

**North Carolina Instructions
for Local and Regional
Workforce Development Area Plans**

Workforce Innovation and Opportunity Act

Title I

**PY 2019 Plan Update
July 1, 2019 – June 30, 2020**

*North Carolina Department of Commerce
Division of Workforce Solutions
4316 Mail Service Center
313 Chapanoke Road, Suite 120
Raleigh, NC 27699-4316*

Instructions

Introduction

The Workforce Innovation and Opportunity Act (WIOA) requires each Workforce Development Board (WDB) to develop and submit, in partnership with the local chief elected official a comprehensive four-year plan. Four-Year Plans were submitted in May 2016. Annually, each WDB is to provide updates to the Comprehensive Four-Year Plan (PY 2016). The WIOA Program Year (PY) 2019 Plan is to provide current information and be effective July 1, 2019 - June 30, 2020 and will include all current local policies. The Comprehensive Four-Year Plan (PY 2016) should be maintained and updated, as appropriate.

Federal and State Requirements for Local Administration of the Workforce Innovation and Opportunity Act

Local Workforce Development Boards should reference the Workforce Innovation and Opportunity Act, Public Law 113-128, enacted July 22, 2014. Additional information is available at the U.S. Department of Labor Employment and Training Administration website: www.doleta.gov.

North Carolina policy information is available at <https://www.nccommerce.com/document-collection/workforce-policies>. Local Workforce Development Boards may reference the North Carolina [WIOA Unified State Plan](#).

Plan Submission and Due Date

The Local Plan must be submitted through Workforce Information System Enterprise (WISE). ***The due date is May 7, 2019.*** Each attachment must be submitted and labeled separately in either Word or PDF format. Attachments not submitted separately will not be accepted. Forms requiring original signatures may be mailed to the local Board's assigned Planner at: N.C. Division of Workforce Solutions, 4316 Mail Services Center, Raleigh, NC 27699-4316. Hand delivered documents may be left at 313 Chapanoke Road, Suite 120, Raleigh, NC 27603.

Workforce Development Board Overview

The Local Area Overview provides important contact information that is used throughout the Division. It is important that this section remain current during the Program Year. Updates should be submitted to the local Board's assigned Division Planner when changes occur, especially to contact names and addresses in the Overview Section.

1. Provide the Local Area's official (legal) name as it appears on the local Consortium Agreement established to administer the Workforce Innovation and Opportunity Act (WIOA) or, if not a Consortium, in the formal request for Local Area designation. If the Local Area is a Consortium, attach a copy of the current Consortium Agreement. Name document: Local Area Name Consortium Agreement.

Turning Point Workforce Development Consortium

(See Attachment: Turning Point WDB Consortium Agreement)

2. Provide the name, title, organization name, address, telephone number and e-mail address of the Workforce Development Director.

Name: Michael Williams	Title: Director
Organization: Turning Point Workforce Development Board	Address: PO Box 7516 Rocky Mount NC 27804
Phone number: (252) 443-6175 ext. 203	Email address: mwilliams@turningpointwdb.org

3. Provide the name, elected title, local government affiliation, address, telephone number and e-mail address of the Local Area's Chief Elected Official.

Name: Mr. Robbie Davis	Elected Title: Commissioner Chairman
Government: Nash County Board of Commissioners	Address: 120 W. Washington Street Suite 3072 Nashville NC 27856
Phone number: (252) 977-6680	Email address: robbie.davis@nashcountync.gov

4. Provide the name, title, business name, address, telephone number and e-mail address of the individual authorized to receive official mail for the Chief Elected Official, if different than question 3. **SAME AS ABOVE**

Name:	Title:
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Business Name:	Address:
Phone number:	Email address:

5. Provide the name, address, telephone number and email address of the Administrative/Fiscal Agent responsible for disbursing Local Area WIOA grant funds. This is the entity responsible for the disbursal of grant funds. [WIOA Sections 107(d)(12)(B)(i)(III) and 108(b)(15)].

Name: Mr. Robert Hielt	Title: Executive Director
Organization: Upper Coastal Plain Council of Government	Address: PO Drawer 9 Wilson NC 27893
Phone number: (252) 234-5950	Email address: rhiett@ucpcog.org

6. Provide the name, title, organization name, address, telephone number and e-mail address of the Administrative/Fiscal Agent's signatory official. **SAME AS ABOVE**

Name:	Title:
Organization:	Address:
Phone number:	Email address:

7. Attach a copy of the Administrative Entity/Fiscal Agent's organizational chart with an 'effective as of date'. Name document: Administrative Entity Name Organizational Chart.

(See Attachment: Upper Coastal Plain COG Entity Organizational Chart)

8. Provide the Administrative Entity's Data Universal Numbering System (DUNS) number and assurance that the 'System for Award Management' (SAM) status is current. Administrative Entities must register at least annually on the SAM website (<https://www.sam.gov/portal/SAM/##11>) to receive Federal funding [required by Federal Acquisition Regulation (FAR) Section 4.11 and Section 52.204-7].

DUNS: 139115542

CAGE: 5CG19

Name: Upper Coastal Plain COG
Valid until

9. Provide the name of the local Workforce Development Board's equal opportunity officer who shall be responsible for assuring that discrimination does not occur in its programs or projects. (PS 07-2018)

Mrs. Carisa Rudd

Composition of the local Workforce Development Boards shall comply with WIOA Section 107. Local Workforce Development Board Membership Requirements have been provided as reference at [Appendix D](#).

10. Provide each Workforce Development Board members' name, business title, business name and address, telephone number and e-mail address on the provided form. The first block is reserved to identify the Board chairperson ([form provided](#)). Indicate all required representation and indicate if vacant. [WIOA Section 107(b)(2)]. Name document: Local Area Name WDB List. See [Appendix D](#) for Local Area Workforce Development Boards membership requirements.

(See Attachment: Turning Point WDB List)

Note: Check the block on provided form certifying compliance with required WIOA local Workforce Development Board business nomination process.

* Use and identify categories as indicated on the form. Do not change required category names.

The local Workforce Development Board must establish bylaws in accordance with applicable local procedures, state and federal laws to include WIOA Final Rules and Regulations 679.310(g). The Board shall submit bylaws that clearly demonstrate all WIOA and North Carolina required elements described in [Appendix A](#). Additional bylaws guidance and electronic meeting formats have been provided in [Appendix B](#) and [Appendix C](#).

11. Attach the Workforce Development Board By-laws including date adopted/amended. List any recent changes here. Name document: Local Area Name WDB By-laws.

(See Attachment: TPWDB By-Laws)

Note: If changes are needed to meet the NC DWS Bylaws requirements, include an expected date of submission with Plan response.

Turning Point WDB members approved not to include the proxy and alternative designee process to strongly encourage attendance to the bi-monthly meetings. The use of technology will be discussed at the June 20, 2019 board meeting hopefully with consensus approval for board members unable to attend but wish to participate in all scheduled meetings may be provided by use of technology. Staff will provide technical assistance and strongly encourage board members to reconsider a revision to the current adopted revised By-Laws. Turning Point WDB staff provides notification to the CEO at Bi-Annual meetings convened if perspective Boards of County Commissioners do not make appointments for vacancies. Turning Point WDB will provide technical assistance to the board concerning the website suggestion for the Sunshine Provision to ensure documents would be available to public upon request.

Sunshine Provision - The Local Board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the Local Board, including information regarding the Local Plan prior to submission of the Plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the Local Board. [WIOA Section 107(e)]

12. Describe how the Workforce Development Board meets the Sunshine Provision.

Public Comment - The Workforce Development Board shall make copies of the proposed Local Plan available to the public through electronic and other means, such as public hearings and local news media; allow for public comment not later than the end of the 30 day period beginning on the date the proposed plan is made available; and, include with submission of the Local Plan any comments that represent disagreement with the Plan. [WIOA Section 108(d)]

Turning Point WDB meetings are announced and open for the public to attend. Turning Point WDB meetings dates, time and location will be provided on our local area website. A link to the proposed Local Plan will be placed on the Turning Point WDB website (www.turningpointwdb.org). The plan will also be submitted electronically to all Turning Point WDB Consortium members and each WDB member.

13. Describe how the Workforce Development Board will make copies of the proposed Local Plan available to the public. [WIOA Section 108(d)]

Turning Point will make copies of the proposed Local plan available to the public for review and comment beginning May 17, 2019 through June 15, 2019. Turning Point WDB will distribute copies of proposed Local Plan to board members, partners and guest at board meeting. Turning Point WDB will make local plan available on www.turningpointwdb.org website.

14. Attach a copy of the Local Workforce Development Board's organizational chart with an 'effective as of date.' Include position titles. Name document: Local WDB Name Organizational Chart.

(See Attachment: TPWDB Staff Organization Chart)

15. Complete the following chart for the PY19 Local Workforce Development Board's planned meeting schedule to include time, dates and location. *[Expand form as needed.]*

Date	Time	Location (include address and room #)
August 15, 2019	6:00pm	110 Fountain Park Drive Battleboro NC 27809
October 17, 2019	6:00pm	110 Fountain Park Drive Battleboro NC 27809
December 19, 2019	6:00pm	110 Fountain Park Drive Battleboro NC 27809
February 20, 2020	6:00pm	110 Fountain Park Drive Battleboro NC 27809
April 16, 2020	6:00pm	110 Fountain Park Drive Battleboro NC 27809
June 18, 2020	6:00pm	110 Fountain Park Drive Battleboro NC 27809

Note: All local Workforce Development Board meetings will be held in accessible facilities. All materials and discussions should be available in an accessible format upon request.

16. Attach a copy of the signed 'Certification Regarding Debarment, Suspension, and other Responsibility Matters – Primary Covered Transactions' ([form provided](#)). [Required by the Regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, participants' responsibilities.] Name document: Local Area Name Debarment Form.

(Will submit TPWDB Debarment Form after signature June 20, 2019)

Note: Document must bear the original signature of the Administrative Entity signatory official. Mail the signed [Certification form](#) original to Division Planner.

17. Submit the original Workforce Development Board and Chief Elected Official (CEO) Signatory Page ([form provided](#)), bearing the original signatures of the Chief Elected Official(s) and the Workforce Development Board Chairman, and attach a copy of the signed document. Name document: Local Area Name Signatory Page.

(Will submit TPWDB Signatory Page after TPWDB Consortium meeting June 20, 2019)

Note: Mail the signed original [Signatory Form](#) to Division Planner.

WIOA Title I Programs

NCWorks Career Centers

1. Identify NCWorks Career Center location(s) including Tier 1, Tier 2, Affiliate, and Specialized sites; On-site partners; how NCWorks Career Center operator(s) are designated; provider(s) of WIOA career services and method of selection; whether youth services provider is on-site and, if so, youth services offered. Use the NCWorks [Career Center Chart](#). [WIOA Section 121(b)(1)(A) and (b)(1)(B)] Name document: Local Area Name Career Centers.

(See attachment: TPWDB NCWorks Career Centers)

2. Provide the date and process for when the competitive procurement of the One-Stop Operators(s) occurred. Include the expected length of the contract (one-four years).

The competitive procurement of the One-Stop Operator(s) has not been finalized. At this time, we are planning to use the simple and allowable competitive procurement method following the “Intention to Bid” process contained in the Division for Workforce Solutions Procurement and Contracting Policy. Turning Point WDB is currently making progress to prepare for competition of our one-stop operators which are hosted by local Division of Workforce Solutions NCWorks Career Centers. Turning Point WDB plans to submit RFP for One Stop Operator in June 2019 to be effective July 1, 2019, the length of this contract will be annual (per program year).

3. What strategies have been used to better meet the needs of individuals with barriers to employment and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and leveraging resources and capacity within the local workforce development system?
 - **Champions to promote utilization of NCWorks.gov , and visits to NCWorks Career Center.**
 - **Better orientation to services available.**
 - **Knowledgeably and caring volunteers/ staff assigned to the resource room. Make recommendations and referrals to computer literacy classes and partner service providers.**
4. How are training programs such as apprenticeship, on-the-job training, and other work-based learning opportunities leading to industry-recognized credentials aligned with employers’ needs, and marketed to support talent development?

These programs are allowing employers to work closely with workforce development and other partners that are assessing their needs. As a result, training programs are discussed and the need for apprenticeships and other opportunities

are noted. For example: Retiring workforce is an issue at present, there are employers that have expressed an interest in Apprenticeships to help with this upcoming concern. As a result, the workforce development Business Engagement Coordinator can make the connection with an Apprenticeship Rep. to discuss the need to set up apprenticeships to allow for shadowing and proper training for a period of time, allowing for more employees to be prepared for positions that may be left behind by retirees. On the job training allows for the employer to be certain that in a matter of a month a candidate may be properly trained for a position or that one may be trained while advancing in a position. The Business Services Team members have discussed with employers a need to be sure we are aligning credentials properly with these candidates to allow for stackable credentials in the future and career advancement. While a 4-year degree is encouraged, the need for an Associate Degree is encouraged and discussed as well as the need for those with credentials, motivation and the desire to continue their education in the industry. Therefore these work-based learning opportunities are a key element.

Business Services

1. Please state and briefly describe the priorities of Business Service Representatives and/or Employer Services staff.

The Business Services Representative is tasked with maintaining effective relationships with key partners in the Workforce and Economic Development System, to include Economic Developers on the local and state levels. This is both for retention and expansion needs of employers in the Turning Point Region. This staff member provides outreach of the On the Job training and oversight of the program and is engaging Career Center staff to effectively administer the program in the Center offices. Updates to programs are provided to Career Center Managers. The Business Services Representative also manages the Local Area Incumbent Worker Program (TEG) and provides outreach to businesses as well as the Employer services Team members with any contact with Employers. Updated information is provided to these team members to share with employers visiting the Career Centers. The Business Services Representative updates all outreach/marketing information including website material. The Business Services Representative maintains a close relationship with the State Business Services Unit housed with Commerce for outreach of programs such as WOTC, Federal Bonding and Business Edge.

The BSR connects the Employers for these services that are housed at the state level. The BSR visits Employers, typically owners and VP's provided strategic assistance, while networking to gain information on more immediate needs that are to be recommended to the NCWorks staff and Employer team for implementation. The BSR is in touch with the Manager to get these tasks completed by specialized staff (TAA, Justice Served, etc) Employer Services Staff of the Career Centers work to complete more immediate needs of an Employer, maintain their online accounts, connecting with a jobseeker or a program recommendation. They may also be offering to set up career fairs. The Employer Engagement Coordinator (on board

since October 2018) services as a link between employers and the NCWorks Career Centers for Work based learning opportunities. This could be in areas of internship, on the job training, connection for employers seeking internships. This staff member also is responsible for working with advisors to ensure that viable candidates are being considered for work based learning, such as OJT candidates; reviewing cases with advisors to assist in placing candidates with employers will become a task of the coordinator. This person works closely with Business Services, reviewing any employer needs that the team can assist with providing solutions. The BSR works to manage any efforts and be the first person of contact for a business seeking services in the Turning Point Region. The BSR works closely with Customized Training Staff of the Community College System, Managers of the NC Works Career Centers, Economic Developers to provide solutions to the needs of businesses in the Region and sometimes beyond the 5-county area.

2. Please describe the efforts the Workforce Development Board has made to deliver business services on a regional basis.

The Turning Point Workforce Board has worked to promote regionalism with many efforts. Career Pathways in the Northeast is one example. Having 3 certified and 1 with great interest to certify and implement, the Board staff has worked well with 2 other Board areas covering numerous counties from Wilson to Pasquotank in this effort. This is with Region Q and Northeastern WBD. Employers, K-12, Economic Development and VR joined in this effort and the State has commended the Board on these efforts and showing regionalism and the effectiveness of these efforts. This became a model for others.

Other regional activities include the latest Initiative: RampEast. This collaborative effort is between Turning Point, Region Q and Carolina's Gateway Partnership, an Economic Development entity for Nash and Edgecombe Counties. Turning Point and Region Q, worked together to submit a grant application to Commerce to fund recruiters to provide jobseekers for upcoming new and expanding advanced manufacturing businesses. This project will cover 10 counties between the 2 Boards. The Business Services Manager (BSR) reviews information with other BSRs in neighboring areas to assist companies having more than one location both in and outside of the TP Region to provide assistance as well. An example of this is a company in Edgecombe County also has locations in Wake County, having the BSR of Capital Area and TP Region in touch for any opportunities. When efforts in another Workforce Area for training come up, the BSR makes connections to allow for some opportunities for employers in the TP Region as well.

3. Describe how the Board leverages existing business organizations (chambers, economic developers, community colleges, universities, etc.) to promote work-based learning activities.

The Workforce Board has participated on Chamber Boards, at SHRM meetings, Rotary meetings, Advisory Councils and Economic Development Committees. Universities and Community Colleges have been active in the Career Pathway efforts for the past few years as well. Business Services team members provide information to these entities that could assist employers that are members or partners with their needs such as recruiting or training. (for example: Incumbent Worker funding availability is shared among these groups with access to Business owners and corporate contacts). These organizations become aware of a training need or the need for some part-time or internship-type or work experience candidate and maintaining the relationship with them has made connecting to appropriate staff of the business much easier. During times of turn-over at a company, these entities may be a better way to connect with a new CEO, VP or other Manager.

4. Complete the following chart (by placing an X in each applicable box) to demonstrate work-based learning opportunities available in the local Workforce Board area. *[Expand form as needed.]*

On-the-Job Training	Local Incumbent Worker Training	Internships	Job Shadowing	Paid/Unpaid Work Experience	Specify Others:
X	X		X	X	

1. Please complete the following chart.

Business Services Elements		Executed by Board staff (x)	Executed by Service Provider staff (x)	Executed by other (x)	Briefly explain
a.The Workforce Development Board uses initiatives designed to meet the needs of employers in the corresponding region. [WIOA Section 108 (b)(4)(B)]					
	Incumbent Worker Training Programs	X			
	On-the-Job Training	X	X		The Board staff oversees this program and is working closely with Career Center staff (Advisors and Provider staff alike) to provide this program directly in the Centers with guidenace of the Business Services board staff
	Customized Training	X		X	Board Business Services staff works closely with Customized Training teams of the Community College systems for referrals and recommendations of businesses seeking training opportunities that can be specialized by CTP teams at the Comm Colleges.
	Work Opportunity Tax	X			The Business Services Board staff members has this program information and can discus

Business Services Elements		Executed by Board staff (x)	Executed by Service Provider staff (x)	Executed by other (x)	Briefly explain
	Credits				with clients. Those employers with interest are directed to the State Business Services Unit team member for complete execution.
	Business Edge Layoff Aversion	X		X	The program is worked between the Business Services board staff and the referral agency member (SBTDC for example). The Local Area BSR stays engaged with the process and decides if it should be a local area attempt or if it should be moved to the State team for further assistance such as investors, capital, etc.
	Sector Strategies	X		X	The Business Services staff member works with State Team member on this for information, but when it fits into programs such as a pathway, can execute.
	Career Pathways Initiatives	X			And can involve Career Pathways Facilitator
b. The Workforce Development Board coordinates and promotes entrepreneurial skills training and microenterprise services. [WIOA Section 108 (b)(5)]		X		X	Council of Governments
c. The Workforce Development Board enhances the use of apprenticeships to		X		X	Apprenticeship Coordinator

Business Services Elements		Executed by Board staff (x)	Executed by Service Provider staff (x)	Executed by other (x)	Briefly explain
support the regional economy and individuals' career advancement					
d. The Workforce Development Board coordinates workforce investment activities carried out in the Local Area with statewide rapid response activities as described in WIOA section 134(a)(2)(A). [WIOA Section 108 (b)(8)].		X			
e. The Workforce Development Board collaborates in the alignment of economic development efforts. [WIOA Section 108 (b)(4)(A)(iii)].		X			
f. The Workforce Development Board facilitates the engagement of businesses, including small business employers and in-demand sector occupations [WIOA Section 108 (b)(4)(A)(i)(ii)].		X			

Business Services Elements		Executed by Board staff (x)	Executed by Service Provider staff (x)	Executed by other (x)	Briefly explain
g. The Workforce Development Board provides an analysis of workforce in the region, including labor force employment and unemployment data, labor market trends, and educational and skill levels of workforce in the region, including individuals with barriers to employment [WIOA Section 108 (b)(1)(C)].		X			
h. The Workforce Development Board collaborates with business and industry leaders to provide an analysis of the regional economic conditions to include existing and emerging in-demand industry sectors and occupations, and knowledge and skills needed to meet the employment needs of employers in those industry sectors and occupations [WIOA Section 108 (b)(1)(A)(i)(ii) and (B)].		X			

Performance and Accountability

1. Examine the local Board's current Adult, Dislocated Worker, and Youth performance on the Federal Primary Indicators of Performance for PY 2018 and previous Program Years (reports available via FutureWorks).
 - a. What are the primary factors in the local area that impact performance levels (both positively and negatively)?
 - **Use of seasoned staff affects performance positively, whereas contractor Staff turnover has a negative impact. It takes time to onboard new staff.**
 - **Some Staff better at data entry than others.**
 - **Some Contractors are offering better customer service and data entry than others**
 - **Improvement in recording Skills gains will have positive impact**
 - **Participant demographics and work experience has effected performance**
 - **Career Readiness Training has a positive impact.**
 - **Using sustainable career pathways based on labor market demand**
 - b. What strategies are in place to maintain or improve performance?
 - **Monthly Staff development sessions where we address the following:**
 - ✓ **Service provision**
 - ✓ **Service recording**
 - ✓ **Performance reviews**
 - **One on One trainings and group sessions with staff having difficulties in recording service provision.**
 - **Improve career readiness training**
 - c. If the local Board is not on track to meet yearly performance indicator goals, please discuss what corrective actions/steps would be undertaken to address the concern.
 - **According to Future Works Data analysis we are currently on track in the Adult and Dislocated Worker cohort to attain negotiated Performance Goals. There has been tremendous improvement in Credential Rate from PY17 to PY18.**
 - **Accord to Future Works Data Analysis the Youth Cohort is on track for employment and education; but is not on track for youth credential.**
 - d. How is performance information shared throughout the hierarchy of staff? In particular, please detail how the Board addresses performance data in its

relationship with its contractor and how case managers are using performance data to drive local area performance.

- **Desk reviews are done at least twice weekly and Future Works reports are reviewed at least monthly. Information is shared monthly during the Staff Development sessions for Adult and Dislocated Worker Staff. Plans are to share reports with NCWorks Career Center Operations Managers on a monthly basis.**
 - **Plan to increase number of members in our performance review team and to establish regular meetings.**
2. In recent years, many Workforce Development Boards have seen decreasing population counts for the number of Dislocated Workers served. Please describe the strategies the Board has in place to ensure this population is sufficiently (proportionately) represented in the performance pool. Be sure to include whether the Board makes use of nontraditional Dislocated Worker definitions (such as any individuals who are long-term unemployed and can, therefore, be considered Dislocated Workers) in the response.
- **TP will be developing a better strategy to increase number of Dislocated Workers served**
 - **Staff has been using the Adult eligibility track for most applicants as they view this as an easier to complete eligibility.**
 - **We have shared the need to increase Dislocated Workers numbers and have instructed staff to consider long term unemployed individuals for Dislocated Worker services.**
3. The Measurable Skill Gains measure is a real-time indicator denoting participants who are making demonstrable progress on a track toward Credential Attainment. Please describe how the Board makes use of the information the Measurable Skill Gains measure provides as a means of ensuring the Board reaches its Credential Attainment indicator goal.
- **In PY17 Measurable Skill Gains (MSG) Adult and DW was below expected levels due to data recording deficiencies. Staff typically recorded Credentials much better than MSG. We have seen improvement in staff recording MSG for PY18, and are still working on enhancements. Staff continues to record Credentials much better than MSG. We continue to stress the need to record MSG. When staff improves we will be able to use MSG in a predictive manner for Credentials.**
 - **In PY17 Measurable Skill Gains (MSG) Youth was below expected levels due to data recording deficiencies.**

4. Please describe the process for monitoring service providers in the local area. Include details such as how it is conducted, who is involved, how often, et cetera.
 - **Desk reviews are conducted at least twice weekly on a sample of cases**
 - **More formal monitoring of providers is conducted at least annually by Turning Point staff.**
 - **This is conducted by TPWDB staff in person with the NCWorks Center Manager and Operations Managers (Contractor staff Center Lead person)**
 - **There is a review of a sampling of NCWorks Online Data**
 - **EEO compliance is reviewed**
 - **Fiscal monitoring is conducted**
 - **If there are areas of deficiencies needed corrections are shared and a follow-up visit is scheduled.**

Adult and Dislocated Worker Services

1. Provide the date and process for the competitive procurement of the Adult and Dislocated Worker Programs that ensures an arm's-length relationship between the Workforce Development Board and service delivery. Identify any service provider contract extensions.

The local area uses the competitive bidding for proposal procurement of WIOA program activities. The board exercises the option to renew contracts for the second year based upon performance and funding availability. Turning Point WDB released PY2019 Adult/Dislocated Workers Integrated Service Delivery Request for Proposals (RFP's) March 20, 2019. Request for Proposals were due to Turning Point WDB by 4:00pm April 11, 2019 for review by the WIOA Committee (*private sector board member representation from each county*) May 10, 2019. WIOA Committee recommendations will be presented to full board June 20, 2019.

Note: While Final Regulations Section 679.410 (b) and (c) provide exceptions to the competitive procurement process, WDBs *must* have an arm's-length relationship to the delivery of services.

2. Attach the Local Workforce Development Board's Adult and Dislocated Worker (DW) service providers chart effective July 1, 2019 using the [Adult/Dislocated Worker Service Provider List](#) provided. Name document: Local Area Name Adult and DW Providers 2019.

(See Attachment: TPWDB Adult/DW Providers 2019)

3. Describe how and when eligible training providers are reviewed at the local level and how customers are informed they have choices in choosing their providers. Define what “significant number of competent providers” means in the local area. Include whether the local Workforce Development Board uses more strict performance measures to evaluate eligible training providers. Attach if a separate policy. Name document: Local Area Name Eligible Training Providers Policy. [Division Policy Statement 21-2015]

Turning Point WDB staff presents training provider information to the WIOA Committee annually for review and vote of new recommendation(s) to full board for approval of training. Methods utilized: how long has agency provided services, cost of training, outcomes or performance measure obtained to prove competency and does training fall within the regions high demand occupational skill listing. Turning Point WDB defines “significant number of competent training providers” as ensuring there is a true competitive process of well performing providers with recommendable outcomes/performance. Regional Career Advisor consistently inform potential training customers of their option to choose the training provider of their choice base on annual evaluations.

4. Describe follow-up services provided to Adults and Dislocated Worker.

Turning Point WDB requires (adults and dislocated workers) follow-up services for a minimum of twelve (12) months following the first day of employment, to registered participants who are placed in unsubsidized employment. All follow up information affecting performance measures must be keyed on-line in NCWorks in order for the state to pull the information when needed. Workforce Specialists/Managers will be responsible for keying the information in a timely manner. In addition, Turning Point WDB is requiring that all adult and dislocated workers enrolled must be followed until the end of the first quarter after the exit quarter to ascertain if any of them enter unsubsidized employment during that time. If so, outcomes will need to be changed in NCWorks on-line and the 12 months follow-up will be required as described above. *The exception to this follow-up requirement is that any registered Adult/DW participant exiting WIOA with an “exclusion reason” will not require follow-up of any kind.*

Per Training and Employment Guidance Letter (TEGL) 19-16 and Section 134(C)(2)(A), funds described shall be used to provide career services, which shall be available to individuals who are adults or dislocated workers through the one-stop delivery system and shall, at a minimum, include—...(xiii) follow up services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

Youth Services

1. Describe the local area's Youth Program design. [WIOA Section 129(c)(1)(A)]

Participants are provided assessment to ascertain youth's current barriers to employment, completing education, or other forms of success. Gathered information is captured in the Objective Assessment, signed by all pertinent parties, and scanned into NCWorks Online. Next, the participant, with the assistance of their case manager, completes a Individual Employment Plan, that will be used to structure the participant's activities throughout enrollment. ISS is reviewed at least every 90 days to ensure participant is on track to attain goals, or to make revision were necessary. ISS is also signed by all pertinent parties, and scanned into NCWorks Online. Participants are provided access to 14 program elements that will assist participant reach their desired goals.

2. How does the local area ensure the Individual Service Strategy (ISS) identifies appropriate services based on the objective assessment and is linked to youth performance indicators, career pathways and program elements? [WIOA Section 129(c)(1)(B); Page 1508]

Participants usually set goals that are either, and often both, educational or employment based. These goals are captured on the participant's ISS. In-school youth are provided needed services to increase the probability of attaining a high school diploma. Case manager, develops partnership with participant's teachers to monitor participant's performance, and collects report cards and progress reports to captured potential skills gains. Also participants are exposed to employers through tours, or classroom lectures, in which they are made aware of the importance of essential skills (soft skills). Out-of-school youth are also provided similar services, as they pursue a high school equivalency and employment opportunities.

3. Describe the local area strategy to ensure youth program activities lead to a High School diploma or its equivalent or a recognized postsecondary credential and post-secondary education and training opportunities. [WIOA Section 129(c)(1)(C)]

In-school youth that enrolled are provided tutoring and other educational support needed, either directly through NextGen service provider or partnering agencies. Out-of-school youth are also provided tutorial services. Skills progressions are captured and assessed frequently to ensure participant is on track to attain high school diploma or equivalent.

4. Describe the local strategy to prepare youth for unsubsidized employment, including with small employers, specifically those that include in-demand industry sectors and occupations of the local and/or regional labor markets. [WIOA Section 129(c)(1)(C)(v)]

Participants are provided work experience that are as closely matched to their career goals as possible. All training, and other learning opportunities are focused on assisting participant acquire needed specific competencies and basic skills needed to be successful in unsubsidized employment. Each provider is required to have letters of support from local employers, demonstrating their willingness to assist participants gain needed perspective for success. Employer support is provided by small business owners, in demand industries, as well as those that support local and regional Career Pathways initiatives.

5. Please complete the [Youth Program Elements chart](#) provided to demonstrate how the local Workforce Development Board ensures each of the 14 youth program elements is made available to youth participants.[WIOA Section 129(c)(2)(A)] Name document: Local Area Name Youth Program Elements
See attached: Turning Point WDB Youth Program Elements
6. How does the local area ensure that the minimum of 20 percent of funds is spent on work experience and is the local area expending the 20 percent minimum on work experience? [WIOA Section 129(c)(4)]

After funding levels have been determined by the youth standing committee after RFP or SOW review, providers are made aware of the 20% expenditure requirement. Service providers are presented their funding for the program year and their work based learning expenditure requirement is also detailed. Admin staff in cooperation with financial entity monitors service providers expenditures throughout the year to better gauge service providers ability to meet requirement. Furthermore admin staff generates reports from NCWorks Online to cross reference financial reports provided by service providers to financial entity for the board.

7. Does the Workforce Development Board have a standing committee to provide information to assist with planning, operational and other issues relating to the provision of services to youth? [WIOA Section 107(b)(4)(A)(ii)]

If no, describe how oversight to planning, operational and other issues relating to the provision of services to youth will be provided.

If yes, please provide a response to the following:

- a) Provide the committee's purpose/vision.

"We will support experiences and opportunities that will result in ALL youth becoming educated and responsible citizens."

- b) Provide the committee's top three goals or objectives for PY 2019.
- **Support the North Carolina Youth Summit**
 - **Fill remaining vacancies on committee**
 - **Educate NextGen service providers and participants on local and regional Career Pathways initiatives**
- c) Attach the list of members to include members' agency/organization, one of which must be a community-based organization with a demonstrated record of success in serving eligible youth. Provide the Committee's Chair information in the first block (who must be a Workforce Development Board member.) Name document: Local Area Name Youth Committee Members. [WIOA Section 107(b)(4)(A)(ii)] and,
- See attached: Turning Point WDB Youth Committee Members**
- d) Complete the following chart for the PY 2019 Youth Committee's planned meeting schedule to include dates, time and location. *[Expand form as needed.]*

Date	Time	Location (include address and room #)
<i>August 8, 2019</i>	<i>11:00 am</i>	<i>110 Fountain Park Drive Battleboro, NC</i>
<i>November 7, 2019</i>	<i>11:00 am</i>	<i>110 Fountain Park Drive Battleboro, NC</i>
<i>February 6, 2020</i>	<i>11:00 am</i>	<i>110 Fountain Park Drive Battleboro, NC</i>
<i>May 7, 2020</i>	<i>11:00 am</i>	<i>110 Fountain Park Drive Battleboro, NC</i>
<i>June, 2020*</i>	<i>TBD</i>	<i>TBD</i>

8. Provide the date and process for when the competitive procurement of the Youth Programs was completed, to include any contract extensions.

Notice for bids were released to the public on March 18, 2019. Legal Notices were placed in local newspapers. Also notices were placed on website and social media sites. Bidder's Conference was held on March 25, 2019, to address questions/concerns potential bidders had regarding RFP document and budget breakdown. Completed submissions were due to administrative staff by April 12, 2019. Youth advisory committee is scheduled to meet May 7, 2019 to review submissions, and make recommendations for service providers as well as funding levels. Chairman will make recommendation to full board during next board meeting.

9. Attach the Local Workforce Development Board Youth service provider's chart, effective July 1, 2019, using the [Youth Service Provider List](#) provided. Complete each column to include specifying where Youth Services are provided. Name the document: Local Area Name Youth Providers 2019.

See attached: Turning Point WDB Youth Providers 2019

10. Specify if the Local Workforce Development Board plans to offer incentives for youth. If yes, attach the Youth Incentive Policy to include: a) criteria to be used to award incentives; b) type(s) of incentive awards to be made available; c) whether WIOA funds will be used and d) whether the Local Workforce Development Board has internal controls to safeguard cash/gift cards. Name document: Local Area Name Youth Incentive Policy.

See attached: Turning Point WDB Youth Incentive Policy

Local area will provide incentives to NextGen participants for reaching certain goal attainments and skill progressions.

Note: Federal funds may not be spent on entertainment costs.

Local Innovations

1. List additional funding received by the local Workforce Development Board to include special grants (Enhancement, Finish Line, Innovation), National Dislocated Worker Grants (disaster), YouthBuild, outside funding and others to include a brief description the source and the amount.

Grant Name/Kind	Description	Source and Amount
RAMP-East (Regional Advance Manufacturing Pipeline)	RAMP-East will focus on the recruitment of underserved populations to build a pipeline of potential job ready candidates for employment in the advance manufacturing industry.	NC Commerce Division of Workforce Solutions (DWS) \$300,000.00
Finish Line Grant – Halifax Community College	Finish Line grants help community college students who face unforeseen financial emergencies complete their training.	NC Commerce Division of Workforce Solutions (DWS) \$50,000.00
Finish Line Grant – Nash Community College	Finish Line grants help community college students who face unforeseen financial emergencies complete their training.	NC Commerce Division of Workforce Solutions (DWS) \$30,000.00
Finish Line Grant – Edgecombe Community	Finish Line grants help community college students who face	NC Commerce Division of

College	unforeseen financial emergencies complete their training.	Workforce Solutions (DWS) \$20,000.00
Finish Line Grant – Wilson Community College	Finish Line grants help community college students who face unforeseen financial emergencies complete their training.	NC Commerce Division of Workforce Solutions (DWS) \$20,000.00
Turning Point Temp Lease – Roanoke Rapids	Temporary lease funding for the NCWorks Career Center-Roanoke Rapids	NC Commerce Division of Workforce Solutions (DWS) \$80,000.00

- Describe one local Workforce Development Board best adult/dislocated worker program practice.

Making sure our customers are enrolling into employer-specific training programs that meet the needs of the businesses in our region and to become self-sufficient.

- Describe one local Workforce Development Board best youth program practice.

To increase the probability of participants reaching their career goals, the local area encourages layered work based learning opportunities. All participants will have access to at least one work experience during their program enrollment. All efforts will be made to ensure that participants are placed in an experience that matches their career goals, as captured in their ISS. However, some participants have limited work histories, if any. These participants are provided classroom training or orientation that include, interviewing tips, importance essential skills, and work place etiquette. Participants may then be placed in a limited job Shadowing opportunity to better gauge their job duties, as well as seek opportunities to implement recently learned skills. Participants, whom have never worked, or have limited work history, are placed in generic, short-term worksites to assist participant getting acclimated to being employed. After short-term work experience has concluded, and work place evaluation have been reviewed, participants are then provided strategies to address any weaknesses. At this time youth are provided further training that is more career or industry specific. Upon conclusion of specified career training, participant is placed at work site that aligns with their career goals for a period not to exceed 200 hours. After placement is completed participants may transition into unsubsidized employment.

- Describe one local Workforce Development Board regional strategy that has yielded positive results.

RAMP-East (Regional Advance Manufacturing Pipeline) is a regional partnership between Turning Point WDB, Region Q, Economic Development Partnerships and Community Colleges within the (10) ten county region to enhance recruitment

efforts in the Advance Manufacturing sector. The intent is to build a pipeline of potential candidates for immediate and future advance manufacturing jobs. Over 5,000 candidates are needed to fill positions, in existing and expanding businesses. Further challenges are anticipated with the attrition of the existing tight local job market and a retiring labor force throughout the regions causing a great labor shortage. The regional partnership between Turning Point WDB and Region Q will bring on board (2) two RAMP-East recruiters. The recruiters will share information with local communities and employers to begin the arduous task of recruiting, training and retaining a skilled workforce. RAMP-East recruiters will focus on outreaching to connect jobseekers and employers not currently engaged with the NCWorks system. Utilizing virtual technology, outreach material, social media and business service representatives, we will be able to increase exposure to NCWorks and better match registered qualified jobseekers with employers. Recruiters will also review current and newly posted job descriptions to ensure appropriate information is provided to jobseekers. RAMP-East recruiters relationships with local businesses along with partner agencies such as community colleges, K-12, economic development representatives and career advisors will keep the talent pipeline active. One demonstration of appropriateness is the series of career fairs exposing the existing and emerging workforce to advance manufacturing careers. During these events there are identified jobseekers being notified of career opportunities that align with their stated goals and objectives. Participating employers are able to be proactive in recruiting candidates while developing their connections to their valuable talent pipeline available through the NCWorks Career Center portal.

5. Describe one local Workforce Development Board Incumbent Worker or other business services best strategy.

A best strategy in business services is the teaming with other business services contacts for the best results in a program or initiative. The TPWDB business services manager works well with neighboring WDBs and while TPWDB has promoted regionalism, this has allowed business services to come together even more. The business services managers work closely in the NEWDB and Region Q WDB comparing notes, employer issues and how to tackle them, using examples and best practices. Data is shared (and the best way to collect data) in working with clients that may move in and out of the 2 Regions being that they are close together for employment. The RAMP East Initiative is a good example of these things. The task team consists of the Directors and Business Services staff working closely together. The efforts of the team members to work together has allowed for the collection of data for this very large scale project that is to tackle the growing need to fill positions with new and existing employers.

PY 2019 Local Area Plan Required Policy Attachments

1. The following policies must be attached as separate documents in the PY 2019 Plan. Name documents: Local Area Name, Policy Name.

Please make a notation below if the Policy has been revised for Program Year 2019.

Policy	Attached (Yes/No)	Revised for PY2019 (Yes/No)
1. Adult/ Dislocated Worker Work Experience Policy (PS 10-2017)	Yes	No
2. Competitive Procurement Policy (PS 19-2017)	Yes	No
3. Conflict of Interest Policy (PS 18-2017)	Yes	No
4. Equal Opportunity Procedures (PS 07-2018)	Yes	No
5. Financial Management Policy for Workforce Innovation and Opportunity Act Title I (PS 20-2017, Change 1)	Yes	No
6. Individualized Training Account Policy	Yes	No
7. On-the-Job Training Policy (PS 04-2015)	Yes	No
8. Oversight Monitoring Policy and Tools	Yes	No
9. Priority of Service Policy (PS 03-2017)	Yes	No
10. Youth Work Experience Policy (PS 10-2017)	Yes	No
11. Supportive Services Policy	Yes	No

2. Designate whether or not you have the following Optional Policies. If yes, attach the policy as a separate document. Name documents: Local Area Name, Policy Name. [Example: IWT Policy – Yes. Attached as *Workforce Development Board, IWT Policy*.

Policy	Yes (attached)	N/A
1. Local Area Incumbent Worker Training Policy	Yes	
2. Local Area Needs-Related Policy		N/A
3. Local Area Transitional Jobs Policy		N/A
4. Local Area Youth Incentive Policy	Yes	

3. Individual Training Accounts (ITAs) are required [Regulations Section 680.300] to pay the cost of training provided with Adult and Dislocated Worker funds and limitations on duration and amount may be included [Regulations Section 680.320]. Please provide the following ITA elements in summary:

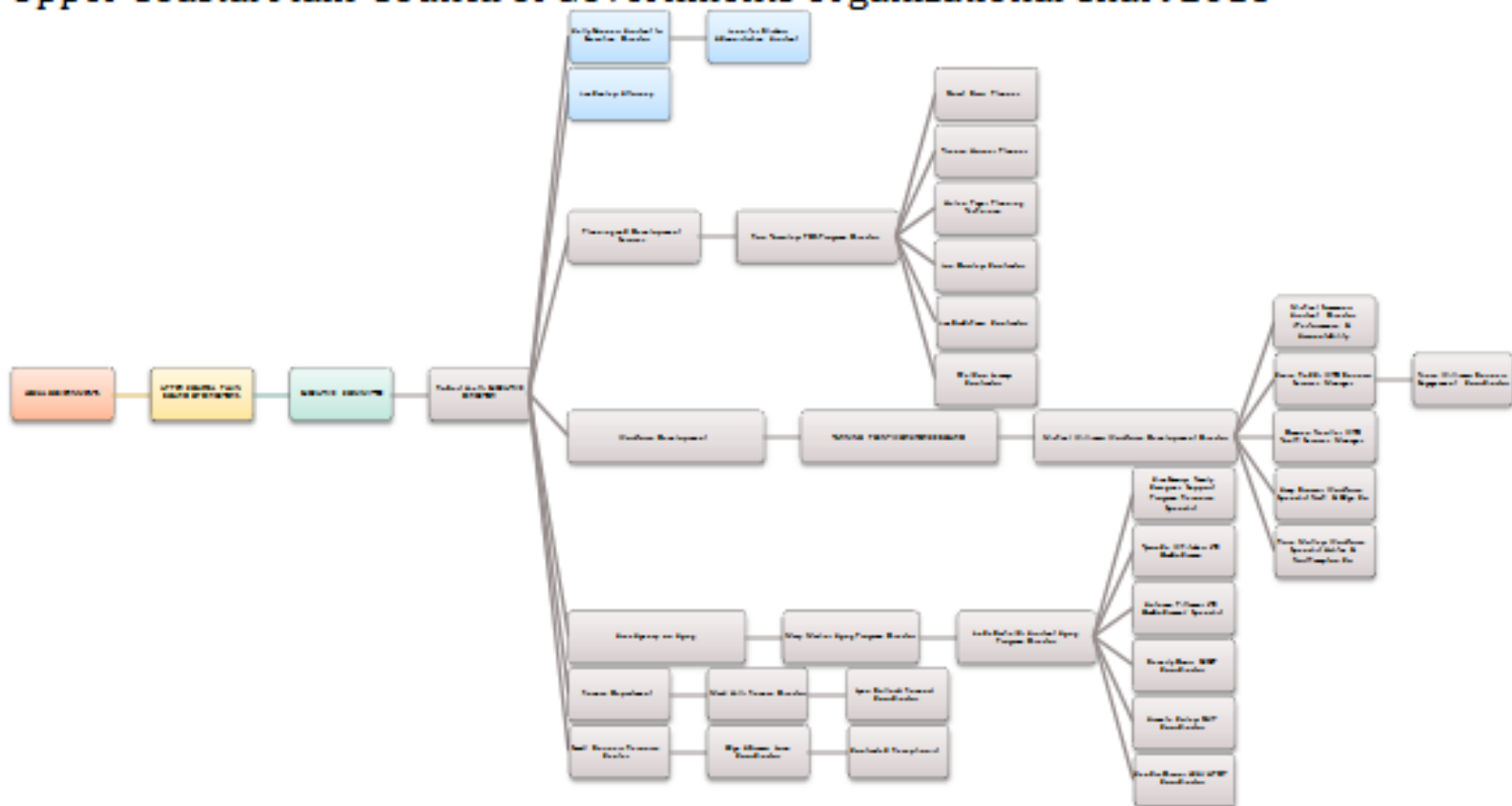
Individual Training Accounts (ITA) Summary	
Dollar Amounts	\$10,000.00
Time Limits	Life-time
Degree or Certificates allowed (Associate's, Bachelor's, other)	Two year Associate Degree or Certificate (Bachelor's on case by case basis)
Procedures for determining case-by-case exceptions for training that may be allowed	Request must be submitted in writing to Turning Point WDB, decision provided by local board or director
Period of time for which ITAs are issued (semester, school year, short term, etc.)	Semester and short term period
Supportive Services covered by ITA (uniforms, tools, physical exams, etc.)	Uniforms, clinical equipment, physical exams, equipment/tools, licenses/certification, testing, permit, background checks, finger prints, drug screen and shots
Other	n/a

4. Please specify the supportive services provided by the local Board Supportive Services Policy. List specific items under Supplies, Emergency and Other, as identified in the local Policy. *[Expand form as needed.]*

Transportation	Childcare	Supplies <i>(include examples)</i>	Emergency <i>(include examples)</i>	Other <i>(include examples)</i>
X	X			

ATTACHMENTS

Upper Coastal Plain Council of Governments Organizational Chart 2018



**BY-LAWS
OF THE
TURNING POINT
WORKFORCE DEVELOPMENT BOARD**

ARTICLE I. NAME, SERVICE DELIVERY AREA AND PURPOSE

Section 1. Name. The name of this organization shall be the Turning Point Workforce Development Board, herein referred to as the WDB.

Section 2. Service Delivery Area. The area to be served by the WDB shall be the counties of Edgecombe, Halifax, Nash, Northampton and Wilson.

Section 3. Purpose. The Turning Point WDB shall have as its purpose the establishment of programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in special need of such training to obtain and/or retain productive employment. The WDB shall also serve in the role of governance providing planning, monitoring, evaluation, and oversight of career centers within the local area

ARTICLE II. FUNCTIONS OF THE WORKFORCE DEVELOPMENT BOARD

Section 1. Functions of the Turning Point Workforce Development Board. The Turning Point Workforce Development Board shall establish a joint private and public sector involvement in the planning, operation and monitoring of the Workforce Innovation and Opportunity Act (WIOA) and career centers in the Turning Point Local Area. The Board will strive to make employment and training programs responsive to the needs of the local area and regional private sector community, and to design training programs consistent with the purpose outline above. This function shall be implemented by the WDB's determination of the composition and quality of training programs, and by other activities as required by governmental laws and regulations.

Section 2. Responsibility. The primary responsibility of WDB members shall be to develop and implement the Turning Point Workforce Opportunity Plan for all eligible citizens of the Turning Point Workforce Development Area.

Functions of the Workforce Development Board shall include the following:

- Plan Development. In partnership with the chief elected official, the board shall develop and submit a local workforce development plan to the Governor of the State of North Carolina.
- Selection of operators and providers of service. The WDB, in agreement of the chief elected official shall designate or certify one-stop operators for the local career center system. The WDB shall identify eligible providers of youth activities in the local area by awarding grants or contracts on a competitive basis, based on the recommendations of the youth advisory committee. The WDB shall identify eligible providers of training and related services for adults and dislocated workers.
- Budget and Administration Development. The WDB shall develop a budget for the purpose of carrying out the duties of the local board.
- Program Oversight. The WDB, in partnership with the chief elected official, shall conduct oversight with respect to local programs of youth activities, local employment and training activities, and the one-stop delivery system.
- Negotiation of Local Performance Measures. The WDB, chief elected official and the Governor shall negotiate and reach agreement on local performance measures.
- Workforce Research and Regional Analysis: The WDB shall conduct analyses of the economic conditions and determine workforce needs of the local area and region in coordination with other stakeholders
- Career Pathways: The WDB in coordination with secondary and postsecondary programs representatives shall lead efforts to develop and implement local career pathways
- Employer Linkages. The WDB shall coordinate the workforce development activities and economic development strategies to be carried out in the local area and develop other employer linkages as necessary.
- Connecting, Brokering and Coaching. The WDB shall promote the participation of private sector employers in the statewide workforce development system and ensure the effective provision, through the system, of connecting, brokering, and coaching activities, through intermediaries such as the one-stop operator in the local area or through other organizations, to assist employers in meeting hiring needs.

ARTICLE III. MEMBERSHIP

Section 1. The Membership of the Workforce Development Board shall consist of at least 51% representatives of the private sector, (who shall constitute a majority of the membership of the WDB and who shall be owners of business concerns, chief executive or operating officers of non-governmental employers, or other private sector executives who have substantial management or policy responsibilities), and representatives of educational agencies, organized labor, rehabilitation agencies, community based organizations, economic development agencies and any other entities as defined in the WIOA. At least 20% of public sector membership shall represent organized labor and community based organizations.

The Chief Executive Officer of the Consortium designated sub-grantee and Executive Director of the Workforce Development Board shall serve as ex-officio members, without vote.

Section 2. Nominations and Appointments. The members are appointed by the commissioners of the five counties located in the Turning Point service area in accordance with the current Turning Point Job Training Consortium Articles of Association and Agreement.

Section 3. Number of Members. The number of members of the Workforce Development Board shall conform to requirements as stated in the WIOA. However, each county will have at least two (2) members from the private sector; and the membership will reflect the diversity of the business and industry in the region including small and minority owned business.

Section 4. Terms of Appointment. Members shall be appointed for two (2) year terms; with appointments on the basis of staggered terms, so that, approximately fifty percent (50%) of the terms shall expire each year. Replacements will be determined by the category being filled in order to maintain a balanced representation between the business and public sector. Private sectors members may be reappointed at the discretion of the appointing authority.

Section 5. Representation. Membership shall consist of the following:

- Large and Small Business Representatives
- Labor Organization Representatives
- Apprenticeship Program Representative
- Adult Education and Literacy Representative
- Higher Education Representative
- Vocational Rehabilitation Program Representative
- Economic Development Representatives
- Wagner-Peyser Act Representative

- Community Based Organization Representative
- Other entities as defined in the WIOA

Section 6. Attendance. Attendance of all members is needed and expected in order to successfully carryout the activities of the WDB. It may be recommended to the appointing body that a member be dismissed and replaced. The following criteria will be considered grounds for such recommendation:

- a. Two (2) consecutive absences from regular meetings without notification to the Turning Point Workforce Development Board's office of the members continued interest.
- b. Missing fifty percent (50%) of regular meetings during a twelve (12) month period.
- c. Actions which would render the member unsuitable to represent the category to which he/she has been assigned by the WDB.
- d. Participation in action that would in any way seriously disrupt or disturb the normal operation of the WDB.

The decision to recommend to the appropriate appointing body dismissal of a member will be based on the sound and considered judgment of the WDB Executive Committee. This recommendation will be presented to the WDB during an Executive session. Final approval of dismissal will be determined by a two-thirds vote of the WDB present. Any vacancy in the membership of the WDB shall be filled by the appropriate appointing body within sixty (60) days.

ARTICLE IV. OFFICERS

Section 1. Chairperson. The WDB shall have a Chairperson who shall be elected from among the representatives of the private sector by the WDB membership. The Chairperson shall preside at all meetings of the group; shall appoint committees and their Chairperson and Vice-Chairperson as needed, and shall in general, perform all duties incident to the office of the Chairperson.

Section 2. Vice-Chairman. The WDB shall have a Vice-Chairperson who shall be elected from among the representatives of the private sector by the WDB membership. In the absences or disability of the Chairperson, the Vice-Chairperson shall perform the duties of that officer.

Section 3. Temporary Chairperson. Should the Chairperson vacate the chair during a meeting and the Vice-Chairperson is not available, he/she can, subject to the approval of the WDB appoint a temporary Chairperson. The first adjournment puts an end to this appointment and the WDB can terminate it earlier by electing another Chairperson.

If neither the Chairperson nor the Vice-Chairperson is present, the Secretary or in his/her absence some other member shall call the meeting to order, and the WDB shall immediately elect a Temporary Chairperson to preside during the session.

The duty of the Temporary Chairperson shall be to conduct the business of the WDB in the absence of the Chairperson and Vice-Chairperson.

Section 4. Secretary. The Turning Point Workforce Development Executive Director shall serve as Secretary to the WDB.

Section 5. Nominations. A nominating committee shall be appointed by the WDB Chairperson with a representative from each of the five counties. A nominating committee will present a slate of officers for Chairperson and Vice-Chairperson to the WDB two meetings prior to the end of the fiscal year. Prior to the election, the slate of nominees shall be presented to the membership, additional nominations from the floor shall be permitted.

Section 6. Terms of Office. The term of office of the Chairperson and Vice-Chairperson shall be for a period of two years. The Chairperson shall serve no more than two (2) consecutive terms of office.

Elections. The term of office shall begin on July 1. Elections shall be held at the regular meeting schedule two (2) months prior to the end of the fiscal year.

Section 7. Vacancies. Should any office become vacant the WDB will elect a successor from its membership at the next WDB meeting, to serve out the unexpired term of office to which elected.

ARTICLE V. STAFF

Professional and administrative staff support shall be provided to the Workforce Development Board by the Consortium designated sub-grantee.

ARTICLE VI. ORGANIZATION

Section 1. Standing Committees. Standing committees of the WDB shall be appointed by the Chairperson on an annual basis and require all representatives of the

WDB to serve on a committee. These committees shall include, but not be limited to, the (A) Executive Committee, (B) WIOA/Accountability Committee, (C) Career Center Oversight Committee, (D) Business Services Committee, (E) Finance/Personnel Committee, and (F) Youth Advisory Committee.

Section 2. Committee Chairpersons. The WDB Chairperson shall appoint a chairperson of each standing committee. Standing committee chairpersons shall be appointed so that each county representing Turning Point local area has at-least one standing committee chairperson.

Section 3. Other. Such other committees, standing, ad-hoc, or special, shall be appointed by the Chairperson or the Executive Committee as needed. The WDB Chairperson shall be an ex-officio member of all committees except the nominating committee.

ARTICLE VII. EXECUTIVE COMMITTEE

Section 1. Membership. The Executive Committee of the WDB shall include the Chairperson, Vice-Chairperson, Past Chairpersons and all Chairpersons of Standing committees. By requirements of Article VI, Section 2, all counties in Turning Point shall be represented on the Executive Committee.

Section 2. Functions. The Executive Committee shall have general supervision of the affairs of the WDB between its business meetings, fix the hour and place of meetings, make recommendations to the WDB on matters not assigned to other committees as are specified in these By-Laws and shall have the responsibility of identifying sources of funding to support WDB initiatives, fund raising, distribution of funds and strategic planning.

The Executive Committee shall serve as the Finance/Personnel Committee as needed, and shall be responsible for ensuring that the Turning Point Finances meet state requirements, and shall have general oversight of the WDB staff. This committee shall make recommendations to the WDB for consideration as needed.

Section 3. Meetings. Unless otherwise ordered by the WDB, the regular meetings of the Executive Committee shall be held at a regular time to be determined by the members. Special meetings of the committee can be called by the Workforce Development Board Executive Director or shall be called upon the written request of three (3) members of the WDB.

ARTICLE VIII. WIOA/ACCOUNTABILITY COMMITTEE

Section 1. Membership. The WIOA/Accountability Committee shall be composed of at least one representative from each of the five counties of Turning Point local area.

Section 2. At the discretion of the WIOA/Accountability Committee Chairperson, this committee may be divided into subcommittees, provided that all counties in the region are represented on each subcommittee.

Section 3. Function. The WIOA/Accountability Committee shall be responsible for ensuring that the Turning Point WIOA program meets state plan requirements, and oversight of the delivery of all programs specified as responsibilities of the Workforce Development Board as included in the Workforce Innovation and Opportunity Act. This shall include: reviewing potential operator bids and making recommendations to the WDB for consideration. This committee shall evaluate the performance of each activity and program operator and the overall performance of the WIOA adult and dislocated worker funded workforce development programs, ensuring Integrated Service Delivery.

ARTICLE IX. CAREER CENTER OVERSIGHT COMMITTEE

Section 1. Membership. The Career Center Oversight Committee shall be composed of at least one representative from each of the five counties of Turning Point local area.

Section 2. Function. The Career Center Oversight Committee shall be responsible for certifying career centers, monitoring and evaluating their activities and programs including service to individuals with disabilities, and evaluating the overall performance of the centers. This committee shall make recommendations to the WDB for consideration as needed.

ARTICLE X. BUSINESS SERVICES COMMITTEE

Section 1. Membership. Business Services Committee shall be composed of at least one representative from each of the five counties of the Turning Point local area.

Section 2. Function. The Business Services Committee shall be responsible for developing linkages with the local and region's business community, regional and local economic development efforts and activities in the service area, and promote the cooperation and coordination among public and community organizations, education agencies and private businesses.

ARTICLE XI. YOUTH ADVISORY COMMITTEE

Section 1. Membership. The Youth Advisory Committee shall be composed of at least one representative from each of the five counties of Turning Point local area.

Section 2. Function. The Youth Advisory Committee shall be responsible for developing and implementing By-laws with the approval of the WDB board.

ARTICLE XIII. MEETINGS

Section 1. Regular Meetings. The WDB shall meet at least quarterly at a date and time established by the WDB Chairperson. Written notification of meetings will be provided to members by the Secretary.

Section 2. Special Meetings. The Chairperson may call a special meeting of the WDB as required. Upon receipt of a written request from a majority of members of the WDB, the chairperson shall call a special meeting of the WDB to be convened within seven (7) days.

Section 3. Quorum. A majority of the WDB membership shall constitute a quorum for the transaction of business; or attendance of at least one (1) representative of the private sector from each county and at least two (2) public sector representatives; or a total of nine (9) members present.

Section 4. Voting. All actions of the WDB shall be determined by a majority vote of the members present except Article III, Section 6 and Article XIV.

Conflict of Interest. No member of the WDB shall cast a vote on the provision of services by that member (or any organization which that member directly represents) or vote on any matter which would provide direct financial benefit to that member.

Section 5. Order of Business. The Chairperson shall be responsible for orderly business of the WDB and for calling items of the agenda. During the course of considering items on the agenda, only members of the WDB shall participate in the discussion except by prior arrangement with the Chairperson, upon the request of a member, or during public participation period.

Section 6. Agenda. The agenda of the WDB meeting shall be developed by the staff in consultation with the Chairman.

Section 7. Parliamentary Authority. The rules contained in the current edition of the Robert's Rules of Order-Newly Revised shall govern the WDB in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any special rules or orders the WDB may adopt.

Section 8. Open Meetings. All meetings of the WDB shall be open and accessible to the general public and minutes shall be maintained.

ARTICLE XIV. BY-LAWS AMENDMENT PROCEDURE

The By-Laws of the WDB shall be amended only by a two-thirds vote of members present. Any member may submit a proposed amendment. The notice of the proposed amendment shall include the text of the amendment and an explanation of such amendment.

adopted as amended: September 12, 2001

adopted as amended: December 13, 2006

adopted as amended: October 15, 2015

as Revised : June 10, 2016

TURNING POINT WORKFORCE DEVELOPMENT
LOCAL SERVICE AREA
POLICY

TO: WIOA CONTRACTORS

FROM: MICHAEL WILLIAMS, Workforce Development Director

SUBJECT: ADULT / DISLOCATED WORK EXPERIENCE (WEX) POLICY

Adults/Dislocated Workers may participate in planned, structured learning experiences that take place in a workplace for a limited period of time not to exceed 320 hours per job description. Work activity may take place in the public or private for-profit and non-profit sectors.

- A. Prohibition on assistance to relocating establishment
- B. The minimum hourly wage for which a contract is written must be at least equal and/or greater to the State of North Carolina Wage and Hour minimum wage.

The selection of private employers to participate in this activity should be based on an objective analysis of the relative “value-added” contributions to the adult.

All wages must be comparable to existing positions identified by employers. Job descriptions and/or work plan must be submitted to the local area for approval.

Adult/Dislocated Worker clients enrolled in work experience should be close to completion of training (within 6 months of completion) and should not have had prior work activity in the field/area being assigned.

WEX Training Plan and Assessment

The service provider shall ensure that WEX training for WIOA Title I eligible participants is appropriate based on the needs identified by an objective and comprehensive assessment and as documented in the Individual Employment Plan/Individual Service Strategy (IEP/ISS). The WEX IEP/ISS should be clearly indicate how this activity is going to be help this participant move from the WEX to unsubsidized employment or on the further training. Documentation of the need for work experience that is tied to and supported by academic and occupational education and objectives of the work experience must be detailed in the IEP/ISS and WEX Training Plan, if one is utilized.

Periodic evaluation of the participant’s learning and attainment of skills during the work experience should be documented in the case notes on NCWorks Online. When possible, it is strongly encouraged that the WEX and its associated training components be directly linked to the attainment of a credential and documented in the IEP/ISS. Program providers should use either O*NET or other identified programs when developing the competencies to be learned and

evaluated in the WEX. The IEP/ISS should include the job skills needed, training hours, and estimated start and end date.

Skills Analysis/WEX Plan Development

An individual WEX skills analysis must be performed to determine the acquisition of skills that the participant does not currently possess. Skills the participant may have acquired from previous work or life experiences are potentially transferable and can be used in every occupation, regardless of the type of work. Transferable skills are unlike job related skills, which tend to be used only in one type of work.

The analysis will contain occupationally specific skills that the employer requires for competency in the WEX occupation. An analysis of the trainee's prior work history, transferable skills, and the job skills gained must be compared to the jobs skills/job description the employer requires in the WEX occupation. The resulting gap in skills will be the basis for the development of the WEX.

There are a number of assessment tools available that may be used to conduct a skills gap analysis and provide adequate documentation of the process utilized. These include "Prove It", an interest based assessment tool used to determine an individual's level of skills in a particular occupation and to document skills deficiencies, as well as the O*NET Online website and www.myskillsmyfuture.org which have both been developed by the U.S. Department of Labor.

The WEX evaluation form may also be used, upon conclusion of activity, to document the mastery of the required skills. Completion of the final evaluation section of the form highlights the successful completion of the WEX.

Worksite agreements must be developed with employers and maintained onsite for monitoring purposes.

WORK EXPERIENCE AGREEMENT

WIOA Contractor Name: _____

Agreement Date

Agreement#

Modification Date

Provider Name and Address

Participant's Name and Address

Hourly Wage

Total Project Hours (not to exceed 320)

Agreement Amount

Hours/Days

Actual Hours

Start Date

End Date

Occupation

Description of Work Plan:

Employer Name/Address/Phone

I certify that I am an authorized representative and have authority to commit to this agreement.

Employer Contact Person:

Date:

Signature

WORK EXPERIENCE AGREEMENT ASSURANCES

The following assurances are provided as part of this Work Experience agreement:

1. Workers compensation coverage will be provided by the WIOA contracting agency.
2. The provider is an equal opportunity employer and complies with all relevant local, state and federal laws.
3. Appropriate standards of health and safety will be maintained.
4. The employer certifies that there are no abnormal labor conditions such as a strike or lockout, and that the company will not use work experience participants to supplant employees who have been laid off or displaced.
5. The participant will not be engaged in any political activity on behalf of the employer.
6. The participant will not be engaged in the construction, operation or maintenance of any facility used for religious instruction or worship.
7. WIOA agency staff will make periodic visits to this worksite to assure compliance with these assurances as well as the work plan of this agreement.
8. An appropriate supervisor will be assigned to the participant and will sign all applicable documents such as: timesheets, work plan evaluations, etc.
9. Unless the agreement is modified in writing, the activity period will not be extended beyond the ending date as indicated on the agreement.

WIOA Participant Signature:

Date:

WIOA Contractor Staff Signature:

Date:

Employer Signature:

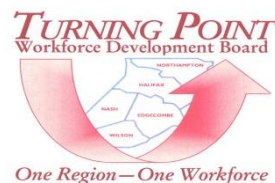
Employer Title

Date:

Revised: September 2017

Turning Point Workforce Development Board, Inc.

NextGen Work Experience Policy



Purpose:

To provide guidance to local area service providers regarding WIOA federal, state, and local board rules, regulations, and expectations as it pertains to work experience.

Background:

Work Experience Training (WEX) is a planned, structured learning experience that occurs in a workplace for a specified, limited period of time. The purpose of the WEX activity is to provide the WIOA Title I participant with opportunities for career exploration, skill development, and work ethic reinforcement.

WEX Training may include paid and un-paid wages and may be located at either private for profit sector, non-profit, and public sector. In accordance with WIOA laws, paid and un-paid youth work experiences that have academic and occupational education as a component of work experience can include a number of activities including:

- Summer Employment
- Pre-Apprenticeship
- Internships
- Job Shadowing
- On-the-Job Training (OJT)

While the employer may gain from the activities performed by the participant (may lead to unsubsidized employment) the intent of the WEX Training is not intended to benefit the employer solely. In fact WEX activities shall not entirely or in part impact current employees' work hours, cause displacements or lay-offs, impair existing contracts or collective bargaining agreements, and/or transgress upon promotional opportunities of current employees as defined by the Fair Labor Standards Act.

Documentation:

1. Standard Worksite Agreement
2. Participants Timesheets
3. Participant Work Experience Evaluation
4. Participant Statement of Understanding
5. Worksite Supervisor Fact Sheet

Twenty Percent Requirement

Local youth programs must expend not less than 20 percent of the Title I youth funds allocated to them to provide in-school and out-of-school youth with paid and/or unpaid WEX.

Local WIOA Title I youth programs must track program funds spent on paid and unpaid WEX including wages and staff costs for the development and management of WEX, and report such expenditures as part of the local WIOA youth financial reporting.

The percentage of funds spent on WEX is calculated based on the total local area youth funds expended for WEX, rather than calculated separately for in-school and out-of-school youth. The 20 percent spending requirement is calculated after administrative cost have been subtracted from the total amount of youth funds.

Wages

Youth participants' WEX wage may not be lower than the higher of the federal or state minimum wage. Wages should match what employer pays "regular" employees completing a similar job.

WEX Hours

A standard youth WEX training contract may not exceed 200 hours per job description. Furthermore, a youth may not receive more than 400 hours per program enrollment. Exceptions will be granted on a limited basis, pending director's authorization.

Actions:

All WIOA youth service providers must adhere to ALL local area policies to ensure faultless compliance with federal and state laws and regulations.

Effective Date: Immediately

Expiration: Indefinite

Contact: Michael Williams, Turning Point WDB Executive Director

Revised: September 12, 2017

ATTACHMENT 1:	Sample Worksite Agreement
ATTACHMENT 2:	Sample Participant Timesheet
ATTACHMENT 3:	Sample Participant Statement of Understanding
ATTACHMENT 4:	Sample WEX Evaluation Form
ATTACHMENT 5:	Sample WEX Site Supervisor Fact Sheet

NOTE: Any revision made by service providers must be approved by WDB staff before use.



WIOA WEX Guidance

WEX Training Plan and Assessment

The service provider shall ensure that WEX Training for WIOA Title I eligible participants is appropriate based on the needs identified by an objective and comprehensive assessment and as documented in the Individual Employment Plan/Individual Service Strategy (IEP/ISS). The WEX IEP/ISS should clearly indicate how this activity is going to help this participant move from the WEX to unsubsidized employment or on to further training. Documentation of the need for work experience that is tied to and supported by academic and occupational education and objectives of the work experience must be detailed in the IEP/ISS and WEX Training Plan, if one is utilized.

Periodic evaluation of the participant's learning and attainment of skills during the work experience should be documented in the case notes on NCWorks Online. When possible, it is strongly encouraged that the WEX and its associated training components be directly linked to the attainment of a credential and documented in the IEP/ISS. Program providers should use either O*NET or other identified programs when developing the competencies to be learned and evaluated in the WEX. The IEP/ISS should include the job skills needed, training hours, and estimated start and end date. Youth academic and occupational components must be included.

Wages and Hours

Individuals participating in a WEX must be compensated at the same rates, including periodic increases, as trainees, or employees who are similarly situated in a similar occupations by the same employer and who have similar training, experience, and skills. The rates may not be lower than the higher of the federal or state minimum wage.

Wage requirements under the Fair Labor Standards Act (FLSA) apply to all youth employed under WIOA. The FLSA applies to the extent that the activities performed in the WEX constitute employment. WDBs must determine whether WEX constitutes trainings as opposed to employment.

According to the Wage and Hour Division of the U.S. Department of Labor, Employment Standards Commission Administration, all of the following six measures must exist before a WEX can be considered a training for purposes of FLSA exemption. The WIOA participant is not an employee of the employment site if:

1. The training, even though it includes actual operations of the facilities of the employer, is essentially a training experiences similar to a vocational school.
2. The participant is primarily the beneficiary of the experience.
3. Regular employees are not displaced, and the experience is closely supervised/observed.
4. The “employer” that hosts the experience derives no immediate or significant advantage (and may experience an actual downside).
5. The participant is not necessarily entitled to a job at the conclusion of the experience.
6. There is a mutual understanding between the participant and the host agency that the participant is not entitled to wages for this time because the activity is essentially a training experience.

If any of the above six conditions are not met, then the WIOA participant must be considered and employee.

A standard WEX training contract may not exceed 200 hours per job description as identified on the work site agreement. Individuals receiving WEX training will be limited to 400 hours per program enrollment. However, limited exceptions may be granted, pending WD director’s approval. Service provider seeking exception must submit a written request to WD director detailing the purpose for exception, the additional hours needed, and documented support from work site employer. Furthermore, a new work site agreement is needed each time a individual job description changes.

Choosing a Worksite

Matching a WIOA participant with the appropriate worksite is critical to a successful WEX Job assignment and realistic expectation of the work products and productivity that a WIOA participant may demonstrate. The participant must have adequate supervision, as any other entry level employee. The worksite must be willing to allow Board staff, the NC Division of Workforce Solutions and/or US Department of Labor to perform onsite monitoring to ensure compliance with the worksite agreement, as well as, to monitor the progress of the participant.

The Division strongly discourages the practice of placing participants in WEXs located at the board office, career center, or administrative entity due to the potential of conflict of interest. Placement at these locations should only be allowed where there is specific documentation in the file that the particular experience meets the participant’s career goals and skills needs AND there is no other placement opportunity available. Please visit the NC Department of Labor for more guidelines before selecting a worksite.

Skills Analysis/WEX Plan Development

An individualized WEX skills analysis must be performed to determine the acquisition of skills that the participant does not currently possess. Skills the participant may have acquired from previous work or life experiences are potentially transferable and can be used in every occupation, regardless of the type of work. Transferrable skills are unlike job related skills, which tend to be used only in one type of work.

The analysis will contain occupationally specific skills that the employer requires for competency in the WEX occupation. An analysis of the trainee's prior work history, transferrable skills, and the job skills gained must be compared to the job skills/job description the employer requires in the WEX occupation. The resulting gap in skills will be the basis for the development of the WEX.

There are a number of assessment tools available that may be used to conduct a skills gap analysis and provide adequate documentation of the process utilized. These include "Prove It", an interest based assessment tool used to determine an individual's level of skills in a particular occupation and to document skills deficiencies, as well as the O*NET Online website and www.myskillsmyfuture.org which have both been developed by the U.S. Department of Labor.

The WEX evaluation form may also be used, upon conclusion of activity, to document the mastery of the required skills. Completion of the final evaluation section of the form highlights the successful completion of the WEX.

Worksite Agreement Requirements

There must be a WEX Worksite Agreement between the service provider and the employer that articulates the learning that is to take place, the length of the WEX, and the academic and/or occupational competencies to be obtained. The Worksite Agreement must be completed and signed prior to the start of the WEX. The service provider will use a standardized Worksite Agreement template developed by WDB's staff. Additionally, the service provider must provide documentation that the employer received formal WEX training.

The purpose of the worksite agreement is to establish a formal training relationship with a worksite, to specify the responsibilities of each party to the agreement, and to provide successful, enriching WEX job experience for the WIOA participant. A signed original of the worksite agreement should be on file at the worksite and the provider should maintain all WEX documents and case notes in NCWorks Online.

Minimum WEX Contract Requirements

1. WEX contracts require that the wage paid to participants be at least the prevailing entry wage for any specific occupation in the community.
2. The employer must comply with the requirements of the Civil Rights Act with respects to equal opportunity in employment for the WEX position, as well as comply with all federal, state, and local laws.

3. The WIOA Service Provider of the WDB must have Workers' Compensation Insurance coverage and make federal and state tax withholdings as required by law, as applicable. In addition, the individual trainee payroll tax records must be maintained and available for review for a minimum period of three years after the end of the training period.
4. Conditions of employment and training will be in full accordance with all applicable federal, state, and local laws (including but not limited to health and safety laws), and be appropriate and reasonable with regards to the type of work undertaken and the proficiency of the participant.
5. The employer must certify that the participant will not displace any regular employee of the employer and that no person was displaced as a result of the relocation of the current business within the previous 120 days of signing the WEX Worksite Agreement.
6. The WEX employer will agree to adhere to local WDB's grievance process if a complaint arises in connection with the WEX participant and/or the training.
7. WEX participants will not be employed to carry out the construction, operations or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place for religious worship, or be required to participate in religious activities.
8. Participants may not enter a WEX position if a member of his/her family is engaged in an administrative capacity with the WEX employer, including a person with selection, hiring, placement, or supervision responsibilities for the WEX trainee.
9. The provider must certify that neither the employing company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation by any federal department or agency.
10. A participant may not be trained under a WEX Worksite Agreement at a particular employer if:
 - a. Any other individual is on layoff from the same or substantially equivalent job;
 - b. The employer has terminated the employment of any regular, unsubsidized employee, or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIOA participant; or
 - c. The job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.



Turning Point Workforce Development Board, Inc.

On-The-Job Training (OJT) Policy

PURPOSE

The Program is intended to expand and enhance workforce service delivery to the Local Area citizens. OJT is a pathway for unemployed workers seeking employment and for employers seeking workers. The Local Area should consider OJT placements in the context of in-demand occupations or industries where career pathways exist with employer partners who have a documented plan to add jobs.

DEFINITION

On the Job training is defined in WIOA (The Opportunity Act) as training by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge or skills essential to the full adequate performance of the job; is made available through a job that provides reimbursement of up to 50 percent (50%) of the wage rate and is limited in duration as appropriate to the occupation for which the participant is being trained. OJT is part of the Integrated Services Delivery product box. Maximum OJT reimbursement for the Turning Point Local Area is 50%. The OJT Program shall be marketed through the Local Area WDB via Business Services and Career Centers' Employer Services Teams. Any verification of program guidelines or issuances should be handled with the Workforce Staff Business Services staff.

PERFORMANCE EXPECTATIONS

Performance expectations for each OJT contract should be that 80% of the exits shall be employed during the first quarter after the exit quarter. At least 70% of the completions must be in training related occupations. The Workforce Development staff will assess the employer's past performance in training employees under previous OJT programs and shall not undertake development of an OJT contract with an employer who has repeatedly failed to meet the performance standards stated above.

Employment retention rate for OJT is determined by the number of participants who are employed in the first quarter after exit and retained in employment during the second and third quarter after the exit quarter from WIOA.

PARTICIPANT ELIGIBILITY

On the Job training may be provided to eligible WIOA participants who are assessed and found to be in need of, and suitable for training services in order to obtain or retain employment that leads to self-sufficiency. This process begins at the Career Center with a Workforce Specialist. WIOA program intake, assessment and IEP development will be the responsibility of the designated staff member in the Center. Throughout the process, the Workforce Specialist will keep the Business Services staff up to date on the eligibility of the individual, to work in line with Employer eligibility processes.

A need for training must be recorded in the IEP. Employers have the final selection authority for individuals to be hired. All must meet certain WIOA eligibility criteria before training can begin. Only those meeting requirements for intensive services, received an assessment and has an IEP may be

considered. A reverse referral candidate may be considered after meeting the same criteria. The results of the IEP must capture that the individual is in need of and can benefit from the activity of OJT. It must capture the past work history from the official file, assess the test results, past work experience, hobbies, volunteer experience and identify strengths and weaknesses of the applicant. It must document the new skills to be acquired during training and how skill gap deficiencies will be overcome with training.

A. Consideration for OJT

A job applicant who has the aptitude and interest to succeed in a given occupation may be considered for an OJT training program if such a person is a North Carolina resident who meets the WIOA eligibility criteria; and

1. has little or no marketable skills related to the occupation; or
2. has lost their previous job, or is at risk of losing their current job, due to a plant closure or layoff in an industry with unlikely prospects of finding or remaining in a similar job in the local labor market, or
3. has not already completed training for a given occupation under a previous OJT contract.

B. Selection for Participation

Consideration for OJT training shall be offered to those most severely disadvantaged in terms of length of time unemployed and lacking education, training or work experience for obtaining employment without assistance from the OJT program.

Incumbent Worker OJT

Only when the Unemployment Rate in our Region reaches an acceptable low level (5% or lower) will On-the-Job training for incumbent workers be allowed, and when: (a) the employee is not earning a self-sufficient wage as determined by Turning Point Workforce Development Board policy; (b) all OJT Pre-Award Analysis conditions are met, and (c) the OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the Turning Point Workforce Development Board.

Regular OJT programs are designed for individuals whose skill levels are inadequate to gain employment without special consideration from an employer and must not be used to train participants in an occupation for which that individual already possesses the appropriate skills.

EMPLOYER ELIGIBILITY

The hiring and training may begin after the OJT Pre-Award Analysis form is complete and an Agreement has been signed by all necessary parties. The Business Services staff will ensure the Employer has completed necessary steps for eligibility, working in conjunction with designated Workforce Specialists that will also work to complete candidate eligibility whether deemed a reverse referral or a request for a candidate from a pool of qualified jobseekers. The trainee becomes an employee of the company of the day the OJT begins.

Staff will give consideration when selecting a suitable employer for OJT. General practices such as safety, health, turnover rates and adequate staff are factors to consider during the Pre-Award phase. A contract will be limited to the period of time required for a participant to become proficient in the occupation for which training is being provided. To determine this, consideration is given to the skill gaps that exist when comparing the skill requirements of the occupation; as well as academic and occupational

skill level, prior work experience and the participant's IEP that is completed during the eligibility process with the appropriate Workforce Specialist.

A. Funds are **not to be provided** for training in the following cases:

1. With employers who have received payments under previous contracts and have exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.
2. Establishments or part thereof, that has relocated from one area of the United States or its territories to a new or expanding facility in another area of the United States. In the event a business relocates to this SDA a pre-award review must be conducted. Appropriate staff will conduct this review.
3. Highly mobile, highly competitive industries where minimal training is needed.
4. Industries with a substantial number of experienced and able workers presently unemployed and available to fill job openings with no extraordinary training.
5. Employee leasing establishments for staff to perform specific job functions for another employer.

OCCUPATIONAL ELIGIBILITY

OJT training shall be offered in those occupations which provide opportunities not otherwise available, lead to economic self sufficiency and provide upward mobility.

Training must be in an occupation which provides new skills distinct from those possessed by the dislocated worker; and the occupation must be one in which the individual would not be hired without training.

Occupations for which training will **not** be approved include, but are not limited to:

- a. Occupations that have not traditionally required specific occupational training as a requirement for employment;
- b. Occupations with a substantial number of experienced and able workers presently unemployed and available to fill job openings with no extraordinary amount of training;
- c. Occupations dependent on commission as the primary source of income. Occupations where the principal source of income is tips, commissions or piecework;
- d. Occupations with above average turnover;
- e. Bartenders
- f. Intermittent seasonal occupations;
- g. Professional occupations requiring licensing, or certification as a prerequisite for hiring;
- h. Clerical occupations which typically require classroom instruction (i.e., clerk typist, secretary, stenographer, etc.);
- i. Occupations which require an associate or baccalaureate degree as a condition of employment;
- j. Part-time occupations. (Working less than thirty (30) hours per week);
- k. Occupations where adequate supervision and/or monitoring is not available.
- l.

SKILLS GAP ANALYSIS / TRAINING PLAN DEVELOPMENT

Following the execution of the OJT Employer Agreement, an individualized OJT Training Plan must be developed for the acquisition of skills that the trainee does not already possess. This plan will contain occupationally specific skills that the employer requires for competency in the OJT occupation. An analysis of the trainee's prior work history and the job skills gained must be compared to the job skills/job description the employer requires in the OJT occupation. The resulting gap in skills will be the basis for the development of the Training Plan.

The Specific Vocational Preparation (SVP) data found in the O*NET Online database for that particular occupation will be used and adjusted to determine the length of training necessary to acquire the needed skills. Each skill description should be concise, but comprehensive and the individual tasks should be measurable and observable. The specific types and sources of information used to identify the scope of the skills gap must be included in the participant's case file.

There are a number of assessment tools available that may be used to conduct a skills gap analysis and provide adequate documentation of the process used to develop the Training Plan. These include Prove It!™, an Internet-based assessment tool used to determine an individual's level of skills in a particular occupation and to document skill deficiencies, as well as the O*NET Online website and www.myskillsmyfuture.org which have both been developed by the US Department of Labor.

TRAINEE SKILL EVALUATION

At the midpoint of training, the trainee's acquisition of the required occupational skills on the Training Plan will be evaluated by the employer/supervisor using the OJT Trainee Evaluation Form. This is an opportunity for the employer/supervisor and the trainee to interact and review the skills progress made by the trainee and to make any necessary adjustments to the training shown in the Training Plan. The Trainee Evaluation Form will also be used at the conclusion of training to document the mastery of the required skills. Completion of the final skills evaluation section of the form signals the successful completion of the Training Plan and agreement by the employer to retain the trainee. The Business Services Staff will stay in touch with the Employer for updates on the trainee, skills progress and to be sure they are on target for reimbursements of funds.

ALLOWABLE NUMBER OF TRAINEES

The number of trainees allowable for a business under the OJT program is determined as follows:

- A. The maximum number of training slots under the OJT program should not exceed 25% of the employer's regular workforce; or
- B. A new or expanding business may train 50% of the number of permanent employees projected to be working at the end of the year from the day the business began operations or began the expansion of the workforce.

EMPLOYEE/TRAINEE WAGES

Individuals in on-the-job training or individuals employed in activities under Workforce Investment Opportunity Act shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience and skills, and no overtime rates are permitted.

WORKING CONDITIONS AND LABOR LAWS

OJT employees are subject to the same personnel rules, working conditions and benefits as regular employees hired by the employer. It is the responsibility of the person who negotiates the OJT contract to determine if the participants will be provided benefits and working conditions at the same level and to the extent as other employees working similar length of time and doing the same type of work and if all employer and occupational eligibility requirements are met. If the participants will not be covered by the required benefits, a contract **must not be written** by designated staff nor approved by the Workforce Development Director.

Required Benefits/Considerations

- a. Worker's Compensation: Participants must be covered by Worker's Compensation insurance. The person who negotiates the contract must verify that the employer provides Worker's Compensation for present employees. If the employer does not have this coverage or an equivalent coverage a contract **must not be written**.
- b. Fringe Benefits: Participants shall be afforded the same benefits, at the same level, as other regular employees working a similar length of time and doing the same type of work. This means that if other new employees are considered for salary increases after 30 days, the OJT employee/trainee shall also be considered for a raise using the same evaluation process and the same increase schedule.

OJT employees shall also be afforded all paid leave and paid holidays as other employees in accordance with the personnel rules covering regular employees but all fringe benefits shall be a cost to the employer and shall not be included in the OJT cost reimbursement. The person who negotiates the contract must determine that the OJT employee(s) will be provided all benefits afforded other regular, newly hired employees of the same employer.

- c. Union Concurrence: The person who negotiates the OJT contract must determine if other employees of the employer, who perform the same or similar work, are included in a collective bargaining agreement. If such an agreement exists, the union agent who represents the employees must be made aware of and must concur that the terms and conditions of the proposed training will not conflict with the union bargaining agreement.
- d. Grievance Procedures: If the employer has established grievance procedures for resolving employee complaints, the OJT employees must be made aware of, and subject to, these procedures. The employer must agree to abide by the Workforce Development grievance procedures for resolving grievances and complaints from the OJT participant.
- e. Nepotism: No individual (neither new hire nor incumbent) may enter an OJT position if a member of his/her family is engaged in an administrative capacity with the OJT employer, including a person with selection, hiring, placement or supervision responsibilities for the OJT trainee.

EMPLOYEE/TRAINEE ENTRANCE SCHEDULE

No employee who is to be hired into a training position under an OJT contract may be employed prior to the date the contract is negotiated. The negotiation date is the date on which the employer provided all necessary information for completing the contract proposal. The effective date of the contract shall be negotiated between the contractor and the employer and shall be based upon the date the employer needs the participant(s) to start to work and the time needed for processing the proposal. The employer must

also be made aware of the fact that no reimbursement will be paid for any training costs incurred prior to the effective date of an approved contract.

All OJT employees should enter training within two (2) calendar months of the effective date of the contract. Training slots unfilled at the end of the entry period should be de-obligated within ten (10) working days after the end of the entry period by completion of an amendment to the OJT contract. If none of the training slots are filled at the end of the entry period, the funds are to be de-obligated within ten (10) working days after the end of the entry period.

CONTRACT DEVELOPMENT AND NEGOTIATION

It is the responsibility of the Business Services staff to negotiate the OJT contract. Priority for OJT contract development shall be directed toward employers in the private sector; however, contracts may be developed with public sector employers when no other opportunities exist in the private sector. Priority should be given to employers within the growth industries who offer jobs reflecting the use of new technological skills.

Modifications to the OJT contract can be made as needed through mutual agreement of the employer and the Workforce Development Business Services staff or Director.

MONITORING/CONTINUOUS IMPROVEMENT REVIEWS

The monitoring/Continuous Improvement reviews of OJT contracts shall be the responsibility of the Business Services staff. The person(s) assigned as monitor(s) must be knowledgeable of WIOA participant eligibility, and OJT contracting policies and procedures.

The monitoring system at a minimum should include the following: review of OJT forms, compliance with the training outline/statement of work, participant eligibility check, comparison of time and attendance with invoices, comparison of contracted wage rate vs. wages paid, and start date of employment vs. contract start date.

The monitoring reviews should be documented and this written documentation shall become a part of the contract file. The report must include: all areas of non-compliance with the contractual agreement, the corrective actions needed, and the findings of any ineligible participants. The Employer contact may submit invoices with check stubs bi-weekly and pay outs will follow the financial departments check writing schedule.

CONTRACT DOCUMENTS

Employer documents can be kept in an Employer OJT file by the Business Services staff. The following should be (at minimum) on file:

- Pre-Award Analysis
- Employer Agreement including General Assurances
- Training Plan
- Trainee Evaluation
- Notes of any visits

*Participant eligibility documentation shall be kept on file and/or updated in the NC Works data system by the designated Workforce Specialist. The file should remain with the Career Center of the Local Area in which staff has worked with the individual. Proper case management of the participant is the

responsibility of the Workforce Specialist, as with any WIOA program; but notification of any changes relating to OJT should be shared with the Business Services staff as the individual was part of the Program the Business Service function oversees.

CONTRACT AMENDMENTS

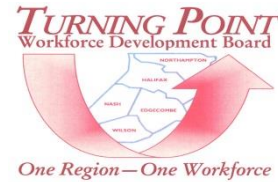
Amendments should be made by mutual consent of the employer and contractor agency. Amendments should be signed by the same individual who signed the original contract. Contracts cannot be amended after the ending date of the contract period.

Contract amendments may be necessary for the following reasons:

1. The ending date of the contract may be extended in order for a participant to complete the training program, provided the extension does not violate any statutory requirement. The reasons for extending the ending date could be due to illness of a participant or equipment failures at the place of business which delayed the training program. (The beginning date of a contract should not be changed.)
2. Training slots may be increased by a contract amendment if such increase will not exceed the allowable number of trainees and if the additional training slots will be filled prior to the end of the (2) month entry period.
3. The entry period for hiring OJT trainees may be extended if such extension will not cause the training period to extend beyond any statutory limitation of the contract. Normally an extension of the entry period must also include an extension of the contract period ending date.
4. When an employer fails to fill one or more of the authorized training slots by the end of the entry period, those unfilled slots must be deobligated by completing a contract amendment. The amendment is to be completed within ten (10) working days after the end of the entry period.
5. Amendments are also used to correct errors in the original training program budget and the description of the job duties of position(s) covered by the contract.

Turning Point Workforce Development Board, Inc.

Individual Training Account (ITA) Policy



Purpose:

ITA's can be offered for the purpose of financing training services. Career Specialist may issue an ITA to Customers to be taken to an eligible training provider of their choice. Included in the ITA package is a Letter of Instruction and the Financial Award Analysis to be completed by the financial aid officer of the training provider. The financial aid officer completes the Available Funding Sources and the package is returned to the Career Specialist. The Career Specialist evaluates the returned package. The Career Specialist then Approves/Disapproves the ITA vouchers. If approved the Career Specialist properly signs and dates ITA certificate, and gives the ITA to the Customer to return to eligible training provider.

Eligible Training Provider Requirements for ITA reimbursements:

- \$8600.00 \$10,000 Limitation (Maximum allowed for a 2 year Degree Program; payable in increments as described below).
- Short term training (Less than a semester) - Redemption requests can be submitted up to 90 days after the end of program. It should be accompanied with program attendance records and progress outcomes for each Customer.
- College Curriculum Courses (One and Two year degrees) - For 16-week semesters, redemption requests for the current semester should be submitted at the end of the 12th week. Progress reports such as grades, attendance records, and any other achievements should be submitted to the Case Manager for each Customer.
- ~~If WIOA funds are used first and the addition of the Pell Grant fund would result in a total resources level greater than the Cost of Attendance, then the WIOA funding must be reduced or refunded to ensure the total available resources do not exceed the total Cost of Attendance.~~ WIOA Title I funds shall be utilized to cover total training cost (books, tuition and fees) per semester of attendance not to exceed \$10,000 lifetime maximum. If Pell Grant funds

are received participant shall apply these funds to remaining livable expenses.

- Upon completion of Financial Award Analysis (which will be completed each semester), all Career Specialist will provide a copy of the completed document to the appropriate/assigned case manager. Copies of this document must be maintained by the case manager in each customer's file.
- During orientation, Career Specialist are to inform Customers of this policy;
- Customer must attend at least 85% of classes.
- Customer must maintain a cumulative GPA of a 2.0.
- Training services provided under the Workforce Innovation and Opportunity Act shall be directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that Turning Point Workforce Development Board may approve training services for occupations determined by TPWDB to be in sectors of the economy that have a high potential for sustained demand of growth in the local area.
- Referral for training services in which vouchers will be used shall be limited to those adults and dislocated workers; who after an interview with Career Center staff have been determined by the Career Center of partner to be in need of training services and have the skills and qualifications to successfully participate in the selected program of training services.
- The Local Area does not pay for any repeat classes for any WIOA sponsored Customer (the exception will be handled on a case by case basis through the Turning Point Office).

It is the responsibility of the WIOA workforce specialist staff to ensure that Customers understand, prior to being enrolled, that repeat classes will not be paid for by WIOA. It is also the responsibility of the workforce specialist staff to identify repeat classes listed on a Customer's class schedule.

- When required, developmental courses will be paid for Customers. However, due to the amount of time needed to complete a degree and/or curriculum, Customers will be limited to not more than two (2) developmental courses (not to exceed 8 credit hours). Additional developmental courses required by the customer for completion of training shall be paid for with

non-WIOA funds. During orientation, Career Specialist is to inform customers of this policy; however, **it is the responsibility of the workforce specialist staff to ensure that customers understand this policy.**

- The Turning Point Workforce Development Board Voucher will cover (as indicated on voucher by Specialist) but not limited to:

- Tuition.....Required Amount
- Park Fees..... Required Amount
- Student Activity Fees..... Required Amount
- Technology Fees.....Required Amount
- Books.....Required Amount
- Bookstore Sales Tax.....Required Amount
- Mal Practice Insurance..... Required Amount
- Graduation Fees.....Required Amount
- TEAS Test.....Required Amount

The Turning Point Workforce Development Board Supply Voucher will cover (as indicated on voucher by specialist) but not limited to:

- Uniforms..... \$175 Max
- Clinical Equipment..... \$100 Max
- Physicals/Lab Work/ Eye Exam***\$100 Max each
- Equipment & Tools.....\$200 Max
- Licenses/ Certification\$100 Max

- Testing..... \$250 Max
 - Permits.....Included in Tuition
 - Background Checks, Finger Prints, Drug Screen..... \$125 Max
 - Shots*** \$250 Max
- *****Customers Insurance must be billed first and/or Insurance Denial form must be submitted.**
 - **Any other charges will be the customer's responsibility.**
 - **If class is dropped after penalty date (100% refund date) it will be the Customer's responsibility to pay any outstanding charges.**

Revised: ~~October 15, 2015~~ November 21, 2017

NCWorks
career center
powered by Turning Point

TURNING POINT WORKFORCE DEVELOPMENT
LOCAL SERVICE AREA
POLICY

TO: WORKFORCE INNOVATION AND OPPORTUNITY ACT
PROVIDERS

FROM: MICHAEL WILLIAMS, Workforce Development Director

SUBJECT: PRIORITY OF SERVICE

Priority of service will be extended to persons receiving public assistance, other low-income individuals and veterans as mandated by state statute in the following order:

1. Veteran/eligible spouse who are recipient of public assistance, low income or basic skills deficient
2. Non-Veteran/eligible spouse who are recipient of public assistance, low income or basic skills deficient
3. Veteran/eligible spouse who are NOT recipient of public assistance, low income or basic skills deficient
4. Non-Veteran/eligible spouse who are NOT recipient of public assistance, low income or basic skills deficient

Persons not meeting the criteria for priority of service may be served if funding other than WIOA is available. Persons not meeting the criteria for priority of service may also be served with WIOA funding if the individual has documented barriers to employment including but not limited to lack of basic skills, lack of job keeping skills, long-term

unemployed, lack of high school diploma or equivalency, mental or physical disabilities, lack of child care or transportation to work, and lack of basic computer skills. Until demands for funding exceeds the amount available and the DWS Planner has been contacted for assistance, amount of income will not be used to limit participation in WIOA adult programs.

Priority Categories/Service Order

Staff should follow the following guidelines when providing services at the career center. Once staff have determined which priority group a customer may qualify as, services should be provided in the following order to customers. Priority of Service Status for Career & Training Services	
Priority 1	Veterans and eligible spouses who are: <ul style="list-style-type: none"> • Low income, or • Recipients of public assistance, or • Who are basic skills deficient
Priority 2	Individuals who are: <ul style="list-style-type: none"> • Low income, or • Recipients of public assistance, or • Who are basic skills deficient
Priority 3	Veterans and eligible spouses who are: <ul style="list-style-type: none"> • Not low income, and • Not recipients of public assistance, and • Not basic skills deficient
Priority 4	Individuals who do not meet the above status who are at 200% of the federal poverty level guidelines based on family size and family income (self-sufficiency).
Priority 5	All other individuals who do not meet the above guidelines. This category does not qualify for WIOA funded training services.

“Veterans and eligible spouses will receive the first level of priority of service in universal access programs and services delivered through NC Career Centers for all USDOL funded programs, including the Wagner-Peyser and WIOA programs.”

Revised 10/15/18



CONFLICT OF INTEREST POLICY

The purpose of the Conflict of Interest Policy is to protect the interest of Turning Point Workforce Development Board as a public body charged with the oversight of federal and/or state funds, when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer, staff Member, or director or might result in a possible excess benefit transaction. This includes persons and entities involved in the competitive selection processes to identify service providers and award funding using federal funds which must be free of conflicts of interest: real, apparent, or organizational. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to organizations responsible for maintaining the public trust for the use of federal, state, and other grant funds for the purpose of carrying out goals and program requirements, including the responsibility to maintain the reputation and integrity of the entity, organizations, and agencies and programs.

- **Boards**

It is the policy and expectation of the Workforce Development Board (WDB) that its Members will fulfill the fiduciary duties applicable to their service as Members of the WDB. Due to the legal and statutory structures of the WDB, it is expected that conflicts of interest may arise and this policy is intended to provide a framework that will allow the work of the WDB to be achieved without the fact of or appearance of impropriety. Where this document references “Member” it shall mean any agent, WDB employee, officer, service provider contractor, and Board Member. The WDB and all other agencies receiving direct financial assistance through the Workforce Innovation and Opportunity Act (WIOA) shall avoid conflict of interest, real or apparent.

It is the responsibility of each member to govern the actions of all other Members in compliance with the Conflict of Interest Policy. If a Member thinks there is a possibility of a conflict of interest, real or apparent, on the part of another Member, it is his or her affirmative responsibility to immediately bring the matter to the attention of the Workforce Development Board Director. Therefore, no WDB Member will discuss, present proposals, or vote on any issue as to which the

Member has an economic interest unless specifically questioned by the other Members as part of a scheduled opportunity for all interested parties to present information. A Member may vote on and may discuss any matter what would not have any impact on the Member.

No official or employee of the WDB or contracting agency authorized in their official capacity to negotiate, make, accept, or approve, or to take part in the negotiating, making, accepting, or approving any contract or subcontract in connection with a project shall have directly or indirectly any financial or personal interest in any such contract or subcontract. It shall be against the policy of the WDB or contracting agency for any employee or volunteer to directly or indirectly ask, demand, exact, solicit, accept, receive, or agree to receive anything of value for themselves or any other person or entity in return for:

- being influenced in the performance of their job or position;
- being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or to make opportunity for the commission of any fraud on the WDB or contracting agency; or
- being induced to do or admit to any act in violation of their official duties.

Each Member shall annually confirm a statement that affirms such person:

- has received a copy of the Turning Point Workforce Development Board Conflict of Interest Policy;
- has read and understands the policy; and
- has agreed to comply with the policy.

- **Discovery of an Actual or Potential Conflict of Interest**

Upon the assertion of a possible violation of this policy, the WDB Chair or Vice-Chair will appoint an ad hoc committee to review the circumstances, report their findings to the Board for discussion and vote, and recommend a course of action in the event a Member is found to be in violation. Action may include, but is not limited to, a declaration that the Member be removed from the Board position and a request to the Consortium Board to make a new appointment.

- **Procurement**

All negotiations of a contract for or with potential contractors/service providers must be conducted with arm's length negotiations. The definition of an arm's length negotiation is a negotiation where the parties to the negotiation have an opposing economic interest to that of the organization with which they are negotiating.

No WDB Member (whether compensated or not) shall engage in any activity, including participation in the selection, award, or administration of a sub-grant or contract supported by

WIOA funds if a conflict of interest, real, or apparent would be involved. Such a conflict would arise when:

- the individual,
- any Member of the individual's immediate family,
- the individual's partner, or
- an organization which employs, or is about to employ any of the above, has a financial interest in the firm or organization selected for the award.

No WDB Member, Member of his/her immediate family, officers, employees or agents of the WDB Member's agency or business shall neither solicit nor accept gratuities, favors, or anything of value from contractors, potential contractors, or parties to sub-agreements.

A WDB Member shall not cast a vote, or participate in, any decision making capacity on the provision of services by such Member (or any organization which that Member directly represents), nor on any matter which would provide any direct financial benefit to that Member.

No WDB Members shall participate in a governmental decision including voting on a matter (including recommendations, appointments, obligating, or committing the WDB to a course of action) when such action influences a decision or exercises judgment in making a decision. Any Member with a potential or actual conflict of interest shall comply with requirements for public disclosure and recusal.

- **Work Experience Placements**

The Division of Workforce Solutions (DWS) strongly discourages the practice of placing participants in workforce training located at the board office, NCWorks Career Center, or administrative entity due to the potential of conflicts of interest. Placement at these locations should only be allowed where there is specific documentation in the participant file that the particular experience meets the participant's career goals and skills needs *and* there is no other placement opportunity available.

- **Service Providers/Contractors**

Although the WIOA program is not an entitlement program, it should be accessible to any individual, in any local area, who is eligible and suitable for available services subject to Local Workforce Development Board policies and procedures. However, when applicants have a close relationship with WIOA staff Members, management, and other specific stakeholders of the Workforce Development System, access to program services should not be based on such relationships or based on political influence. It is possible that even without any intention to misuse WIOA funds a decision to enroll an individual in the program could be perceived as improper. Such a perception could cause noncompliance with state and/or federal law.

General authorization for providing funds to participants will comply with the standards of conduct for maintaining the integrity of the program and avoiding any conflict of interest in its administration. Local Chief Elected Officials, Local Workforce Development Boards, designated fiscal agents, and administrative officials must help meet the objectives of WIOA through effective policies, procedures, and safeguards that ensure the integrity of these public funds. Throughout the Local Workforce Development Areas safeguards must be in place ensuring that all those served in the program are not only eligible and suitable but also detached from being part of the perception of impropriety or conflict of interest.

In the event a service provider/contractor is related to a WDB staff Member or officer, appropriate firewalls must be in place to ensure the staff Member/officer does not directly monitor, supervise, or provide oversight. An alternate staff Member/officer must be identified to assume the oversight responsibilities.

- **Code of Conduct**

A written set of standards (Code of Conduct) governing the performance of the WDB and its employees, officers, or agents related to real or apparent conflicts of interest is a requirement of 29 CFR 95.42. Attachment 4 is available for reference when developing a Code of Conduct.

- **Firewalls**

Proper firewalls must be in place to ensure the transparency and integrity of the procurement process and demonstrate to the public and to the Department of Labor that the selection process was impartial and that no preferential treatment was given to the awardee. A “firewall” is an established policy or procedure that acts as a barrier or protection against an undesirable influence, outcome, or authority. Examples of firewalls include but are not limited to organizational arrangements that provide clear separation of duties and responsibilities, including confidentiality and disclosure agreements.

No entity or individual that has any role in the issuance of a solicitation may compete or submit a proposal under that procurement action, including the development of requirements, drafting the Request for Proposals (RFP) or Letter of Intent for Bid (IFB), evaluation of proposals/bids, and identification of the best entity.

North Carolina General Statute § 14-234

§ 14-234. Public officers or employees benefiting from public contracts; exceptions.

- (a) (1) No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law.
- (2) A public officer or employee who will derive a direct benefit from a contract with the public

agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.

(3) No public officer or employee may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.

(a1) For purposes of this section:

(1) As used in this section, the term "public officer" means an individual who is elected or appointed to serve or represent a public agency, other than an employee or independent contractor of a public agency.

(2) A public officer or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract.

(3) A public officer or employee is involved in making a contract if he or she participates in the development of specifications or terms or in the preparation or award of the contract. A public officer is also involved in making a contract if the board, commission, or other body of which he or she is a member takes action on the contract, whether or not the public officer actually participates in that action, unless the contract is approved under an exception to this section under which the public officer is allowed to benefit and is prohibited from voting.

(4) A public officer or employee derives a direct benefit from a contract if the person or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to the contract; (ii) derives any income or commission directly from the contract; or (iii) acquires property under the contract.

(5) A public officer or employee is not involved in making or administering a contract solely because of the performance of ministerial duties related to the contract.

(b) Subdivision (a)(1) of this section does not apply to any of the following:

(1) Any contract between a public agency and a bank, banking institution, savings and loan association, or with a public utility regulated under the provisions of Chapter 62 of the General Statutes.

(2) An interest in property conveyed by an officer or employee of a public agency under a judgment, including a consent judgment, entered by a superior court judge in a condemnation proceeding initiated by the public agency.

(3) Any employment relationship between a public agency and the spouse of a public officer of the agency.

(4) Remuneration from a public agency for services, facilities, or supplies furnished directly to needy individuals by a public officer or employee of the agency under any program of direct public assistance being rendered under the laws of this State or the United States to needy persons administered in whole or in part by the agency if: (i) the programs of public assistance to needy persons are open to general participation on a nondiscriminatory basis to the practitioners of any given profession, professions or occupation; (ii) neither the agency nor any of its employees or agents, have control over who, among licensed or qualified providers,

shall be selected by the beneficiaries of the assistance; (iii) the remuneration for the services, facilities or supplies are in the same amount as would be paid to any other provider; and (iv) although the public officer or employee may participate in making determinations of eligibility of needy persons to receive the assistance, he or she takes no part in approving his or her own bill or claim for remuneration.

(b1) No public officer who will derive a direct benefit from a contract entered into under subsection (b) of this section may deliberate or vote on the contract or attempt to influence any other person who is involved in making or administering the contract.

(c) through (d) Repealed by Session Laws 2001-409, s. 1, effective July 1, 2002.

(d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 15,000 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 15,000 according to the most recent official federal census, (iv) any elected official or person appointed to fill an elective office as a member of a county board of education in a county within which there is located no village, town or city with a population of more than 15,000 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if all of the following apply:

(1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed twenty thousand dollars (\$20,000) for medically related services and forty thousand dollars (\$40,000) for other goods or services within a 12-month period.

(2) The official entering into the contract with the unit or agency does not participate in any way or vote.

(3) The total annual amount of contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county.

(4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.

(d2) Subsection (d1) of this section does not apply to contracts that are subject to Article 8 of Chapter 143 of the General Statutes, Public Building Contracts.

(d3) Subsection (a) of this section does not apply to an application for or the receipt of a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to Article 72 of Chapter 106 of the General Statutes, the Community Conservation Assistance Program created pursuant to Article 73 of Chapter 106 of the General Statutes, or the Agricultural Water Resources Assistance Program created pursuant to Article 5 of Chapter 139 of the General Statutes by a member of the Soil and Water Conservation Commission if the requirements of G.S. 139-4(e) are met, and does not apply to a district supervisor of a soil and water conservation district if the requirements of G.S. 139-8(b) are met.

(d4) Subsection (a) of this section does not apply to an application for, or the receipt of a grant or other financial assistance from, the Tobacco Trust Fund created under Article 75 of Chapter 143 of the General Statutes by a member of the Tobacco Trust Fund Commission or an entity in which a

member of the Commission has an interest provided that the requirements of G.S. 143-717(h) are met.

(d5) This section does not apply to a public hospital subject to G.S. 131E-14.2 or a public hospital authority subject to G.S. 131E-21.

(d6) This section does not apply to employment contracts between the State Board of Education and its chief executive officer.

(e) Anyone violating this section shall be guilty of a Class 1 misdemeanor.

(f) A contract entered into in violation of this section is void. A contract that is void under this section may continue in effect until an alternative can be arranged when: (i) immediate termination would result in harm to the public health or welfare, and (ii) the continuation is approved as provided in this subsection. A public agency that is a party to the contract may request approval to continue contracts under this subsection as follows:

(1) Local governments, as defined in G.S. 159-7(15), public authorities, as defined in G.S. 159-7(10), local school administrative units, and community colleges may request approval from the chair of the Local Government Commission.

(2) All other public agencies may request approval from the State Director of the Budget. Approval of continuation of contracts under this subsection shall be given for the minimum period necessary to protect the public health or welfare. (1825, c. 1269, P.R.; 1826, c. 29; R.C., c. 34, s. 38; Code, s. 1011; Rev., s. 3572; C.S., s. 4388; 1929, c. 19, s. 1; 1969, c. 1027; 1975, c. 409; 1977, cc. 240, 761; 1979, c. 720; 1981, c. 103, ss. 1, 2, 5; 1983, c. 544, ss. 1, 2; 1985, c. 190; 1987, c. 570; 1989, c. 231; 1991 (Reg. Sess., 1992), c. 1030, s. 5; 1993, c. 539, s. 145; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 519, s. 4; 2000-147, s. 6; 2001-409, s. 1; 2001-487, ss. 44(a), 44(b), 45; 2002-159, s. 28; 2006-78, s. 2; 2009-2, s. 2; 2009-226, s. 1; 2010-169, s. 2(a); 2011-145, ss. 13.22A(dd), 13.23(b).)

NO WORKFORCE DEVELOPMENT BOARD MEMBER, PROGRAM OPERATOR, OR BOARD STAFF SHALL:

a. Accept any financial benefit, direct or indirect, from any source other than their employing agency as a result of their performance of official duties under Workforce Innovation and Opportunity Act activities.

b. Accept any position, whether compensated or uncompensated, which will impair independence of judgment in the exercise of official duties.

c. Accept any position or engage in any business which will require the disclosure of confidential information gained by reason of official position.

d. Disclose confidential information acquired during the performance of official duties or use such information to further personal gain.

- e. Use or attempt to use official position to secure personal privileges or exemptions or which would give the appearance of such.
- f. By conduct, writing, or other communication, give a reasonable person the impression that official duties may be improperly influenced.
- g. Violate any Board conflict of interest, statute, or law.
- h. Take part in any political activities in violation of the federal Hatch Act.
- i. Take part in any religious or anti-religious activity in the discharge of official responsibilities.
- j. Promote or oppose unionization in the discharge of official duties.
- k. Participate in any effort to violate any other applicable federal, state, and local laws and regulations.
- l. Conflict of Interest. It shall be a breach of ethical standards for any WIOA staff Member or program operator to participate directly or indirectly in a procurement when the employee knows that:
 - (1) the WIOA staff Member or program operator or any Member of their immediate family has a financial interest pertaining to the procurement;
 - (2) a business or organization in which the WIOA staff Member/or program operator or any Member of their immediate family has a financial interest pertaining to the procurement; or
 - (3) any other person, business, or organization with whom the WIOA staff Member or program operator or any Member of their immediate family is negotiating or has any arrangement concerning prospective employment is involved in the procurement
- m. Discovery of Actual or Potential Conflict of Interest. Upon discovery of an actual or potential conflict of interest, a WIOA staff Member/program operator shall immediately notify their supervisor and withdraw from further participation in the transaction involved. Further, should a WIOA staff Member/program operator reasonably believe an undisclosed conflict or potential conflict exists for another staff Member, it is the duty and obligation of that person to make the matter known immediately to their supervisor, the Workforce Development Board Director, or other appropriate official.

Violations of any provision of this Code of Conduct by Board Members, Board staff, or program operators may be cause for immediate dismissal. All are subject to any penalties, sanctions, or other disciplinary measures set forth in applicable federal, state, or local laws.

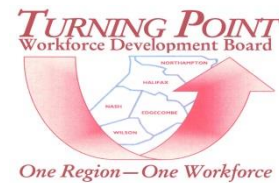
By my signature below, I acknowledge that I have received a copy of this Code of Conduct, have reviewed the same, and understand the provisions contained therein.

Signature

Date

Revised: December 14, 2017

Turning Point Workforce Development Board, Inc.
Procurement Policy



PURPOSE

To establish a method by which program operators shall be selected for the award of contracts for Workforce Development programs and services. **Procurement of programs and services issued under contract by the Workforce Development Board are limited to youth activities and to the exceptions described in the Workforce Innovation and Opportunity Act.**

PROCUREMENT AUTHORITY

The Workforce Development Board is responsible for determining the appropriate method of procurement in a given program year.

The Workforce Development Director is responsible for conducting procurement and issuing of Requests for Proposals (RFP's), as authorized by the board.

PROCUREMENT METHODS

Competitive Bids

The Workforce Development Board is committed to provide free and open access for all interested agencies. Programs and services may be competitively released for bid **as often as determined necessary by the Board of Directors but not less than** every two years.

Requests for Proposals are released on all Workforce Innovation and Opportunity programs and services. This form of procurement provides the opportunity for negotiation of both technical and cost/price elements among responsive bidders with the Workforce Development Board specified competitive range.

The Workforce Development Board elects to extend an existing contract of program training and/or services for one additional year following the RFP process. However, this extension is based on funds available; the option year is determined necessary by the Workforce Development Board, to fulfill an existing need; and the option is the most advantageous method of fulfilling the need. Options will then be based on prior year performance measures (which take into account technical and cost aspects) established by the Workforce Development Board. **If performance is determined non-satisfactory by the Workforce Development Board, then a competitive bid will again be released.**

CONFLICT OF INTEREST

Members of the Workforce Development Board who serve on the proposal evaluation committee shall disqualify themselves from participation, by physically removing themselves from the room in which RFP review discussions are taking place, during procurement decisions which directly impact that member or any organization in which that member directly represents. The absence of the member shall be documented in the committee minutes.

During a full board and/or committee meeting(s), no member of the Workforce Development Board shall cast a vote on the provisions of services by that member (or any organization, which that member directly represents) or vote on any matter which would provide direct financial benefit to that member.

CODE OF CONDUCT

No employee, officer, or agent of the administrative entity or the Workforce Development Board shall participate in the selection, award or administration of a contract supported by Federal funds where a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or any organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The employees, officers or agents shall neither solicit nor accept gratuities, favors or anything of monetary value, from contractors, or parties to sub-agreements.

Requirements for a Responsible bidder

The minimum qualifications for an agency to compete for funding include:

- identification of the bidder
- list of current members of Board of Directors
- incorporation papers, if applicable
- organizational chart and job descriptions of staff involved in potential services and training programs
- experience in operating programs and demonstrated ability to perform the services required within the Request for Proposal including but not limited to financial capabilities and past

- performance
- staff identified to carry out project supervision, property management, fiscal management, internal program management, compliance monitoring, performance reviews, equal opportunity and affirmative action compliance.

Bidding Procedures

Potential bidders are informed of the opportunity to submit proposals by legal notice advertisement which appears in the local newspapers and by mailing notifications to any agency who has requested to be included on the Workforce Development bidders list.

Once responses to proposals are received, a bidders' conference is held at the administrative offices (Upper Coastal Plain Council of Governments) of the Workforce Development Board. The entire Request for Proposal is reviewed by the Workforce Development Director. A question and answer session will follow at the end of the review.

RFP's are released no later than 30 days prior to proposals being returned. All RFP's returned to the Workforce Development staff are received and documented by staff. Bids returned must be in a sealed envelope.

One original bid must be submitted for each activity, not later than 5:00 p.m. on the closing date to the administrative office. All pages must be numbered and included in a three ring binder.

EVALUATION AND SELECTION PROCEDURES

Providers selected shall be chosen in accordance with the provisions of the **Workforce Innovation and Opportunity Act, 29 CFR Parts 95 and 97, 29 CFR 97.36 (Procurement), and 667.200(a) (3).**

All bids are evaluated using the Workforce Development Board approved tool included in the RFP. The specific areas of evaluation include:

- Proposers Qualifications including: record of integrity and business ethics
- Technical Aspects including: demonstrated skills to perform the work
- Financial Capability and Cost Effectiveness
- Program Management including: performance, project implementation, selection and referral/targeting strategies, and management effectiveness
- Program Design including: Overall project design, curriculum, indicators, case management activities, and coordination with other agencies.

A committee of the Workforce Development Board's **evaluation committee and youth council** reviews and evaluates each proposal assigning numerical values as appropriate. The Workforce Development staff assists with the opening of proposals and recording of all comments, minutes and numerical values during the review. All comments from the committee(s) for contract award are documented as to recommendations regarding selection of a provider and presented to the full Workforce Development Board for approval and award. All evaluations are signed by members of the committee(s).

A list of bidders, including specific activities and the time in which proposals are received is developed and maintained by the Workforce Development staff.

COST/PRICE ANALYSIS

Price analysis will be conducted on each RFP submitted to the Workforce Development staff. The purpose of price analysis is to evaluate the final price or “bottom line” of each proposal submitted.

When necessary, cost analysis will be conducted. Cost analysis is only required when price analysis alone is not sufficient to determine that a price is fair and reasonable for a product or service. The main function of cost analysis is to form an opinion of what the activity or service should cost the bidder, given a reasonable economy.

Supplies required for occupational skills training activities are purchased after receiving price quotes from at least three (3) vendors. The lowest price is usually accepted unless the vendor with the lowest costs is located outside of the service area thereby, increasing the actual cost due to such things as shipping and handling.

SUBCONTRACTS

If the bidder proposes to use subcontractors, all costs and pricing data from the subcontractor must be submitted in the bidders proposal.

PROTEST PROCEDURES

A grievance concerning the procurement process shall be handled in the following manner:

(a) A written complaint shall be filed by registered or certified mail not later than seven (7) days after receipt, by the bidder, of written notice that the bidder would not be awarded a specific contract. The petition must be filed with the Workforce Development Board c/o Upper Coastal Plain Council of Governments, Post Office Box 9, Wilson, NC 27893. Unless the Workforce Development Board otherwise determines in its discretion, no hearing shall be held unless a hearing is requested by the bidder.

(b) No person or entity shall be deemed to be a proper complainant or a real party in interest, with respect to such grievances, unless such person or entity either timely entered a bid in response to a Request for Proposal or, with respect to contracts for which no Request for Proposal has been issued, requested in writing, prior to the contract award, that such person or entity be considered for the contract.

All complaints must be filed in writing, signed by the complainant or authorized agent, and include the following information:

- The full name, address, and telephone number of the complainant;
- The full name and address of the person or entity against whom the complaint is made, if applicable;

- A clear and concise statement of the acts considered to be a violation;
- The provisions of the Act, regulations, grant or other agreement under the Act believed to have been violated; and
- Other information that may help explain and resolve the complaint.

(c) A notice of a hearing before the Workforce Development Board shall be mailed by the staff to the complainant and all real parties of interest, with respect to such grievance(s), not less than ten (10) days prior to the date of the hearing. The notice will inform all parties of the date, time and place of the hearing. The place of the hearing shall be within the Turning Point Local Area. Hearings on any program complaint filed shall be conducted within thirty (30) days of filing.

(d) The complainant will be given a maximum of thirty (30) minutes to state the grievance(s). The Workforce Development Board will then be given the opportunity to ask questions of the complainant.

(e) All real parties of interest, with respect to the grievance(s) will be allowed a maximum of thirty (30) minutes each rebuttal. The Workforce Development Board will be given the opportunity to ask questions of the parties. Any hearing conducted pursuant to the Grievance Procedures shall be governed by the following:

- The burden of proof shall rest with the complainant. The complainant must clearly state the reason for the complaint by referencing the particular section of the Act, regulations, grant or other agreements under the Act involved;
- All parties have the right to be represented by legal counsel
- All parties have the right to present evidence, both written and through witnesses, pertaining to the grievance in question
- All parties have the right to cross examination
- All parties have the right to request an impartial decision maker who has not been directly involved in the events from which the complaint arose
- A written decision will be rendered within the prescribed time frame
- Decisions will be rendered no later than sixty (60) days of filing the complaint.

(f) The decision of the Workforce Development Board shall be made by majority vote and shall be rendered in writing to all parties not later than thirty (30) days from the filing of the complaint.

(g) If the complainant receives an unsatisfactory decision or does not receive a decision at the local level within sixty (60) days of filing the complaint, he or she has the right to request to review the complaint by the NC Commerce Division of Workforce Solutions

Requests should be submitted to:

Danny Giddens, Executive Director of Operations
 NC Commerce Division of Workforce Solutions
 4316 Mail Service Center
 Raleigh, NC 27699-4316

Should the Division of Workforce Solutions provide a decision unsatisfactory to the complainant or fails to provide one, the complainant may file a complaint with the Directorate of Civil Rights of the U. S. Department of Labor. Complainant should follow procedures as indicated in WDB grievance policy, Section II.

CONTRACTING AUTHORITY

The Executive Director and the Finance Director of the administrative entity and the Chief Elected Official of the Job Training Consortium are empowered to sign all Workforce Development contracts.

CONTRACTING METHODS

The cost reimbursement method will be used for all workforce development programs unless otherwise negotiated by the Workforce Development Board. The following exception applies: once per year, during program start-up, a one month cash advance may be provided to the contractor, if requested.

CONTRACT ELEMENTS

The elements of the contract include: Statement of Work to be performed, audit responsibilities, record retention requirements, access to records allowances, conflict of interests clause, compliance with regulations, procedures for contract changes, termination of convenience clause, reporting and operator progress requirements, a specific time period, and general assurances.

REIMBURSEMENT POLICIES

Reimbursement reports are to be submitted to the Workforce Development staff within five working days following the month in which expenditures occurred. Reimbursement checks are mailed to contractors by the 15th of the same month. Any reports received after the 5th working day will result in a delay of payment.

OVERSIGHT

The Workforce Development Director is responsible for ensuring that the contractor performs in accordance with terms, conditions and specifications of their contracts.

On-site monitoring is performed at least once per year on all contractors. The Workforce Development Monitor develops all schedules of monitoring visits.

The following types of monitoring will be conducted by the Workforce Development staff:

- program monitoring - process of ensuring that the contracted services are being provided.
- performance monitoring - focus is on how well the contractor is performing its required services. Used to ensure that services are provided at the level of quality and in conformance with standards specified in the agreement.
- compliance monitoring - focus is on non-program requirements such as acquisition of proper insurance, establishment of proper grievance procedures based on policies and regulations.
- financial monitoring-ensuring that the contractor has financial systems in place that enable allocation and accounting for expenditures and funds. Maintenance of auditable records including a review of invoices, bills and payments.

Contractors are given a minimum of five (5) days notice in writing of an upcoming visit. The monitoring is performed based on the Workforce Development Monitoring tools. Following a visit, a written report is submitted to the Workforce Development Director and a letter of findings is submitted to the contractor. If necessary, the contractor must submit a written corrective action plan regarding major deficiencies noted during the visit. The plan is required to be submitted to the Workforce Development Director within ten (10) working days following the receipt of the letter of findings.

Revised: October 15, 2015



TURNING POINT WORKFORCE DEVELOPMENT LOCAL SERVICE AREA POLICY

TO: WIOA CONTRACTORS

FROM: MICHAEL WILLIAMS, Workforce Development Director

SUBJECT: EQUAL OPPORTUNITY COMPLAINT GRIEVANCE PROCEDURE

Complaint Procedures

Equal Opportunity/Nondiscrimination Complaints

Any person who believes that he/she or any specific class of individuals has been or is being excluded from participation, denied benefits, subjected to discrimination or denied employment in the administration of or in connection with any WIOA funded activity or program, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in WIOA may file a written complaint. The complaint may be filed by the person or a representative.

The complaint may be filed either with the Local Area (LA) or with the Director of the Directorate of Civil Rights (DCR). A complaint filed based on the above grounds must be filed within 180 days of the alleged discrimination, unless extended by the Director of DCR for good cause shown. Each complainant and respondent has the right to be represented by an attorney or other individual of his or her choice.

Complaints filed at the Local Area Level

Complaints at the contractor level must first exhaust available remedies established in contractor procedures before being subject to LA review. The contractor must conduct hearings on any program complaint and a

written decision rendered within 10 days of filing. If a complaint does not receive a decision at the contractor level within 10 days of the filing or receives an unsatisfactory decision, the complainant may request a review of the complaint by the LA. Such request must be filed within 5 days of receipt of the contractor decision or within 5 days of the date a decision should have been received, whichever is earlier.

Any person who elects to file a complaint with the LA (Turning Point Workforce Development Board) must allow the LA 25 days (inclusive of time at the contractor level) to process the complaint and allow 35 days for the State (Division of Workforce Solutions) to receive and review the complaint, if applicable.

1. All complaints must be filed in writing, signed by complainant or authorized representative, and include the following information:

- a) Full name, address and telephone number of the complainant (or specify another means of contact).
- b) Full name and address of the person or agency against which the complaint is made.
- c) A clear, concise statement of the act or acts considered to be a violation.
- d) In regard to disability, a statement or supporting evidence that the complainant is disabled.
- e) Other information that will help explain and resolve the complaint.

2. Complaints filed with the LA after the contractor level review process should be mailed to:

Turning Point Workforce Development Board
Post Office Box 7516
Rocky Mount, NC 27804
Attention: Carisa Rudd

3. Hearings on any complaint filed with the Local Area must be conducted and a decision issued within 10 days of filing.

4. Complaint hearing procedures include the following:

- a) Reasonable notice to all parties by registered or certified mail.
- b) A statement of the date, time and place of the hearing.
- c) A statement of the authority and jurisdiction under which the hearing is to be held.
- d) A reference to the particular section of the Act, regulations, grant or other agreement under the Act involved.
- e) Notice to the parties of the specific charges involved.
- f) The right of both parties to be represented by legal counsel or other individuals of his or her choice.
- g) The right of each party to present evidence, both written and through witnesses.
- h) The right of each party to cross-examine.
- i) The right of an impartial decision-maker who has not been directly involved in the events from which the complaint arose.
- j) A written decision made strictly on the recorded evidence must be rendered within the prescribed time frame.

5. Complete records and documentation will be kept in each contested case, including minutes of testimony; data submitted findings, appeals and final decisions.

6. Decisions will be made not later than 25 days from the filing of the complaint at the first level, i.e. Contractor.

Complaints filed at the State Level

If a complainant does not receive a decision at the local level within 25 days of the filing of the complaint or receives an unsatisfactory decision, the complainant has the right to request a review of the complaint by the State (Division of Workforce Solutions). Requests for such review must be submitted to:

Mose Dorsey
Workforce Investment Opportunity Act (WIOA) Equal Opportunity Officer,
North Carolina Division of Workforce Solutions
313 Chapanoke Road, Suite 120
Raleigh, NC 27699-4316
(919) 814-0419

Such requests must be filed within 5 days of receipt of the adverse decision or 5 days from the date on which the complainant should have received a decision, whichever is earlier. The Division will conduct a review of the complaint and issue a decision within 30 days from the date of receiving the review request.

Complaints Filed at the Federal Level

Should the Division provide a decision unsatisfactory to the complainant or fail to provide one, the complainant may file a complaint with the Directorate of Civil Rights of the U.S. Department of Labor. Such requests must be submitted within 30 days of the Division's decision or 90 days from the date the complaint was initially filed at the local level, whichever is earlier.

Complaints filed with the Director, Directorate of Civil Rights must be mailed to:

Naomi M. Barry-Pérez
Civil Rights Center (CRC)
US Department of Labor
200 Constitution Avenue, NW Room N-4123
Washington, DC 20210

The contractor and the LA will maintain a log of complaints filed. The log will include:

1. The name and address of the complainant.
2. The ground of the complaint.
3. A description of the complaint.
4. The date the complaint was filed.
5. The disposition and date of disposition of the complaint.
6. Other pertinent information.

Records regarding complaints and actions taken will be maintained for a period not less than three years from the date of resolution of the complaint and made available to the Directorate of Civil Rights or the State upon request. Information concerning all complaints will be kept confidential.

Non-Criminal Program Complaints

The following procedures apply to non-criminal complaints about programs and activities from participants, sub grantees, subcontractors and other interested persons. This procedure also applies to complaints arising from actions taken by the Turning Point Workforce Development Board with respect to investigations, audits or monitoring reports. When a grievance stems from an alleged act that also violates a federal statute other than WIOA or a state or local law, the individual or agency may, with respect to the non-WIOA cause of action, institute a civil action or pursue other remedies authorized under other federal, state or local law against the LA or its contractor without first exhausting the remedies under WIOA. Except for complaints alleging fraud or criminal activity, complaints must be made within one year of the alleged occurrence.

Complaints at each level must be filed in writing, signed by the complainant or authorized representative, and include the following information.

1. The name, address, and telephone number of the complainant.
2. The name and address of the person against whom the complaint is made, if applicable.
3. A clear and concise statement of the acts considered to be a violation.
4. The provisions of the Act, regulations, grant or other agreement under the Act believed to have been violated.
5. Other information that will help explain and resolve the complaint.

1. Grievances arising at the contractor level must first exhaust review at the contractor level. A hearing must be held and a decision made at this level within 25 days of the filing of the complaint. If the decision is unsatisfactory to the complainant or a decision is not rendered at the contractor level within 25 days, a request for a review of the complaint may then be filed with the LA. The request must be filed with the LA within 5 days of receipt of a decision from the contractor or within 5 days of when a decision should have been rendered. The LA will review the request and issue a decision within 30 days. Requests for review at the LA level should be submitted to:

Turning Point Workforce Development Board

Carisa Rudd, Equal Opportunity Officer

Post Office Box 7516
Rocky Mount, NC 27804

Physical Address: 110 Fountain Park Drive, Battleboro NC 27809

Phone: (252) 443-6175 ext. 207

Fax: (252) 443-4468

Email: crudd@turningpointwdb.org

2. The following provisions will apply to any hearings at the contractor and LA level.

- a) Reasonable notice to all parties by registered or certified mail.
- b) A statement of the date, time and place of hearing.
- c) A statement of the authority and jurisdiction under which the hearing is to be held.
- d) A reference to the particular section of the Act, regulations, grant or other agreements under the Act involved.
- e) Notice to the parties of the specific charges involved.
- f) The right of both parties to be represented by legal counsel.
- g) The right of each party to present evidence, both written and through witnesses.
- h) The right of each party to cross-examine.
- i) The right of an impartial decision-maker who has not been directly involved in the events from which the complaint arose.
- j) Complete records and documentation will be kept in each contested case, including minutes of testimony; data submitted findings, appeals and final decisions.

3. If a complainant receives an unsatisfactory decision or does not receive a decision within 60 days of the filing of the complaint (the 60 days includes review at the contractor level and LA level), the complainant has the right to request a review of the complaint by the Division of Workforce Solutions. Requests for such review should be submitted to:

Danny Giddens, Assistant Secretary

NC Department of Commerce
301 North Wilmington Street
4346 Mail Service Center, Raleigh, NC 27699-4346
919-814-4654

Such requests must be filed within 10 days of receipt of the adverse decision or 15 days from the date on which the complainant should have received a decision, whichever is earlier. The Division of Workforce

Solutions will conduct a review of the complaint and issue a decision within 30 days from the date of receiving the review request.

With the exception of complaints alleging violations of the labor standards at Section 143 of the Act, the Division of Workforce Solutions decision is final unless the Secretary exercises the authority for federal-level review in accordance with provisions at 627.601 of the regulations.

4. Should the Division of Workforce Solutions fail to provide a decision as required, the complainant may request from the Secretary a determination as to whether reasonable cause exists to believe the Act or its regulations have been violated. The request for determination must be submitted in writing within 15 days of the date the Division of Workforce Solutions decision should have been issued. The complaint must contain the following:

- a) The full name address and telephone number of the complainant.
- b) The full name and address of the person against whom the complaint is made, if applicable.
- c) A clear and concise statement of the acts considered to be a violation including the date filed with the Division of Workforce Solutions and the date on which the decision should have been issued and an attestation that no decision was issued.
- d) The provisions of the Act, regulations, grant or other agreement under the Act believed to have been violated.
- e) Other information that will help explain and resolve the complaint such as information concerning remedies and sanctions sought outside the Act.

The Secretary will act within 90 days (120 days for section 143 violations) of receipt of a request and, where appropriate, direct the Division of Workforce Solutions to take further action pursuant to State and local procedures. The Division of Workforce Solutions has 60 days to comply.

5. The LA and its contractors will ensure that employers, including private-for-profit employers of participants under the Act, have a grievance procedure relating to the terms and conditions of employment available to WIOA participants. Employers may operate their own grievance system or may utilize the LA grievance system. Employers will inform participants of the grievance procedures they are to follow when the participant begins employment.

An employer grievance system will provide for, upon request by the complainant, a review of an employer's decision by the LA and the Division of Workforce Solutions, if necessary.

6. Complaints alleging violation of section 143 of the Act will follow the same procedures as other non-criminal program complaints except that either party to the complaint may submit them to the Secretary when the complainant has exhausted the grievance procedures established at the State and local level.

A person alleging a violation of section 143 of the Act, as an alternative to processing the grievance under the procedures herein, may submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the agreement so provides. A person electing to have his/her section 143 labor standards violation processed under binding arbitration provisions:

1. Must choose binding arbitration before and in lieu of initiating a complaint under other grievance procedures established herein.
2. May not elect binding arbitration for a complaint that previously has been or is subject to any other grievance procedures established under the Act.

Binding arbitration decisions under the provisions of section 144(e) of the Act are not reviewable by the Secretary.

Participant's Signature

Date

WIOA Staff Signature

Date

Turning Point Workforce Development is an Equal Opportunity Employer.

