



ADWS Policy Number: WIOA I-B – 6.4, Change 1 Effective Date: March 15, 2024

Certification of Arkansas Workforce Centers Policy and Procedures

PURPOSE:

The purpose of this policy is to provide guidance concerning the certification of Arkansas Workforce Centers.

REFERENCES:

WIOA §§ 101(d), 121(g), & 188
A.C.A. §§ 15-4-3706 & 15-4-3711
20 CFR 652.202, 678.310, 678.800 & 679.130
34 CFR 361.800, 361.310, 361.315, 463.310, & 463.800
Training and Employment Guidance Letters (TEGLs) 15-16 & 16-16
Arkansas WIOA Combined State Plan Program Years (PY) 24-27

BACKGROUND:

Arkansas Workforce Centers were designed after and are part of the American Job Center network. American Job Centers were established under the Workforce Investment Act of 1998 (WIA) as a national name for the one-stop centers required by WIA and reauthorized in the Workforce Innovation and Opportunity Act of 2014 (WIOA). They were designed to provide a full range of assistance to job seekers under one roof, offering training referrals, career counseling, job listings, and similar employment-related services.

Consistent with the requirement in WIOA § 121(e)(4) for the use of a common identifier, the U.S. Department of Labor (DOL), in coordination with the U.S. Department of Education (ED), established the American Job Center network as a unifying name and brand that identifies online and in-person workforce development services as part of a single network of publicly funded services [TEGL 16-16]. Within the American Job Center network, Arkansas has branded its

one-stop centers as Arkansas Workforce Centers.

The vision for the American Job Center network reflects the long-standing and ongoing work of dedicated workforce professionals to align a wide range of publicly funded or privately funded education, employment, and training

programs, while also providing high-quality customer service to all job seekers, workers, and businesses [TEGL 16-16]. This vision supports the vision that the Arkansas Workforce Development Board (AWDB) adopted for Arkansas's workforce development delivery system at their regular quarterly meeting in October 2015. Their stated vision was for Arkansas to have a world-class workforce that is well educated, skilled, and working in order to keep Arkansas's economy competitive in the global marketplace.

The workforce system envisioned by WIOA is quality- focused, employer-driven, customer-centered, and tailored to meet the needs of regional economies. It is designed to increase access to and opportunities for the employment, education, training, and support services that individuals need to succeed in the labor market, particularly those with barriers to employment. It aligns workforce development, education, and economic development programs with local and regional economic development strategies to meet the needs of local and regional employers. This design provides a comprehensive, accessible, and high-quality workforce development system. The alignment in the design provides all customers access to high-quality workforce development centers that connect them with the full range of services available in their communities, whether they are looking to find jobs, build basic educational or occupational skills, earn a postsecondary certificate or degree, obtain guidance on how to make career choices, or are businesses and employers seeking skilled workers [Arkansas State Plan 2020-2023].

PURPOSE OF AN ARKANSAS WORKFORCE CENTER

The purpose of the Arkansas Workforce Centers is to [TEGL 16-16]:

- Provide job seekers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages.
- Provide access and opportunities to all job seekers, including individuals with barriers to employment, such as individuals with disabilities, to prepare for, obtain, retain, and advance in high-quality jobs and high-demand careers.
- Enable businesses and employers to easily identify and hire skilled workers and access other supports, including education and training for their current workforce.
- Participate in rigorous evaluations that support continuous improvement of workforce centers by identifying which strategies work better for different populations.
- Ensure that decisions made by policymakers, employers, and jobseekers are informed by high-quality integrated data.

CHARACTERISTICS OF AN ARKANSAS WORKFORCE CENTER

The Arkansas WIOA Combined State Plan Program Years 2024-2027 lists the following characteristics of a high-quality Arkansas Workforce Center. This criterion must be used in the evaluation and certification of Arkansas Workforce Centers. Each center must:

- Provide excellent customer service to job seekers, workers, and businesses by delivering quality employer services, reflecting a welcoming environment, providing career services that empower, improving the skills development of job seekers, and creating opportunities for customers.
- Reflect innovative and effective service design by providing an integrated intake process, actively engaging industry sectors, using market-driven principles, using innovative delivery models, offering both virtual and center-based services, and ensuring access to all customers.

- Operate with integrated management systems and high-quality staffing by reflecting robust partnerships, organizing services by function, using common performance indicators, offering highly trained career counselors, implementing integrated policies, cross-training and equipping center staff, and maintaining integrated case management.
- Focus on helping those with barriers to employment.

OVERSIGHT AND OPERATION OF THE ARKANSAS WORKFORCE DEVELOPMENT SYSTEM

The local workforce development boards (LWDBs), with the agreement of the chief elected officials (CEOs), are responsible for oversight of the one-stop delivery system, developing and entering into memoranda of understanding (MOUs) described in WIOA § 121(c), and designating or certifying one-stop operators under WIOA § 121(d) [WIOA § 121(a)].

The management of the Arkansas workforce delivery system is the shared responsibility of the AWDB, LWDBs, CEOs, core WIOA partners, other required partners, and workforce center operators [TEGL 16-16].

SELECTION AND RESPONSIBILITIES OF THE ONE-STOP OPERATOR

Each LWDB must select or designate a one-stop operator through a competitive process, even if the one-stop operator is a consortium of three or more partners or is the LWDB itself. This competitive process must be repeated at least every four (4) years [TEGL 15-16]. LWDBs must prepare written documentation explaining the competitive process to be followed in selecting a one-stop operator [20 CFR 678.605]. Records and supporting documentation on the expenditure of federal funds for the competitive selection of the one-stop operator must be retained to sufficiently support the expenditures reported on the quarterly ETA-9130 form. Record retention requirements are also applicable to document that a conflict of interest does not exist in the selection of the one-stop operator, as well as all other LWDB decisions. [WIOA§121(d)(2)A); 20 CFR 678.605; 20 CFR 678.615(a); & TEGL 15-16]. Other specific information concerning the selection or designation of one-stop operators, especially when an LWDB or a consortium applies to be the one-stop operator, may be found in WIOA § 107(g)(2), WIOA § 121(d), 20 CFR 678.605, and TEGL 15-16.

An LWDB that is approved to be a one-stop operator by the CEOs and the Governor must have their conflict-of-interest policies and procedures approved by ADWS, as the Governor's administrative entity [20 CFR 678.610(d)]. Any organization that is selected to serve in more than one function (one-stop operator, local fiscal agent, LWDB staff, and direct provider of services) must have an agreement with the LWDB and the CEOs that includes how the organization will carry out its responsibilities while demonstrating compliance with corresponding WIOA regulations and the state's conflict-of-interest policy.

The one-stop operator also carries out the following activities through the Arkansas Workforce Centers [TEGL 16-16]:

- Facilitates integrated partnerships that seamlessly incorporate services for the common customers served by multiple program partners.
- Develops and implements operational policies that reflect an integrated system of performance, communication, and case management, and uses technology to achieve integrated and expanded service offerings.
- Organizes and integrates Arkansas Workforce Center services by function (rather than by program), when permitted by a program's authorizing statute and, as appropriate, through coordinating staff communication, capacity building, and training efforts. Functional alignment involves having Arkansas Workforce Center staff who perform similar tasks serve on relevant functional teams (e.g., skills development team or business services team), using strategies outlined in TEGL 16-16.

- Ensures that appropriate career services are available through the one-stop delivery system.

COMMON IDENTIFICATION AS AN ARKANSAS WORKFORCE CENTER

Every Arkansas Workforce Center must be identified by the proper common identifier, which must include the words “a proud partner of the American Job Center network”. The common identifier, similar to the example below, must be placed either on a sign in front of the workforce center, on the door to the center, or both. The common identifier must also be used on advertising and documents used by the workforce center. Other acceptable versions of the common identifier may be obtained from the ADWS Communications Director.



POLICY:

At least once every three (3) years, the Arkansas Workforce Center (whether comprehensive or affiliate) must be evaluated and certified [WIOA § 121(g)(1), 20 CFR 678.800, 34 CFR 361.800, & 34 CFR 463.800]. Centers may also be evaluated for cause at any time [A.C.A. § 15-4-3711].

The AWDB, in consultation with the CEOs and LWDBs, must review and update the objective criteria and procedures to use when certifying the American Job Centers. This collaboration is done every two (2) years as part of the review and modification of the Arkansas WIOA Combined State Plan [WIOA § 121(g)(1), 20 CFR 679.130, 20 CFR 678.800, 34 CFR 361.800, and 34 CFR 463.800]. The criteria must evaluate the Arkansas Workforce Centers and the one-stop delivery system for effectiveness, customer satisfaction, physical and programmatic accessibility, and continuous improvement [WIOA § 121(g)(1) and 20 CFR 678.800(a)(2)]. Additional criteria may be required by federal and state laws, regulations, and guidance.

The AWDB criteria for evaluation of comprehensive workforce centers are the minimum criteria listed in this policy. Affiliate centers are required to meet only the criteria that are relevant to the programs in these centers.

LWDBs may establish additional criteria or set higher standards for service coordination achieved by the one-stop delivery system. If the LWDB establishes additional criteria, the criteria must be in their local plan, which must be approved by the Governor or his/her designee [20 CFR 678.800, 34 CFR 361.800, 34 CFR 463.800, & TEGL 16-16].

Although management of the Arkansas Workforce Centers is the shared responsibility of the AWDB, LWDBs, CEOs, the six WIOA core program partners, other one-stop partners, Arkansas Workforce Center operators, and service providers [TEGL 16-16], the LWDBs have the responsibility of oversight of the centers with respect to a successful service delivery system [WIOA § 121(a)(3)]. The certification process establishes a minimum level of quality and consistency of services in Arkansas Workforce Centers across the state. The certification criteria allow states to set standard expectations for customer-focused and seamless services from a network of employment, training, and related services that help individuals overcome barriers to obtaining and maintaining employment.

Evaluations of effectiveness must include how well the one-stop center partners integrate available services for participants and businesses, meet the workforce development needs of participants, meet the employment needs of local employers, operate in a cost-efficient manner, coordinate services among the one-stop partner programs, and provide access to partner program services to the maximum extent practicable, including providing services outside of regular business hours where there is a workforce need, as identified by the LWDB. These evaluations must take into account feedback from one-stop customers. They must also include evaluations of how well the one-

stop center ensures equal opportunity for individuals with disabilities to participate in or benefit from the one-stop center services. These evaluations must include criteria evaluating how well the centers and delivery systems take actions to comply with the disability-related regulations implementing WIOA §188 [20 CFR 678.800(b), 34 CFR 361.800, & 34 CFR 463.800].

Comprehensive Arkansas Workforce Centers:

Each local workforce development area must have at least one certified comprehensive Arkansas Workforce Center, as described in WIOA § 121(g), 20 CFR 678.305, 34 CFR 361.305, and 34 CFR 463.305 [TEGL 16-16 (4)(C)]. During all business hours, each comprehensive Arkansas Workforce Center must have [TEGL 16-16 (4)(C) & 20CFR 678.305]:

- At least one WIOA title I-B adult and dislocated worker staff person physically present.
- Career services provided as listed in 20 CFR 678.430, 34 CFR 361.430, and 34 CFR 463.430.
- Access to training services described in 20 CFR 680.200.
- Access to any employment and training activities carried out under WIOA §134(d).
- Access to programs and activities carried out by one-stop partners listed in 20 CFR 678.400 through 678.410, 34 CFR 361.400 through 361.410, and 34 CFR 463.400 through 463.410.
- Workforce and labor market information.

A customer must have access to all these programs, services, and activities during all regular business hours [TEGL 16-16, 20 CFR 678.305(c), 34 CFR 361.305(c); & 34 CFR 463.305(c)]. The LWDB may establish other service hours and other times to accommodate the schedules of individuals who work on regular business days or who, because of life circumstances, are not able to access the comprehensive center during regular business hours. Centers that are not open outside of regular business hours must have a plan for how they will provide services to individuals who cannot visit a center during regular business hours [TEGL 16-16 & 20 CFR 678.305(c)].

Unless otherwise required, “access” does not mean that each required partner must provide these services directly on-site at the Arkansas Workforce Center. Access to each partner program and its services means:

- Having a program staff member physically present at the Arkansas Workforce Center;
- Having a staff member from a different partner program physically present at the Arkansas Workforce Center appropriately trained to provide information to customers about the programs, services, and activities available through all partner programs; or
- Making available a direct linkage through technology to a program staff member who can provide meaningful information or services. A direct linkage means providing direct connection at the one-stop center, within a reasonable time, by phone or through a real-time Web-based communication to a program staff member who can provide program information or services to the customer. A direct linkage cannot exclusively be providing a phone number or computer Web site or providing information, pamphlets, or materials [TEGL 16-16 & 20 CFR 678.305(d)].

The evaluation of the hours of access to service is part of the evaluation of effectiveness in the one-stop certification process [20 CFR 678.305(c)]. Suggestions for ways that services can be provided during all business hours without representatives of all programs physically at the comprehensive center can be found in TEGL 16-16 and 20 CFR 678.305.

The Arkansas Workforce Center certification criteria requires the center to have a business liaison team as the single point of contact for business services. It is expected that staff involved with initiating employer contacts will participate on the team in a coordinated outreach program under the Arkansas Workforce Center name and marketing approach. The team must consist of business contact staff from all partner programs and must, at a

minimum, provide the following structure and coordination in approaching the business community [Arkansas Combined State Plan PY 24-27]:

- A team leader to coordinate the activities of the team.
- A coordinated “script” to market the system to employers.
- Use of the Arkansas Workforce Center name as the primary marketing approach, with agency specialty areas (i.e., Arkansas Rehabilitation Services, Services for the Blind, Disabled Veterans’ Outreach Program (DVOP), Local Veterans Employment Representatives (LVERs), etc.) presented as a part of the overall system, as needed.
- An information sharing strategy that makes contact results available to all team members.
- A clear menu of services across all partners.
- A division of duties with employer sector specializations as deemed appropriate for quality customer service.
- Multiple agency participation with clear cost and information sharing commitments.
- At a minimum, job searches, employer contacts, job orders, or job development leads performed by any center staff as a result of outreach will be entered into the Wagner- Peyser database (Arkansas JobLink).

All comprehensive Arkansas Workforce Centers must be physically and programmatically accessible to individuals with disabilities, as described in WIOA §188 and 29 CFR Part 38. To ensure meaningful access to all customers, Arkansas Workforce Centers must incorporate the principles of universal and human-centered design. These principles include, for example, flexibility in space usage; the use of pictorial, written, verbal, and tactile modes to present information for customers with disabilities or English language learners; providing clear lines of sight to information for seated or standing users; providing necessary accommodations; and providing adequate space for the use of assistive devices or personal assistants [TEGL 16-16].

Every comprehensive center must be identified as an Arkansas Workforce Center as described above, and the normal hours of operation of the center must be posted on or near the entrance to the center.

Required Partners:

WIOA § 121(b) identifies the required one-stop programs that must be available in a comprehensive workforce center, as well as the additional programs that may be one-stop partners with the approval of the LWDB and CEOs. Generally, the entity that carries out the program serves as the one-stop partner. This may be the grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in a local area. It is the responsibility of the federal grant recipient to ensure that the subrecipient that is providing services in that local area properly and effectively participates in the one-stop delivery system. If the federal grant recipient has issued or awarded part of or its entire program funds to a subrecipient or subcontractor in accordance with program requirements, the federal grant recipient remains the entity responsible for fulfilling the roles and responsibilities of a one-stop partner program. If a program does not have a local administrative entity, the responsible state agency is considered the one-stop partner. If a program listed below is not carried out in a local area, the requirements relating to a required one-stop partner are not applicable to that program or entity in regard to that local area’s one-stop delivery system [20 CFR 678.415, 34 CFR 361.415, 34CFR 463.415, & TEGL 16-16].

Representatives of the following programs and activities (one-stop partners) must be in each comprehensive center if the programs or activities exist in the local area, as explained in the previous paragraph [WIOA § 121(b)(B), 20 CFR 361.400, 20 CFR 678.400, 34 CFR 361.400, 34 CFR 463.400 & TEGL 16-16]:

- WIOA title I-B Adult, Dislocated Worker, and Youth programs.

- WIOA title I-B Job Corps.
- WIOA title I-D YouthBuild.
- WIOA title I-D Native American programs.
- WIOA title I-D (Sec. 167) Migrant and seasonal farmworker programs.
- WIOA title II Adult Education and Family Literacy Act (AEFLA) programs.
- WIOA title III Wagner-Peyser Act Employment Service program authorized under the Wagner-Peyser Act (20 U.S.C. 49 et seq.) as amended by WIOA title III.
- WIOA title IV Vocational Rehabilitation (VR) programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. et seq.) as amended by WIOA title IV (Arkansas Rehabilitation Services and Division of Services for the Blind).
- Senior Community Service Employment Program authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et. seq.).
- Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (The representative is the eligible recipient(s) at the postsecondary level or a consortium of eligible recipients at the postsecondary level in the local area) [20 CFR 678.415].
- Trade Adjustment Assistance activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).
- Jobs for Veterans State Grants programs authorized under chapter 41 of title 38, U.S.C.
- Employment and training activities carried out under the Community Services Block Grant (42 U.S.C. 9901 et seq.).
- Employment and training activities carried out by the Department of Housing and Urban Development.
- Programs authorized under state unemployment compensation laws (in accordance with applicable federal law).
- Programs authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532) and WIOA sec. 169 (e.g., Reentry Employment Opportunities).
- Temporary Assistance for Needy Families (TANF) authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) unless exempted by the Governor.

Specific information concerning the entities for each of these programs and activities may be found in 20 CFR 678.415, 34 CFR 361.415, & 34 CFR 463.415.

Additional Partners:

With the approval of the LWDB and the CEOs, additional entities that carry out workforce development programs may be one-stop partners. These additional partners may include, but are not limited to [WIOA §121(b)(2), 34 CFR 361.410, 34 CFR 463.410, & TEGL 16-16]:

- Employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b-19).
- Employment and training programs carried out by the Small Business Administration.
- Supplemental Nutrition Assistance Program (SNAP) employment and training programs authorized under section 6(d)(4) and 6(o) of the Food and Nutrition Act of 2008 (U.S.C. 2015(d)(4)).
- Client Assistance Program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732).

- Programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).
- Other appropriate federal, state, or local programs, including, but not limited to, employment, education, and training programs provided by public libraries or in the private sector.

Affiliate Arkansas Workforce Centers:

Local areas may also have affiliate Arkansas Workforce Centers to increase the availability of one-stop services to individuals in the local areas [20 CFR 678.300(d)]. An affiliate Arkansas Workforce Center is a site that makes available to job seekers and employer customers one or more of the one-stop partners' programs, services, and activities. An affiliate site does not need to provide access to every required one-stop partner program. The frequency of a program staff's physical presence in the affiliate site will be determined at the local level through partner MOU negotiations. If affiliate sites are used by a local area as part of the service delivery strategy, the affiliate site must be implemented in a manner that supplements and enhances customer access to services [20 CFR 678.310, 34 CFR 361.310, 34 CFR 463.310, & TEGL 16-16].

Every affiliate center must be identified as an Arkansas Workforce Center as described above, and the normal hours of operation of the center must be posted on or near the entrance to the center.

Any location where WIOA title I-B adult, dislocated worker, and/or youth services are provided on a regular basis, even if they are the only partner providing services at that location, must be identified as an Arkansas Workforce Center. In addition, the hours of normal operation must be posted at or near the door of the affiliate center.

All affiliate sites must be physically and programmatically accessible to individuals with disabilities, as described in WIOA § 188 and 29 CFR part 38 [20 CFR 678.310, 34 CFR 361.310, 34 CFR 463.310, & TEGL 16-16].

Wagner-Peyser Act employment services cannot be the only services at an affiliate site [20 CFR 652.202, 20 CFR 678.310, 20 CFR 678.315, 34 CFR 361.310, 34 CFR 361.315, 34 CFR 463.310]. If Wagner-Peyser Act employment services are provided at an affiliate center, there must be at least one or more other partners in the affiliate center with a physical presence of combined staff more than 50 percent of the time the center is open. The other partner(s) may not be the partner administering the local veterans employment representatives program, disabled veterans' outreach program, or unemployment compensation program. If Wagner-Peyser Act employment services and any of these 3 programs are provided at an affiliate site, an additional partner or partners must have a presence of combined staff in the center more than 50 percent of the time the center is open [20 CFR 652.202, 20 CFR 678.315, 34 CFR 361.315; 34 CFR 463.315].

Roles and Responsibilities of Partners of all Arkansas Workforce Centers

1. **Basic Career Services** must be available in all Arkansas Workforce Centers. At a minimum, all of these basic career services as described in WIOA §134(c)(2)(A)(i-xi), 20 CFR 678.430(a), 34 CFR 361.430(a), and 34 CFR 463.430(a) must be provided in the local area through the one-stop delivery system during all normal business hours (see these references and TEGL 16-16 for more details concerning this list):
 - Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs, including co-enrollment among these programs.
 - Outreach, intake (including worker profiling), and orientation to information about other programs and services available through the one-stop delivery system.
 - Initial assessment of skill levels, aptitudes, abilities, and supportive service needs.
 - Labor exchange services, including job search and placement assistance; career counseling, including provision of information on in-demand sectors and occupations, and information on nontraditional employment; information from career profiles and interest inventories; and appropriate recruitment and other business services on behalf of employers.

- Referrals to, and coordination of activities with, other programs and services.
 - Workforce and labor market employment statistics, including job vacancy listings, information on job skills necessary to obtain the vacant jobs listed, and information related to local occupations in demand, their earnings, skill requirements, and opportunities for advancement.
 - Performance information and program cost information on eligible providers of education, training, and workforce services by program and type of providers.
 - Information, in usable and understandable formats and languages, on local performance accountability measures as well as additional performance information related to the one-stop delivery system.
- Information, in usable and understandable formats and languages, concerning availability of and referral to childcare, child support, medical assistance, Supplemental Nutrition Assistance Program (SNAP), earned income tax credit, Housing and Urban Development (HUD) housing assistance, Temporary Assistance for Needy Families (TANF), transportation assistance, and other supportive services.
 - Assistance in establishing eligibility for financial aid for training and education programs not provided through WIOA.
 - Meaningful assistance in filing unemployment insurance claims, as described in 20 CFR 678.430(a)(10)(i).
- 2. Individualized Career Services**, as appropriate, must be available to eligible individuals when these services are necessary for an individual to obtain or retain employment [20 CFR 678.430(b), 34 CFR 361.430(b), 34 CFR 463.430(b), & TEGL 16-16] (must be available in all comprehensive centers):
- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include diagnostic testing, use of other assessment tools, and in- depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
 - Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve their employment goals, including the list of, and information about, the eligible training providers.
 - Group counseling, which involves addressing certain issues, problems, or situations shared by group members.
 - Individual counseling, which is a one-on-one session regarding certain issues, problems, or situations.
 - Career planning.
 - Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training.
 - Internships and work experiences (including transitional jobs) that are linked to careers.
 - Workforce preparation activities, including those listed in 34 CFR 463.34.
 - Financial literacy services for youth, as described in sec. 129(b)(2)(D) of WIOA and 20 CFR 681.500.
 - Out-of-area job search assistance and relocation assistance.
 - English language acquisition programs, including those described in 34 CFR 463.31.
 - VR career services authorized under 34 CFR 361.48(b).
- 3. Follow-up Career Services** must be provided, as appropriate and allowed, for each partner program.

4. **Business Services**, as described in 20 CFR 678.435, 34 CFR 361.435, 34 CFR 463.435, and TEGL 16-16 must be provided, as appropriate, through each partner program or through the network of program partners.
5. A **Memorandum of Understanding (MOU)** must be developed and executed by the LWDB and the one-stop partners, with the agreement of the CEOs, relating to the operation of the one-stop delivery system [20 CFR 678.500, 34 CFR 361.500, 34 CFR 463.500, TEGL 16-16]. The MOU is the product of local discussion and negotiation [20 CFR 678.510(a)]. Each local area may use an “umbrella” MOU that groups all partner programs together, or partners may enter into separate agreements between each partner or groups of partners.

MOUs must include [TEGL 16-16; 20 CFR 678.500]:

- A description of the services to be provided as well as the method of coordinating and delivering the services, including the frequency of the program staff’s physical presence.
- An agreement on funding the infrastructure costs of each one-stop center as well as the shared services and operating costs of the one-stop system.
- Methods to ensure the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials available through the one-stop delivery system.
- Method(s) for referral for appropriate services and activities between the one-stop operator and partner programs or between partner programs.
- The duration of the MOU and procedures for amending it [TEGL 16-16, page 20].
- Assurances that each MOU will be reviewed, and if substantial changes have occurred, renewed, not less than once every 3-year period to ensure appropriate funding and delivery of services.
- The signatures of the LWDB Chair, the CEOs, and authorized representatives of each one-stop partner, as well as the time period for which the agreement is effective.

Failure to reach MOU negotiations must be reported to ADWS, as the administrative entity of the Governor, and the AWDB. If the ADWS and the AWDB cannot help the LWDB resolve the impasse, they must report the failure to the Secretary of Labor and to the head of any other federal agency with oversight of a partner’s program [20 CFR 678.510(c)(2)]. However, impasses related to infrastructure cost funding must be resolved using the state funding mechanism described in 20 CFR 678.730 [20 CFR 678.510(c)(1)]. Additional information about the requirements of MOUs may be found in TEGL 16-16 and from guidance issued by ADWS.

PROCEDURES:

Arkansas Workforce Centers (both comprehensive and affiliate) must be evaluated no less than once every three (3) years [WIOA § 121(g)(1), 20 CFR 678.800, 34 CFR 361.800, & 34 CFR 463.800]. This evaluation is carried out by the LWDB (or the AWDB if the LWDB is the one-stop operator), using the most recent Form 6.4 (Application for Arkansas Workforce Center Certification) approved by the AWDB. If any criteria or higher standards for service coordination have been established by the LWDB and placed in the local plan or the local plan modification, and the plan has been approved by ADWS, as the WIOA administrative entity of the Governor, the additional criteria must be clearly identified in an addendum to Form 6.4 (Application for Arkansas Workforce Center Certification). The center may also be evaluated “for cause” at any time.

Each Arkansas Workforce Center certification team will be established by the LWDB (or the AWDB if the LWDB is the one-stop operator) [20 CFR 678.800(a)(3)]. The certification team is responsible for conducting independent and

objective evaluations of workforce center sites and making certification recommendations to the LWDB (or AWDB if the LWDB is the one-stop operator).

The certification teams must physically visit each center in the local area, and they must report observations accurately. They must also document and retain observation reports. Observations are inclusive of interviews, discussions, documentation presented, and evidence reviewed.

An Arkansas Workforce Center certification team is comprised of at least three members (only two members are required for the team if the LWDB is the one-stop operator, and state staff not associated with the workforce center are certifying the center). Suggested team members are an LWDB member (only one is allowed, per the Arkansas Freedom of Information Act Handbook), at least one individual who represents local partners (but not an LWDB member or a partner physically located in the center being reviewed) with specific expertise serving populations with disabilities or other barriers to employment, and at least one additional certification team member who has expertise in at least one category being evaluated. LWDB staff may be included if the LWDB staff member is not also staff of the one-stop operator and if such individual is not a representative of a partner in the center. Certification team members must be free from conflicts of interest (e.g., one-stop operator staff, the local office manager, and anyone else who is physically located in the center may not be on the certification team). The certification team may use experts from the state level or outside of the local area to ensure evaluations are objective. They may also use local experts who represent targeted populations and have no ties to the workforce center. A team may divide responsibilities based on the expertise of each individual team member.

Each certification team must render a written determination within 30 days of conducting each one-stop center evaluation. There are three possible determinations: (1) certification, (2) provisional certification with a requirement that the one-stop operator provide an action plan and timelines for meeting certification standards, and (3) decertification. When an LWDB completes an application for certification, the application must be submitted by email to WIOA@arkansas.gov for review and confirmation. The determination is not final until designated ADWS staff review and approve the determination of the certification team.

Provisional Certification: Provisional certifications must be accompanied by a detailed description of the issues/concerns identified so that one-stop operators have sufficient information around which to develop required action plans and timelines. Deadlines for meeting certification requirements must be given on Form 6.4. Except for extenuating circumstances, the deadline may be no more than three (3) months. ADWS staff must review the application and documentation before the determination is final.

Decertification (first time or no issues in past): A determination to not certify or decertify a workforce center must be accompanied by a detailed description of the deficiencies, including an explanation as to why the certification team believed the deficiencies could not be addressed or resolved through provisional certification. ADWS staff must review the application and additional information before the determination is final.

If the determination of the certification team is decertification, ADWS will not only review all submitted documentation, but will also perform a follow-up visit of the workforce center to talk with the certification team. If this is the first time a determination of other than certified has been received by the one-stop operator at that location, ADWS staff will work with the LWDB to determine if a provisional certification determination would be more appropriate and what steps should be taken to bring the one-stop center into certification.

Decertification (previous history of issues): If the certification team renders a decertification determination, and a provisional certification determination has been made previously without improvement, then a decision must be made by the LWDB concerning next actions to be taken. If the decision is to terminate the one-stop operator and issue a new request for proposals, plans must be submitted to the state to ensure continuity of service between the

time the one-stop operator leaves and a new one-stop operator is selected. If other remedies are determined to be more appropriate, this plan of action must be submitted to WIOA@arkansas.gov. In either case, a second certification evaluation must be completed within six (6) months of the original decertification to determine if the improvement plan was effective or if more corrective action must occur.

If the certification team renders a certification determination and ADWS staff question the information presented in Form 6.4 and/or other documentation received, ADWS staff may talk with the certification team and visit the center(s) in question to determine the accuracy of the information provided. ADWS may also request additional documentation concerning the certification of the center(s). **If discrepancies exist** concerning documentation received and observations at the center, ADWS may appoint a new certification team for the center(s).

All documentation must be submitted to WIOA@arkansas.gov within 30 days of the certification visit. Any correspondence to resolve identified concern(s) must be submitted to WIOA@arkansas.gov within five (5) calendar days from the communication of the concern(s). Failure to meet these timelines will result in a notification being sent to the LWDB chair, the AWDB chair, and the local CEOs notifying them of the delay for their local center certification. Continued non-responsiveness may result in the decertification of the workforce center involved.

APPEALS:

Operators of comprehensive workforce centers that are not certified may choose to appeal those determinations in writing to the LWDB (or the AWDB if the LWDB is the one-stop operator), using the applicable LWDB or AWDB appeals process. Those appeals will be subject to the processes and procedures outlined in the appropriate appeals policy.