

State Apprenticeship Expansion (SAE 2020) Grant Guidelines

Direct Instruction Support Registered Apprenticeship and Certified Pre-Apprenticeship

Fiscal Year 2020-21 Applications: Category #155-231

*Fiscal Year 2021-22 Applications: Categories #155-232 or #155-272 or #155-282

*Fiscal Year 2022-23 Applications: Categories #155-223 or #155-233 or #155-273 or #155-283

Certified Pre-Apprenticeship (CPA) Curriculum Development

Category #155-242 for Fiscal Year 2021-2022 Applications

Youth Apprenticeship Dual Enrollment

Category #155-262 for Fiscal Years 2021-2023 Applications

District Operational Enhancements to Support Apprenticeship Expansion

Category #155-252 for Fiscal Years 2021-23 Applications

*WTCS Invitation to Apply letters will specify correct category number for each pre-approved project.

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Purpose

In July 2020, the U.S. Department of Labor awarded the Wisconsin Department of Workforce Development, Bureau of Apprenticeship Standards (DWD-BAS) a \$9 million grant through the U.S. Department of Labor titled *“Building State Capacity to Expand Apprenticeship through Innovation”*, ETA-TEGL-15-19. Hereafter titled **“SAE2020”**, the grant supports increasing the number and quality of apprenticeships through alignment with education and workforce systems; improving data sharing and data integrity; increasing the number of apprentices statewide by 25% (approximately 2,920); developing at least one innovation using technological resources to improve registered apprenticeship (RA) marketing and outreach, standards development, and access to apprenticeships for underrepresented populations; developing a 5 year plan that positions RA as a central workforce development strategy and tool for employers within the state; implementing a statewide, multimedia outreach campaign directed at new employers and career seekers; establishing an employer incentive plan to grow RA participation; launching RA programs in nontraditional occupations and new industries; improving apprentices completion rates; supporting youth apprenticeship expansion; and expanding the role of the business service representative and apprenticeship navigators. The Wisconsin Technical College System (WTCS) is a partner in these efforts and will serve as the primary registered apprenticeship related instruction provider to ensure the success of these goals. The WTCS will administer four sub-categories of funds under the SAE2020 grant.

1. Direct Instruction Support for Registered Apprenticeship (RA) and Certified Pre-Apprenticeship (CPA)
2. Certified Pre-Apprenticeship (CPA) Curriculum Development
3. Youth Apprenticeship Dual Enrollment
4. District Operational Enhancements in Support of Apprenticeship Expansion (OE)

The SAE2020 grant period runs until June 30, 2023. See individual SAE2020 grant sub-categories for applicable fiscal year(s) and grant category number assignments per sub-category. Grant applications are due by September 15, 2021 except for the Direct Instruction Support (DIS) and CPA Curriculum Development sub-categories.

WTCS Primary SAE2020 Grant Manager: Scott DuBenske – scott.dubenske@wtcsystem.edu

Direct Instruction Support (DIS) for Registered Apprenticeship (RA) and Certified Pre-Apprenticeship (CPA)

Fiscal Year 2020-21 Applications: Category #155-231

***Fiscal Year 2021-22 Applications: Categories #155-232 or #155-272 or #155-282**

***Fiscal Year 2022-23 Applications: Categories #155-223 or #155-233 or #155-273 or #155-283**

*WTCS Invitation to Apply letters will specify correct category number for each pre-approved project.

Funds Available

A total of \$1,400,002 is available under this sub-category through June 30, 2023, as follows:

- \$727,274 will be available for classroom instruction delivery for at least 24 registered apprenticeship cohorts with an emphasis on **new and aligned** occupations. The service goal is 240 apprentices systemwide.
- \$218,182 will be available for classroom instruction delivery of 8 registered apprenticeship cohorts with an emphasis on **expansion of existing** RA programs in new areas of the state. The service goal is 80 apprentices systemwide.
- \$454,546 will be available for classroom instruction delivery of 20 certified pre-apprenticeship (CPA) cohorts with a goal of 200 served system wide.

Additional Limitations

For Registered Apprenticeship and Certified Pre-Apprenticeship direct instruction support:

1. On an invitation-only basis, applications will only be accepted from Wisconsin Technical College System colleges.
2. Eligible programs are limited to those targeted under the SAE2020 grant.
3. Funds will be made available to provide supplemental monetary support for provision of related classroom instruction when there is an unanticipated gap between the district-projected budget and actual cost of instruction due to change in projected versus actual employer demand for related instruction in the same academic year.
4. A minimum of 28 cohorts are to be served under the Registered Apprenticeship (RA) direct instruction support sub-category.
5. A minimum of 20 cohorts are to be served under the Certified Pre-Apprenticeship (CPA) direct instruction support sub-category.
6. Support for classroom instruction is limited to the actual cost of instructor salary and fringe.
7. Travel expenses are allowed only when instruction is provided through a regional, multi-district

agreement and framework.

8. Wrap-around or student support services are not allowed.
9. Direct instruction support grants will be funded at one hundred percent (100%) of cost.
10. Instruction supply items may be funded up to twenty percent (20%) of total project costs.
11. Major or minor equipment purchase or lease is only allowed through advanced consultation and approval by the SAE2020 Grant Manager.
12. Administrative costs are not allowed.

Additional Limitations for Certified Pre-Apprenticeship (CPA) direct instruction support only:

13. Eligible applicants for certified pre-apprenticeship direct instruction support funds will be limited to those colleges and CPA programs that meet the following criteria:
 - a. College is a consortia participant awarded funds under the SAE2020 Certified Pre-Apprenticeship Curriculum Development sub-category.
 - b. CPA program curriculum is developed under the SAE2020 grant.
 - c. CPA program is approved as a “Certified Pre-Apprenticeship Program” by DWD-BAS and/or the State Apprenticeship Council prior to delivery of first cohort of instruction. (See Certified Pre-Apprenticeship Curriculum Development sub-category.)
 - d. Direct instruction support funds for CPA will not be made available until after the newly developed CPA program curriculum (under a separate sub-category) are approved by the WTCS and DWD-BAS.
 - e. College is approved to offer at least one of the registered apprenticeship programs for which the CPA is a preparatory pipeline.

OR

- f. College offers a local pre-apprenticeship program supported by local industry.
- g. Eligible cohort support is limited to local pre-apprenticeship programs approved as a “Certified Pre-Apprenticeship Program” by DWD-BAS and/or the State Apprenticeship Council.
- h. College is approved to offer at least one registered apprenticeship program for which the CPA is a preparatory pipeline.

Direct Instruction Support grant awards are made on an ongoing basis. Grant funded project duration will not exceed the total grant period ending on June 30, 2023.

Allowable Activities

Allowable activities must qualify under Additional Limitations, Bullet #3 above, and may include:

1. Support for delivery of instruction for registered apprenticeship when there is an in-district launch of a new registered apprenticeship program and cohort enrollment is below district

- minimum class size.
2. Support for delivery of instruction for certified pre-apprenticeship when there is an in-district launch of a new certified pre-apprenticeship program and cohort enrollment is below district minimum class size.
 3. Support for shared instruction under a consortium partnership for regional delivery of instruction.
 4. Support for delivery of instruction when there is unanticipated growth in demand for related instruction classes resulting in the need to add or split additional sections at a district.

Measurable Objectives

For RA and CPA direct instruction support:

1. Document the number of RA and/or CPA students served per occupational program or sector.
2. Document the number of RA and/or CPA sections/cohorts served per occupation or sector.
3. Document the number of instructional hours provided per cohort and occupation or sector.
4. Document the aggregated performance outcomes of participants, including course completions, semester persistence, and program completions/graduations.
5. If applicable, document CPA or RA completer progression into a subsequent, laddered registered apprenticeship or post-secondary degree program enrollment if entered before the end of the SAE2020 grant term on June 30, 2023. Include a summary of titles of the registered apprenticeship or degree/diploma of entry.

Additional measurable objectives for CPA direct instruction support:

6. If applicable, document the private and public partner entities engaged in support or provision of the CPA program, by number of entities and organization titles.
7. If applicable, document the college departments engaged in support or provision of the CPA program.

Qualitative and quantitative documentation of efforts to engage, enroll, and retain underrepresented populations in the CPA program.

WTCS Contact SAE Direct Instruction Support:

Primary: Scott DuBenske – scott.dubenske@wtcsystem.edu

Secondary: Nancy Nakkoul – nancy.nakkoul@wtcsystem.edu

Certified Pre-Apprenticeship (CPA) Curriculum Development

Category #155-242 for Fiscal Year 2021-22 applications

Funds Available

\$113,640 will be available for development of three (3) sector-based Certified Pre-Apprenticeship (CPA) program curriculum that will foundationally prepare learners for entry into and align with registered apprenticeship opportunities within an industry sector, including:

- Healthcare
- Manufacturing - emphasis on electro-mechanical occupations
- Infrastructure

Grant applications are due by October 31, 2021.

CPA curriculum development grant awards are made on an ongoing basis. Projects will begin on or after August 1, 2021 with a completion date no later than **June 30, 2022**.

Additional Limitations

1. On an invitation-only basis, applications will only be accepted from the lead college in a consortium of Wisconsin Technical College System Colleges.
2. A consortium must be comprised of at least two colleges.
3. Participating colleges must currently be approved to offer or plan to be approved to offer by the end of the grant term at least one of the sequential registered apprenticeship programs for which the sector-based CPA will serve as the preparatory pipeline.
4. One application per sector/occupation will be allowed.
5. Sub-contracting is allowed between WTCS colleges participating in an awarded consortium.
6. A college may participate in more than one consortium application.
7. A college may serve as a lead applicant for more than one consortium.
8. Salary and fringe costs are not allowed for personnel at the Dean or Associate Dean level.
9. Administrative costs are allowed at 5% of total award for the lead college in a consortium.
10. Major/minor equipment purchase, or lease is not allowed.
11. Advertising or marketing costs are only allowed through advanced consultation and approval by the SAE2020 Grant Manager.
12. Subcontracting by a lead college to WIDS is allowed through advanced discussion and approval by the SAE2020 Grant Manager.

Allowable Activities

1. Engage district faculty, learning design specialists, integrated education and training specialists, registered apprenticeship sponsors, and DWD-BAS and/or other workforce development partners in a multi-college consortium to develop new sector-based certified pre-apprenticeship program curriculum that are replicable at other district colleges.
2. Evaluate and integrate maximized sequential educational pathway alignment and occupational options for completers of the sector-based CPA program. There must be at least two sequential registered apprenticeship program options and one related technical diploma and/or associate degree pathway for each sector-based CPA program. Qualifying registered apprenticeship programs include:
 - a. Those currently WTCS-approved at a minimum of one college in the consortium.
 - b. New registered apprenticeship programs targeted for development by DWD-BAS during the term of the SAE2020 grant for which at least one college in the consortium is committed to obtain program approval during the grant term. Consultation with the WTCS SAE2020 Grant Manager is required.
3. Provision of a teaching and learning session on the new CPA model for in-district staff, apprenticeship stakeholders at other WTCS colleges, DWD-BAS staff, and other select stakeholders identified in conjunction with the WTCS SAE2020 Grant Manager.

Measurable Objectives

1. Attainment of DWD-BAS authorized “Certified Pre-Apprenticeship Program” status. See [DWD-BAS Certified Pre-Apprenticeship Program Guide](#)
2. Verification that CPA model meets minimum criteria of a WTCS-defined integrated education and training program. See [WTCS IET Checklist](#)
3. Alignment of the CPA curriculum to sequential registered apprenticeship program(s).
4. Alignment of the CPA curriculum to sequential relevant technical diploma and/or associate degree pathways.
5. Verification that at least one college in the consortium is approved to offer the sequential registered apprenticeship and technical diploma and/or associate degree programs for each occupation targeted by the sector-based CPA program.
6. Documentation of industry stakeholder support.
7. Documentation of cross functional team members participating in development.
8. Publication of courses and the program course matrix to the WTCS WIDS State Repository.

WTCS Contact SAE CPA Curriculum Development: Scott DuBenske – scott.dubenske@wtcsystem.edu
and Nancy Nakkoul – nancy.nakkoul@wtcsystem.edu

Youth Apprenticeship Dual Enrollment

Category #155-262 for Fiscal Years 2021-23 applications

Funds Available and Additional Limitations

\$294,740 will be made available to support Youth Apprenticeship to Registered Apprenticeship (dual enrollment) opportunities for youth apprentices. District allocations are provided in the following table. Grant applications are due by September 15, 2021. Any funds that remain unallocated by November 1, 2021 may be redistributed to other grantee Districts.

College	Funding Amount
Blackhawk	\$16,800
Chippewa Valley	\$16,800
Fox Valley	\$16,800
Gateway	\$16,800
Lakeshore	\$16,800
Madison	\$16,800
Milwaukee	\$16,800
Moraine Park	\$16,800
Mid-State	\$16,800
Nicolet	\$16,800
Northcentral	\$16,800
Northeast	\$16,800
Southwest	\$16,800
Waukesha	\$16,800
Northwood (formerly WITC)	\$16,800
Western	\$16,800

1. Applications will only be accepted from Wisconsin Technical College System colleges. One application per college will be allowed.
2. Funds shall not be used for salary and/or fringe of technical college or high school staff.

3. Funds shall not be used for direct student support or payments including the acquisitions of certifications.
4. Funds shall not be used for classroom technology or equipment (exception; see #5 below under Allowable Activities.)
5. Funds shall not be used to support the acquisition of graduate degrees or any other educational credits, certifications, or licensures for secondary and/or postsecondary instructors, counselors, or administrators.
6. Youth Apprenticeship and Career Prep staff will collaborate on development of articulation agreements.
7. Administrative costs are not allowed.

Allowable Activities

1. Curriculum development and/or revisions of YA curriculum to allow for technical college courses to be taught at the high school by a high school instructor.
2. Professional development for high school instructors who will partner with their local technical college's Career Prep Coordinator and a college mentor to deliver the college course to high school students in the high school classroom; implementation of the Transcribed Credit method of dual enrollment.
3. Tuition and fees paid directly to the technical colleges for each high school YA student who chooses to meet the related instruction portion of the YA program through the Start College Now dual enrollment option.
4. Payment of 38.14 Contract fees paid directly to the college to cover the cost of the college course to be delivered by a college instructor at the high school or at the college.
5. Development of new Articulation Agreements with high schools for YA Dual Enrollment opportunities. Funds may be used to purchase text or OER/online books for **newly articulated courses**, they cannot be used to replace textbooks currently being used by a secondary school already engaged in dual enrollment YA agreement.

Measurable Objectives

1. Implementation of Transcribed Credit opportunities for youth apprentices.
2. Entrance of underserved populations into an apprenticeship pathway.
3. New articulation agreements with high schools for YA Dual Enrollment.

WTCS Contact SAE YA Dual Enrollment: Ann Westrich – ann.westrich@wtcsystem.edu

District Operational Enhancements to Support Apprenticeship Expansion (OE)

Category #155-252 for Fiscal Years 2021-23 applications

Funds Available and Additional Limitations

\$424,860 will be made available to support operational enhancements related to apprenticeship activities that qualify under the Objectives section of this sub-category. Activities and funds should supplement, not supplant, current District operations. Funds will be allocated on a formula basis for the entire grant term July 1, 2021-June 30, 2023 per the following calculation:

\$15,000 Baseline Allocation for All Applicant Districts for Entire Grant Term

$$\frac{\text{District Apprenticeship Program Enrollment Total FY 2018-2020}}{\text{District All Occupational Program Enrollment Total FY2018-2020}} = \text{Adjustment Factor}^*$$

**Adjustment factor: Determination of the % distribution of remaining OE sub-category funds, by District, after subtraction of the \$240,000 Baseline distribution from the \$424,860 total available.*

District minimum allocations are provided in the following table per the calculation above. Grant application **or revisions** are due by September 1, 2022. Any funds that remain unallocated by September 15, 2022 may be redistributed to other grantee districts on an invitation to apply basis as pre-negotiated with the WTCS.

Operational Enhancements: Total Minimum Allocation, by District, Entire Grant Term

College	Funding Amount
Blackhawk	\$21,515
Chippewa Valley	\$27,050
Fox Valley	\$43,152
Gateway	\$18,720
Lakeshore	\$29,300
Milwaukee	\$25,643
Madison	\$30,360

College	Funding Amount
Moraine Park	\$24,378
Mid-State	\$28,146
Nicolet	\$25,133
Northcentral	\$24,113
Northeast	\$35,286
Southwest	\$21,236
Waukesha	\$30,268
Northwood (formerly WITC)	\$18,109
Western	\$22,452

1. Applications will only be accepted from Wisconsin Technical College System colleges to support operational enhancements that qualify under the Objectives section of this sub-category.
2. Only one application per college will be accepted. The single application will fund all grant activities in this sub-category for the entire grant term of July 1, 2021 – June 30, 2023.
3. Consortium applications are allowed with consortium partners limited to WTCS colleges only. Each partner college should submit participation in a shared activity under their own allocation.
4. Projects will be funded at 100 percent (100%) based on the allocation formula.
5. Major or minor equipment lease or purchase is only allowed through advanced discussion and approval by the SAE2020 Grant Manager.
6. Salary and fringe costs are allowed, except as restricted under bullet #7, below.
7. Salary and fringe costs are not allowed for personnel at the Dean or Associate Dean Level, except in the case of documented expansion of non-administrative duties of a designated district apprenticeship coordinator/manager directly attributable to conducting SAE2020 grant activities. Advanced consultation and approval by the WTCS SAE2020 Grant Manager is required.
8. Sub-contracting is not allowed.
9. Administrative costs are not allowed.
10. Faculty stipends are allowed for work under Objectives #5 and #6 below but are limited to no more than \$1500 per faculty per project.

Objectives

Applications under this category must include one or more of the following operational enhancements as project goals. Grant applications shall include the proposed plan of activities for each objective selected.

1. Leverage existing structure of WTCS college program advisory committees and other workforce development partnerships to raise targeted industry awareness of and potential engagement in registered apprenticeship, youth apprenticeship, and certified pre-apprenticeship.
2. Support proven activities that improve the academic performance, persistence, and completion of apprentices.
3. Promote a positive school culture and apprentice experience that embraces diversity, equity, and inclusion.
4. Improve collaboration between the college apprenticeship department and the college student success, recruitment, career prep, and other integrated college operations to advance attainment of the goals of the grant. This includes activities that prepare the college for delivery of a new-to-district certified pre-apprenticeship program.
5. Support college faculty participation in multi-college teams convened by WIDS to review and align existing RA curriculum with TD/AAS pathways. Projects will be limited to the three programs selected by DWD-BAS.
6. Support college faculty participation in new RA curriculum development, as selected and convened by DWD-BAS and facilitated by WIDS. Projects will be limited to the five new healthcare programs selected by DWD-BAS.

WTCS colleges are strongly encouraged to develop and deploy strategies to increase the participation of individuals historically underrepresented in Wisconsin apprenticeship, including women, people of color, individuals with disabilities, and ex-offenders and justice-involved individuals.

Measurable Objectives

1. Documentation of successful operational enhancements in the areas identified in the grant application, by activity type.
2. Documentation of qualitative and quantitative evidence of impact of operational enhancements.
3. If applicable, document the number of participants served by activity – apprentices, pre-apprentices, and youth apprentices.
4. If applicable, document the performance outcomes of participants served, by activity.
5. If applicable, document by number and organization title, the private and public partner organizations or businesses served or engaged in the operational enhancement activities, by activity type.
6. If applicable, document by number and department title, the college departments engaged in the operational enhancement activity, by activity type.
7. If applicable, document materials or products developed and scope of distribution or use as an operational enhancement.

WTCS Contact Operational Enhancements: Nancy Nakkoul – nancy.nakkoul@wtcsystem.edu and Scott DuBenske – scott.dubenske@wtcsystem.edu

Grant Recipient Responsibilities

Receipt of Grant Funds from WTCS

The grant categories outlined in this document are **cost reimbursable grants**. Therefore, payment of grant funds can only be made through the WTCS Cost Reimbursement Process. Grant recipients shall receive payments for services after they substantiate that the cost is allowable (i.e., necessary, reasonable, and allocable) for submitted program expenditures.

Grant recipients are also required to maintain supporting documentation and to make such documentation available when requested by WTCS, the Wisconsin Department of Workforce Development, the U.S. Department of Labor and/or other authorized entities for review, upon request during the duration of the grant period as well as five years after the grant period has concluded. Additionally, grant recipients shall accept the following responsibilities:

- To collaborate with DWD-BAS designated personnel - Apprenticeship Navigators and Apprenticeship Training Representatives - to identify and provide access to individuals served under the grant in order for DWD-BAS to conduct individual SAE2020 grant intake and case management services.
- To produce the identified deliverables according to the timelines established with the WTCS in the most cost-efficient manner possible.
- To post and publish curriculum deliverables on WIDS and other shared repositories when appropriate.
- To periodically update WTCS progress on meeting SAE2020 deliverables via tri-annual reports.
- To notify WTCS in an expeditious manner when issues are identified that will impact SAE2020 deliverables and delivery of planned services.
- To meet with WTCS SAE2020 grant manager as needed to review progress on timelines, deliverables, and expenditures identified in the grant contract. The grant recipient agrees to provide access to grant-related financial statements and other grant-related records by WTCS representatives or its auditors as part of the progress reviews as needed.
- To bill WTCS for curriculum development and program expansion activities in accordance with the payment timeline (as work is completed).

Assurances:

1. The grant recipient will submit a draft form of all deliverables to WTCS for review. WTCS reserves the right to approve or disapprove materials in whole or in part and request revisions if necessary.
2. WTCS in partnership with the grant recipient will ensure that all deliverables created by the grant recipient meet industry standards.
3. WTCS in partnership with the grant recipient will ensure that all deliverables are incorporated into apprenticeship or pre-apprenticeship related instruction, when applicable.
4. Approved, final materials will become the property of the State of Wisconsin and public domain.

5. WTCS, the grant recipient and DWD will cooperate to ensure that notices required by the U.S. Department of Labor will be included on final products, whether those products are electronic or published in hard copy. These notices may include disclosures of use of federal grant funding, disclaimers regarding intellectual property, and Creative Commons license notices required by the U.S Department of Labor for products developed in whole or in part with grant funds. The grantor will provide to the grantee the phrasing to be used.

Grant Application Submission

Grant applications for the FY2020-2021 Direct Instruction Support for Registered Apprenticeship (RA) and Certified Pre-Apprenticeship (CPA) must be submitted in a PDF format to grants@wtcsystem.edu. The application template will be shared with the applicants when the invitation to apply is sent out. Starting with the FY2021-2022 grants, all applications must be submitted through the WTCS Apply Portal at “WTCS.SMAApply.IO” The WTCS Office accepts electronic submissions only; no paper applications will be accepted.

Application Requirements

Each grant application must include the following components in the order specified: 1) WTCS SAE2020 Grant Application Form 2) Budget 3) Standard Financial Report (SFR-1). If applicable, grant application deadlines are noted in each specific grant sub-category.

Revising a Funded Application

After receiving a grant award, grantees may identify a need to revise the grant. Grant recipients should discuss the proposed changes with the WTCS SAE2020 grant manager(s) prior to submitting a formal revision if one is required. The WTCS SAE2020 grant manager(s) will assist the grantee with submitting an official grant revision through the WTCS Apply Portal.

A revision must be submitted if the project budget changes within a budget line by 20 percent or more. Sometimes, the cost of budgeted items changes, although there are no changes to outputs and/or activities. If the change is less than 20 percent within any budget line item, no approval is required; however, recipients must notify the WTCS grant manager(s) of the changes by e-mail and in the appropriate Triannual Report(s).

All formal revisions must be approved by WTCS prior to implementation. Recipients are notified of an approved revision/modification by e-mail.

Application Review

SAE2020 Grant applications, all categories, will be reviewed by the WTCS SAE2020 Grant Manager or designee in consultation with the WTCS Education Director, Apprenticeship. Direct Instruction Support grants for the RA and CPA sub-category will also be reviewed in consultation with the Apprenticeship Coordinators Council.

Data Collection and Reports

All applicants funded under the SAE2020 grant shall comply with WTCS data submission requirements in the timeframe required. **Failure to meet grant expectations and the requirements listed below may result in grant suspension or termination.** The requirements include the following:

Client Reporting System applies to the SAE2020 Grant.

1. **Client Reporting for Direct Instruction Support for RA, CPA, and YA:** Participant data for apprentices, pre-apprentices, and youth apprentices served must be reported in the Client Reporting System by the 10th day following the end of each quarter i.e., October 10, January 10, April 10, and July 10 of each fiscal year in the grant term. The required data fields include:
 - a. **Registered Apprenticeship:** Student Name, DOB, Program Name, Program Enrollment Date, Course Enrollment Date, Course Title, Course Number, College Name, Course Completion, Course Completion Date, Program Completion, Program Completion Date, Date of Most Recent Measurable Skills Gain (Post-Secondary Transcript and Skills Progression).
 - b. **Certified Pre-Apprenticeship:** Student Name, DOB, Program Name, Program Enrollment Date, Course Enrollment Date, SAE Course Title, Course Number, College Name, Course Completion, Course Completion Date, Program Completion, Program Completion Date, Date of Most Recent Measurable Skills Gain (Post-Secondary Transcript and Skills Progression).
 - c. **Youth Apprenticeship:** College Name, Aligned RA Program Name, Course Enrollment Date, Course Title, Course Number, Course Completion, Course Completion Date.
 - d. As applicable, for individuals reported via one of the categories above: Student Name, DOB, RA or CPA Program Name, Degree or Certification (other than RA Completion) Received, Date Degree or Certification Received.
2. **CPA Curriculum:** All curriculum materials developed will be made available on the WTCS WIDS State Repository.
3. **Triannual Report** submissions must be received by the following dates each year for the duration of the grant term of the individual grant sub-category. This means that grants that are two years in length will have to submit six total triannual reports.

Exception: FY2020-21 Direct Instruction Support grant awardees must submit only a single, third term/final triannual report of summative outcomes for all of FY2020-21. Same due date applies as below. This triannual report should be submitted electronically to grants@wtcsystem.edu.

- e. **First term Triannual Report** (July 1 – October 31) must be received on or before November 15 of the appropriate fiscal year.
- f. **Second term Triannual Report** (July 1 – February 29) must be received on or before March 15 of the appropriate fiscal year.

- g. **Third term Triannual Report** (July 1 – June 30) must be received on or before July 15 of the appropriate fiscal year.

All FY2021-22 and FY2022-23 triannual reports should be submitted electronically through the Wisconsin Technical College System (WTCS) Apply Portal.

Additional Terms and Conditions

As required by USDOL federal grant “Administrative Requirements”, Section 12.q., see Addendum A for Additional Terms and Conditions that apply to grant subrecipients.

“The provisions of the Terms and Conditions of this award will be applied to any subrecipient under this award. The recipient is responsible for monitoring the subrecipient, ensuring that the Terms and Conditions are in all subaward packages and that the subrecipient comply with all applicable regulations and the terms and conditions of this award (2 CFR 200.101(b)(1)).”

Addendum A

Additional Terms and Conditions

1. Order of Precedence

In the event of any inconsistency between the terms and conditions of this Notice of Award and other requirements, the following order of precedence shall apply:

- I. The National Apprenticeship Act, 29 U.S.C.50.
- II. Other applicable Federal statutes.
- III. Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (Public Law 115-245, Division B, Title I).
- IV. Implementing Regulations.
- V. Executive Orders.
- VI. OMB Guidance, including the Uniform Guidance at 2 CFR 200 and 2900.
- VII. DOL-ETA Directives.
- VIII. Terms and conditions of this award.

2. Notice of Award

Funds shall be obligated and allocated via a Notice of Award (NOA) grant modification. These obligations and costs may not exceed the amount awarded by the NOA modification unless otherwise modified by the ETA.

3. Funding Opportunity Announcement

The Training and Employment Guidance Letter No. 15-19, https://wdr.doleta.gov/directives/attach/TEGL/TEGL_15-19.pdf, is hereby incorporated into this Notice of Award (NOA). Award recipients are bound by the authorizations, restrictions, and requirements contained in the FOA. Therefore, the expenditure of grant funds by the award recipient certifies that (your organization has read and will comply with all the parts that are contained in the NOA.

4. Federal Project Officer

The DOL/ETA Federal Project Officer (FPO) for this award is:

Name: Malissa Dieterle

Telephone: 312-596-5434

E-mail: Dieterle.malissa@dol.gov

The FPO is not authorized to change any of the terms or conditions of the award or approve prior approval requests. Any changes to the terms or conditions or prior approvals must be approved by the Grant Officer through the use of a formally executed award modification process.

5. Indirect Cost Rate and Cost Allocation Plan

A current federally approved Negotiated Indirect Cost Rate Agreement (NICRA) or current federally approved Cost Allocation Plan (CAP) has been provided – copy attached. Regarding only the NICRA:

- (1) Indirect Rate approved:
- (2) Type of Indirect Cost Rate:
- (3) Allocation Base:
- (4) Current period applicable to rate:

Estimated Indirect Costs are shown on the SF-424A budget form. If a new NICRA is issued during the life of the grant, it must be provided to DOL within 30 days of issuance. Funds may be re-budgeted as necessary between direct and indirect costs consistent with institutional requirements and DOL regulations for prior approval, however the total amount of grant award funding will not be increased. Any budget changes impacting the Statement of Work and agreed upon outcomes or deliverables require a request for modification and prior approval from the Grant Officer.

- B. (1) Latest NICRA or CAP approved by the Federal Cognizant Agency¹ (FCA) is not current,
- (2) ☐ No NICRA or CAP has ever been approved by an FCA. URGENT NOTICE: Estimated indirect costs have been specified on the SF-424A, Section B, Object Class Category “j”, however only \$ N/A will be released to support indirect costs in the absence of a NICRA or CAP approved by the cognizant agency. The remaining funds which have been awarded for Indirect Costs are restricted and may not be used for any purpose until the awardee provides a signed copy of the NICRA or CAP and the restriction is lifted by the Grant Officer. Upon receipt of the NICRA or CAP, ETA will issue a grant modification to the award to remove the restriction on those funds.
- The awardee must submit an indirect cost rate proposal or CAP. These documents should be submitted to DOL’s Division of Cost Determination (DCD), or to the awardee’s Federal Cognizant Agency. In addition, the awardee must notify the Federal Project Officer that the documents have been sent. Contact information for the DCD is available at

<http://www.dol.gov/oasam/boc/dcd/>. If this proposal is not submitted within 90 days of the effective date of the award, no funds will be approved for the reimbursement of indirect costs. Failure to submit an indirect cost proposal by the above date means the grantee will not receive further reimbursement for indirect costs until a signed copy of the federally approved NICRA or CAP is provided and the restriction is lifted by the Grant Officer. All indirect charges must be returned through the Payment Management System and no indirect charges will be reimbursed.

The total amount of DOL's financial obligation under this grant award will not be increased to reimburse the awardee for higher negotiated indirect costs.

- C. The organization elected to exclude indirect costs from the proposed budget. Please be aware that incurred indirect costs (such as top management salaries, financial oversight, human resources, payroll, personnel, auditing costs, accounting and legal, etc. used for the general oversight and administration of the organization) must not be classified as direct costs; these types of costs are indirect costs. Only direct costs, as defined by the applicable cost principles, will be charged. Audit disallowances may occur if indirect costs are misclassified as direct.
- D. The organization has never received a negotiated indirect cost rate and, pursuant to the exceptions noted at 2 CFR 200.414(f) in the Cost Principles, has elected to charge a de minimis rate of 10% of modified total direct costs (see 2 CFR 200.68 for definition) which may be used indefinitely. This methodology must be used consistently for all Federal awards until such time as you choose to negotiate for an indirect cost rate, which you may apply to do at any time. (See 2 CFR 200.414(f) for more information on use of the de minimis rate.)

If DOL is your FCA, recipients must work with DOL's DCD, which has delegated authority to negotiate and issue a NICRA or CAP on behalf of the Federal Government. More information about DOL's DCD is available at <http://www.dol.gov/oasam/boc/dcd/>. This website has guidelines to develop indirect cost rates, links to the applicable cost principles, and contact information. The DCD also has Frequently Asked Questions providing general information about the indirect cost rate approval process and due dates for provisional and final indirect cost rate proposals at <http://www.dol.gov/oasam/faqs/FAQ-dcd.htm>.

Starting the quarter ending September 30, 2016, all grant recipients with an approved NICRA or de minimis rate must report indirect costs on their FINAL ETA-9130 Form. Please see TEGL 2-16 for additional guidance at https://wdr.doleta.gov/directives/attach/TEGL/TEGL_2-16_acc.pdf

6. Approved Statement of Work

This project's narrative is considered as the Approved Statement of Work. It has been included as Attachment D. If there is any inconsistency between items specified in the project narrative and the program statute, appropriation, regulations, Executive Orders, Uniform Guidance, OMB Circulars, and DOL-ETA directives, the order of precedence will prevail.

7. Approved Budget

The award recipient's budget documents are attached in this Notice of Award. The documents are: 1) the SF-424, included as Attachment A; 2) the SF-424 A, included as Attachment B; and 3) the Budget Narrative, included as Attachment C. As the award recipient, your organization must confirm that all costs are allowable before creating any expenses. Pursuant to 2 CFR 2900.1, the approval of the budget as awarded does not constitute prior approval of those items specified in 2 CFR 200 or your grant award as requiring prior approval. The Grant Officer is the only official with the authority to provide such approval.

8. Return of Funds

Effective October 1st, 2017, the U.S. Department of Labor, Employment & Training Administration will no longer be accepting paper checks for any type of returned funds. All return of funds are to be submitted electronically through the Payment Management System (PMS) operated by the U.S. Department of Health and Human Resources via the same method as a drawdown. If there are questions regarding the return of funds or your organization no longer has access to PMS, contact the U.S. Department of Labor/ETA Office of Financial Administration via email at: ETA-ARteam@dol.gov for further assistance.

9. Evaluation, Data, and Implementation

As the award recipient, your organization must cooperate during the implementation of a third-party evaluation. This means providing DOL or its authorized contractor with the appropriate data and access to program operating personnel and participants in a timely manner.

10. Resources and Information

Additional resources and information to assist you are located on the ETA website at <https://www.doleta.gov/grants/resources.cfm> and on the Grants Application and Management collection page located on WorkforceGPS.org at <https://grantsapplicationandmanagement.workforcegps.org/>. These sites contains information about the Uniform Guidance, grant terms and conditions, financial reporting, indirect costs, recipient training resources, and other relevant information.

11. Cost Limitation Restrictions

A. Budget Flexibility

Federal recipients are not permitted to make transfers that would cause any funds to be used for purposes other than those consistent with this Federal program. Any budget changes that impact the Statement of Work and agreed upon outcomes or deliverables require a request for modification and prior approval from the Grant Officer.

As directed in 2 CFR 200.308(e), for programs where the Federal share is over the simplified acquisition threshold (currently \$250,000), the transfer of funds among direct cost categories or programs, functions and activities is restricted such that if the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency, the recipient must receive prior approval from the Grant Officer. Any changes within a specific cost category on the SF424(a) do not require a grant modification unless the change results in a cumulative transfer among direct cost categories exceeding 10% of total budget as noted above. It is recommended that your assigned FPO review any within- line changes to your budget prior to implementation to ensure they do not require a modification. For programs where the Federal share is below the simplified acquisition threshold, recipients are not required to obtain the Grant Officer's approval when transferring funds among direct cost categories. This includes transferring direct costs to the indirect cost category contained on the SF424(a).

a) Consultants

For the purposes of this award, the ETA Grant Officer has determined that fees paid to a consultant who provides services under a program shall be limited to \$710 per day (representing an eight hour work day). Any fees paid in excess of this amount cannot be paid without prior approval from the Grant Officer.

a. Travel

This award waives the prior approval requirement for domestic travel as contained in 2 CFR

200.474. For domestic travel to be an allowable cost, it must be necessary, reasonable, allocable and conform to the non-Federal entities written policies and procedures. All travel must also comply with Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such carrier is available.

b. Travel – Foreign

Foreign travel is not allowable except with prior written approval. Prior written approval must be obtained from the Grant Officer through the process described in 2 CFR 200.407 and 2 CFR 2900.16. All travel, both domestic and Grant Officer-approved foreign travel, must comply with the Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such carrier is available.

c. Travel – Mileage Reimbursement Rates

Pursuant to 2 CFR 200.474(a), all award recipients must have policies and procedures in place related to travel costs; however, for reimbursement on a mileage basis, this Federal award cannot be charged more than the maximum allowable mileage reimbursement rates for Federal employees. The 2019 mileage reimbursement rates are:

Modes of Transportation	Effective/Applicability Date	Rate per mile
Privately owned automobile	January 1, 2020	\$0.58
Privately owned motorcycle	January 1, 2020	\$0.55

Mileage rates must be checked annually at www.gsa.gov/mileage to ensure compliance.

12. Administrative Requirements

a. Audits

Organization-wide or program-specific audits shall be performed in accordance with Subpart F, the Audit Requirements of the Uniform Guidance which apply to audits for fiscal years beginning on or after December 26, 2014. DOL awards recipients including for-profit and foreign entities that expend \$750,000 or more in a year from any Federal awards must have an audit conducted for that year in accordance with the requirements contained in 2 CFR 200.501.

OMB's approved exception at 2 CFR 2900.2 expands the definition of 'non-Federal entity' to include for-profit entities and foreign entities. For-profit and foreign entities that are recipients or subrecipients of a DOL award must adhere to the Uniform Guidance at 2 CFR 200.

b. Changes in Micro-purchase and Simplified Acquisition Thresholds

The Office of Management and Budget memorandum (M-18-18), issued on June 20, 2018, increased the threshold for micro-purchases under Federal financial assistance awards from \$3,500 to \$10,000 and the threshold for simplified acquisitions under Federal financial assistance awards from \$100,000 to \$250,000. Please note that these two threshold increases were effective for all Employment and Training (ETA) grantees as of October 1, 2018. All ETA grantees should carefully review the above-referenced memorandum and make any necessary updates to their financial and administrative policies, procedures and systems as a result of these threshold increases.

c. Closeout/Final Year Requirements

At the end of the grant period, the award recipient will be required to close the grant with the ETA. As the award recipient, your organization will be notified approximately 15 days prior to the end of the period of performance that the closeout process will begin once the grant ends. The information concerning the recipient's responsibilities at closeout may be found at 2 CFR 200.343. During the closeout process, the grantee must be able to provide documentation for all direct and indirect costs that are incurred. For instance, if an organization is claiming indirect costs, the documentation that is required is a Negotiated Indirect Cost Rate Agreement or Cost Allocation Plan issued by the grantee's Federal cognizant agency. Documentation for those approved to utilize a de minimis rate for indirect costs is demonstrated through the grant agreement. Not having documentation for direct or indirect costs will result in costs being disallowed and subject to debt collection. The only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT obligations) for goods and/or services received during the grant period (2 CFR 2900.15).

d. Creative Commons Attributions License

As required at 2 CFR 2900.13, any intellectual property developed under a competitive award process must be licensed under a Creative Commons Attribution 4.0 (CC BY) license, which allows subsequent users to copy, distribute, transmit and adapt the copyrighted work and attribute the work in the manner specified by the recipient. For general information on CC BY, please visit <http://creativecommons.org/licenses/by/4.0>. The Instructions for marking your work with CC BY can be found at http://wiki.creativecommons.org/Marking_your_work_with_a_CC_license.

e. Equipment

Award Recipients must receive prior approval from the Grant Officer to purchase any equipment as defined in the Uniform Guidance at 2 CFR 200.33 (current threshold is \$5,000). Prior approval is required only when the acquisition cost is \$5,000 or more regardless of the non-Federal entity's

capitalization threshold. Equipment purchases must be made in accordance with 2 CFR 200.313 or 2 CFR 200.439.

Being awarded this grant does not automatically mean you are approved for the equipment specified in a recipient's budget or statement of work unless it is specifically approved by the Grant Officer. If not specified above, the recipient must submit a detailed list describing the purchase to the FPO for review within 90 days of the Notice of Award date. We strongly encourage recipients to submit requests for equipment purchase as early as possible in the grant's period of performance with as many planned pieces of equipment as possible.

Recipients may not purchase equipment during the last year of the period of performance or the last year of full program service delivery (not follow up activities) whichever comes first. This may not be the same as the last twelve months of the period of performance. If any approved acquisition has not occurred prior to the last funded year of performance, approval for that item(s) is rescinded.

f. Federal Funding Accountability and Transparency Act (FFATA)

1. Reporting of first-tier subawards.

I. Applicability. Unless your organization is exempt as provided in paragraph [4.] of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph [5.] of this award term).

II. Where and when to report.

I. You must report each obligating action described in paragraph [1.i.] of this award term to <https://www.fsrs.gov>.

II. For subaward information, you must report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

III. What to report. You must report the information about each obligating action that the submission instructions posted at <https://www.fsrs.gov> specify.

2. Reporting Total Compensation of Recipient Executives.

I. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

- I. the total Federal funding authorized to date under this award is \$25,000 or more;
 - II. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - III. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)
- II. Where and when to report. You must report executive total compensation described in paragraph [2.a.] of this award term:
- a. As part of your registration profile at <http://www.sam.gov>.
 - b. By the end of the month following the month in which this award is made, and annually thereafter.
3. Reporting of Total Compensation of Subrecipient Executives.
- I. Applicability and what to report. Unless you are exempt as provided in paragraph [4.] of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
 - I. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject

- to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - II. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)
- II. Where and when to report. You must report subrecipient executive total compensation described in paragraph [3.a] of this award term:
 - I. To the recipient.
 - II. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
- 4. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

 - a. Subawards, and
 - b. The total compensation of the five most highly compensated executives of any subrecipient.
- 5. Definitions.

For purposes of this award term:

 - a. Entity means all of the following, as defined in 2 CFR part 25:
 - I. A Governmental organization, which is a State, local government, or Indian tribe;
 - II. A foreign public entity;
 - III. A domestic or foreign nonprofit organization;
 - IV. A domestic or foreign for-profit organization;
 - V. A Federal agency, but only as a subrecipient under an

- award or subaward to a non-Federal entity.
- b. Executive means officers, managing partners, or any other employees in management positions.
 - c. Subaward:
 - I. This term is used as a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - II. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see [2 CFR 200.330]).
 - III. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
 - d. Subrecipient means an entity that:
 - I. Receives a subaward from you (the recipient) under this award; and
 - II. Is accountable to you for the use of the Federal funds provided by the subaward.
 - e. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - I. Salary and bonus.
 - II. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - III. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - IV. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
 - V. Above-market earnings on deferred compensation which is not tax-qualified.
 - VI. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the

employee, perquisites or property) for the executive exceeds \$10,000.

g. Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for federal purposes: i) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and ii) any rights of copyright to which the recipient, subrecipient or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. Federal funds may not be used to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping. If revenues are generated by selling products developed with grant funds, including intellectual property, these revenues are considered as program income. Therefore, program income must be used in accordance with the provisions of this grant award and 2 CFR 200.307. If applicable, the following needs to be on all products developed in whole or in part with grant funds:

“This workforce product was funded by a grant awarded by the U.S. Department of Labor’s Employment and Training Administration. The product was created by the recipient and does not necessarily reflect the official position of the U.S. Department of Labor. The Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it.”

h. Intellectual Property Rights and the Bayh-Dole Act

All small business firms, and non-profit organizations (including Institutes of Higher Education) must adhere to the Bayh Dole Act, which requirements are provided at 37 CFR 401.3(a) and at <https://doleta.gov/grants/pdf/BayhDoleGrantTerm.pdf>. To summarize, these requirements describe the ownership of Intellectual Property rights and the government’s nonexclusive, nontransferable, irrevocable, paid-up license to use any invention conceived or first actually reduced to practice in the performance of work under this grant. These requirements are in addition to those found in the Intellectual Property Rights term provided in this document.

i. Personally Identifiable Information

Award recipients must recognize and safeguard personally identifiable information (PII) except where disclosure is allowed by prior written approval of the Grant Officer or by court order.

Award recipients must meet the requirements in Training and Employment Guidance letter (TEGL) 39-11, Guidance on the Handling and Protection of Personally Identifiable Information (PII)), found at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7872.

j. Pre-Award

All costs incurred by the award recipient prior to the start date specified in the award issued by the Department are incurred at the recipient's own expense.

k. Procurement

The Uniform Guidance Procurement Standards at 2 CFR 200.317-326 require all award recipients and subrecipients to conduct procurement transactions in a manner that promote practical, open and free competition. If the award recipient specifies the entity that will provide the goods or services in their statement of work, then the DOL ETA's description of award does not provide the justification for such sole-source procurement.

l. Program Income

The Addition method as described in 2 CFR 200.307 must be used in allocating any program income generated for this grant award. Award recipients must expend all program income prior to drawing down additional funds as required at 2 CFR 200.305(b)(5) and 2 CFR 200.307(e). Any program income found remaining at the end of period of performance must be returned to the ETA. In addition, recipients must report program income on the quarterly financial report using ETA-9130 form.

m. Publicity

No funds provided under this grant shall be used for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress or any state or local legislature or legislative body, except in presentation to the Congress or any state or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government, except in presentation to the executive branch of any state or local government itself. Nor shall grant funds be used to pay the salary or expenses of any recipient or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive Order proposed or pending before the Congress, or any state government, state legislature, or local legislative body other than for normal and recognized executive-legislative

relationships or participation by an agency or officer of a state, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

n. Recipient Integrity and Performance Matters

1. If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the award recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
2. Proceedings about which you must report. Submit the information required about each proceeding that:
 - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
 - b. Reached its final disposition during the most recent 5-year period; and
 - c. Is one of the following:
 - I. A criminal proceeding that resulted in a conviction, as defined in paragraph 5. of this award term
 - II. A civil proceeding that resulted in a finding of fault and liability and paying a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - III. An administrative proceeding, as defined in paragraph 5. of this award term, that resulted in a finding of fault and liability and your payment of either monetary fine or penalty of \$5,000 or more or a reimbursement, restitution, or damages in excess of \$100,000; or
 - IV. Any other criminal, civil, or administrative proceeding if:
 - (A) It could have led to an outcome described in paragraph 2.c.I, II, or III of this award term;
 - (B) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on

your part; and

- (C) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting procedures. Enter in SAM Entity Management area (formerly CCR), or any successor system, the FAPIIS information that SAM requires about each proceeding described in paragraph 2. of this award term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM (formerly CCR) because you were required to do so under Federal procurement contracts that you were awarded.
4. Reporting frequency. During any period of time when you are subject to the requirement in paragraph 1. of this award term, you must report FAPIIS information through SAM no less frequently than semiannually following your initial report of any proceedings for the most recent 5-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report.
5. Definitions. For purposes of this award term:
 - a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level. It does not include audits, site visits, corrective plans, or inspection of deliverables.
 - b. Conviction, for purposes of this award term, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
 - c. Total value of currently active grants, cooperative agreements, and procurement contracts includes —
 - I. Only the Federal share of the funding under any award with a recipient cost share or match; and
 - II. The value of all options, even if not yet exercised.

o. Reports

All ETA recipients are required to submit quarterly financial and narrative progress reports for each grant award.

- a. Quarterly Financial Reports. All ETA recipients are required to report

quarterly financial data on the ETA-9130 Form. ETA-9130 reports are due no later than 45 calendar days after the end of each specified reporting quarter. Reporting quarter end dates are March 31, June 30, September 30, and December 31. A final financial report must be submitted no later than 90 calendar days after the grant period of performance ends. A closeout report will be submitted during the closeout process. For additional guidance on ETA's financial reporting, reference Training and Employment Guidance Letter (TEGL) 02-16 and https://www.doleta.gov/grants/pdf/ETA-9130_Financial_Reporting_Resources.pdf

The instructions for accessing both the on-line financial reporting system and the HHS Payment Management System can be found in the transmittal memo accompanying this Notice of Award.

- b. Quarterly Narrative Progress Reports. Recipients are required to submit a narrative quarterly and final report on grant activities funded under this award. All reports are due no later than 45 calendar days after the end of each specified reporting quarter. Reporting quarter end dates are March 31, June 30, September 30, and December 31.
 - 1. The last quarterly progress report that award recipients submit will serve as the grant's Final Performance Report. This report should provide both quarterly and cumulative information on the grant's activities. It must summarize project activities, employment outcomes and other deliverables, and related results of the project.
 - 2. The recipient shall use any standard forms and instructions to report on training and employment outcomes and other data relating to the progress reports as provided by ETA.
 - 3. The recipient shall utilize standard reporting processes and electronic reporting systems to submit their quarterly progress reports as provided by ETA.

p. Requirements for Conference and Conference Space

Conferences sponsored in whole or in part by the award recipient are allowable if the conference is necessary and reasonable for the successful performance of the Federal Award. Recipients are urged to use discretion and good judgment to ensure that all conference costs charged to the grant are appropriate and allowable. For more information on the requirements and the allowability of costs associated with conferences, refer to 2 CFR 200.432. Recipients will be held accountable to the requirements in 2 CFR 200.432.

Therefore, costs that do not comply with 2 CFR 200.432 will be questioned and may be disallowed.

q. **Subawards**

A subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

The provisions of the Terms and Conditions of this award will be applied to any subrecipient under this award. The recipient is responsible for monitoring the subrecipient, ensuring that the Terms and Conditions are in all subaward packages and that the subrecipient comply with all applicable regulations and the terms and conditions of this award (2 CFR 200.101(b)(1)).

r. **Supportive Services & Participant Support Costs**

When supportive services are expressly authorized by a program statute, regulation, or FOA, this award waives the prior approval requirement for participant support costs as described in 2 CFR 200.456. Costs must still meet the basic considerations at 2 CFR 200.402 – 200.411. Questions regarding supportive services and participant support costs should be directed to the FPO who is assigned to the grant.

s. **System for Award Management**

1. **Requirement for System of Award Management (SAM)**

Unless you are exempt from this requirement under 2 CFR 25.110, you as the award recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

2. **Requirement for unique entity identifier**

If you are authorized to make subawards under this award, you:

- i. Must notify potential subrecipients that no entity (see definition in paragraph [3] of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
- ii. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

3. **Definitions**

For purposes of this award term:

- i. **System of Award Management (SAM)** is the Federal repository

where award recipients register to do business with the U.S. government. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).

ii. Unique entity identifier means the code that is unique to a registered entity in order to complete its registration on SAM. \iii. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

- a. A Governmental organization, which is a State, local government, or Indian Tribe;
- b. A foreign public entity;
- c. A domestic or foreign nonprofit organization;
- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

iv. Subaward:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

v. Subrecipient means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

t. SAM Registration Validation

ETA advises grant recipients registered in SAM to log into SAM and review their registration information, particularly their financial information and points of contact. Further, the DUN and EIN numbers must remain active until the grant award closeout process is fully completed. See TEN 18-17 for additional guidance.

u. Vendor/Contractor

The term “contractor”, sometimes referred to as a vendor, is a dealer, distributor, merchant or other seller providing goods or services that are required to implement a Federal program. (2 CFR 200.23) These goods or services may be for an organization's own use or for the use of the beneficiaries

of the Federal program. Additional guidance on distinguishing between a subrecipient and a contractor (vendor) is provided in 2 CFR 200.330. When procuring contractors for goods and services, DOL ETA recipients and subrecipients must follow the procurement requirements 2 CFR 200.319, which calls for free and open competition.

v. Whistleblower Protection

This grant and employees working on this grant are subject to the whistleblower rights and remedies established at 41 U.S.C. 4712. The recipient shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C. 4712, as described in section 3.908 of the Federal Acquisition Regulation (48 CFR 3.908; note that for the purpose of this term and condition, use of the term "contract," "contractor," "subcontract," or "subcontractor" in section 3.908 should be read as "grant," "grantee," "subgrant," or "subgrantee"). The recipient shall insert the substance of this clause in all subgrants and contracts over the simplified acquisition threshold.

13. Program Requirements

The Training and Employment Guidance Letter No. 15-19 contains the program requirements for this award.

14. 2019 Federal Appropriations Requirements

a. Fair Labor Standards Act Amendment for Major Disasters

The Fair Labor Standards Act of 1938 ("FLSA") will apply as if the following language was added to section 7 (the "Maximum Hours Worked" section). This language specifically relates to occurrences of a major disaster (as declared or designated by the State or Federal government) and are applied for a period of two years afterwards. The language is as follows:

"(s)(1) The provisions of this section [maximum hours worked] shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—

"(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

"(B) who receives from such employer on average weekly compensation of not less than

\$591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and "(C) whose duties include any of the following:

“(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians; “(ii) inspecting property damage or reviewing factual information to prepare damage estimates; “(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims; “(iv) negotiating settlements; or “(v) making recommendations regarding litigation.

“(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1) [of the FLSA].

“(3) For purposes of this subsection—

“(A) the term ‘major disaster’ means any disaster or catastrophe declared or designated by any State or Federal agency or department;

“(B) the term ‘employee employed to adjust or evaluate claims resulting from or relating to such major disaster’ means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

“(C) the term ‘affiliate’ means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.”.

b. Health Benefits Coverage for Contraceptives

Federal funds may not be used to enter into or renew a contract which includes a provision for prescription drug coverage unless the contract also includes a provision for contraceptive coverage. This requirement does not apply to contracts with 1) the religious plans Personal Care’s HMO and OSF HealthPlans, Inc. and 2) any existing or future plan if the carrier for the plan objects to such coverage on the basis of religious beliefs.

In implementing this section, any plan that enters into or renews a contract may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individuals’ religious beliefs or moral convictions. Nothing in this term shall be construed to require coverage of abortion or abortion related services.

c. Privacy Act

No funds can be used in contravention of the 5 USC 552a (Privacy Act) or regulations implementing the Privacy Act.

d. **Prohibition on Contracting with Corporations with Felony Criminal Convictions**

The recipient may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months.

e. **Prohibition on Contracting with Corporations with Unpaid Tax Liabilities**

The recipient may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

f. **Prohibition on Procuring Goods Obtained Through Child Labor**

No funds may be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries identified by the DOL prior to December 18, 2015. DOL has identified these goods and services here: <http://www.dol.gov/ilab/reports/child-labor/list-of-products/index-country.htm> .

g. **Prohibition on Providing Federal Funds to ACORN**

These funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations or successors.

h. **Reporting of Waste, Fraud and Abuse**

No entity receiving federal funds may require employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

i. **Requirement for Blocking Pornography**

No Federal funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

j. Requirement to Provide Certain Information in Public Communications

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all non-Federal entities receiving Federal funds shall clearly state:

1. The percentage of the total costs of the program or project which will be financed with Federal money;
2. The dollar amount of Federal funds for the project or program; and
3. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

The requirements of this part are separate from those in the 2 CFR part 200 and, when appropriate, both must be complied with.

k. Restriction on Health Benefits Coverage for Abortions

Federal funds may not be expended for health benefits coverage that includes coverage of abortions, except when the abortion due to a pregnancy that is the result of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, including life- endangering physical conditions caused by or arising from the pregnancy itself that would, as certified by a physician, place the women in danger of death unless and abortion is performed. This restriction does not prohibit any non-Federal entity from providing health benefits coverage for abortions when all funds for that specific benefit do not come from a Federal source.

Additionally, no funds made available through this award may be provided to a State or local government if such government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

l. Restriction on Lobbying/Advocacy

No federal funds may be used by a grant recipient, other than for normal and recognized executive-legislative relationships, to engage in lobbying or advocacy activities (including publicity or propaganda purposes or for the preparation of any publication or electronic communication) designed to support or defeat the enactment of federal, state, or local legislation, regulation, appropriations, order, or other administrative action, except in presentation to Congress or a State or local legislature itself or for participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

m. Restriction on the Promotion of Drug Legalization

No Federal funds shall be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive- congressional communications or where there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

n. Restriction on Purchase of Sterile Needles or Syringes

No Federal funds shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug.

o. Salary and Bonus Limitations

Recipients and subrecipients shall not use funds to pay the salary and bonuses of an individual, either as direct costs or as indirect costs, at a rate in excess of Executive Level II. The Executive Level II salary may change yearly and is located on the OPM.gov website (<http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2019/executive-senior-level>). The salary and bonus limitation does not apply to contractors (vendors) providing goods and services as defined in 2 CFR 200.330. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. See Training and Employment Guidance Letter No. 5-06 for further clarification, available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262

15. Public Policy

a. Architectural Barriers

The Architectural Barriers Act of 1968, 42 U.S.C. 4151 et seq., as amended, the Federal Property Management Regulations (see 41 CFR 102-76), and the Uniform Federal Accessibility Standards issued by GSA (see 36 CFR 1191, Appendixes C and D) set forth requirements to make facilities accessible to, and usable by, the physically handicapped and include minimum design standards. All new facilities designed or constructed with grant support must comply with these requirements.

b. Drug-Free Workplace

The Drug-Free Workplace Act of 1988, 41 U.S.C. 702 et seq., and 2 CFR 182 require that all organizations receiving grants from any Federal agency maintain a

drug-free workplace. The award recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for suspension or debarment.

c. Executive Orders

12928: Pursuant to Executive Order 12928, the recipient is strongly encouraged to provide subcontracting/subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities; and to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals.

13043: Pursuant to Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

13166: As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, dated August 11, 2000, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs in accordance with DOL's Policy Guidance on the Prohibition of National Origin Discrimination as it Affects Persons with Limited English Proficiency [05/29/2003] Volume 68, Number 103, Page 32289-32305. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding your LEP obligations, go to <http://www.lep.gov>.

13513: Pursuant to Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, dated October 1, 2009, recipients and subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Recipients and subrecipients are also encouraged to conduct initiatives of the type described in section 3(a) of this order.

13788: Pursuant to Executive Order 13788, by drawing down funds, the recipient agrees to comply with sections 8301 through 8303 of title 41, United States Code (commonly known as the "Buy American Act"). Additionally, no funds may be made available to any person or entity that has been convicted of violating the Buy American Act.

For the purposes of this award, the Buy American Act requires the recipient to use, with limited exceptions, only 1) unmanufactured items that have been mined or produced in the United States; and 2) manufactured items that have been manufactured in the United States substantially all from articles, materials, or supplies that were mined, produced, or manufactured in the United States.

These requirements do not apply to 1) items for use outside of the United States, 2) items that are not mined, produced, or manufactured in the United

States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; and 3) manufactured items procured under any contract with an award value that is equal to or less than the micro-purchase threshold (currently \$10,000). In order to claim an exception to these requirements under 1 or 2 above, the recipient must get prior approval from the Grant Officer. Prior approval is not needed for purchases under the micro-purchase threshold.

d. Flood Insurance

The Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4001 et seq., provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in communities in the United States identified as flood-prone, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within 1 year of the identification. The flood insurance purchase requirement applies to both public and private applicants for the DOL support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

e. Hotel-Motel Fire Safety

Pursuant to 15 U.S.C. 2225a, the recipient must ensure that all space for conferences, and, conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (P.L. 101-391, as amended). Recipients may search the Hotel Motel National Master List at <https://apps.usfa.fema.gov/hotel/> to see if a property is in compliance, or to find other information about the Act.

f. Prohibition on Trafficking in Persons

1. Trafficking in persons.

a. Provisions applicable to a recipient that is a private entity.

I. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

(A). Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

(B). Procure a commercial sex act during the period of time that the award is in effect; or

(C). Use forced labor in the performance of the award or subawards under the award.

II. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —

(A). Is determined to have violated a prohibition in paragraph a.1 of this award term; or

(B). Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—

- i. Associated with performance under this award; or
- ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 2998.

b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

I. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

II. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—

(A). Associated with performance under this award; or

(B). Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 29 CFR Part 98.

c. Provisions applicable to any recipient.

I. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

II. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

(A). Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

(B). Is in addition to all other remedies for

noncompliance that are available to us under this award.

III. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. Definitions. For purposes of this award term:

I. "Employee" means either:

(A). An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

(B). Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

II. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

III. "Private entity":

(A). Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

(B). Includes:

i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

ii. A for-profit organization.

IV. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

g. Veterans' Priority Provisions

The Jobs for Veterans Act (Public Law 107-288) requires recipients to provide priority service to veterans and spouses of certain veterans for the receipt of

employment, training, and placement services in any job training program directly funded, in whole or in part, by the DOL. The regulations implementing this priority of service can be found at 20 CFR part 1010. In circumstances where a grant recipient must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans priority of service provisions require that the grant recipient give the veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements. Recipients must comply with the DOL guidance on veterans' priority. ETA's Training and Employment Guidance Letter (TEGL) No. 10-09 (issued November 10, 2009) provides guidance on implementing priority of service for veterans and eligible spouses in all qualified job training programs funded in whole or in part by DOL. TEGL No. 10-09 is available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816.