changes to result in acceptable performance.
- **Corrective Action Plan:** The monitor will recommend the creation of a corrective action plan if there are deficiencies which must be addressed by the ETPL provider.

CORRECTIVE ACTION IMPLEMENTATION: Providers must implement the recommended corrective action within the timeframe indicated in the monitoring report letter. The implementation will be closely tracked by the monitor to:

- a. Determine the overall efficiency and effectiveness of the approach; and
- b. To measure progress toward resolving the problem.

Procedure:

- a. DWDB staff will notify a provider of any findings in a written site visit report. This report will be accompanied by a dated letter.
- b. Providers are required to respond in writing to the monitor's recommendations to acknowledge that the corrective action plan is being implemented within 30 business days from the date of the letter, unless given another timeframe from DWDB.
- c. The response will include a plan of correction. The plan of correction will detail the way the provider will address findings and will include a timeline of implementation for each step of the plan.
- d. Failure to submit a plan of correction within the allotted timeframe could result in disallowed

expenses for that time, withheld reimbursements, or other sanctions.

- e. DWDB staff will review the plan of correction for appropriateness and will either adopt or revise the plan of correction.
- f. Once the plan of correction has been adopted or revised, DWDB staff will follow the progress of the provider's implementation of the established plan of correction through follow-up visits. Providers may request extensions, in writing, if the extension is reasonable and provides justification for such an action.
- g. Follow-up site visits will be conducted in accordance with the follow-up site visit procedures.
- h. The DWDB reserves the right to schedule as many follow-up site visits as necessary to verify the plan of correction has been implemented.
- i. Failure to implement a plan of correction will result in sanctions. This can include disallowing expenses, suspending reimbursements, or terminating the application.

Significant Site Visit Findings

When any site visit leads to the discovery of serious concerns about the quality of services that might negatively impact the health and safety of clients, DWDB staff will meet to determine the appropriate way the findings should be resolved and the appropriate sanction, if any, which should be imposed until the finding has been corrected. DWDB staff will work with other staff as appropriate.

Procedure:

- A. DWDB staff will discuss the concern to determine the appropriate course of action that needs to be taken in accordance with DWDB policies to resolve the concern.
- B. Depending on the severity of the concern, DWDB may elect to immediately institute sanctions against the provider until the situation is resolved.
- C. DWDB will address the concern in any manner necessary to assure client health and safety, up to and including termination of the application or program.

Policy Review Date: September 2023

Board Adoption Date: September 12, 2023

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Technical Assistance and Training Policy

Introduction: The Delaware Workforce Development Board acknowledges the importance of providing technical assistance and training to enhance the effectiveness of workforce development programs and services. This policy outlines the procedure for requesting, scheduling, and conducting technical assistance.

Policy Statement: The DWDB may recommend or receive requests for technical assistance and training from various stakeholders, including One-Stop Operator, program providers, and staff. The purpose of technical assistance or training may be to improve program operations, implement corrective actions, or provide essential information.

Monitoring and Improvement: During technical assistance sessions, providers will not be subject to formal monitoring regarding the quality or compliance of their programs. Instead, the focus will be on providing direction to improve program quality, streamline processes, and address compliance issues.

Sources of Technical Assistance: The DWDB may directly provide technical assistance and training, or external sources may be engaged to address specific needs or expertise.

Requesting Technical Assistance: Requests for minor technical assistance may be submitted verbally or in writing to the appropriate DWDB staff member. If multiple requests are received for training in related areas, a general training session may be scheduled to address common concerns.

Scheduling Assistance: All requests for technical assistance and training should be scheduled with the relevant DWDB staff member to ensure proper coordination and resource allocation.

Technical Assistance Visits: DWDB staff may schedule technical assistance visits to offer information, provide specialized training, discuss areas of concern, evaluate program operations, or a combination thereof.

Service Provider Attendance: Attendance of service providers may be required at the state-sponsored technical assistance sessions to enhance their understanding and implementation of recommended improvements.

Policy Review Date: September 12, 2023

Board Adoption Date: September 12, 2023

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Policy for Individuals with Disabilities

Introduction: This memo establishes the DWDB and Disability Policy.

Policy Statement: It is the policy of the DOL/DET and DWIB in providing any aid, benefits, services, or training under the Workforce innovation and Opportunity Act (WIOA) assisted program or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, on the ground of disability:

- Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefits, services, or training;
- Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded to others;
- Provide a qualified individual with a disability with an aid, benefit, service or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- Provide different, segregated, or separate aid, benefits, services, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services or training that are as effective as those provided to others;
- Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or
- Otherwise limit a qualified individual with a disability in employment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service, or training.

A recipient must not, directly or through contractual, licensing, or other arrangements, aid or perpetuate discrimination against qualified individuals with disabilities by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefits, services or training to registrants, applicants, or participants.

- A recipient must not deny a qualified individual with a disability the opportunity to participate in DDOL or WIOA Title I-financially assisted programs and/or activities despite the existence of permissibly separate or different programs or activities.
- A recipient must administer DDOL or WIOA Title I-financially assisted programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- A recipient must not, directly or through contractual, licensing, or other arrangements, use standards, procedures, criteria, or administrative methods:
- That have the purpose or effect of subjecting qualified individuals with disabilities to discrimination on the ground of disability;
- That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the DDOL or WIOA Title I-financially assisted programs and/or activities with respect to individuals with disabilities; or

- That perpetuates the discrimination of another entity if both entities are subject to common administrative control or are agencies of the same state.

Policy Review Date:

Board Adoption Date: February 28, 2018

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SECTION 2: PROGRAM FUNDING

- *Governor's Reserve*
- *Funding Guidelines*
- *Program Funding Policy*
- *Transfer of Funds*
- *Reallocating Youth, Adult, and Dislocated Worker Funds*
- *Program Complaint Procedure*

Governor's Reserve

Governors have the authority to invest portions of their state's WIOA allotments to high-priority areas. This includes set-asides within WIOA program funds known as the "Governor's Reserve." Of the funds allocated for WIOA services to youth, adults, and dislocated workers (Title I), the Governor must reserve not more than 15 percent of the funds from each of these sources to carry out statewide activities. Funds reserved under this category may be combined and spent on statewide activities under WIOA sec. 129(b) and statewide employment and training activities under WIOA sec. 134(a), for adults and dislocated workers, and youth activities, as described in §§ 682.200 and 682.210 of this chapter, without regard to the funding source of the reserved funds.

The Wagner-Peyser Act (Title III) established a nationwide system of public employment offices to better bring together employers and those seeking employment. For Wagner-Peyser, ten percent of the sums allotted to each state pursuant to section 6 are reserved for use in accordance with this subsection by the Governor of each such state to provide (Wagner-Peyser Act of 1933):

1. performance incentives for public employment service offices and programs, consistent with the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the WIOA, taking into account direct or indirect placements (including those resulting from self-directed job search or group job search activities assisted by such offices or programs), wages on entered employment, retention, and other appropriate factors;
2. services for groups with special needs, carried out pursuant to joint agreements between the employment service offices and the appropriate local workforce investment board and chief elected official or officials or other public agencies or private nonprofit organizations; and
3. the extra costs of exemplary models for delivering services of the types described in subsection (a), and models for enhancing professional development and career advancement opportunities of state agency staff, as described in section 3(c)(4).

For more information on the WIOA Governor's Reserve fund, reference 20 CFR 683.120.

Link to policies: [§§ 682.200 and 682.210 of this chapter](#)

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Funding Guidelines

Purpose: The Delaware Workforce Development Board (DWDB) establishes funding guidelines to supplement and complement its strategic plan. The guidelines not only establish a baseline of the service delivery for Delaware’s publicly funded workforce system, but also serve as an annual policy document. The Funding Guidelines prioritize workforce investment for a Program Year (July through June). This document prescribes the use of both State and Federal funds in relation to the publicly funded workforce system and can segregate funds for special projects. The DWDB and required partners will develop funding guidelines for approval by the Executive Committee in September or the full Board in October. Overall, these guidelines and procedures are put in place to ensure that public funds are effectively and strategically utilized to support workforce development efforts in Delaware, with a focus on programs that lead to employment or enhance employability.

General: The DWDB funds various types of programs throughout the year, including but not limited to; youth programs, adult programs, dislocated worker programs, occupational skills programs, and post-secondary education/training programs. All programming must ultimately lead to employment and/or increase the likelihood of employment. The DWDB does not fund enrichment programs or education programs that do not directly lead to employment. Training is primarily driven by the state’s High Demand Occupation List which looks to align occupational expenditures with the state’s economic development and high demand/high growth industries. Funds are allotted through a competitive contracting process and the Individual Training Account (ITA) process, in partnership with Delaware Department of Labor, Division of Employment and Training (DOL/DET).

Priorities: DWDB establishes priorities annually to guide investments, and these recommendations are suggested for adoption by the workforce system.

Initial Allocation Recommendations: Funding allocation recommendations are provided to the DWDB Executive Committee by DOL/DET. The Executive Committee will review DOL/DET recommended initial funding allotments. The board can accept or reject, in whole or in part, the recommendations.

General Guidance and Funding Background: The DWDB has funding authority through two sources; federal (WIOA) and state funds (State Blue Collar and Learning for Careers).

Workforce Innovation and Opportunity Act (WIOA) Funds:

- Youth
 - US DOL states that WIOA youth dollars must, at a minimum, be split 25% for ISY and 75% for OSY
- Adult
- Dislocated Worker
- Wagner-Peyser

State Blue Collar Funds: All moneys collected through the Blue Collar Training Tax shall be deposited in the Special Administration Fund of the Department of Labor. This fund shall be dedicated to the establishment and implementation of programs to provide counseling, training, and placement of dislocated workers, to assist in school-to-work transition activities such as vocational guidance, training,

placement, and job development, to provide for industrial training, to provide for career advancement training for state employees and to pay the administrative costs of such programs.

Breakdown of funds collected:

- 10% retained by Division of Unemployment Insurance for costs associated with the collection of the tax.

Remaining funds:

- 25% to the DIV of Small Business
- 75% to a special fund to be administered by the Workforce Development Board (“Board”) to be awarded to appropriate subgrantees to provide for services to dislocated workers, to assist in school-to-work transition activities and to underwrite such other innovative training programs as the Board may approve, under regulations promulgated by the Board in coordination with the Department of Labor. No more than fifty percent of the Blue-Collar Funds may be used for Youth Programs. The remaining Blue-Collar funds will be used to fund adult training program and to underwrite such other innovative training programs the board finds appropriate.
 - DWDB spend authority cap is \$3.9 million per year.

Learning for Careers: Delaware appropriates \$500,000 to the Department of Labor for the creation of the LFC program. The Program’s funds shall be used by the Delaware Workforce Development Board (Board) to engage employer groups, chambers, and associations in creating paid work experiences for youth. The purpose of the Program is to expand employer participation in youth employment programs in addition to increasing the number of youth served through summer youth employment programs, secondary school work-based learning and co-operative education programs, and postsecondary work-based learning and clinical/experiential learning programs. The funds for the Program will be administered by DET in coordination with the Department of Education through a competitive process administered under the Board to award the Program funds to applicants. The Board shall also be authorized to accept private donations and federal funding to support the Program. The Board is authorized to grant awards or enter contracts with an employer association, employer chamber, employer group, or state agency acting on behalf of a group of employers. The Board, with the consent of the Secretary of Education or designee and the Secretary of Labor or designee, may adopt implementing rules or regulations. The application for the award of funds under this Program and any rules or regulations adopted pursuant to this Section shall be available on the Board’s website. By the end of each fiscal year, the Board must report to the General Assembly summary data on the awards granted.

Target Populations:

Youth: The DWDB and DOL/DET deliver youth services primarily by soliciting proposals from providers for both In-School-Youth and Out-of-School-Youth. The selection process is competitive.

Adult/Dislocated Worker: The DWDB and DOL/DET offer services for adult and dislocated worker through the solicitation of proposals from providers and establishing the Eligible Training Provider List (ETPL) and providing Individual Training Account (ITA) vouchers for eligible individuals.

Funding Mechanisms: Funding mechanisms help ensure that resources are allocated efficiently and effectively to support workforce development needs of targeted populations. The competitive nature of the process encourages providers to deliver high quality programs that align with the goals and priorities of the DWDB. DWDB utilizes two primary methods to fund programs.

- Competitive Requests for Proposals (RFP) via contracts. Providers submit proposals and contracts are awarded based on evaluation criteria.
- Individual Training Accounts (ITA) via the Eligible Training Provider List (ETPL). Eligible individuals receive ITAs that can be used to access training services from approved providers on the ETPL.

Request for Proposals: The DWDB issues the following guidance:

- a. The DWDB manages and approves the RFP process. (See below for the overview of the RFP procedures).
- b. DWDB delegates authority to the RFP panels to make recommendations for funding programs.
- c. Panel leads will meet and establish a priority list for funding other programs should additional funds become available.
- d. The Executive Director of the DWDB, the Director of the DOL/DET will reallocate returned funds to programs meeting or exceeding performance measures. Returned funds will not be reallocated to programs not meeting their measures. If other funds become available an additional RFP will be issued.
- e. Panels have the discretion to fund proposals in whole, in part, or not at all. When funding programs, RFP panels will – to the greatest extent possible – fund programs in full and not divide limited funds between programs.
- f. No more than fifty percent of the Blue-Collar Funds may be used for Youth Programs. The remaining Blue-Collar funds will be utilized to fund adult training programs and to underwrite other innovative training programs the board finds appropriate.
- g. Year – to – Year RFP Process. The board directs the DWDB staff to annually update “The Steps to RFP Success” Letter of Instruction prior to the December, Executive Committee meeting.

Requests for Proposal (RFP) Procedures. An overview of the RFP process:

- a. Develop the high demand occupation list.
- b. Develop funding guidelines.
- c. Establish resources.
- d. DWDB and DOL/DET develop RFPs.
- e. Submit RFP to OMB.
- f. Proposal orientation.
- g. Solicit participation for review panels.
- h. Receive proposals.
- i. Internal review of proposals.
- j. Develop categories by industry.
- k. Panel review of the written proposals.
- l. Proposal clarification (if needed).

- m. Consolidation meeting.
- n. Notify the board of funding recommendations.
- o. Feedback for proposals (if needed).
- p. Contract development and execution.

Contract guidance. This section issues guidance for all contracts. The contract may be a mix of Federal WIOA funds, state Blue Collar Funds, and other funds which may become available through resource alignment activities. Even though the DWDB has issued RFPs in early January for most of its contract services, the DWDB may issue others throughout the year as needed. It is the DWDB intent that partners and representatives of different agencies contribute and “braid” funds whenever possible as they prepare Requests for Proposal (RFP).

- a. To the extent possible, definitions provided in the federal law and regulations are the definitions for all sources of funds, including Blue Collar, except the definition of eligibility.
- b. The DWDB may, at its discretion, establish local performance measures for specific populations (e.g., Re-entry, underserved youth, and adults) when using state dollars. The DWDB will ensure local performance measures are established in an RFP document as appropriate.
- c. Prior to executing a contract, proposers without current contracts, will provide a copy of their most recent tax return, or a copy of a prepared financial statement signed by a third-party financial professional to establish their fiscal soundness and eligibility.
- d. All Providers will offer training which provides the client with the opportunity to earn a Diploma, or a GED, or Industry Recognized Certificate as defined in USDOL TEGl 10-16.
- e. Basic language and numeric skills training, when appropriate, will be provided concurrently with skills training. As part of the RFP, proposers will be asked to describe their plan to meet this requirement.
- f. The DWDB requires programs with a combination of activities; it prefers programs combining classroom training including internship, and/or clinical, and actual work experience. All work experience shall be paid.
- g. Contractors will provide retention services, as necessary, including day and evening requirements to meet performance measures for 12 months following exit, except for Adult Blue Collar. Adult Blue-Collar exits will require 6 months of follow-up.
- h. The proposal rating criteria will favor those proposals that demonstrate the ability to operate quality, cost effective training programs that result in high placement rates, long term job retention, and credential attainment. Criteria may be expanded from time-to-time to reflect board priorities.
- i. DWDB will strive to provide training based on each county's needs and in reasonable proportion to the population. This is a goal, not a hard and fast rule; submissions by geographic area may not support this.
- j. Program providers shall define their staff qualifications in the proposal for any position for which they are requesting funding.
- k. Proposers will include clients use Delaware Job Link to find a job. This will include a current updated resume built in the Delaware Job Link system.

- l. Blue Collar adult training contracts will be hybrid. The normal standard for the hybrid is to fund as, a 60% Cost Reimbursement and a 40% Performance Based contract.
- m. DOL/DET and core partners will ensure all work experience requirements are paid.

Specific Youth Contract Guidance. This section provides general guidance on all youth contractors/proposers.

- a. Youth programs will be contracted. Proposals will be solicited for Out-of-School Youth and In-School Youth programs.
- b. In-School and Out-of-School Youth programs may be funded with Blue Collar and/or WIOA funds.
- c. Youth proposers will identify the credential obtained when a program is successfully completed.
- d. The Youth Committee will provide oversight for contracted youth programs on behalf of the board.
- e. A member of the Youth Committee will staff the youth RFP panels.
- f. Contracted youth programs will:
 - o Provide an objective assessment of the academic levels, skill levels, and service needs of each participant, and developmental needs of such participant, for identifying appropriate services and career pathways for participants.
 - o Develop service strategies for each participant directly linked to one or more of the performance indicators which identify career pathways that include education and employment goals (including in appropriate circumstances, nontraditional employment), and appropriate services for the participant considering the assessment conducted.
 - o Preparation for postsecondary educational and training opportunities.
 - o Provide strong linkages between academic instruction and occupational education which leads to the attainment of recognized postsecondary credentials.
 - o Preparation for unsubsidized employment opportunities, in appropriate cases.
 - o Activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential.
 - o Effective connections to employers, including small employers, those in-demand industry sectors and occupations of the local and regional labor markets.
 - o All providers are required to spend at least twenty – five percent (25%) of their allocation to provide paid work experience activities.
- g. Preference will be given to training that align with DWDB growth and enabling sectors as identified in the Prioritize Sectors priority.
- h. Funded youth providers are not required to directly provide all program elements. All funded providers are required to ensure youth have access to all program elements:
 - 1. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or

similar document for individuals with disabilities) or for a recognized postsecondary credential.

2. Alternative secondary school services, or dropout recovery services, as appropriate. Paid and unpaid work experience that have as a component academic and occupational education, which may include – (i) summer employment opportunities and other employment opportunities available throughout the school year; (ii) pre-apprenticeship programs; (iii) internships and job shadowing; and (iv) on-the-job training opportunities.
3. Occupational skill training, which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations.
4. Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate.
5. Supportive services.
6. Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months.
7. Follow-up services for not less than 12 months after the completion of participation, as appropriate.
8. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.
9. Financial literacy education.
10. Entrepreneurial skills training.
11. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services.
12. Activities that help youth prepare for and transition to postsecondary education and training.
13. Education offered concurrently with – and in the same context as – workforce preparation activities and training for a specific occupation or occupational cluster.

Contract Extensions: DWDB has the authority to extend contracts when necessary. Contract extensions involve prolonging the terms of an existing agreement for a period of time. The duration of the extension is specified in the extension agreement. This could vary depending on the circumstances and needs at hand.

Individual Training Accounts (ITA) General Rules. This paragraph provides general policy guidance.

- a. The DWDB-approved Eligible Training Provider List (ETPL) process manual will govern the steps for initial eligibility and subsequent renewal of providers seeking inclusion or maintaining their status on the ETPL.
- b. The DWDB Management Analyst will annually update the Manual in May for approval by the Executive Committee in June of each year.
- c. Individuals can access an ITA through an American Job Center (AJC)

- d. American Job Centers, when appropriate, will assess career service applicants in reading and math skills.
- e. American Job Center staff will determine and document eligibility for individuals involved in a career/training service.
- f. Any local American Job Center office providing federal services that fails to achieve 85% of its goal in any year may be required to have a correction action plan.
- g. American Job Centers will promote the importance of digital literacy skills to individuals by utilizing the Library North Star Digital Literacy and Learning Express programs.
- h. DWDB will only add programs to the ETPL that train for occupations on the high demand occupation list.

Performance Measures. The DWDB will only approve and/or renew ETPL programs and/or contracts which meet or exceed Delaware’s federally mandated performance measures. ETPL credit programs at open enrollment degree granting institutions are exempt from the credential attainment requirement measure when applying for initial inclusion on the Eligible Training Provider List (ETPL). Credit programs at degree granting institution on the ETPL will meet all performance measures when applying for subsequent renewal. Even so, the DWDB recognizes that some priority populations may require special considerations. The DWDB may at its discretion – on a case-by-case basis – allow providers serving targeted.

Policy Review Date: September 2023

Board Adoption Date: October 17, 2023

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Program Funding Policy

Introduction: The Delaware Workforce Development Board (DWDB) will fund multiple types of programs throughout the year. These will include youth programs, occupational skills programs, post-secondary education programs, and targeted tier one and tier two programs. All programming must ultimately lead to employment or increase the likelihood of a person being employed. The DWDB will not fund enrichment programs or education programs that do not directly lead to employment. The primary driver of accessible training is the state’s High Demand Occupation List, which is developed by the DWDB staff, with input from the Delaware Department of Labor (DOL) Office of Occupational and Labor Market Information (OOLMI), the core partners, and training providers. The DWDB intends to align occupational expenditures with the State’s Strategic Plan. The DWDB, primarily in partnership with DOL Department of Education and Training (DET), allots funds through its contracting process, the Individual Training Account (ITA) process, and grants.

Funds Allocations: Initial allocation recommendations will go to the DWDB Proposal Review and Certification Committee and the DWDB Executive Committee, which will review DET recommended initial funding allotments. The board is free to accept or reject, in whole or in part, the recommendations. DET (and partners as appropriate) will build work experience funds into allocation projection.

General Guidance: The DWDB will adhere to Delaware’s state procurement policy, which establishes competitive procurement procedures through a request for proposal (RFP) process. The DWDB and DET deliver youth services primarily by soliciting proposals through an RFP from providers for both In-School-Youth and Out-of-School-Youth programming. The DWDB may also solicit proposals for adult and dislocated worker programming. The contract may be a mix of Federal WIOA funds, state Blue Collar Funds, and other funds that may become available through resource alignment activities. Even though the DWDB usually issues an RFP in early January for most of its contract services, the DWDB may issue other RFPs throughout the year as needed or as funding is received. The DWDB intends that partners and representatives of different agencies contribute and “braid” funds whenever possible when developing RFPs.

The DWDB issues the following guidance:

- The DWDB staff develops the RFP process. All proposals received are put through a competitive process and reviewed by panel members (consisting of no less than three members, with one being a DWDB member). Panels have the discretion to fund proposals in whole, in part, or not at all. When funding programs, RFP panels will—to the greatest extent possible—fund programs in full and not divide limited funds between programs.
- The Consolidation Committee, which comprises each panel lead, must establish a priority list for funding programs should additional funds become available. The DWDB Executive Director and the DET Director will reallocate returned funds to programs who are meeting or exceeding performance measures. Returned funds will not be reallocated to programs not meeting their measures as outlined in current contracts. The DWDB envisions reallocations will be proportional between successful programs; however, the DWDB Executive Director and the DET Director have latitude to reallocate funds disproportionately if a provider has an urgent need. If monies other than returned funds become available, an additional RFP will be issued.

- No more than 50 percent of the Blue-Collar Funds may be used for Youth Programs. The remaining Blue-Collar funds will be used to fund adult training program and to underwrite such other innovative training programs the board finds appropriate.
- Year-to-Year RFP Process. The DWDB directs its staff to annually update “The Steps to RFP Success” process prior to the December Executive Committee meeting. DWDB staff will present any changes to the process.

Awarding Additional Points for RFP Submissions. DWDB may add additional categories worth additional points from time to time. DWDB and DET staff may make recommendations for additional points to be awarded based on economic conditions, high needs training areas, or other reasons. These points will be listed in the RFP.

Contract Guidance. This section issues guidance for all contracts.

To the extent possible, definitions provided in the federal law and regulations are the definitions for all sources of funds, including Blue Collar, except the definition of eligibility.

The DWDB may, at its discretion, establish local performance measures for specific populations (*e.g.*, re-entry, underserved youth, and adults) when using state dollars. The DWDB will ensure local performance measures are established in an RFP document as appropriate.

Prior to executing a contract, proposers without current contracts will provide a copy of their most recent tax return or a copy of a prepared financial statement signed by a third-party financial professional to establish their fiscal soundness and eligibility. In the event a financial statement is too complicated for a layman’s analysis, a member of DWDB or a subject matter expert will evaluate the document.

All Providers will offer training which provides the client with the opportunity to earn a Diploma, or a GED, or Industry Recognized Certificate as defined in USDOL TEGL 10-16.

Basic language, digital literacy, durable skills, numeric skills training, when appropriate, will be provided concurrently with skills training. As part of the RFP, proposers will be asked to describe their plan to meet this requirement.

The DWDB requires programs with a combination of activities—programs combining classroom training including internship, work-based learning, or clinical opportunities. Participants shall be paid for all work experiences.

Contractors will provide retention services, as necessary, including during the day and evening to meet performance measures for 12 months following exit, except for Adult Blue Collar. Adult Blue-Collar exits will require six months of follow-up.

The proposal rating criteria will favor those proposals that demonstrate the ability to operate quality, cost-effective training programs that result in high placement rates, long-term job retention, and credential attainment. Criteria may be expanded from time-to-time to reflect Board priorities. Any changes will be reflected in the RFP.

DWDB will strive to provide training based on each county's needs and in reasonable proportion to the population. This is a goal, not a hard and fast rule; submissions by geographic area may not support this.

Program providers shall define their staff qualifications in the proposal for any position for which they are requesting funding.

Proposers will ensure clients use Delaware Job Link to find a job. This will include a current updated resume built in the Delaware Job Link system.

Blue Collar adult training contracts will be hybrid. The normal standard for the hybrid is to fund as a 60% Cost Reimbursement and a 40% Performance Based contract.

DET and core partners will ensure all work experience requirements are paid.

Specific Youth Contract Guidance: This section provides general guidance on all youth contractors/proposers. Reference 20 CRF part 681.410(a).

Youth programs will primarily be contracted through the competitive procurement process. Proposals will be solicited via an RFP for In-School Youth and Out-of-School Youth programs and services focused on individuals with one or more barriers to employment to prepare for postsecondary training or education and employment. In-School and Out-of-School Youth programs may be funded with Blue Collar, WIOA funds or any additionally funding received by DWDB.

Youth proposers will identify the credential obtained when a program is successfully completed.

The Youth Committee will provide oversight for contracted youth programs on behalf of the board. Youth Committees may recommend policy direction to the DWDB for the design, development, and implementation of programs that benefit all youth. Other tasks that a committee may take on are activities such as leveraging resources and coordinating services among schools, public programs and community-based organizations serving youth, recommending eligible youth service providers, providing on-going leadership and support for continuous quality improvement for local youth programs, and assisting with planning operational and other issues relating to the provision of services to youth. A member of the Youth Committee will staff the youth RFP panels.

The program elements required under WIOA section 129(c)(2) and 20 CFR 681.410 and discussed further in TEGL 21-16 are:

- Tutoring, study skills training, instruction and evidence-based dropout prevention, and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized post-secondary credential.
- Alternative secondary school services, or dropout recovery services, as appropriate.
- Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:
 - Summer employment opportunities and other employment opportunities available throughout the school year
 - Pre-apprenticeship programs

- Internships and job shadowing
- On-the-job training opportunities
- Occupational skill training, which includes priority consideration for training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area involved, if the Local Board determines that the programs meet the quality criteria described in WIOA sec. 123.
- Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.
- Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors.
- Supportive services.
- Adult mentoring for a duration of at least 12 months that may occur both during and after program participation.
- Follow-up services for not less than 12 months after the completion of participation.
- Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth.
- Financial literacy education.
- Entrepreneurial skills training.
- Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career-exploration services.
- Activities that help youth prepare for and transition to post-secondary education and training.

Potential providers must:

1. Provide an objective assessment of the academic levels, skill levels, and service needs of each participant, and developmental needs of such participant, for identifying appropriate services and career pathways for participants.
2. Develop service strategies for each participant that are directly linked to one or more of the indicators of performance that shall identify career pathways that include education and employment goals (including in appropriate circumstances, nontraditional employment) and appropriate services for the participant considering the assessment conducted.
3. Provide preparation for postsecondary educational and training opportunities.
4. Provide strong linkages between academic instruction and occupational education that lead to the attainment of recognized postsecondary credentials.
5. Prepare clients for unsubsidized employment opportunities, in appropriate cases.
6. Develop activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential.
7. Create effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets.
8. Provide at least 25 percent of their allocation to provide paid work experience activities.
9. Funded youth providers are not required to directly provide all program elements. All funded providers are required to ensure youth have access to all program elements:

10. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential.
11. Alternative secondary school services, or dropout recovery services, as appropriate.
12. Paid work experience that has as a component academic and occupational education, which may include:
 - a. summer employment opportunities and other employment opportunities available throughout the school year;
 - b. pre-apprenticeship programs;
 - c. internships and job shadowing; and
 - d. on-the-job training opportunities.
13. Occupational skill training, which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations.
14. Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate.
15. Supportive services.
16. Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months.
17. Follow-up services for not less than 12 months after the completion of participation, as appropriate.
18. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.
19. Financial literacy education.
20. Entrepreneurial skills training.
21. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services.
22. Activities that help youth prepare for and transition to postsecondary education and training.
23. Education offered concurrently with – and in the same context as – workforce preparation activities and training for a specific occupation or occupational cluster.

Specific Adult/Dislocated Worker Funding Guidance: Adult and Dislocated Worker programs will primarily be contracted through the competitive procurement process and through Individual Training accounts (ITA) vouchers via the ETPL.

The Adult/Dislocated Worker Committee will provide oversight for contracted adult programs on behalf of the board. The Proposal Review and Certification Committee (PRCC) will provide oversight for programs on the ETPL.

ITA General Rules: The DWDB-approved [ITA process manual](#) and policies will govern the steps for initial eligibility and subsequent renewal of providers seeking inclusion or maintaining their status on the Eligible Training Provider List.

The DWDB staff will annually update the ITA Manual in May for approval the Executive Committee or board each year.

American Job Centers, when appropriate, will assess career service applicants in reading and math skills.

American Job Center staff will determine and document eligibility for individuals involved in a career/training service.

Any local American Job Center office providing federal services that fails to achieve 85% of its goal in any year may be required to have a correction action plan.

Performance Measures: DWDB will only approve or renew ITA programs which meet or exceed Delaware’s federally mandated performance measures. Performance measures are negotiated by members of DET and DWDB staff as well as board members. These negotiations are done every two years. For Credit programs at open enrollment degree granting institutions are exempt from the credential attainment requirement measure when applying for initial inclusion on the Eligible Training Provider List (ETPL). For credit programs at degree granting institution on the ETPL will meet all performance measures when applying for subsequent renewal. Even so, the DWDB recognizes that some priority populations may require special considerations. The DWDB may at its discretion—on a case-by-case basis—allow providers serving targeted population some latitude during initial eligibility determination and subsequent renewal.

Policy Review Date: December 2023

Board Adoption Date: December 12, 2023

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Transfer of Funds

Introduction: Section 133(b)(4) of the Workforce Innovation and Opportunity Act (WIOA) allows Workforce Development Boards to transfer, if such a transfer is approved, up to 100 percent of a program-year allocation between the local adult and local dislocated-worker programs. This transfer provides flexibility to provide services in the areas of greatest need.

Policy Statement: There are short-term and long-term effects on program operations that could result from transfers of funds. Transfer requests must be accompanied by an appropriate justification, clearly indicating reasoning the request is being made and how granting the request will benefit the delivery of workforce development services. At a minimum, the rationale for the transfer should:

1. Address the reasons for the transfer request, including current service level information and balances.
2. State how the fund transfer will impact the participant levels in both programs and whether there are adequate funds to maintain services to participants currently enrolled in the programs.
3. Provide assurances that services for Adults and Dislocated Workers will be maintained and describe the expected impact on WIOA performance outcomes for both funding streams.
4. Explain, if unforeseen events incur, how will service continue (i.e., other funding streams available to serve Adult and Dislocated Worker populations).

All requests for transfer must include a written justification addressing each of the above-mentioned considerations and the reasons the transfer is necessary to provide adult or dislocated worker employment and training activities.

Request For Transfer: For transfers of funds, a request must be submitted to the Executive Director of the Delaware Workforce Development Board (ED-DWDB) and the Director of the Delaware Department of Labor Division of Employment and Training (Dir. DET) for review of such transfer for a specific appropriation of adult or dislocated worker funding (*i.e.*, program year or fiscal year of appropriation). The request must specify the type of funding (whether adult or dislocated worker) to be transferred to the other program.

Approving a Transfer: Transfer requests are to be signed by the ED-DWDB and the Dir. DET and submitted to the Delaware Workforce Development Board Chair for final approval. The ED-DWDB will inform the Board at the next meeting of the full Board or Executive Committee.

References: Workforce Innovation and Opportunity Act, § 133(b)(4), Public Law 113-128. NPRM § 683.130 found at 80 Fed. Reg. 20877 (April 16, 2015) (to be codified at 20 C.F.R. § 683.130). O.A.C. 5101:9-31-02, Workforce Investment Act (WIA) formulary allocation methodology. (July 24, 2014).

Policy Review Date: September 2023

Board Adoption Date: September 12, 2023

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Transfer of Funds Request

1. Date of Request:
2. Program Year:
3. Direction of Transfer (Check One):
 Adult program to Dislocated Worker program: Dislocated Worker program to Adult program:
4. Amount of Transfer:
5. Balance of Adult after transfer: 6. Balance of Dislocated Worker after transfer:
7. Considering the factors described under the Transfer of Funds Requirements section, provide a rationale for the following:
 - a. The reason for the transfer, including current service level.
 - b. How the fund transfer impact the participant levels in both programs and are there adequate funds to maintain services to currently enrolled participants?
 - c. Assurances that services for Adults and Dislocated Workers will be maintained, a description of the expected impact on WIOA performance outcomes for both funding streams.
 - d. If unforeseen events incur, how will services continue?

Signature _____

Name _____

Title _____

Date _____

All transfer requests must be approved and signed off by the Director of the Division of Employment and Training, the Executive Director of the Delaware Workforce Development Board (DWDB), and the Chair of the DWDB

Signature _____

Name _____

Title Director, Division of
Employment and Training

Date _____

Signature _____

Name _____

Title Executive Director, Delaware Workforce
Development Board

Date _____

Signature _____

Name _____

Title Chair, Delaware Workforce Development Board

Date _____

Instructions for Completing the Transfer of Funds Request Form

TRANSFER OF FUNDS REQUEST FORM

- Line 1. Enter the date of the request.
- Line 2. Enter the program year.
- Line 3. Check the appropriate block regarding the direction of transfer. Only one type of transfer can be entered on each form.
- Line 4. Provide the amount of the transfer. Do not include any amount previously transferred.
- Line 5. Provide the balance for Adult after transfer.
- Line 6. Provide the balance for Dislocated Worker after transfer.
- Line 7. Provide the reason(s) for the transfer of funds along with any other pertinent data by answering questions a-d.

Enter in information for person filling out the form.

Submit for approval.

Reallocating Youth, Adult, and Dislocated Worker Funds

Introduction: This policy provides the procedures for reallocating Youth, Adult, and Dislocated worker funds throughout Delaware. It is effective upon receipt.

Policy Statement: The Workforce Innovation and Opportunity Act of 2014 and section 683.140 of the WIOA Final Rule authorize individual states to reallocate funds from the above grants. Because the decision rests solely with the governor and that official is a member of the Delaware Workforce Development Board, and authorized the board to make these type decisions on his/her behalf, the DWDB or its Executive committee will authorize the reallocation of funds through its quarterly meetings.

Procedure: The Delaware Department of Labor, Division of Employment and Training (DOL/DET), and/or any DWDB committee will identify any potential opportunity for reallocation and make a recommendation for action to the board or the Executive Committee. While it is desirable for the whole board to approve a reallocation, the Executive Committee may act if the need identified requires immediate action.

Additional Considerations: This policy does not prescribe strict criteria to initiate reallocation actions as the breadth of potential needs for this type of action are too varied to categorize; rather it embraces the “reasonable person” approach, “Given the same situation, what could we expect a reasonable person to do?” Examples of criteria could include:

- A mass layoff resulting in a huge expenditure of dislocated worker funds
- An influx of adult job seekers resulting from improved economic conditions
- An increase of dislocated worker investment due to the arrival of a new employer with specific needs

Policy Review Date:

Board Adoption Date: August 19, 2016

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Program Complaint Procedure

It is the Delaware Workforce Investment Board's policy to handle all complaint issues in an expedient manner. The Division of Employment and Training acts as the One-Stop delivery service agent and contract manager. In order to achieve a user-friendly atmosphere, we will all work towards resolving all issues at the lowest level possible. If you have a problem in any aspect of the One-Stop delivery program, we would ask that you follow the steps below:

If you feel you have a program complaint that needs to be resolved, you may bring that issue to any one of the four following points of contact:

- Local Office – “One-Stop” manager
 - Dover – (302) 857- 5860
 - Fox Valley – (302) 761- 8084
 - Georgetown – (302) 858 – 5235
 - Pencader – (302) 451 – 3469
 - Division of Employment & Training Complaint Officer – Beverly Benson at 761 -8087, email address: beverly.benson@state.de.us.
 - Contract Operation Unit - If the complaint is with one of our training contractors please notify the Help Desk at: DOL DET CONTRACTOR Help@state.de.us.
 - Workforce Investment Board – Gwendolyn Jones at 761-8161, e-mail address: gwendolyn.jones@state.de.us.
1. **Notification:** Once you have brought your complaint to one of the points of contact the individual receiving the complaint will notify the Division of Employment & Training Complaint Officer and the Director of the Delaware Workforce Investment Board within 24 hours of your complaint
 2. **Informal Resolution:** The Local office/contract staff will attempt an informal resolution. Up to five (5) workdays is allotted.
 3. **Complaint Officer:** If the complaint is not resolved after five (5) workdays, the matter will be reviewed by the Complaint Officer. The Complaint Officer will then talk with the complainant in person or by telephone to make an attempt at an informal resolution within the following ten (10) workdays.
 4. **Alternative Dispute Resolution:** The Complaint Officer may use a method called Alternative Dispute Resolution (ADR). ADR is a method that provides an impartial facilitator to hear your issue along with the alleged party in an informal setting. This is a voluntary procedure and both sides have to be agreeable to its use.
 5. **Identify your problem in writing:** If the problem remains unresolved after (15) workdays, the complainant must submit their complaint in writing. The Complaint Officer or its designee may offer to assist them with writing their complaint. The complaint may be in any written format.
 6. The complaint must include the following information: (a) The Complainant's name, address and phone number (b) The nature of the problem (c) The relief requested (d) Any other information you believe would be relevant. The complaint may be mailed to: Executive Director, DE Workforce Investment Board, 4425 N. Market Street, Wilmington, DE 19802 or delivered in

person to the same office, or e-mailed to: gwendolyn.jones@state.de.us. Once the Executive Director receives the written complaint, a notification of receipt confirming that that the complaint has been received by the Executive Director will be mailed within five (5) workdays.

7. **Investigation/Fact Finding:** Upon receipt of the complaint, the Executive Director of the Workforce Investment Board and/or the Complaint Officer will review the complaint. The complaint will be assigned to an investigator who will do a fact finding review of the issues. The investigator will make contact with the complainant and the respondent about the issues in the complaint. Based on all of the data gathered the investigator will render a decision within (15) workdays from receiving all necessary information. If the Executive Director or the Complaint Officer is unable to resolve the complaint to the complainants' satisfaction, the complainant may request an appeal hearing before a review committee.
8. **Appeal Hearing:** If an appeal hearing is requested, the Executive Director/Complaint Officer will automatically forward any unresolved issues to the Delaware Workforce Investment Board (DWIB) and our Deputy Attorney General for review. The DWIB will send a notification that they have received your complaint. The DWIB will go over the issues and the decisions rendered in the complaint within fifteen (15) workdays. Again, the complainant and the respondent may be contacted for an interview either in person or by telephone. The decision of the DWIB will be final and binding.

Policy Review Date: Policy Not Dated

Board Adoption Date:

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SECTION 3: INDIVIDUAL TRAINING ACCOUNTS

- *Individual Training Account (ITA) Approval Criteria*
- *Individual Training Account (ITA) Provider/Program Approval Process*
- *ITA Appeal Process Policy*
- *Paying for ITA Programs in Full*
- *Use of Hybrid or Virtual Training for ITA Programs*
- *Use of Contracts in Lieu of ITAs*
- *Memorandum of Understanding: ITA Training Providers*
- *Provider Individual Training Account (ITA) Invoice and Payment Process*
- *ITA Process: Initial Eligibility Flow Chart*
- *Incumbent Worker Training*
- *Initial Application and Renewal Policy*

Individual Training Account (ITA) Approval Criteria

To ensure our customers have access to quality education and training that will result in credentials recognized by employers, the Delaware Workforce Development Board (DWDB) has established approval criteria that include, but are not limited to the following:

1. Provider must obtain Delaware Department of Education (DOE) Certification in the State of Delaware, as described in Title 14 Chapter 85 of the Delaware Code. This annual certification expires December 31st and must be renewed each calendar year. Please provide a copy of DOE Certification to the DWDB office.
2. Providers must have at least one year experience as a training provider, offer programs that are already available (at least one year) and in use by the general public and have verifiable success in proposed programs.
3. Course cost must match tuition in the course catalog and be in use by the general public on a tuition basis and available to DWDB students at the same tuition or lower. Providers must submit their refund policy.
4. Must offer training/education and an industry approved credential for an occupation that is in demand by the current local labor market.
5. Must retain sufficient and qualified instructional and administrative staff (Title 14 Delaware State Code).
6. Must maintain financial resources adequate for the satisfactory conduct of the course of instruction offered. Please provide a financial statement prepared by an accounting firm or a signed tax return.
7. Provide a current signed Memorandum of Understanding (M.O.U.)
8. Provide Surety Bond Certificate of Insurance (Title 14 Delaware State Code).
9. Must submit invoices for payment within 90 days after the course add/drop date (see M.O.U.).
10. Must understand the DWDB Proposal Review and Certification Committee may consider cost when approving programs.
11. Performance Data- Provide performance data required by the DWDB.

NOTE: We will determine your program ineligible if you fail to follow the criteria above.

Policy Review Date: Policy Not Dated

Board Adoption Date:

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Individual Training Account (ITA) Provider/Program Approval Process

New Provider Application: Below are detailed instructions to become a new provider.

- a. Contact the Department of Education (DOE) to apply for DOE Certification. Applications can be obtained by calling the DOE at (302) 857-3313. No provider will be approved as an ITA provider until they are DOE certified, except those who are exempt under the Delaware Code, Title 14, Chapter 85. Please provide a copy of your DOE certification to the WWDB once you have been approved. Please send to the Delaware Workforce Development Board, Fox Valley, 4425 N. Market Street, Wilmington, DE 19802.

In addition, new applicants:

- Must have at least one-year experience training job seekers in high demand occupations and have an established a track record in course completion and job placement.
 - Must provide a financial statement prepared by an accounting firm or a signed tax return and
 - Must provide a copy of their current business license.
- b. Fill out the Application for Initial Eligibility for Delaware Training Provider Certification and mail or hand deliver to Delaware Workforce Development Board (DWDB) Please send the original to Delaware Workforce Development Board, Fox Valley, 4425 N. Market Street, Wilmington, DE 19802.
 - c. Complete and sign a current Delaware Workforce Development Board Memorandum of Understanding (M.O.U.) Form. Please send signed original of this form to Delaware Workforce Development Board, Fox Valley, 4425 N. Market Street, Wilmington, DE 19802. No program will be considered for approval without a current signed M.O.U.
 - d. Submit your program/course information in compliance with DWDB Approval Criteria using the provided forms and spreadsheets. Course cost must match tuition in the course catalog used by the general public. DWDB will confirm each recommended provider is DOE Certified and will prepare a report of the recommended programs for the Proposal Review and Certification Committee. The committee will then approve or deny each program to the ITA list.
 - e. Provide Surety Bond Certificate of Insurance (Title 14 Delaware State Code)
 - f. Delaware Workforce Development Board will only consider providers and programs recommended by the Proposal Review and Certification Committee. The Executive Director of the DWDB will inform, in writing, the Department of Labor and those providers who are not approved.
 - g. A provider that is denied may appeal the decision, according to the procedures described on the DWDB web site: <http://wib.delawareworks.com>

Subsequent Renewal Process:

IMPORTANT: Please submit renewals in compliance with DWDB Approval Criteria.

- a. Each organization must be certified for each calendar year by the Department of Education (DOE). DOE certification expires on December 31 of each year and must be renewed.

Applications for certification can be obtained by calling the DOE at (302) 857-3313. Please provide a copy of your DOE certificate once you have been approved. Please send to Delaware Workforce Development Board, Fox Valley, 4425 N. Market Street, Wilmington, DE 19802. b. Provider must also:

- Provide a financial statement prepared by an accounting firm or a signed tax return.
 - Provide a copy of their current business license.
 - Meet the performance measures set by the Delaware Workforce Development Board.
- b. Providers will ensure every renewed program has an updated course description (electronic preferred). Programs without descriptions will be deleted. The renewal period is the only time vendors can modify their program information (i.e., tuition, time in class, etc.). The only item that can be modified during the year is contact information.
- c. Complete and sign a current Delaware Workforce Development Board Memorandum of Understanding (M.O.U.) Form. Please send signed original of this form to Delaware Workforce Development Board, Fox Valley, 4425 N. Market Street, Wilmington, DE 19802. No program will be considered for approval without a current signed M.O.U. and debarment form.
- d. Recommended providers and programs that meet the conditions described above will be forwarded to the DWDB for consideration.
- e. The Executive Director of the DWDB will inform, in writing, the Department of Labor and those providers who are not approved.
- f. A provider that is denied renewal may appeal the decision, according to the procedures described on the DWDB web site: <http://wib.delawareworks.com>
- g. If the program you are entering does not support a demand occupation, because it is an emerging or changing industry, please provide documentation to support your application.
- h. Finally, you will be asked to review all program information that has been entered in Delaware Joblink (DJL) to ensure accuracy.

The Department of Labor (DOL) and the Delaware Workforce Development Board DWDB) will:

- Assist providers as needed to ensure DJL input accuracy. Verify and make corrections where necessary.
- Confirm that each recommended provider is in compliance with DWDB approval criteria, and prepare a report of the recommended programs for the Proposal Review and Certification Committee which will include detailed program information. The committee will then approve or deny acceptance of each program to the ITA list.
- Notify in writing DOL and providers who are not approved.
- Address appeals presented in accordance with the procedures described on the DWDB web site: <http://wib.delawareworks.com>

Policy Review Date:

Board Adoption Date: November 18, 2016

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Individual Training Account (ITA) Appeal Process Policy

Introduction: The Delaware Workforce Development Board (DWDB) establishes this appeal policy for ITA training providers and/or programs, whose eligibility is terminated for failing to meet published performance measures.

Policy Statement: This policy applies to ITA providers and programs only. ITA programs are required to meet minimum standards aligned with Delaware’s federally negotiated performance measures. The DWDB will remove programs and/or providers failing to meet minimum performance measures from the Eligible Training Provider List pending a successful appeal to the DWDB.

Process: The DWDB staff will evaluate provider performance during the renewal period. When an ITA program fails to meet prescribed performance measures:

- The DWDB executive director will notify the DWDB Proposal Review and Certification Committee (PRCC) at its next scheduled meeting of the failure and the requirement to remove the program from the Eligible Training Provider List (ETPL).
- The PRCC Chairman will then notify the Executive Committee of the failure and requirement to remove the program. The Executive Committee will acknowledge the poor performance and instruct the Executive Director to send a letter to the provider announcing the pending removal and advise the provider of the appeal opportunity.
- The Executive Director will ensure all programs pending removal from the list/appeal are put in a hold status and not available for use.
- The DWDB will notify the provider via email or regular mail of the intent to remove the provider from the ETPL and include this policy as an enclosure to the letter.
- A provider wanting to appeal the board’s intent to terminate provider/program eligibility must submit a letter of appeal to the DWDB Executive Director within ten business days by notifying the Executive Director via email or regular mail. At a minimum the notice of appeal will include:
 - The name of program(s) considered for removal
 - An explanation of why the failure occurred o A corrective action plan, which addresses the problem of the failure.
- The executive director will review the appeal and will either approve the corrective action plan, or forward the appeal to the PRCC at its next scheduled meeting for final determination.
- The PRCC may – at its discretion – interview the appellant, adjudicate the written appeal, or direct the removal of the program from the ETPL.
- Programs removed from the ETPL will wait at least 1 year before applying for reinstatement.

Substantive Appeals: The DWDB will only accept substantive appeals. Simply, “We don’t agree” is not sufficient cause for an appeal.

Weight of Responsibility: If an appellant wants to change the reasons for an appeal after the process starts, the appellant must submit in writing an amended and revised appeal with any supporting documentation.

Reference: Federal Register/ Vol 8. Dtd August 19, 2016, Part VI, Department of Labor, Employment and Training Administration, 20 CFR, § 683.630, (b) (ii).

Policy Review Date:

Board Adoption Date: April 16, 2019

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Paying for Individual Training Account (ITA) Programs in Full

Introduction: The DWDB have always mandated a maximum investment for Individual Training Accounts (ITA) to ensure a wide disbursement of dollars to help more people. The current economic disaster requires us to suspend this policy. Simply, it makes little sense to train someone for a high demand occupation and saddle them with onerous debt as they seek self-sustaining employment in the middle of an economic disaster.

Policy Statement: This memo immediately authorizes the Delaware Department of Labor, Division of Employment and Training to pay the full cost of non-degree ITA programs. This change is effective upon receipt and will expire on 30 June 2021, unless extended or rescinded.

Warning: Providers will ensure prices listed on the Eligible Training Provider List (ETPL) are the same or less than is charged to the general public. Be advised training program prices are a consideration for approval. The board has and will deny exorbitantly priced programs. It is important to note training programs must be ready and available for general use before the DWDB will consider them for inclusion to the ETPL.

Policy Review Date:

Board Adoption Date: July 29, 2020

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Use of Hybrid or Virtual Training for Individual Training Account (ITA) Programs

Introduction: The COVID-19 Pandemic has changed how we deliver skills training. Many have moved to online training strategies, or some mix of those strategies with hands-on training. Even so, it is essential that we maintain our focus that success is measured by people receiving industry recognized credentials that lead to employment.

Policy Statement: This memo provides guidance for Training Providers as they migrate to virtual/online platforms.

Problem/Credentialing: The DWDB is concerned current initiatives to leverage online training might inadvertently invalidate credentials, especially for those programs requiring a hands-on component. For example, if a phlebotomy training program requires a certain number of sticks, or a diesel program requires a diagnostic and repair how can those things be done online? If a required hands-on component can't be completed, is the credentialing still valid? Says who?

Action Step: The DWDB encourages providers to contact the governing credentialing body and ensure changes made to training curriculum are approved and meet the minimum requirements. Failure to ensure training programs grant approved credentials could result in removal from the Eligible Training Provider List (ETPL).

Policy Review Date:

Board Adoption Date: July 30, 2020

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Use of Contracts in Lieu of Individual Training Accounts (ITAs)

Introduction: An Emergency Executive Committee meeting was held on August 17, 2020 for the DWDB to determine if it was appropriate for the DOL/DET to contract with institutions, or other training providers to facilitate the training of multiple individuals in in-demand sectors or occupations. In a 9 to 1 vote, the board determined it was appropriate in the apprenticeship initiative as outlined by DOL/DET.

Policy Statement: This policy memorializes the DWDB Executive Committee vote to approve DOL/DET's request to use a contract in lieu of the ITA process for the DET apprenticeship initiative.

Restrictions: this determination is for this specific initiative and is not transferable to any other. DOL/DET will report back on this initiative from time-to-time at the call of the Board and/or Executive Committee.

Policy Review Date:

Board Adoption Date: August 18, 2020

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Memorandum of Understanding: Individual Training Account (ITA) Training Providers

This agreement (Agreement) is made and entered into by and between Delaware’s Workforce Development Board, hereinafter referred to as the (DWDB) and the Training Provider known as

_____, located at _____, hereinafter referred to as the (Provider).

WHEREAS: the United States Congress has established the Workforce Innovation and Opportunity Act (WIOA) and requires the DWDB to provide policy guidance and oversight with respect to workforce development activities, including identification of eligible training providers, who may receive payment of Individual Training Account federal funds if they meet initial as well as subsequent requirements of Title 1 of WIOA.

NOW, THEREFORE, BE IT RESOLVED that the following Agreement between the DWDB and the above-mentioned Provider shall, when signed, constitute a proper and valid agreement between the two parties for the purposes of governing each parties’ obligations under WIOA, DWDB policies, minimum renewal requirements, and required performance data.

Responsibilities of the Delaware Workforce Development Board

The DWDB will:

1. Provide information regarding the types of training programs that are needed to meet market demand identified by Office of Occupational and Labor Market Information, Delaware Department of Labor.
2. Provide career services through the Department of Labor American Job Centers located within the Division of Employment and Training sites throughout the State.
3. Provide informed customer choice through the reporting system that is maintained as part of Delaware JobLink through the Delaware Department of Labor, Division of Employment and Training.
4. Provide written documentation of approved Individual Training Accounts.
5. Place programs in hold status if complaints are received, or if providers are identified in notices of non-compliance with other Department of Labor Divisions.
6. Provide payment for the approved Individual Training Account when submitted by a currently eligible training provider.
7. Reserves the right to visit the Provider (announced and unannounced) to monitor programs to ensure compliance with federal and state policies and regulations.
8. Remove Provider from the State list of eligible training providers and programs if Provider is determined by DWDB to have intentionally supplied inaccurate information or to have substantially violated any provision of title I of WIOA or the WIOA regulations.
9. Remove Provider from the State list of eligible training providers and programs if Provider substantially violates the requirement to timely and accurately report performance data as required by the DWDB.

10. Remove Provider from the State list of eligible training providers and programs if Provider substantially violates the requirement to timely and accurately meet annual renewal deadlines or any other deadlines as required by the DWDB.
11. Remove Provider or program from State list of eligible training providers and programs if Provider fails to comply with other applicable state or federal laws or regulations, including state labor laws.
12. As part of the renewal process, remove programs that do not meet prescribed performance measures or fail to meet prescribed eligibility criteria. Prior to removal of a program from the eligible training provider list for failure to meet performance measures, DWDB may elect to work with Provider to come into compliance and may issue a corrective action plan to help Provider come into compliance with prescribed performance measures for that program.
13. Remove Provider and/or Provider's programs that do not provide quality training, as determined by DWDB, or do not provide training according to the contracted information listed on the ITA Provider Program Information form(s) submitted by Provider in support of this Agreement. Prior to removal for failure to provide quality training or to provide training according to the ITA Provider Program Information form, DWDB may elect to work with Provider to come into compliance and may issue a corrective action plan to help Provider come into compliance.
14. Remove Provider or Provider's programs that do not adhere to any corrective action plan imposed on Provider by DWDB.
15. Remove Provider or Provider's programs that fail to comply with this Agreement. Prior to removal based on failure to comply with this Agreement, DWDB may elect to work with Provider to address the compliance issues and may issue a corrective action plan to help Provider come into compliance.
16. Remove Provider and Provider's programs that fail to comply fully with the nondiscrimination and equal opportunity provisions of Section 188 of Workforce Innovation and Opportunity Act (WIOA) and 29 CFR Part 38, or any other laws regarding WIOA title 1 financially assisted programs and activities.
17. Provide Equal Opportunity posters, instructions, and updates to contact information for all designated EO Officers to Provider for providing WIOA-required Equal Opportunity notifications.
18. Provide technical assistance to Provider regarding compliance with WIOA, WIOA Regulations, this Agreement, DWDB policies and DWDB letters of instruction for Provider.

Responsibilities of the Training Provider

The above-mentioned Provider will:

1. Meet all eligibility criteria and provide all eligibility documentation set forth in the DWDB Individual Training Account (ITA) Approval Criteria posted on the DWDB website, both initially and at each renewal period, for each program. In order to remain eligible, Provider's required documents must be up to date and in compliance with state laws.
2. Maintain a Delaware Department of Education approval as indicated in Title 14, Chapter 85 of Delaware Code. The certificate of approval must be provided to DWDB upon initial eligibility and

each calendar year thereafter or otherwise upon expiration of the prior certificate. Providers who do not meet this requirement because they are specifically excluded from Title 14, Chapter 85, Section 8529 must notify the DWDB in writing.

3. Maintain compliance with all State of Delaware Department of Labor Divisions (e.g., Unemployment Insurance, Industrial Affairs – including wage and hour and workers' compensation, Division of Employment and Training – including special assessment referred to as Employment and Training Fund tax).
4. Offer programs that are currently available in a course catalog and/or website and in use by the general public on a tuition basis and make those programs available to the DWDB at the same or lower tuition.
5. Offer only programs pursuant to this Agreement that offer training/education and an industry approved credential for an occupation that is in demand by the current local labor market, as designated by DWDB.
6. Retain sufficient and qualified instructional and administrative staff (Title 14 Delaware State Code).
7. Maintain financial resources adequate for the satisfactory conduct of the course of instruction offered.
8. Timely and accurately report performance data as required by the DWDB.
9. Report performance based on the program year of July 1 thru June 30.
10. Submit invoices for payment as directed by DWDB within 90 days after the course drop/add date.
11. Attain all performance measures as outlined in the annual letter of instruction from DWDB, including median earnings, job placement, retention, and completion rates as stated in 20 CFR 680.460 (g). Failure to attain performance measures may result in probation and a corrective action plan, or in removal of the program.
12. Notify the DWDB of any personnel changes related to the training program.
13. Provide the requested renewal data to DWDB no later than the deadline outlined in the letter of instruction for all programs that are subject to renewal. Programs which do not have their renewal data submitted by this deadline will be ineligible for funding on or after the July 1st renewal date. Programs approved after December of any given year are subject to consideration for renewal the following year.
14. Follow DWDB instructions to enter programs and other necessary information into Delaware JobLink and update Delaware JobLink only during the renewal period unless otherwise stated, including tuition, books, exam fees, and other related costs.
15. Report to the DWDB any changes in address for training location, clinical practice or administrative offices that are associated with the training program.
16. Have a stable training facility location and a local land line telephone number. While the DWDB understands that the business world is dynamic and things change, it also understands that training facility stability is an indicator of a successful and viable organization. The DWDB may suspend any organization that moves without notification twice in the same 12-month period, as the Provider will be out of compliance with this Agreement.
17. Ensure DWDB training participants are provided quality education and training that will result in an industry recognized credential.

18. Provide training according to the information and terms set forth in the ITA Provider Program Information Form(s) submitted by Provider in support of this Agreement, including but not limited to tuition total costs and training hours (lab, yard, or field hours).
19. Comply fully with the nondiscrimination and equal opportunity provisions of Section 188 of Workforce Innovation and Opportunity Act (WIOA) and 29 CFR Part 38, or any other laws regarding WIOA title 1 financially assisted programs and activities.
20. Comply with posting Equal Opportunity is the law posters in reasonable number of places, in available and conspicuous physical locations, and providing WOIA-required Equal Opportunity notifications to Registrants, eligible applicants, participants, claimants, employees, applicants for employment, and interested members of the public.

Failure to comply with these responsibilities may lead to suspension or removal of a program and/or a Provider from the State's eligible training provider list. Any removal of a program or Provider will be subject to the appeal opportunities provided in the ITA Appeal Process Policy, which is posted on DWDB's website.

General Provisions:

1. This Agreement shall be governed by WIOA, the WIOA regulations and other applicable federal and State of Delaware laws and regulations.
2. The terms and conditions of the ITA Provider Program Information Form for each program submitted by Provider in support of this Agreement are incorporated into and made a part of this Agreement.
3. Any removal of a program or Provider from the State list of eligible training providers will be subject to the appeal opportunities provided in the ITA Appeal Process Policy, which is posted on DWDB's website.
4. If any complaint is filed against Provider by a participant in training funded pursuant to this Agreement, DWDB will investigate and process the complaint pursuant to the Client Complaint/Appeal Procedures policy, which is posted on the DWDB website.
5. As part of the renewal process, DWDB will remove programs that fail to meet the established eligibility criteria at the time of renewal, which may include failure to meet established minimum performance levels.
6. Nondiscrimination. As a condition to the award of financial assistance from DWDB under Title I of WIOA, Provider assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
 - a. Section 188 of the Workforce Innovation & Opportunity Act of 2014 (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity;
 - b. Code of Federal Regulations (CFR) 29 CFR Part 38
 - c. Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against individuals with disabilities;

- d. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- e. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

This Agreement indicates an agreement between the **Provider** and the **DWDB**. Any disagreements between the parties affecting this Agreement shall be resolved by mutually satisfactory negotiations. In addition to the ability to immediately remove or suspend a Provider or a program based on the terms of this Agreement, either party may cancel the Agreement with a 60-day written notice. This Agreement shall be in effect until it is replaced by a mutual agreement of both parties or cancelled by either party.

We, the undersigned, an authorized representative of Provider with authority to enter into this Agreement and the Executive Director of DWDB, enter into this Agreement on the day of _____, 20____.

_____	_____
Provider Authorized Signature	DWDB Signature
_____	_____
Print Name:	Print Name:
_____	DWDB Executive Director
Title:	Title:
_____	_____
Provider Phone Number	DWDB Phone Number

Policy Review Date:
 Board Adoption Date: May 18, 2020
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Provider Individual Training Account (ITA) Invoice and Payment Process

In order to receive payment, all State vendors must first submit an online W9 form at this web address: <https://esupplier.erp.delaware.gov> If you encounter any technical issues with the system, you may contact the esupplier support help desk at 302 672-5000 or 302 526-5600-Option #3.

You may find helpful information by reviewing the frequently asked questions (FAQ's) listed on the Supplier Public Home Page. You may change your remittance address, EFT options and bank account information at any time by signing in and editing your current information under the "Change Profile" option. Please send all invoices or anything related to billing to the following email address:

DOL_DET_Billing@State.de.us

PELL Grants and Scholarships should be applied first and then our funding. In the event we should be owed a refund, please send an email to the address above with a revised invoice and note stating that reimbursement will be sent.

Please send the refund check to the address below made out to the State of Delaware.

Department of Labor, Division of Employment & Training, Fiscal Unit-3rd Floor, 4425 N Market Street
Wilmington, DE 19802

All of the following information must be on each invoice, and each invoice may only be submitted for a single client:

- Invoice Date
- Invoice Number
- Invoice Total
- Detailed List of Services and/or Goods
- Client Name
- Business Name
- Cost of each Item
- Remittance Address

Policy Review Date:

Board Adoption Date: 2019

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Incumbent Worker Training

Introduction: The Workforce Innovation and Opportunity Act of 2014 and WIOA Final Rule section 680.700 thru 680.850 authorize the use of work-based training methodologies. This policy is the first step in leveraging this increased flexibility.

Policy Statement: This policy provides guidance concerning incumbent worker training requests. It is effective upon receipt.

Incumbent Worker Training is training that:

- Is designed to meet the special requirements of an employer (including a groups of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment;
- Conducted with a commitment by the employer to retain or avert the layoffs of the incumbent workers trained; and
- for which the employer pays for a share of the training (see Employer Contribution)

Procedure: Employers will submit Worker Training requests to DOL/DET, which will process the requests as described below. DOL/DET will consider the following when determining eligibility of an employer to receive funds for incumbent worker training:

- Characteristics of the participants in the program;
- The relationship of the training to the competitiveness of a participant and the employer;
- Number of employees being trained (at least 5) may need to increase because this is not enough for a cohort for a trainer;
- Wage (including benefits) increase for employees who successfully complete training;
- Demonstration of need for training; and
- Additional criteria set by DET policy ensuring compliance with applicable state and federal laws.

Employer Contribution Factors: DOL/DET will use the guidelines established in WIOA sec. 134(d)(4)(D)(ii)(I-III) to determine required employer contributions. In all cases, the wages paid to workers while attending training are considered part of the employer contribution.

1. Additional Considerations. In all cases, upon receipt of incumbent worker request, DOL/DET shall consult with Delaware's Economic Development Office to discuss request, obtain further information, and determine if support (financial or other) has been provided or can be provided. The use of incumbent worker or other work-based training initiatives are reportable to the DWDB. DOL/DET will provide the follow minimum elements of information to the board at scheduled meetings or upon request.
 - a. Number of requests for incumbent worker training
 - b. Request detail (employer, type of training requested)
 - c. Result of request (funded or not)
2. Supplementation of this policy by DOL/DET is authorized.

Policy Review Date: September 9, 2016

Board Adoption Date:

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Initial Application: Eligible Training Provider List—New Application Requirements

Introduction: To maximize customer choice and assure that all population groups are served, a comprehensive process must ensure that a significant number of qualified Eligible Training Providers (ETPs) are available to customers.

Policy: Prospective providers can submit applications anytime; however, only the Proposal Review and Certification Committee may recommend approval of a provider and its programs to the Executive Committee or Full Board. For the initial eligibility screening, DWDB staff shall complete of an initial monitoring visit form. DWDB staff will make an onsite visit to the prospective provider’s training site to gather information for the form. The visit will determine whether the provider’s facilities are adequate, are safe, and reflect an atmosphere appropriate to the trade being taught.

After the initial screening is completed, the provider will receive via email a .pdf copy of “The Provider Link User Guide.” The provider must complete their provider profile application within Delaware Job Link (DJL). The DWDB staff will only accept complete applications from prospective providers. Complete applications in (DJL) must include:

1. A signed Memorandum of Understanding;
2. A complete information profile for each program with verifiable program-specific information and a statement of course costs and fees that match the course catalog used by the public;
3. Information supporting the provider’s partnership with business, which may include information about the quality and quantity of employer partnerships;
4. Debarment disclosure;
5. Delaware Department of Education Certification;
6. A demonstration of at least one-year of experience training job seekers in high demand occupations and an established a track record in course completion and job placement;
7. A financial statement prepared by an accounting firm or a signed tax return; and
8. A copy of the provider’s current business license.

DWDB staff will recommend to the Proposal Review and Certification Committee approval/non-approval of initial applications for providers. Following provider approval, staff will inform the provider they can enter programs into DJL for consideration. The staff will review all the programs and develop recommendations for program approval based on, at least, the following criteria:

1. Does the provider program meet a high demand occupation?
2. Does this provider have an established track record of success for at least one year conducting training and job placement?
3. Does the program offer industry-recognized certifications and credentials?
4. Does the program lead to a recognized post-secondary credential?
5. Does the provider have enough revenue to succeed without the ITA funding?
6. Is the training site equipped to conduct training?
7. Can the training site switch to remote learning if necessary?

8. Does the provider offer trainings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment including individuals with disabilities?
9. Are the programs submitted for approval currently available and ready for public use?

The Proposal Reviewed and Certification Committee may accept or reject the staff's recommendations in whole or in part. The Committee is free to accept all prospective programs, some programs, or no programs and will present its decision to the Executive Committee or Full board.

When a program or provider is approved by the Executive Committee or Full Board, the DWDB staff will notify the provider of the approval via email.

The DWDB executive director will notify, in writing, via email non-approved providers or programs of the decision. At a minimum the letter will:

1. Be sent to providers via email within 30 days of the committee's decision;
2. Clearly inform providers of their opportunity to appeal;
3. Have the appeal process as a standalone attachment to the letter/email; and
4. Generally, explain the reason for non-approval.

Providers must collect and provide the following performance metrics based on aggregate data for **all** students in the program to ensure the program supports the ability for the individual to obtain an industry-recognized postsecondary credential, or employment upon completion of the program. This includes:

1. Employment 2nd & 4th quarter after exit;
2. Median earnings;
3. Credential attainment;
4. Total number of participants enrolled in the program;
5. Total number of participants completing the program; and
6. Total number of participants exiting the program.

In establishing eligibility criteria, Delaware will take into consideration information reported to State agencies on Federal and State training programs other than programs within WIOA Title I, subtitle B. Eligible training providers receive initial eligibility for only one year for a particular program.

Reference: WIOA § 122(b)(4)(B).

After the initial eligibility expires, the initially eligible training providers are subject to the Governor's application procedures for continued eligibility. Reference: § 680.460.

Registered Apprenticeships: All registered apprenticeship (RA) programs are automatically eligible to be included on the statewide ETPL. RA programs are not subject to the same application requirement, performance-information requirement, or period of initial eligibility procedures because they have already gone through a detailed application and vetting process. Reference: 20 CFR § 680.470.

The information required for an RA program to be added to the ETPL is:

1. Occupations included within the registered apprenticeship program;
2. Name and address of the RA Program sponsor;
3. Name and address of the related technical instruction provider, including the location of the facility if different from the program sponsor's address;
4. Method and length of instruction; and
5. The number of active apprentices.

Policy Review Date:

Board Adoption Date:

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Subsequent Renewals: Eligible Training Provider List (ETPL)—Renewal Application and Continuing Eligibility Requirements

Introduction: Retaining quality providers and ensuring provider stability is in the best interest of the Delaware Workforce Development Board (DWDB). To ensure Delawareans have access to training, which will give them a competitive edge in the labor market, it is essential the DWDB review providers, including their performance, to ensure only the best are renewed. This may result in long-term providers or select programs being removed from the list. Programs are removed from the list for two years. Providers may reapply on the two-year anniversary of the removal of a specific program. Reference 20 CFR § 680.460.

Training providers, who currently have programs listed on the ETPL and want to have their programs remain on the ETPL, must follow the procedures for continuing eligibility determination as follows and in the timeframe and manner determined by the state:

1. Review each approved program in Delaware Job Link (DJL). The provider must:
 1. update provider information;
 2. Update information on each program pertaining to alignment of training with in-demand occupations, which must include a cost information for the program, such as tuition, registration fee, books, supplies, testing/exam fees, and graduation fees; and
 3. update program data.
2. Attend the provider forum.
3. Submit all student performance data as referenced in WIOA sections 116 and 122 in a timely and accurate manner. This includes:
 1. employment 2nd & 4th quarter after exit;
 2. median earning;
 3. credential attainment;
 4. total number of participants enrolled in the program;
 5. total number of participants completing the program; and
 6. total number of participants exiting the program.
4. Meet the previous year's performance objectives.
5. Offer training programs which support demand occupations.
6. Update all contacts and emails.
7. Describe how the provider will ensure access to training services throughout the State, including rural areas and through the use of technology.
8. Address provider's ability to offer industry-recognized certificates and credentials.
9. Provide information on recognized post-secondary credentials received by program participants.
10. Describe quality of the program of training services including a program that leads to a recognized postsecondary credential.
11. Describe the provider's ability to provide trainings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.

12. Submit all state licensure requirements of training providers and licensing status of providers of training services, if applicable.
13. Submit a true and correct copy of the most recent audited financial statements or a signed and filed tax return.

When a provider submits its renewal application within DJL, the DWDB staff will check the performance measures. Training providers will be required to submit student level performance data on **ALL** participants in listed programs each year for inclusion on ETPL. This information will be submitted through the DJL program profile. Required performance indicators are employment second and fourth quarter after exit, median earnings, and credential attainment. Programs cannot be approved until data submission has been accepted and passed necessary validation of completion. The DWDB staff will flag any performance measure failure of a subsequent program renewal application for removal from the provider list.

Providers that wish to self-remove a program must fill out and submit a program removal form to DWDB staff prior to renewal date (typically July 1).

DWDB staff will recommend to the Proposal Review and Certification Committee approval or non-approval for providers and specific programs. Notably, successful programs no longer training high demand occupations are subject to non-renewal. The Proposal Review and Certification Committee will make recommendations to the Full Board or Executive Committee to remove the program from the list.

The Proposal Review and Certification Committee may only renew programs that achieve the performance measures, but the Committee may otherwise accept or reject all of the staff's other recommendations, in whole or in part. The Committee is free to accept all programs, some programs, or none of the programs.

When the Board or Executive Committee approves a subsequent renewal, the DWDB will notify the provider. The DWDB Executive Director will notify, in writing, non-approved providers or programs of the decision. At a minimum the letter will:

1. Be sent to providers via email within 15 days of the decision; and
2. Clearly inform providers of their opportunity to appeal.

In establishing eligibility criteria, Delaware will take into consideration information reported to State agencies on Federal and State training programs other than programs within WIOA Title I, subtitle B.

Policy Review Date: Needs Board Approval (As of February 2024)

Board Adoption Date:

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SECTION 4: ELIGIBLE TRAINING PROVIDER LIST

- *Inclusion of Registered Apprentices on the Eligible Training Provider List*
- *Eligible Training Provider List: New Application Requirements*
- *Executive Director Authority to Approve Occupations to Delaware's Eligible Training Provider and Demand Occupation List Between Scheduled Executive Committee Meetings*
- *Including Master's Degree to ETPL*
- *Handling Clients Enrolled in Programs No Longer on Eligible Training Provider List (ETPL)*
- *Establishment of an Expedited Provider Approval Process*
- *Training Provider Appeals for Rejected Blue Collar Proposals*
- *One-Stop Certification*

Inclusion of Registered Apprentices on the Eligible Training Provider List (ETPL)

Introduction: The Workforce Innovation and Opportunity Act of 2014 and 20 CFR, WIOA Final Rule subsection section and 680.470 require the states to establish mechanisms that invite and add Registered Apprenticeships to the ETPL.

Policy Statement: This policy establishes the mechanism for notifying Registered Apprenticeship Sponsors of their automatic eligibility for inclusion on Delaware's Eligible Training Provider List (ETPL) and also establish initial specific guidance concerning the inclusion of Registered Apprenticeship Sponsors to the list.

There are five overarching components:

- Inclusion on the ETPL is Voluntary for Registered Apprenticeship Programs;
- Performance Reporting is not mandatory;
- To receive ITA funds for Registered Apprenticeship clients will meet the requirements for either dislocated workers or adult programs as appropriate;
- Registered Apprenticeship clients are eligible for the same amount normally reserved for college degree programs; and
- Applications for Registered Apprenticeship will mirror those of other programs (excluding performance reporting).

Procedure: A uniform procedure is necessary to ensure fair treatment, expedite application processing, and ensure there is no undue burden on providers, clients, or staff.

The DWDB will:

- Work with the Delaware Department of Labor, Division of Employment and Training, Office of Registered Apprenticeship (DOL/DETRA) to draft and send a letter to all Registered Apprenticeship Sponsors inviting them to join the ETPL;
- Prepare and distribute an application packet, which includes the state's ITA manual; an abbreviated application that doesn't include performance reporting (although sponsors are welcome to report performance); and
- Process Registered Apprenticeship ITA applications in accordance with DWDB ITA manual

The DOL/DETRA will:

- Provide the DWDB with all available postal mail addresses of Registered Apprenticeship Sponsors;
- Keep a running tally of those programs that decline the ETPL invitation;
- Update the DWDB on new Registered Apprenticeship Programs; and
- Act as the liaison between the DWDB, the Delaware Department of Labor, Division of Employment and Training, and the sponsors

DOL/DET will:

- Provide clients with Registered Apprenticeship options as appropriate;

Supplementation of this policy by DOL/DET is not authorized.

Policy Review Date:

Board Adoption Date: September 9, 2016

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Eligible Training Provider List (ETPL): New Application Requirements

Prospective providers can submit applications anytime. However, only the Proposal Review and Certification Committee may recommend approval of a provider and its programs to the Executive Committee or Full Board. The DWDB staff will only accept complete applications from prospective providers. Complete applications include:

1. A signed Memorandum of Understanding (MOU);
2. A complete program information form for each program. Course cost and all other fees must match in the course catalog used by the public;
3. Provide verifiable program specific information;
4. Provide information supporting the provider's partnership with business. This may include information about the quality and quantity of employer partnerships.
5. Completed initial eligibility form;
6. Debarment disclosure;
7. Delaware Department of Education (DOE) Certification;
8. An initial monitoring visit form (completed by DWDB staff). DWDB staff will make an onsite visit to the prospective providers training site. The visit will determine and ensure the provider facilities are adequate, safe, and reflect an atmosphere appropriate to the trade being taught.
9. Must have at least one-year experience training job seekers in high demand occupations and have an established a track record in course completion and job placement.
10. Must provide a financial statement prepared by an accounting firm or a signed tax return; and
11. Must provide a copy of their current business license.

When the DWDB staff receives a complete initial application, it will send the provider via email in pdf a copy of "The Provider Link User Guide."

DWDB staff will recommend to the Proposal Review and Certification Committee approval/nonapproval of initial applications for providers and specific programs. The staff will develop the recommendations based on, at least, the following criteria:

1. Does the provider program meet a high demand occupation?
2. Does this provider have an established track record of success for at least one year conducting training and job placement?
3. Does the program offer industry recognized certifications and credentials?
4. Does the program lead to a recognized post-secondary credential?
5. Does the provider have enough revenue to succeed without the ITA funding?
6. Is the training site equipped to conduct training?
7. Can the training site switch to remote learning if necessary?
8. Does the provider offer trainings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment including individuals with disabilities?

9. Are the programs submitted for approval currently available and ready for public use?

The Proposal Reviewed and Certification Committee may accept or reject the staff's recommendation(s) in whole or in part. The committee is free to accept all prospective programs, some programs, or no programs and will present to the Executive Committee or Full board.

When the program and/or provider is approved by the Executive Committee or Full Board, the management analyst will notify the provider to enter data into the Delaware Job Link in accordance with the instructions in "Provider Link User Guide."

The DWDB executive director will notify, in writing, via email non-approved providers and/or programs of the committee's decision. At a minimum the letter will:

1. Be sent to providers via email within 30 working days of the committee's decision;
2. Clearly inform providers of their opportunity to appeal;
3. Have the appeal process as a standalone attachment to the letter/email; and
4. Generally, explain the reason for non-approval.

Providers must collect and provide the following performance metrics based on aggregate data for all students in the program to ensure the program supports the ability for the individual to obtain an industry-recognized postsecondary credential, and/or employment upon completion of the program. This includes:

1. employment 2nd & 4th Quarter after exit,
2. median earnings,
3. credential attainment,
4. total number of participants enrolled in the program.
5. total number of participants completing the program.
6. total number of participants exiting the program.

In establishing eligibility criteria, Delaware will take into consideration information reported to State agencies on Federal and State training programs other than programs within WIOA title I, subtitle B.

Policy Review Date:

Board Adoption Date: Policy Not Dated

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Executive Director Authority to Approve Occupations to Delaware's Eligible Training Provider and Demand Occupation List Between Scheduled Executive Committee Meetings

Introduction: The Executive Committee of the DWDB, on June 13, 2017, delegated authority to the board Executive Director to approve additions and/or deletions to/from the ETPL and the Demand Occupation List of occupations, providers, and programs when the DWDB or its Executive Committee are not in session.

Policy Statement: This memo establishes authority for additions and/or deletions to/from the Eligible Training Provider List (ETPL) and the Demand Occupation List when the Delaware Workforce Development Board or its Executive Committee are not in session.

The Executive Director will at his/her discretion, approve programs:

- Which have > 20 annual openings; and
- represent an alignment with pathways (or a potential career lattices), or
- have sufficient earnings to meet the minimum threshold of median wage performance measures; or
- present an unforeseen opportunity such as an unplanned business expansion or arrival of an inbound transplanted business. This list is not all inclusive, but establishes a general framework and intent of this authority. This authority is nontransferable.

Follow-On Reporting: The DWDB Executive Director will report to the Executive Committee and the DWDB at the next scheduled meeting(s) after any additions of programs and occupations.

References: Federal Register /Vol 81, No. 161/ Friday, August 19 2016, Part VI, Department of Labor, Employment and Training Administration, 20 CFR Parts 680.430 Workforce Innovation and Opportunity Act; Final Rule.

Policy Review Date:

Board Adoption Date: July 14, 2017

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Including Master's Degree to Eligible Training Provider List (ETPL)

Introduction: The WIOA does not specifically prohibit including Master's Degree programs on the ETPL. It appears both the law and regulation are silent on the topic. One could infer from TEG 10-16; those programs are frowned upon because Master's Degrees do not count toward credential attainment. Even so, Delaware's credential rate hovers at about 90 percent; this allows some flexibility. Moreover, there are certain occupations that require a Master's Degree for employment. For example, a Masters of Library Science is an almost universal prerequisite for employment in that field. It is the DWDB policy to facilitate fulltime unsubsidized employment whenever possible.

Policy Statement: This memo establishes the DWDB policy on including Master's Degree programs on the Eligible Training Provider List (ETPL).

The DWDB will add Master Degree programs to the ETPL that directly lead to unsubsidized employment and will renew those programs In Accordance With federal negotiate performance measures. Master's Degrees that do not lead directly to employment are ineligible for inclusion on the ETPL. No supplementation to this policy is authorized without prior consent of the DWDB. The DWDB will review this policy annually.

References: Federal Register /Vol 81, No. 161/ Friday, August 19 2016, Part VI, Department of Labor, Employment and Training Administration, 20 CFR Parts 680.430 Workforce Innovation and Opportunity Act; Final Rule TEGL 10-16 1.

Policy Review Date:

Board Adoption Date: May 6, 2019

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Handling Clients Enrolled in Programs No Longer on Eligible Training Provider List (ETPL)

Introduction: The DWDB is realigning its demand occupation list to reflect the State’s Pathways to Prosperity initiative, career lattices, and other priorities. This realignment may cause multi-course programs, which were once approved, to be removed from the list. To force these students/clients into different occupational training seems not to make sense either for the client or the publicly funded workforce system because already invested scarce workforce dollars would be wasted.

Policy Statement: This memo provides guidance to ensure clients/students enrolled in programs deleted from the ETPL complete their training and ultimately safeguard current investment.

The DWDB authorizes clients enrolled in Individual Training Account (ITA) programs to continue in those programs even if the course of instruction/training is no longer listed on the ETPL due to current DWDB realignment. These students may continue until they exit; regardless of the reason for the exit. Supplementation of this policy is authorized by the Delaware Department of Labor, Division of Employment and Training (DOL/DET) without the previous approval of the DWDB.

Process: To ensure the DOL/DET staff and DWDB staff keep clients delays and breaks in continuity to the minimum the following steps are announced:

- DOL/DET will identify clients affected by programs being dropped from ETPL
- DWDB Staff will put all affected programs in a “Not WIOA Approved” status
- When a client of a “Not WIOA Approved” program needs to conduct an action, the case manager will contact the Management Analyst at 302-761-8160 and make a phone appointment to temporarily make the program WIOA approved.
- When the needing action is complete, the management analyst will immediately make the program Not WIOA Approved.

References: Federal Register /Vol 81, No. 161/ Friday, August 19 2016, Part VI, Department of Labor, Employment and Training Administration, 20 CFR Parts 680.420 Workforce Innovation and Opportunity Act; Final Rule.

Policy Review Date:

Board Adoption Date: July 20, 2017

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Establishment of an Expedited Provider Approval Process

DWDB Policy 2017002, Executive Director Authority to Approve Occupations to Delaware's Eligible Training Provider List between meetings.

Introduction: The PRAF was established to provide flexibility to clients and staff by allowing programs to be added to the ETPL for a temporary “trial” period. This program also gave the DWDB the chance to recruit programs it might not otherwise consider. Moreover, the PRAF was instituted to quickly provide higher credentialed dislocated workers an opportunity to access training more in keeping with their experience (e.g., scientist receiving additional certifications to increase marketability). Unfortunately, after additional research this approach of a “temporary” trial period appears to be in violation of Federal Register /Vol 81, No. 161/ Friday, August 19 2016, Part VI, Department of Labor, Employment and Training Administration, 20 CFR Parts 680.430, which requires all providers to be an Eligible Training Provider (ETP) to access training funds. It is important to note, the Executive Committee of the DWDB on July 13, 2017 authorized the Executive Director to approve programs and providers to the Eligible Training Provider List (ETPL).

Policy Statement: This memo officially and immediately rescinds the Provider Recruitment Adjustment Form (PRAF) and institutes an Expedited Provider Approval Process.

Expedited Provider Approval: Because the Executive Director has the authority to approved programs and providers between board meetings, there is no need to wait for a quarter to include new providers to the ETPL, thus cutting down on the “turnaround time” from when new providers/programs are identified and approved. To ensure regulatory and state policy compliance providers will complete all forms and meet all requirements for inclusion on the ETPL.

- DOL/DET Tasks. DOL/DET will develop an internal policy that alerts the DWDB staff of the potential new provider. The old PRAF form would probably be fine.
- DWDB Tasks. The DWDB has 21 days to complete every step of the Initial Eligibility Process with the prospective provider. The DWDB Executive Director will report the approval or disapproval to the DWDB.

References: Federal Register /Vol 81, No. 161/ Friday, August 19 2016, Part VI, Department of Labor, Employment and Training Administration, 20 CFR Parts 680.430 Workforce Innovation and Opportunity Act; Final Rule.

Policy Review Date:

Board Adoption Date: July 18, 2017

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Training Provider Appeals for Rejected Blue Collar Proposals

Introduction: This policy applies to denials or removals of programs from consideration in the competitive Blue Collar Process.

Policy Statement: The Delaware Workforce Development Board (DWDB) establishes this policy to facilitate Training Provider appeals for rejected Blue Collar proposals.

Appeal Process: The following is the four step appeal process:

- Providers will have 30 calendar days from the date of mailing of notification by the DWDB Executive Director of a rejection a proposal from Consideration in the competitive Blue Collar Process.
 - The DWDB will only accept written appeals.
 - The written appeal must be received by the DWDB by the appeal due date.
 - The provider/appellant must provide all supporting documents with the appeal when it is submitted. For example, Indeed.com job postings for a given zip code is adequate information to demonstrate an occupation is in demand.
- The DWDB Executive Director will either favorably consider an appeal or forward unfavorably considered appeals to the Proposal Review and Certification Committee (PRCC) within seven calendar days.
- The PRCC – at its next scheduled quarterly meeting – will evaluate the appeal and decide the disposition of the appeal. The PRCC may ask the provider to attend the PRCC meeting to explain why the appeal is substantive and should be considered. If asked to Appear, failure of the appellant to appear ends the process.
- If the PRCC does not favorably consider the appeal, the Executive Director will convene, within 14 calendar days, a panel of three non-board member director-level official from DOL to adjudicate the appeal.
 - The non-board member panel will review the written appeal, the supporting documents submitted with the appeal, and may ask the provider/appellant and the DWDB Executive Director to discuss the issues relating to the appeal. The appellant or the DWDB executive director will only appear if invited.
 - “There shall be no further right of appeal from the decision of the panel. All decisions of the panel will be final.”]

Substantive Appeals: The DWDB will only accept substantive appeals. Substantive appeals typically concern the designation of a demand occupation, employment opportunities/results for those completing training; median earning’s for specific occupations; and achieved performance measures.

Non-Substantive Appeals: Simple disagreement is not a substantive reason for appeal. Simply, “We don’t agree the panel’s decisions” is not sufficient cause for an appeal.

If an appellant wants to change the reasons for an appeal after the process starts, the appellant must submit in writing an amended and revised appeal with any supporting documentation. The amended and revised appeal will then proceed by beginning again with Step 2 above.”

Policy Review Date:

Board Adoption Date: Policy Not Dated

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One-Stop Certification

Policy Statement: This memo confirms the Certification of Delaware’s One-Stop System (aka American Job Centers). This certification expires January 8, 2020.

In accordance with the cited law and regulations above, the Delaware Workforce Development Board voted on January 9, 2018 and certified the State’s One-Stop system. The board established the criteria listed below and all Delaware One-Stops are compliant with these criteria.

- One-Stop Required Partners will use a unified labor exchange system to provide residents with up-to-date labor market data, job listings, and training providers.
- All One-Stop required partners will gather information in accordance with governing federal and state regulations and submit reports as required. One-Stop partners will use reporting results to improve services.
- All One-Stop locations will provide Delawareans with disabilities physical access to services.
- All One-Stop locations will provide assistive technologies, where necessary, to ensure people with disabilities have equal access to services.
- Where appropriate, One-Stop Partners will report system challenges, solutions, and improvements to the Delaware Workforce Development Board.
- Each One-Stop Location will have at least one Business Services Representative to facilitate linkages between job seekers and employers.
- Each Required One-Stop Partner will ensure staff are trained and receive annually developmental training (Note, mandatory training from state departments may fulfil this requirement).
- Each One-Stop Partner will ensure – to the greatest extent possible – sufficient staff to conduct One-Stop activities.
- One-Stop Partners will – as practical – attend monthly Leadership Meetings.
- One-Stop Partners will – as appropriate – use the Delaware JobLink referral system.
- The Delaware Workforce Development Board will review quarterly progress on federal mandated performance measures.

References: Workforce Innovation and Opportunity Act of 2015; Training and Employment Guidance Letter 16-16, Entitled One-Stop Operations Guidance for the American Job Center Network, dtd. January 18, 2017; Federal Register, Vol 81, Part VI, US Department of Labor, Workforce Innovation and Opportunity Act, Final Rule, 20 CFR, Part 678, Workforce Innovation and Opportunity Act: Final Rule, dtd August 19, 2016.

Policy Review Date:

Board Adoption Date: January 10, 2018

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- Delaware Workforce Development Board. (2020). (publication). Delaware WIOA State Plan for the Period 2020–2023. Retrieved from [https://laborfiles.delaware.gov/main/wdb/wioa/plan/2020/finalcommentcopy02282020%20\(wp\)%2010278.pdf](https://laborfiles.delaware.gov/main/wdb/wioa/plan/2020/finalcommentcopy02282020%20(wp)%2010278.pdf)
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