

August 17, 2017 | 11:30 a.m.

Eddie Ausband and Randy Hayes, *Co-Chairs*

## Welcome

## Public Comment

**Introduction** New ARWDB member: Stephanie Moore, President/CEO of Southern Staffing Services, who will serve as a Rockdale Business Representative

**Presentation** Stephen Causby, Manager of ARC Community Partnerships Group to speak about CATLYST, a regional economic strategy

## ARWDB Action Items

- Consent agenda, Approval of May 25, 2017 Meeting Minutes
- Approval to certify the Cherokee Career Resource Center at 203 Oakside Lane, Suite E in Canton as an affiliate site for WorkSource Atlanta Regional
- Approval to certify the Fayette Career Resource Center at 500 W. Lanier Avenue, Suite 707 in Fayetteville as an affiliate site for WorkSource Atlanta Regional
- Approval to certify the Henry Career Resource Center at 1950 Pennsylvania Avenue in McDonough as an affiliate site for WorkSource Atlanta Regional
- Approval to certify the West Georgia Tech Career Resource Center at 4600 Timber Ridge Drive in Douglasville as an affiliate site for WorkSource Atlanta Regional
- Approval to certify the Cobb/Cherokee Dept. of Labor at 465 Big Shanty Road in Marietta as an affiliate site for WorkSource Atlanta Regional
- Approval of revisions to ARWDB Incumbent Worker Training Policy

## ARWDB Discussion, Brief Updates

- Executive Committee Report
- Youth Committee Report
- Business Services Committee Report
- One Stop Manager Report
- Director's Report

ARC State of the Region Breakfast: Fri, Nov. 3, 7:00 a.m. at the Georgia World Congress Center

**NEXT MEETING: October 26, 2017**

## ARC COMMITTEE MEETING FOLLOW-UP

### **ATLANTA REGIONAL WORKFORCE DEVELOPMENT BOARD**

*May 25, 2017 Meeting Notes*

#### **Members Present**

Ms. Sonia Carruthers	Mr. Rodney Leonard
Ms. Mandy Chapman	Mr. Chuck Little
Mr. Robert Duffield	Mr. Lindsay Martin
Mr. Randy Hayes	Dr. Stephanie Rooks
Ms. Lee Hunter	Mr. Aundra Walthall
Ms. Karen LaMarsh	

#### **Members Absent**

Mr. Eddie Ausband	Ms. Lisa Phillips
Mayor Eric Dial	Mr. Trey Ragsdale
Mr. Andrew Greenberg	Ms. Debbie Slaton
Mr. James Jackson	Mr. Steven Wilson

*Quorum met: 11 of 19 (Majority Required)*

#### **Guests**

Mr. Emerson Bryan, Deputy Executive Director, ARC  
Mr. Kenneth Zeff, Executive Director, Learn4Life  
Dr. Carla Morelon, Gwinnett Tech  
Mr. Jerry Barrow, GA Dept. of Economic Development, Workforce Division  
Mr. Adam Forrand, Partnership Gwinnett  
Ms. Brenda Beverly, Manager, Career Resource Center, Gwinnett Tech Staff

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ARWDB Board Co-Chair, Randy Hayes, called the Board Meeting to order at 12:00 p.m.

There were no requests for public comment.

1. Mr. Robert Duffield made the following motion:

**MOTION: To approve the minutes of the February 16, 2017 meeting.**

The motion was seconded by Aundra Walthall and unanimously approved.

2. Mr. Chuck Little made the following motion:

**MOTION: To approve amendment of Adult/Dislocated Worker Support Services Policy as shown on pages 5-10 of the meeting packet.**

The motion was seconded by Stephanie Rooks and unanimously approved.

3. Ms. Karen LaMarsh made the following motion:

**MOTION: To approve the new Youth Support Services Policy, shown on pages 11–18 of the meeting packet.**

The motion was seconded by Lee Hunter and unanimously approved.

*Q: What is age limit of youth for youth services?*

*A: Age 24*

4. Mr. Aundra Walthall made the following motion:

**MOTION: To approve projected PY17 Total Revenues and Full-Year Obligations, shown on pages 19, 20 of the meeting packet.**

The motion was seconded by Robert Duffield and unanimously approved.

Sonia Carruthers, Cherokee FOCUS, abstained from discussion and voting.

Note: ARWDB has not received official state allocations, therefore the revenues and obligations presented is a projected budget until confirmation of funding amount is received.

*Q: Will funds be allocated for Rapid Response (none listed in R&O)*

*A: Yes, when the official allocation is received. The amount will be similar to PY16.*

*Q: What is carry-over?*

*A: The state allows a two-year cycle to use funds carried over from the last program year.*

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Kenneth Zeff, Executive Director, gave a presentation on the Learn4Life program.

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Randy Hayes briefed the board on the April 13<sup>th</sup> Executive Committee Meeting to review proposals and recommendations from the recent Request for Proposals for one stop operator, adult career services and youth providers. The Executive Committee approved recommended selections for the official one stop operator, five adult career services and seven youth providers. He was pleased with the scoring system of review and rating of the candidates, and that youth committee members were included in the review of youth services applicants to



include another perspective on the quality of the applications and the history of previous service.

Karen LaMarsh, Chair of the Youth Committee, gave a brief review of the March 2<sup>nd</sup> Youth Committee meeting. Karen and the committee co-chair agreed to postpone meetings until after the RFP process was completed and new provider contracts approved and signed. The Chair plans to send letters of thanks to committee members for their commitment and to determine interest in continuing to serve. New providers will be invited to join the committee. The next meeting is planned for July 26<sup>th</sup> and will be a re-grouping of all stakeholders and to move forward with previous momentum.

Henry Charlot gave an update on the Business Services Committee which held a member orientation two months ago. He briefed the board on recent business services activities, stating 50 contracts with 43 companies in various programs including On the Job Training, Incumbent Worker Training, registered apprenticeship and sector partnerships have transpired this year. Business Services gave a presentation to the state workforce board regarding Re-Entry Populations and the successful ARWDB Program at Gwinnett Corrections.

Rob LeBeau briefed the board on proposals received during the RFP process which included:

- Two proposals for the official ARWDB One Stop Center in Gwinnett County. ResCare was chosen as the operator.
- Seven proposals for Adult Career Services. Five organizations were chosen to offer services in Fayette, Henry, Clayton, Douglas, Cherokee and Rockdale counties. Locations in Fayette and Henry county have been determined.
- Eighteen proposals for youth services. Seven organization were selected for youth services in the seven-county area.

Official approval of the Regional and Local workforce plans was received from the state.

The State WIOA Convening will be held in Gwinnett County on July 19/20. Board members are encouraged to attend.

ARWDB was awarded a \$400,000 HDCI grant from the state to work regionally with the five local boards. The two-year grant will create full sector partnerships in IT, healthcare, transportation and logistics.

The meeting was adjourned at 1:20 p.m.

NEXT MEETING: August 17, 2017



## **FORM B: AFFILIATE ONE-STOP CERTIFICATION**

LWDA: Area 7 – WorkSource Atlanta Regional

One-Stop Location: Cherokee County, 203 Oakside Lane, Suite E, Canton, GA 30114

One-Stop Reviewer: \_\_\_\_\_

Date of Review: \_\_\_\_\_

\_\_\_\_\_  
LWDB Board Chair Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Local Elected Official Signature

\_\_\_\_\_  
Date

LWDA: Area 7 – WorkSource Atlanta Regional

One-Stop Location: Fayette County, 500 West Lanier Avenue, Suite 707, Fayetteville, GA

One-Stop Reviewer: \_\_\_\_\_

Date of Review: \_\_\_\_\_

\_\_\_\_\_  
LWDB Board Chair Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Local Elected Official Signature

\_\_\_\_\_  
Date

LWDA: Area 7 – WorkSource Atlanta Regional

One-Stop Location: Henry County, 1950 Pennsylvania Avenue, McDonough, GA

One-Stop Reviewer: \_\_\_\_\_

Date of Review: \_\_\_\_\_

\_\_\_\_\_  
LWDB Board Chair Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Local Elected Official Signature

\_\_\_\_\_  
Date



LWDA: Area 7 – WorkSource Atlanta Regional

One-Stop Location: Cobb County, 465 Big Shanty Road, Marietta, GA

One-Stop Reviewer: \_\_\_\_\_

Date of Review: \_\_\_\_\_

\_\_\_\_\_  
LWDB Board Chair Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Local Elected Official Signature

\_\_\_\_\_  
Date

LWDA: Area 7, WorkSource Atlanta Regional

One-Stop Location: Douglas County, 4600 Timber Ridge Drive, Douglas, GA

One-Stop Reviewer: \_\_\_\_\_

Date of Review: \_\_\_\_\_

\_\_\_\_\_  
LWDB Board Chair Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Local Elected Official Signature

\_\_\_\_\_  
Date

## **Attachment B-6: Affiliated Site – Cherokee County**

### **Location:**

Oakside Office Park  
203 Oakside Lane,  
Suite E  
Canton, GA 30114

### **Operating Hours:**

Wednesdays, 8:00 a.m. to 5:00 p.m.

**Partners.** ARC Workforce Solutions Division, as the administrative agent for the ARWDB, provides services directly or through contracts with providers at this Affiliated Center. ResCare is contracted to operate this center and provide a full range of career services.

### **Roles and Responsibilities:**

Contracted service provider(s) will provide:

- Salaries for WIOA staff as approved in the annual ARC budget.
- Reference and resource material for the resource lab.
- Basic career services including but not limited to participant intake, orientations, initial assessments, employment services, referrals to other partners and services.
- Individualized career services including but not limited to comprehensive and specialized assessments, case management, individual employment plans, career planning, and vocational counseling.

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Douglas Hooker, Executive Director  
Atlanta Regional Commission

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Date

## **Attachment B-7: Affiliated Site – Fayette County**

### **Location:**

Magnolia Office/Warehouse Condo park  
500 West Lanier Avenue,  
Suite 707  
Fayetteville, GA 30214

### **Operating Hours:**

Tuesdays, 8:00 a.m. to 5:00 p.m.

**Partners.** ARC Workforce Solutions Division, as the administrative agent for the ARWDB, provides services directly or through contracts with providers at this Affiliated Center. ResCare is contracted to operate this center and provide a full range of career services.

### **Roles and Responsibilities:**

Contracted service provider(s) will provide:

- Salaries for WIOA staff as approved in the annual ARC budget.
- Reference and resource material for the resource lab.
- Basic career services including but not limited to participant intake, orientations, initial assessments, employment services, referrals to other partners and services.
- Individualized career services including but not limited to comprehensive and specialized assessments, case management, individual employment plans, career planning, and vocational counseling.

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Douglas Hooker, Executive Director  
Atlanta Regional Commission

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Date

## **Attachment B-8: Affiliated Site – Henry County**

### **Location:**

Heritage Square Business Centre  
1950 Pennsylvania Avenue  
McDonough, GA 30253

### **Operating Hours:**

Thursdays, 8:00 a.m. to 5:00 p.m.

**Partners.** ARC Workforce Solutions Division, as the administrative agent for the ARWDB, provides services directly or through contracts with providers at this Affiliated Center. ResCare is contracted to operate this center and provide a full range of career services.

### **Roles and Responsibilities:**

Contracted service provider(s) will provide:

- Salaries for WIOA staff as approved in the annual ARC budget.
- Reference and resource material for the resource lab.
- Basic career services including but not limited to participant intake, orientations, initial assessments, employment services, referrals to other partners and services.
- Individualized career services including but not limited to comprehensive and specialized assessments, case management, individual employment plans, career planning, and vocational counseling.

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Douglas Hooker, Executive Director  
Atlanta Regional Commission

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Date

**Attachment B-9: Affiliated Site – (Cobb County) Cobb/Cherokee Georgia Department of Labor**

**Location:**

465 Big Shanty Road  
Marietta, GA 30066

**Operating Hours:**

Wednesdays, 8:00 a.m. to 5:00 p.m.

**Partners.** ARC Workforce Solutions Division, as the administrative agent for the ARWDB, provides services directly or through contracts with providers at this Affiliated Center. ARWDB staff and/or ResCare will provide WIOA intake and eligibility services to customers one day per week, Wednesday, at this Department of Labor location.

**Roles and Responsibilities:**

ARWDB/contracted service provider(s) will provide:

- Salaries for WIOA staff as approved in the annual ARC budget.
- Reference and resource material for the resource lab.
- Basic career services including but not limited to participant intake, orientations, initial assessments, employment services, referrals to other partners and services.
- Individualized career services including but not limited to comprehensive and specialized assessments, case management, individual employment plans, career planning, and vocational counseling.

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Douglas Hooker, Executive Director  
Atlanta Regional Commission

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Date

## **Attachment B-10: Affiliated Site – Douglas County (West Georgia Technical College)**

### **Location:**

4600 Timber Ridge Drive  
Douglasville, GA 30135

### **Operating Hours:**

Tuesdays, 8:00 a.m. to 4:30 p.m.

**Partners.** ARC Workforce Solutions Division, as the administrative agent for the ARWDB, provides services directly or through contracts with providers at this Affiliated Center. ResCare is contracted to operate out of this location one day per week, Tuesday, to provide a full range of career services.

### **Roles and Responsibilities:**

Contracted service provider(s) will provide:

- Salaries for WIOA staff as approved in the annual ARC budget.
- Reference and resource material for the resource lab.
- Basic career services including but not limited to participant intake, orientations, initial assessments, employment services, referrals to other partners and services.
- Individualized career services including but not limited to comprehensive and specialized assessments, case management, individual employment plans, career planning, and vocational counseling.

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Douglas Hooker, Executive Director  
Atlanta Regional Commission

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Date

To: Atlanta Regional Workforce Development Board

From: Rob LeBeau, Director  
Henry Charlot, Manager, Business Services and Partnerships

Subject: Revisions to Incumbent Worker Training Policies

Date: August 8, 2017

The State Workforce Development Board issued Workforce Investment Guide (WIG) PS 16-005 in May 2017, which provided additional guidance, policy, and application requirements on the Incumbent Worker Training (IWT) Program. The recommended policy language references numerous clauses in the Code of Federal References (CFR) which were not included in the existing ARWDB IWT policy adopted in October 2016.

Although the basic IWT program intent is the same, the WIG includes specific recommended contract language and application requirements. The most significant changes include:

1. An IWT company must employ at least five (5) individuals.
2. ARWDB staff must conduct a pre-award review prior to IWT approval. A specific checklist is provided from the State which documents the collection and verification of information required in the WIOA regulations.
3. Non-profit and local governmental entities are now eligible applicants for IWT funds.

In order to assist in the implementation of the new policy guidance, the State provided a Sample Incumbent Worker Training Policy. The attached proposed IWT policy is based on the State sample policy with changes to reflect local priorities **highlighted in yellow**, and those provisions which we are not recommending for adoption are noted with a ~~striketrough~~. We recommend the Board adopt the attached policy document in its entirety to replace the existing policy.

Attachment





# INCUMBENT WORKER TRAINING POLICY

**Date of Adoption:** August 17, 2017

**Reference:** Workforce Innovation and Opportunity Act Section 134 (d) (4) and Section 188 and Workforce Innovation and Opportunity Act Regulations *20 CFR 680.780, 680.790, 680.800, 680.810, 680.820, 680.830, 680.840, 683.260 683.270, 683.275, 683.280.*

**Purpose:** To provide policies for LWDA Incumbent Worker Training.

**Background and Definition:** WIOA Section 134 (d) and 20 CFR 680.790 define Incumbent Worker Training (IWT) as training designed to meet the special requirements of an employer or group of employers (which may include employers in partnership with other entities for the purposes of delivering training) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment. Incumbent worker training must satisfy the requirements in WIOA sec. 134(d)(4) and increase the competitiveness of the employee or employer. CFR 680.790 specifies that the training be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent workers trained. Incumbent Worker Training must:

1. Occur between employees and employers with an established relationship in which all individuals receiving training have been employed by the company for at least six months at the time of the training;
2. Improve the skills of the existing workforce;
3. Increase both an individual's and a company's competitiveness;
4. Mitigate the impact of a layoff if utilized as part of a layoff aversion strategy; and
5. Wherever possible, allow the individual to gain industry recognized training experience and ultimately should lead to an increase in wages.

**Funding:** Local Workforce Development areas (LWDAs) may reserve and use no more than 20 percent of Adult and Dislocated Worker funds allocated to the local area to pay for the Federal share of the cost of providing incumbent worker training (WIOA Section 134 (d)(4)(A)(i)). The 20 percent may be used for IWT activities that are programmatic in nature, as administrative activities must be paid from LWDA administrative funds.

No WIOA funds shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system.

**Incumbent Worker Eligibility**

20 CFR 680.780 specifies that to qualify as an incumbent worker, the incumbent worker needs to be employed, meet the Fair Labor Standards Act requirements for an employer-employee relationship, and have an established employment history with the employer for 6 months or more, with the following exception: In the event that the incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for 6 months or more as long as a majority of those employees being trained do meet the employment history requirement.

All employees participating in incumbent worker training must meet the eligibility requirements below:

- At least 18 years of age;
- A citizen of the United States or a non-citizen whose status permits employment in the United States;
- Males born on or after January 1, 1960 must register with the selective service system within 30 days after their 18th birthday or at least before they reach the age of 26;
- Meet the Fair Labor Standards Act requirements for employer-employee relations and have an established employment history with the employer for 6 months or more (which may include time spent as a temporary or contract worker performing work for the employer receiving IWT funds);

Existing workers must be currently employed full-time with the participating employer. An incumbent worker participant does not have to meet the eligibility requirements for career and training services for adults and dislocated workers under WIOA, unless they also are enrolled as a participant in the WIOA adult or dislocated worker program. As such, they are not included in calculations for the State performances measures. States and LWDA's are, however, required to input data into GWROPP on individuals who receive incumbent worker training, including characteristics, services and outcomes.

**Employer Eligibility:**

1. For the purpose of determining the eligibility of an employer to receive funding, the LWDA shall take into account factors (which help to evaluate whether training would increase the competitiveness of the employees or both the employees and the employer) consisting of:
  - a) the characteristics of the individuals in the program;
  - b) the relationship of the training to the competitiveness of the employees or both the employees and the employer; and
  - c) such other factors as the LWDB may determine to be appropriate, which may include:
    - 1) the number of employees participating in the training;
    - 2) the wage and benefit levels of those employees (at present and anticipated upon completion of the training);
    - 3) the existence of other training and advancement opportunities provided by the employer;
    - 4) layoffs averted as a result of the training;
    - 5) utilization as part of a larger sector and/or career pathway strategy; or
    - 6) employer size
2. IWT should be provided for private sector employers; however, non-profit and local government entities may be recipients of IWT funds.

3. Employers must be in operation at least twelve months and employ at least five full-time employees, be financially viable, and current on all state and federal tax obligations.
4. Any employer that has received payments under previous on-the-job training, customized training, or IWT and that exhibited a pattern of failure to provide workers continued, long term employment as regular employees with wages and working conditions at the same level and to the same extent as similarly situated employees is ineligible to enter into further WIOA IWT contracts.
5. In considering an employer's eligibility for an IWT contract, LWDA's should consider the employer's past history with IWT, OJT, and customized training contracts, financial stability, history of layoffs, relocation and labor disputes as well as occupational and industry outlooks.
6. LWDA's must conduct an employer pre-award review checklist containing requirements of WIOA 683.260 and TEGL 19-16.

**Employer Non-Federal Share/Employer Reimbursements:**

1. WIOA Section 134 (d) states that employers participating in IWT shall be required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers. The LWDB shall establish the non-Federal share of such cost (taking into consideration such other factors as the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities.
2. The employer non-Federal share is dependent on the size of the employer and shall not be less than:
  - a) 10 percent of the cost, for employers with not more than 50 employees;
  - b) 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and
  - c) 50 percent of the cost, for employers with more than 100 employees.
3. Employer size is based on the number of employees currently employed at the local operation where the incumbent worker training placements will be made. Employer size is determined by the number of employees at the time of the execution of the IWT contract. This applies to all employers, including employers with seasonal or intermittent employee size fluctuations. Employers must provide documentation that indicates employer size. If multiple Employer sites exist within an LWDA, employer agreements may be limited to each physical location within the LWDA area or the LWDA may develop one agreement with multiple locations, training descriptions, and budgets.
4. The non-Federal share provided by an employer may include the amount of the wages paid by the employer while the worker is attending training, equipment purchased for training, curriculum development expenses, travel and lodging costs, etc. The employer may provide the share in cash or in-kind, fairly evaluated. The employer non-Federal share must not be calculated using any other Federal funds, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs.
5. The employer will be required to calculate its actual non-federal share as a part of the application for training funds and at the conclusion of the training. Should the non-federal share not meet the limits, the funds could potentially have to be repaid. Official payroll records, time and attendance

records, invoices for equipment purchased, etc. must be utilized to determine the amount of the employer's share of cost.

6. Employer cost share contributions must be tracked and documented in the contract file and recorded on the Financial Status Report. In addition, the methodologies for determining the value of in-kind contributions must be documented in the contract file and conform to cost sharing requirements at 2 CFR 200. 306 and 2 CFR 2900.8.
7. No WIOA funds shall be used for Incumbent Worker wages (Section 181 (b) (1)).

**Employer Contract Requirements:**

1. IWT is provided based on a formal, written contract with the employer or group of employers that is signed prior to the initiation of training with a copy given to the employer(s).
2. Priority will be given to incumbent worker training contracts which:
  - a) Provide training in one of the LWDA's target industries;
  - b) The individual's hourly wage is no less than \$12.01 per hour and the position provides fringe benefits;
  - c) The individual has the opportunity for upward mobility into a higher-paying job classification; and
  - d) The employer indicates an interest or potential to "back-fill" entry level positions with WIOA participants.
3. Incumbent worker training shall be limited to the period of time required for the individual(s) to become proficient in the skills for which the training is being provided. In determining the appropriate length of an IWT contract, consideration should be given to the skill requirements of the occupation and the academic and occupational skill level of the individual. LWDA's shall utilize ONET SVP skills training requirements in addition to an assessment of the individuals past skill and experience to justify the length of training.
4. Incumbent Worker Training contracts shall not be written to provide skills for seasonal, temporary or intermittent employment.
5. IWT training may incorporate work-based, classroom and other training activities approved under WIOA to meet employer skill requirements. The employer or an intermediary may provide the training.
6. The IWT contract should address at a minimum:
  - a) Employer documentation of the six-month work history requirement
  - b) Maximum allowable costs of training;
  - c) Employer commitment to retain the individual as a full-time employee with the same wages, benefits, hours and working conditions;
  - d) Hourly wage of the individual;
  - e) Length of training required;
  - f) Description of occupations involved, skill(s) and competencies to be provided and learned;
  - g) Assessment and identification of the individual's skills gaps;
  - h) Performance measures outcome requirements;
  - i) A provision for termination for lack of funds or recapture of overpayments, lack of individual attendance or failure of employer to comply with initial or upgraded employment requirements;

- j) A provision for maintaining and providing records for LWDA, state and federal monitoring and review; and
- k) Employer Assurances below shall be included in all IWT contracts.

**Employer Assurances:** The Employer agrees to adhere to the following provisions:

1. 20 CFR 680.790 specifies that the training be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent workers trained.
2. WIOA Section 134 (d) and 20 CFR Section 680.820 specify that employers participating in IWT shall be required to pay the non-Federal share of the cost of providing training to incumbent workers. The amount of non-Federal share depends upon factors such as the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of training), the relationship of the training to the competitiveness of the employer and employees and the availability of other employer provided training and advancement opportunities.
3. 20 CFR Section 680.830 specifies that funds provided to employers for incumbent worker training must not be used to directly or indirectly assist, promote or deter union organizing.
4. 20 CFR Section 680.840 specifies that WIOA funds may not be used to directly or indirectly aid in filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling is otherwise an issue in a labor dispute involving a work stoppage.
5. 20 CFR Section 683.260 specifies that WIOA funds must not be used for incumbent worker training for employees of any business or part of a business that has relocated from any location in the US until the company has operated at that location for 120 days, if the relocation has resulted in any employee losing their job at the original location.
6. 20 CFR Section 683.270 specifies that a participant in a WIOA program activity must not displace (including a partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits) any currently employed employee (as of the date of the participation).
7. 20 CFR Section 683.270 specifies that a WIOA program or activity must not impair existing contracts for services or collective bargaining agreements. When the program or activity would be inconsistent with a collective bargaining agreement, the labor organization and employer must provide written concurrence before the activity begins.
8. 20 CFR Section 683.270 also specifies that a participant may not be employed in or assigned to a job if: (1) any other individual is on layoff from the same or any substantially equivalent job; (2) 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 created with the WIOA participant; (3) the job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers as of the date of the participation.
9. 20 CFR Section 683.275 specifies that individuals employed in activities under WIOA must 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.

10. 20 CFR WIOA Section 683.275 specifies that individuals employed in programs and activities under WIOA must be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.
11. 20 CFR Section 683.280 specifies that health and safety standards established under federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants engaged in programs and services under WIOA. To the extent that a State workers' compensation law applies, workers' compensation must be provided to participants in program and activities under WIOA on the same basis as the compensation is provided to other individuals in the State in similar employment. Information on how to comply with Georgia law is available at <http://sbwc.georgia.gov>.
12. WIOA Section 181 (b)(1) specifies that no WIOA funds shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system.
13. WIOA Section 188 specifies that no individual shall be excluded from participation in, denied employment in the administration of or in connection with any such program or activity because of race, color, religion, sex in a WIOA program or activity solely because of the status of the individual as a participant.
14. WIOA Section 188 specifies that no participants shall be employed to carry out the construction, operation 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 with the exception of maintenance of facilities that are not primarily use for instruction or worship and are operated by organizations providing services to WIOA participants.
15. The Employer must comply with 29 CFR 38.10 (d) (e) (f). As provided in 20 CFR §38.3(b), 29 CFR part 32, subparts B and C and appendix A, which implement the requirements of Section 504 pertaining to employment practices and employment-related training, program accessibility, and reasonable accommodation, have been incorporated by reference. Employers, employment agencies, or other entities covered by Titles I and II of the ADA should be aware of obligations imposed by those titles. See 29 CFR part 1630 and 28 CFR part 35. Similarly, recipients that are also employers covered by the anti-discrimination provision of the Immigration and Nationality Act should be aware of the obligations imposed by that provision. See 8 U.S.C. 1324b.
16. 2 CFR 200. The Employer agrees that no individual in a decision making capacity will engage in any activity, including the administration of the IWT contract supported by WIOA funds, if a conflict of interest, real or apparent, is present. A conflict of interest may arise in the event that an employee under this contract is an immediate family member (or partner) of an individual engaged in a decision making capacity with the LWDA, the LWDB, the employer or an organization that has a financial or other interest in the firm or organization selected for the contract. Immediate family is defined as husband, wife, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparents, grandchild, half-brother, half-sister, first cousin or individual residing in the same household. In the event of a potential conflict of interest, the employer will notify the LWDA in writing.
17. WIOA Section 194 (5) No person or organization may charge an individual a fee for the placement or referral of the individual in or to a workforce investment activity under this title.

18. WIOA Section 194 (13) Services, facilities or equipment funded under WIOA may be used, as appropriate, on a fee-for-service basis, by employers in a local area in order to provide employment and training activities to incumbent workers – (A) when such services, facilities or equipment are not in use for the provision of services for eligible participants under this title; and (B) if such use for incumbent workers would not have an adverse effect on the provision of services to eligible participants under this title; and (C) if the income derived from such fees is used to carry out the programs authorized under this title.
19. The Employer must meet the provisions of the Georgia Security and Immigration Compliance Act (GSICA). The GSICA requires that all public employers, contractors and subcontractors register and comply with the federal work authorization program operated by the United States Department of Homeland Security to verify new employee work eligibility. (O.C.G.A. 13-10-91)

END