FAMILY AND HUMAN SERVICES

RESOLUTION NO. 2024145

RE: AUTHORIZING AMENDMENT OF FUNDING UNDER THE TRADE ADJUSTMENT ACT

Legislators GARITO, POLASEK, GORMAN, D'AQUANNI, MC HOUL, and FAUST offer the following and move its adoption:

WHEREAS, the United States Congress enacted the Workforce Innovation and Opportunity Act (WIOA) to provide the framework for a unique workforce preparation and employment system designed to meet the needs of businesses and the needs of job seekers and those who want to further their careers, and

WHEREAS, the New York State Department of Labor has recently provided Notices of Obligational Authority (NOA) which set forth the allocations to Dutchess County for the operation of:

- PY 21 NY SCION for the period of 1/1/2023 through 12/31/2023 and
- PY 24 Youth for the period of April 1, 2024, through June 30, 2026; and
- PY 24 Administration for the period of April 1, 2024, through June 30, 2026; and

WHEREAS PY21 NY SCION, PY24 Youth and PY24 Administration are NOAs, thereby allowing an extension of the term, only, without a separate resolution, now therefore be it,

RESOLVED, that the Commissioner of Finance be and hereby is authorized, empowered and directed to accept the allocation of funding under the above NY SCION Program, Title 1-B Youth and accompanying Administrative and amend the following accounts:

APPROPRIATIONS
Increase (Decrease)

CD6292.2021.4845	NY SCION Program Funding	($ 26,422)
CD6292.2024.4843	YOUTH	$518,909
CD6292.2024.4844	ADMINISTRATION	$ 57,657
		$550,144

REVENUES
Increase (Decrease)

CD6292.2021.47910.50	NY SCION Program Funding	($ 26,422)
CD6292.2024.47910.43	YOUTH	$518,909
CD6292.2024.47910.44	ADMINISTRATION	$ 57,657
		$550,144

APPROVED
SUSAN J. SERINO
COUNTY EXECUTIVE
Date 8/14/2024

CA-075-24; JM/BPL/mar/rjw; G-1263
07/03/24; Fiscal Impact: See Attached

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of August 2024, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 12th day of August 2024.

DUTCHESS COUNTY SEAL

LEIGH WAGER, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ 550,144

Total Current Year Revenue and Source $ 550,144

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☐ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount $ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Louise McLoughlin Prepared On: 7/15/2024

Dut.pdf

Dutchess County Workforce Investment Board

"Building Partnerships for Workforce Solutions"

MEMORANDUM

TO: Susan J. Serino, County Executive

FROM: Louise McLoughlin, Executive Director,
Dutchess County Workforce Investment Board

DATE: July 14, 2024

RE: Resolution Request

Please find attached a Resolution Request form and Fiscal Impact Statement for a resolution to be presented at the next available Meeting of the County.

EXPLANATION
This resolution request covers two NOA's issued from the New York State Department of Labor (NYSDOL). The DCWIB receives Notices of Authority (NOA) from NYSDOL representing Dutchess County's allocation from NYS.

In an effort to expand the already successful network of Disability Resource Coordinators (DRCs), NOA's are issued to county's that are willing to run programs to staff DRC's. The goal is to increase the capacity of the DRC service delivery and better serve individuals with disabilities, front line staff and businesses. The initiative referred to as the New York Systems Change and Inclusive Opportunities Network (NY SCION), is rescinding unused NYSCION funds.

The second NOA is our allocation of Program Year 2024 (PY24) funding under WIOA for Title I-B Youth Program funding and the accompanying administrative funds.

NOA- ($26,422.96)
- Program Year 2 (PY21 in LOGOS)
- Date Range: 1/1/2023-12/31/2023
- NOA Number: RR SCION PY20-5
- Deobligate $26,422.96

NOA- $518,908.26
- Program Year PY24
- 4/1/2024 through 6/30/2026
- NOA Number PY24-1
- Youth
- Increase $518,908.26

The programs provided by this agency are partially funded by moneys received from the County of Dutchess
EOE/P auxiliary aids and services are available upon request to individuals with disabilities

NOA- $57,656.47

- Program Year PY24
- 4/1/2024 through 6/30/2026
- NOA Number PY24-1
- Administration
- Increase $57,656.47

The PY24 Youth and PY24 administrative funding will require separate CD lines in LOGOS. NYSDOL has requested that we not round the funding in LOGOS for audit/monitoring purposes.

Please contact me at 845-463-0517 x204 if you have any questions or require additional information.

NEW YORK STATE | Department of Labor

Kathy Hochul, Governor
Roberta Reardon, Commissioner

April 03, 2024

Ms. Susan J. Serino
County Executive Dutchess County
Dutchess County Office Building
22 Market Street, 6th Floor
Poughkeepsie, New York 12601

Dear Ms. Serino:

Attached is the final Notice of Obligational Authority (NOA) for the New York Systems Change and Inclusive Opportunities Network (NY SCION PY20-5) program for Local Workforce Development Area – Dutchess County.

This NOA de-obligates unspent NY SCION funding for Year 2 which expired on December 31, 2023.

Any questions concerning this information provided above should be directed to Ms. Nancy Bell, State Representative at 518-457-0239.

Sincerely,

Kerry Douglas-Duffy

Kerry Douglas-Duffy
Director
Bureau of Workforce Innovation & Quality

Attachment(s)
cc: Dr. Louise McLoughlin
Ms. Amanda Dushaj
Ms. Nancy Bell
Mr. John Forte
Mr. John Kim
Ms. Rachel Adler

NYS Department of Labor

Division of Employment & Workforce Solutions

NOTICE OF OBLIGATIONAL AUTHORITY (NOA)

Authorizing Workforce Innovation & Opportunity Act (WIOA) Title 1-B Funding
Funding for the first year of the NY SCION Grant is authorized for the period 01/01/2022 through 12/31/2022. (PY20)
Funding for the second year of the NY SCION Grant is authorized for the period 01/01/2023 through 12/31/2023. (PY21)
Funding for the third year of the NY SCION Grant will be authorized for the period 01/01/2024 through 12/31/2024. (PY22)

Program:	WIOA Program Year 2021
NOA Number:	RR SCION PY20-5
Grantor:	Governor of New York through the NYS Department of Labor
FAIN:	AA-38546-22-55-A-36

Local Workforce Development Area (LWDA) Subrecipient Information

LWDA Name:	Dutchess County
LWDA Assigned Number:	60
UEI Number:	D3RRG8P2LNQ4
Subrecipient Contact:	Susan J. Serino
Subrecipient Contact Title:	Dutchess County Executive

WIOA Title 1-B

Program	CFDA #	Prior Approved Level	Change (per this NOA)	New Level
NY SCION - Year 1 (PY20)	17.278	$80,952.56	$0.00	$80,952.56
NY SCION - Year 2 (PY21)	17.278	$100,000.00	($26,422.96)	$73,577.04
NY SCION - Year 3 (PY22)	17.278	$100,000.00	$0.00	$100,000.00
NY SCION - Year 4 (PY23)	17.278	$0.00	$0.00	$0.00
NY SCION - Year 5 (PY24)	17.278	$0.00	$0.00	$0.00
Total		$280,952.56	($26,422.96)	$254,529.60

NYSDOL Contact Information

Representative Name:	Nancy Bell
Phone Number:	(518) 457-0239

Approval Signature: Kerry Douglas-Duffy **4/3/2024**

Kerry Douglas-Duffy
Director
Bureau of Workforce Innovation & Quality

June 28, 2024

Ms. Susan J. Serino
County Executive
Dutchess County
Dutchess County Office Building
22 Market Street, 6th Floor
Poughkeepsie, New York 12601

Dear Ms. Serino:

The initial allocation of Program Year 2024 (PY24) funding under the Workforce Innovation and Opportunity Act's (WIOA) Title I-B Youth Program is available for use for the period April 1, 2024 through June 30, 2026 for Local Workforce Development Area (LWDA) – Dutchess County.

Attached are the following two documents:

1. Attachment #1 - The Notice of Obligational Authority (NOA) No. PY24-1 allocating WIOA Youth funds to your local area.
2. Attachment #2 - The United States Department of Labor's Notice of Award which includes the Federal Award Terms applicable to both NYS Department of Labor (as the pass-through entity) and your local area (as the subrecipient).

Any questions concerning this information should be directed to Ms. Nancy Bell, State Representative at 518-457-0239.

Sincerely,

Kerry Douglas-Duffy

Kerry Douglas-Duffy
Director
Bureau of Workforce Innovation & Quality

Attachment(s)

cc: Dr. Louise McLoughlin
Ms. Amanda Dushaj
Ms. Nancy Bell
Mr. John Forte
Ms. Fenting Li
Ms. Rachel Adler

ATTACHMENT #1

Notice of Obligational Authority (NOA)
Program Year 2024

NEW YORK
STATE OF
OPPORTUNITY.
Department
of Labor

NYS Department of Labor

Division of Employment & Workforce Solutions

NOTICE OF OBLIGATIONAL AUTHORITY (NOA)

Authorizing Program Year 2024 Workforce Innovation & Opportunity Act (WIOA) Title 1-B Funding

Program:	WIOA Program Year 2024
Period of Authorization:	Adult & Dislocated Worker - 07/01/2024 through 06/30/2026
	Youth - 04/01/2024 through 06/30/2026
NOA Number:	PY24-1
Grantor:	Governor of New York through the NYS Department of Labor
FAIN Youth:	24A55AY000060
FAIN Adult:	
FAIN DW:	

Local Workforce Development Area (LWDA) Subrecipient Information

LWDA Name:	Dutchess County
LWDA Assigned Number:	60
UEI Number:	D3RRG8P2LNQ4
Subrecipient Contact:	Susan J. Serino
Subrecipient Contact Title:	Dutchess County Executive

WIOA Title 1-B

Program	CFDA #	Prior Approved Level	Change (per this NOA)	New Level
Adult	17.258	$0.00	$0.00	$0.00
Dislocated Worker	17.278	$0.00	$0.00	$0.00
Youth	17.259	$0.00	$518,908.26	$518,908.26
Administration	All Programs	$0.00	$57,656.47	$57,656.47
Dislocated Worker Transferred for Adult Activities	17.278	$0.00	$0.00	$0.00
Adult Transferred for Dislocated Worker Activities	17.258	$0.00	$0.00	$0.00
TOTAL		$0.00	$576,564.73	$576,564.73

NYSDOL Contact Information

Representative Name:	Nancy Bell
Phone Number:	(518) 457-0239

Approval Signature: Kerry Douglas-Duffy **4/1/2024**

Kerry Douglas-Duffy
Director,
Bureau of Workforce Innovation & Quality

ATTACHMENT #2

USDOL Notice of Award (NOA) and Grant Agreement
Program Year 2024

NEW YORK STATE OF OPPORTUNITY. | Department of Labor

Department of Labor

Notice of Award

Award# 24A55AY000060-01-00
FAIN# 24A55AY000060
Federal Award Date: 06/20/2024

Recipient Information

1. Recipient Name
DEPARTMENT OF LABOR NEW YORK
12 State OFC Campus
Albany, NY 12240-0001
518-457-1384

2. Congressional District of Recipient
20

3. Payment System Identifier (ID)
1146013200P3

4. Employer Identification Number (EIN)
146013200

5. Data Universal Numbering System (DUNS)
806780607

6. Recipient's Unique Entity Identifier (UEI)
GGD6N8XQ8LU8

7. Project Director or Principal Investigator
Mr. Christopher White
Deputy Commissioner of Workforce Development
Christopher.White@labor.ny.gov
518-457-1072

8. Authorized Official
Ms. Karen Ronca
Director of Finance
karen.ronca@labor.ny.gov
518-457-2647

Federal Agency Information
ETA Office of Grants Management

9. Awarding Agency Contact Information
Ms. Janice Sheelor
Grants Management Officer
Sheelor.Janice@dol.gov
202-693-3538

10.Program Official Contact Information
Ms. Kathleen E. Banimenia
Federal Project Officer
Division of Workforce Investment
banimenia.kathleen@dol.gov
6177880126

Federal Award Information

11. Award Number
24A55AY000060-01-00

12. Unique Federal Award Identification Number (FAIN)
24A55AY000060

13. Statutory Authority
Workforce Innovation and Opportunity Act, P.L. 113-128

14. Federal Award Project Title
PY 2024 WIOA Youth Program

15. Assistance Listing Number
17.259

16. Assistance Listing Program Title
WIOA Youth Activities

17. Award Action Type
New

18. Is the Award R&D?
No

Summary Federal Award Financial Information

19.	**Budget Period Start Date** 04/01/2024 **- End Date** 06/30/2027	
20.	**Total Amount of Federal Funds Obligated by this Action**	$68,357,497.00
	20a. Direct Cost Amount	$68,357,497.00
	20b. Indirect Cost Amount	$0.00
21.	Authorized Carryover	$0.00
22.	Offset	$0.00
23.	Total Amount of Federal Funds Obligated this budget period	$0.00
24.	**Total Approved Cost Sharing or Matching, where applicable**	$0.00
25.	**Total Federal and Non-Federal Approved this Budget Period**	$68,357,497.00
26.	**Period of Performance Start Date** 04/01/2024 **- End Date** 06/30/2027	
27.	Total Amount of the Federal Award including Approved Cost Sharing or Matching this Period of Performance	$68,357,497.00

28. Authorized Treatment of Program Income
ADDITIONAL COSTS

29. Grants Management Officer – Signature
Mr. Brad Wiggins
Grant Officer

30. Remarks

In accordance with Training and Employment Guidance Letter (TEGL) No. 12-23, this Notice of Award transmits the PY 2024 allotments for the WIOA Title I Youth program activities.

Department of Labor

Notice of Award

Award# 24A55AY000060-01-00
FAIN# 24A55AY000060
Federal Award Date: 06/20/2024

Recipient Information

Recipient Name
DEPARTMENT OF LABOR NEW YORK
12 State OFC Campus
Albany, NY 12240-0001
518-457-1384

Congressional District of Recipient
20

Payment Account Number and Type
1146013200P3

Employer Identification Number (EIN) Data
146013200

Universal Numbering System (DUNS)
806780607

Recipient's Unique Entity Identifier (UEI)
GGD6N8XQ8LU8

31. Assistance Type
Formula Grant

32. Type of Award
Other

33. Approved Budget
(Excludes Direct Assistance)

I. Financial Assistance from the Federal Awarding Agency Only
II. Total project costs including grant funds and all other financial participation

a. Salaries and Wages	$0.00
b. Fringe Benefits	$0.00
c. TotalPersonnelCosts	$0.00
d. Equipment	$0.00
e. Supplies	$0.00
f. Travel	$0.00
g. Construction	$0.00
h. Other	$68,357,497.00
i. Contractual	$0.00
j. TOTAL DIRECT COSTS	$68,357,497.00
k. INDIRECT COSTS	$0.00
l. TOTAL APPROVED BUDGET	$68,357,497.00
m. Federal Share	$68,357,497.00
n. Non-Federal Share	$0.00

34. Accounting Classification Codes

FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	OBJECT CLASS	CFDA NO.	AMT ACTION FINANCIAL ASSISTANCE	APPROPRIATION
0501742425BD20240174000524SYF000A0000AOWI00AOWI00	AY000060WB0	ETA	410023	17.259	$68,357,497.00	01742425BD

AWARD ATTACHMENTS

DEPARTMENT OF LABOR NEW YORK 24A55AY000060-01-00

1. NY-PY 2024 WIOA Youth Term and Conditions

PY 2024 Workforce Innovation and Opportunity Act (WIOA) Youth Program Activities - Annual Funding Agreement

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PART A: GENERAL AWARD, SYSTEM FOR AWARD MANAGEMENT AND UNIFORM GUIDANCE

A(1.) Compliance and the Order of Precedence

The recipient of this Federal award must assure to fully comply with the rules and requirements specified in the award document. Program requirements may be located in the Funding Opportunity Announcement (FOA), statutes, Executive Orders, government-wide regulations, agency regulations, agency policy guidance such as Training Employment Guidance Letter (TEGL), and the terms outlined in the award document. The list below identifies the hierarchy of authority.

The following order of precedence applies to your activities under this Federal award. DOL-ETA-OGM recommends that the award recipient contact ETA when questions arise about what requirements or precedence applies. In the event of any inconsistency between the terms and conditions of this Notice of Award (NOA) and other requirements, consult the below order:

1. Workforce Innovation Opportunity Act (WIOA).
2. Other applicable Federal statutes.
3. Further Consolidated Appropriations Act, 2024, dated March 23, 2024.
4. Implementing Regulations.
5. Executive Orders and Presidential Memoranda.
6. The Office of Management and Budget (OMB) Guidance, including the Uniform Guidance at 2 CFR (Code of Federal Regulations) parts 200 and 2900.
7. The U.S. Department of Labor (DOL) or Employment and Training Administration (ETA) directives.
8. Terms and conditions of this award.

The funds that are provided under this NOA must be expended according to all applicable Federal statutes, regulations and policies, including those of the Workforce Innovation and Opportunity Act (WIOA), the applicable approved WIOA State Plan (including approved modifications and amendments to the plan), and any waiver plan approved under WIOA Section 189(i)(3) or Workforce Flexibility (Workflex) plan approved under WIOA Section 190, the negotiated performance levels and policies established pursuant to the Secretary's authority under WIOA Section 116, and the applicable provisions in the appropriations act(s).

A(2.) Training and Employment Guidance Letter (TEGL)

The Training and Employment Guidance Letter (TEGL) No. 12-23 and any amendments found at https://www.dol.gov/agencies/eta/advisories/tegl-12-23 are hereby incorporated into this NOA. Award recipients are bound by the authorizations, restrictions, and requirements contained in the funding opportunity announcement . Therefore, the

expenditure of funds by the award recipient certifies that your organization has read and will comply with all the parts that are contained in the NOA.

Notice of Award The funds provided under this Notice of Award (NOA) must be expended according to all applicable Federal statutes, regulations and policies, and the applicable provisions in the appropriations act(s). The funds shall be obligated and expended via a NOA. These obligations and expenditures may not exceed the amount awarded by the NOA unless otherwise amended by the ETA.

A(3.) SF-424, Application for Federal Assistance, and SF-424B, Assurances and Certifications

The signed SF-424, Application for Federal Assistance, has been included as an attachment to this award. The individual that signed the SF-424 on behalf of the applicant is considered the Authorized Representative of the applicant. As stated in block 21 of the SF-424 form, the signature of the Authorized Representative on the SF-424 certifies that the award recipient is in compliance with the Assurances and Certifications form SF-424B available at Grants.gov. *The award recipient does not need to submit the SF-424B separately.*

A(4.) Federal Project Officer

The name and contact information of the DOL/ETA Federal Project Officer (FPO) for this award is found on the first page of this Notice of Award (NOA) in field #10.

This individual is your main point of contact with DOL. The individual 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 amendment process.

A(5.) System for Award Management

System for Award Management (SAM) is the official Federal system that collects, validates, stores, and disseminates business information about the Federal government's trading partners in support of contract awards, grants, and electronic payment processes.

A SAM registration is required for an entity to be able to apply for Federal awards, to request amendments to existing awards, and to enable them to closeout expiring awards. See Training and Employment Notice (TEN) 18-17 for additional guidance.

Unless the award recipient is exempt from this requirement under 2 CFR 25.110, the grant award or cooperative agreement recipient must maintain current information in the SAM. This includes information on the recipient's immediate and highest-level owner and subsidiaries, as well as on all of the recipient's predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until the award recipient submits the final financial report required under this Federal award or receive the final payment, whichever is later.

DOL advises award recipients and other awardees of Federal awards such as cooperative agreements registered in SAM to review their registration information, particularly their financial information and points of contact. Assistance is available by contacting the Federal Service Desk at FSD.gov.

DOL routinely checks the validity of a grant award or cooperative agreement recipient's SAM registration and verifies that the recipient is not included on the excluded parties list before making an award or approving a modification to an existing award. Failure to have an active SAM registration can delay award recipients from receiving their initial award or requested modifications to their existing awards.

DOL further encourages award recipients to review the expiration date of their SAM registration and begin the renewal process well in advance, to ensure that their registration remains valid. If the award recipient has not logged in and updated its entity registration record within at least the past 365 days, its record will expire and go into inactive status. Timely renewal will ensure that the award recipient can continue to request and receive modifications to their existing grants, as well as apply for new funding opportunities. Further, the EIN number must remain active until the award closeout process is fully completed.

A(6.) Unique Entity Identifier Requirements

Effective on April 4, 2022, the DUNS Number was replaced by a new, non-proprietary identifier requested in and assigned by SAM.gov. This new identifier is called the Unique Entity Identifier (UEI), or the Entity ID. To learn more about how to access your UEI, please visit the U.S. General Service Administration (GSA), Unique Entity Identifier Update webpage.

If the grant award or cooperative agreement recipient is authorized to make subawards (see definition below in Section A (10.)) under this award, then the recipient:

1. Must notify potential subrecipients that no entity may receive a subaward from the award recipient until the entity has provided its UEI to the recipient.
2. May not make a subaward to an entity unless the entity has provided its UEI to the grant award or cooperative agreement recipient. Subrecipients are not required to obtain an active SAM registration but must obtain a UEI.

A(7.) Uniform Guidance and Adoption by DOL

Award recipients are required to follow the Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards (Uniform Guidance Title 2 Parts 25, 170, 183, and 200). The Uniform Guidance consolidates and supersedes requirements previously included in eight separate Circulars: Uniform Administrative Requirements: Circular A-102, Circular A-110, and Circular A-89; Uniform Cost Principles: Circular A-21, Circular A-87, and Circular A-122; Uniform Audit Requirements: Circular A-133; Circular A-50. The Department of Labor's (Department

or DOL) adoption of the Uniform Guidance may be found at 2 CFR Part 2900. OMB also approved twenty-two (22) exceptions for DOL. Revisions published on April 22, 2024 will require implementation by October 1, 2024 and additional guidance will be issued at that time.

A(8.) Subawards

A *subaward* means an award provided by a *Pass-Through Entity* (PTE) to a subrecipient for the subrecipient to carry out part of a Federal award received by the PTE. 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 PTE 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 complies with all applicable regulations and the Terms and Conditions of this award (2 CFR 200.101(b)).

A(9.) Vendor/Contractor Defined

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 (see 2 CFR 200.1). 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 200.331. When procuring contractors for goods and services, DOL/ETA recipients and subrecipients must follow the procurement requirements found at 2 CFR 200.320 (except states, pursuant to 2 CFR 200.317), which calls for free and open competition.

A(10.) Technical Assistance, Resources, and Information

Additional resources, 508-compliant powerpoints, training, and resources to assist the award recipient are located on the ETA Resources webpage and on the Grants Application and Management collection page on WorkforceGPS.org. SMART training is a technical assistance initiative sponsored by DOL/ETA to assist its award recipients and subrecipients in improving its program/project operations through effective grants management. Please take some time to review the training modules which are focused on:

Strategies for sound grant management that include:
Monitoring,
Accountability,
Risk mitigation and
Transparency.

Questions regarding the content may be directed to compliance.policy@dol.gov.

A(11.) Monitoring, Technical Assistance, and Additional Specific Conditions of Award

All award recipients, including states and territories managing the Unemployment Insurance programs, are subject to 2 CFR 200.208, *Specific conditions*, which indicates that the Federal awarding agency may adjust specific award conditions as needed. A specific condition is based on an analysis of the following factors:

1. Based on the criteria in 2 CFR 200.206, *Federal awarding agency review of risk posed by applicants*;
2. The applicant or recipient's history of compliance with the general or specific terms and conditions of a Federal award;
3. The applicant or recipient's ability to meet expected performance goals as described in 2 CFR 200.211; or
4. A responsibility determination of an applicant or recipient.

Additional Federal award conditions may include items such as the following:

1. Requiring payments as reimbursements rather than advance payments;
2. Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given performance period;
3. Requiring additional, more detailed financial reports;
4. Requiring additional project monitoring;
5. Requiring the non-Federal entity to obtain technical or management assistance; or
6. Establishing additional prior approvals.

Award recipients may be required to obtain technical or compliance assistance through an established provider/contractor that has been selected or hired by DOL/ETA that may include in-person or remote assistance.

A(12.) Evaluation, Data, and Implementation

Award recipients must cooperate during the implementation of a third-party evaluation. This means providing DOL/ETA or its authorized contractor with the appropriate data and access to program operating personnel and participants in a timely manner.

A(13.) Program Requirements

TEGL No. 12-23 contains the program requirements for this award.

A(14.) Conflict of Interest

Recipients and subrecipients of federal assistance must have a written policy in place on conflicts of interest, including organizational conflicts of interest. The policy must include the process the recipient or subrecipient will take to identify, avoid, remove, and remedy conflicts of interest.

Federal assistance recipients must disclose in writing any real or potential conflict of interest to DOL. The disclosure must notify the Grant Officer through written letter or email and contain the appropriate grant number.

A conflict of interest occurs when an entity or individual's objectivity becomes impaired because there is a conflict between personal or self-serving interests and professional duties or responsibilities. Such a conflict occurs when an organization or individual has a vested interest, such as financial, status, knowledge, relationships, or reputation, which puts into question whether their actions, judgment, or decision-making can be unbiased. A conflict of interest can also arise when actions are taken or may appear to be taken by any entity involved in more than one role, such that the performance of that entity in one role affects its interest in its other role, thereby making it difficult for the entity to perform a grant process objectively and impartially.

A potential conflict of interest occurs when it is reasonably foreseeable that an entity or individual's objectivity could become impaired in the future due to a conflict between personal or self-serving interests and professional duties or responsibilities.

An organizational conflict of interest occurs when, because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a grant action involving a related organization. Such conflicts may be actual or potential.

DOL requires that recipients of Federal funds use them in the best interest of the award program and therefore grant decisions must be free of undisclosed conflicts of interest including those that are real or potential conflicts, whether individual or organizational. When there are disclosed conflicts of interest in grant decisions, the recipient must notify DOL and take remedial action to resolve or mitigate the conflict.

The signatory authority or authorized official identified on the SF-424 application further certifies through their signature on the SF-424 application that any potential conflict of interest has been identified to the appropriate Grant Officer.

PART B: INDIRECT COSTS, BUDGET, AND COST SHARE (MATCH)

B(1.) Indirect Cost Rate and Cost Allocation Plan

An award recipient that is claiming indirect costs to a Federal award must have a Negotiated Indirect Cost Rate Agreement (NICRA), Cost Allocation Plan (CAP), or elect to utilize the de minimis rate of 10% of modified total direct costs (MTDC). Indirect (facilities & administrative (F&A)) costs are costs incurred for a common or joint purpose that benefit more than one cost objective and are not readily assignable to one cost objective without specifically benefitting effort disproportionate to the results achieved. Direct costs, by contrast, can be identified specifically with a particular cost objective, such as a Federal award, or other internally or externally funded activity that can be directly assigned to such activities relatively easily with a high degree of accuracy.

Identification with the Federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect (F&A) costs.

If the DOL serves as the Federal Cognizant Agency (FCA) for the award recipient, then the award recipient must work with DOL's Cost & Price Determination Division (CPDD), which has delegated authority to negotiate and issue a NICRA or CAP on behalf of the Federal Government. More information about the DOL's CPDD is available at DOL's Cost & Price Determination Division (CPDD) website and provides guidelines to help develop indirect cost rates, links to the applicable cost principles, and contact information. The CPDD also has Frequently Asked Questions to provide general information about the indirect cost rate approval process and due dates for provisional and final indirect cost rate proposals.

If a new NICRA is issued during the award's period of performance, it must be provided to DOL within 30 days of issuance. Funds may be re-budgeted as necessary between direct cost categories as long as they are consistent with the Budget Flexibility term within this agreement, grant requirements, and DOL regulations on prior approval. However, the total amount of the award will not be increased.

B(2.) Indirect Cost Rate – Financial Reporting for NICRA and De Minimis

All award recipients with an approved NICRA or de minimis rate must report indirect costs on their **FINAL** ETA-9130 Financial Report. If an award recipient has a NICRA and a CAP, only the indirect costs tied to the NICRA are reported on the FINAL ETA-9130 Financial Report. The grant recipient may refer to the ETA-9130 Report for additional guidance.

B(3.) Budget - Approved

The award recipient's budget documents are attached in this NOA. The documents are: 1) the SF-424, included as Attachment A. The award recipient must confirm that all costs are allowable, reasonable, necessary, and allocable before charging any expense. 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 part 200 and 2 CFR part 2900 or as a part of the grant award as requiring prior approval. The Grant Officer is the only official with the authority to provide such approval.

Any changes to the budget that impact the Statement of Work (SOW) and agreed upon outcomes or deliverables will require a request for modification and prior approval from the Grant Officer.

If the period of performance will include multiple budget periods, subsequent budget periods are subject to the availability of funds, program authority, satisfactory performance, and compliance terms and conditions of the Federal award.

Unless otherwise authorized in a grant award or cooperative agreement or subsequent modification, recipients must expend funds with the shortest period of availability first.

B(4.) Budget Flexibility

Award 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 SOW and agreed upon outcomes or deliverables require a request for modification and approval from the Grant Officer.

Any request for a budget modification or non-competing extension of the final budget should be submitted to the Grant Officer, in writing, at least 30 days before the Period of Performance is scheduled to expire. Such requests usually are for a period of up to 12 months.

As directed in 2 CFR 200.308(f), for programs where the Federal share is over the Simplified Acquisition Threshold (SAT) (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% of the total budget as last approved by the Federal awarding agency, the award recipient must receive prior approval from the Grant Officer. Any changes within a specific cost category on the SF-424A do not require a grant modification unless the change results in a cumulative transfer among direct cost categories exceeding 10% of total budget. It is recommended that the assigned Federal Project Officer or point of contact review any within-line changes to the award recipient's budget prior to implementation to ensure they do not require a modification.

For programs where the Federal share of the project is below the SAT of $250,000, recipients are not required to obtain the Grant Officer's approval when transferring funds among direct cost categories.

B(5.) Non-Federal Cost Sharing or Matching

This award does not include a cost sharing or matching requirement.

PART C: FUNDS MANAGEMENT

C(1.) Funds – Payment Management System (PMS)

Upon receipt of a NOA, to draw funds from the U.S. Department of Health and Human Services (HHS) Payment Management System (PMS), an active account must be established. To establish an account, award recipients must complete an SF-1199A and PMS Access form (shown as the PMS New User Access Request on the PMS website)

(User Access). Federal award recipients do not need to complete these forms if they already have an account with PMS.

C(2.) Funds - Return & Refunds

DOL does not accept paper checks for any type of returned funds. For active grants, all return of funds are to be submitted electronically through the PMS operated by the HHS via the same method as a drawdown. For grants that have been cancelled or are expired (typically older than five years), incoming payments, including returns and recoveries to DOL, must be made via the Pay.gov website.

If there are questions regarding the return of funds, or your organization no longer has access to PMS, contact the DOL/ETA, Office of Financial Administration via email at: ETA-ARteamdol.gov for further assistance.

PART D: COSTS - LIMITATIONS, ITEMS, AND RESTRICTIONS

D(1.) Administrative Costs

Administrative costs are defined in the WIOA at 20 CFR 683.215. Limitations on administrative costs are described at 20 CFR 683.205. Under no circumstances may the administrative costs exceed these limits. The award recipient will be monitored for compliance with the administrative cost limits throughout the grant's period of performance. Any amounts that exceed these limitations will be disallowed and subject to debt collection.

D(2.) Consultants

For the purposes of this grant award, the Grant Officer has determined that fees paid to a consultant who provides services under a program shall be limited to $815.00 a day (representing an eight-hour workday). Such costs must be reasonable, allocable, and allowable to the program. Any fees paid in excess of this amount cannot be paid without prior approval from the Grant Officer.

D(3.) Equipment

The requirement that award recipients obtain prior approval from the Grant Officer for all purchases of equipment (as described in 2 CFR 200.439) is waived in accordance with 2 CFR 200.308(c)(4) and 20 CFR 683.200, and approval authority is delegated to the Governor for programs funded under Section 127 (Youth) or Section 132 (Adult & Dislocated Worker) of WIOA or under the Wagner-Peyser Act. Notwithstanding this waiver, the Grant Officer reserves the right to reimpose the requirement of prior approval, after providing advance notice to the recipient.

D(4.) Pre-Award Costs

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

D(5.) Program Income

The "Addition" method as described in 2 CFR 200.307 must be used in allocating any program income generated for this awards award. The award recipient must expend all program income prior to drawing down any additional funds as required at 2 CFR 200.305(b)(5) and 2 CFR 200.307(e). The DOL will require any program income remaining at the end of period of performance to be returned to DOL. In addition, award recipient(s) must report program income on the quarterly financial report using the applicable ETA-9130 or SF-425 reports.

D(6.) 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.

D(7.) Travel

This award waives the prior approval requirement for domestic travel as contained in 2 CFR 200.475. For domestic travel to be an allowable cost, it must be necessary, allowable, reasonable, allocable and conform to the non-Federal entity's 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 U.S. Flag air carrier if service provided by such carrier is available.

D(8.) Travel – Mileage Reimbursement Rates

Pursuant to 2 CFR 200.475(a), all award recipients must have policies and procedures in place related to travel costs; however, for reimbursement on a mileage basis, this Federal grant award cannot be charged more than the maximum allowable mileage reimbursement rates for Federal employees. Mileage rates must be checked annually at GSA's Privately Owned Vehicle (POV) Mileage Reimbursement Rates webpage to ensure compliance.

D(9.) Travel – Foreign

Funds that are awarded and authorized to carry out an activity under WIOA, Subtitle B cannot be used for foreign travel.

D(10.) Conferences 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. 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.

D(11.) 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 to see if a property is in compliance, or to find other information about the Act.

D(12.) WIOA Infrastructure

WIOA, Section 121(b)(1)(B) and 20 CFR 678.400 require the following programs to be One-Stop partners:

1. WIOA, Title I programs: Adult, Dislocated Worker, and Youth formula programs, Job Corps, YouthBuild, Native American programs, National Dislocated Worker Grants (DWG), and NFJP;
2. Wagner-Peyser Act Employment Service (ES) program authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as amended by WIOA, Title III;
3. SCSEP authorized under Title V of the Older Americans Act of 1965;
4. Trade Adjustment Assistance (TAA) activities authorized under Chapter 2 of Title II of the Trade Act of 1974;
5. Unemployment Compensation (UC) programs; and
6. Jobs for Veterans State Grants (JVSG) programs authorized under Chapter 41 of Title 38, U.S.C.

With the exception of Native American programs established under WIOA, Section 166 all One-Stop partner programs, including all programs that are funded under Title I of WIOA, are required to contribute to the infrastructure costs and certain additional costs of the One-Stop delivery system in proportion to their use and relative benefits received, per 20 CFR 678.700 and 678.760. While Native American programs are not required to contribute to infrastructure costs per WIOA Section 121(h)(2)(D)(iv), they are strongly encouraged to contribute as stated in TEGL No. 17-16. The sharing and allocation of infrastructure costs between One-Stop partners is governed by WIOA Section 121(h), WIOA's implementing regulations, and the Uniform Guidance at 2 CFR parts 200 and 2900.

If not deemed a required one-stop partner, it is strongly recommended that the award recipient partner with the local WIOA one-stop delivery system in its service area(s). The one-stop system can assist with referrals, labor market information, and many other services that will directly benefit the management and performance of your grant. The one-stop system also provides access to a wide range of publicly- and privately-funded education, employment, training, and supportive services while also providing high-quality customer service to job seekers, workers, and businesses.

D(13.) Pay-For-Performance Contract Strategies

If any subrecipients (Local Workforce Development Boards (LWDBs)) of the award recipient elect to set aside funds for pay-for-performance (PFP) contract strategies under 20 CFR 683.520, a separate grant agreement must be created to administer these funds. The award recipient must provide sufficient notice to the Grant Officer, through its FPO, of any LWDB's decision to reserve up to 10% of its total local Adult/Dislocated Worker or Youth allotment for PFP contract strategies so that a new grant agreement can be issued to cover those funds. The award recipient should inform its FPO as soon as an amount to be reserved under this provision has been finalized.

D(14.) Procurement

The Uniform Guidance (2 CFR 200.317) require States (as defined in 2 CFR 200.1) to follow the same procurement policies and procedures it uses for non-Federal funds. The state must comply with 2 CFR 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by 2 CFR 200.327. The grant award recipient(s) must also follow the requirements regarding the competitive selection of One-Stop Operators at WIOA Sections 121(d) and 123.

PART E: REPORTING, AUDIT, AND CLOSEOUT

E(1.) Reports – Financial Reports

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

1) **Financial Reports.** All ETA award recipients are required to report financial data on the ETA-9130 Financial Report. Reporting quarter end dates are March 31, June 30, September 30, and December 31. ETA-9130 reports are due no later than 45 calendar days after the end of each specified reporting quarter. Due to the configuration of Payment Management System (PMS), the ETA-9130 financial report for the quarter ending March 31st is due on May **16**th.

Quarter End Date	Quarterly ETA-9130 Due Date
March 31st	May 16th
June 30th	August 15th
September 30th	November 15th

December 31st	February 15th

A final financial report must be submitted no later than 120 calendar days after the quarter encompassing the award end date ends, or 120 calendar days after the completion of the quarter in which all funds have been expended, whichever comes first. For additional guidance on ETA's financial reporting, reference ETA-9130 Financial Reporting Resources.

The instructions for accessing both the online financial reporting system and cash drawdowns using the HHS PMS can be found in the transmittal memo accompanying this NOA.

E(2.) Federal Funding Accountability and Transparency Act (FFATA or Transparency Act)

Applicable to grants and cooperative agreements:

1) Reporting of first-tier subawards.
   a) *Applicability.* Unless the award recipient is exempt as provided in paragraph [4.] of this award term, the award recipient must report each action that equals or exceeds $30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph [5.] of this award term).
   b) *Where and when to report.*
      I. The Federal entity or Federal agency must report each obligating action described in paragraph [1.a.] of this award term to FSRS.gov.
      II. For subaward information, the recipient 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.)
   c) *What to report.* The award recipient must report the information about each obligating action that the submission instructions posted at FSRS.gov specify.
2) Exemptions.

If, in the previous tax year, the award recipient had gross income, from all sources, under $300,000, the recipient is exempt from the requirements to report:

   a) Subawards; and
   b) The total compensation of the five most highly compensated executives of any subrecipient.
3) Definitions.

   For purposes of this award term:
   a) *Federal Agency* means a Federal agency as defined in 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
   b) *Non-Federal 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; and

IV. A domestic or foreign for-profit organization.

c) *Executive* means officers, managing partners, or any other employees in management positions.

d) *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 the grant recipient received this award and that the grant recipient as the recipient award to an eligible subrecipient.

II. The term does not include the award recipient's payment to a contractor, as defined in 2 CFR 200.331, for property and services needed to carry out the project or program.

III. A subaward may be provided through any legal agreement, including an agreement that the grant recipient or a subrecipient considers a contract.

e) *Subrecipient* means a non-Federal entity or Federal agency that:

I. Receives a subaward from the award recipient under this award; and

II. Is accountable to the grant recipient for the use of the Federal funds provided by the subaward.

f) *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.

E(3.) Integrity and Performance Matters – FAPIIS [*For awards exceeding $500,000*]

1) If the total value of the 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 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 the award recipient 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 grant recipient 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 the grant recipient's 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. The award recipient does not need to submit the information a second time under assistance awards that were received if the recipient already provided the information through SAM

(formerly CCR) because the recipient was required to do so under Federal procurement contracts that the recipient was awarded.

4) Reporting frequency. During any period of time when the award recipient is subject to the requirement in Paragraph 1 of this award term, the award recipient must report FAPIIS information through SAM no less frequently than semiannually following the initial report of any proceedings for the most recent 5-year period, either to report new information about any proceeding(s) that the award recipient has not reported previously or to 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., SEC 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.

E(4.) Audits

Organization-wide or program-specific audits must be performed in accordance with Subpart F, the Audit Requirements of the Uniform Guidance. DOL award recipients 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 DOL exception at 2 CFR 2900.2 expands the definition of 'non-Federal entity' to include for-profit entities and foreign entities. As such, for-profit and foreign entities that are recipients/subrecipients of a DOL award must adhere to the Uniform Guidance at 2 CFR 200, including Subpart F. Audits of direct award recipients that are for-profit and foreign entities must be submitted directly to: USDOL ETA-OGM, Attn: Audit Resolution, 200 Constitution Ave NW, Room N-4716, Washington, DC 20210. All other audit reports are submitted through the Federal Audit Clearinghouse.

The Federal Audit Clearinghouse (FAC) will transition from the U.S. Census Bureau (Census) to the U.S. General Services Administration (GSA) on October 1, 2023. At that time, all submissions will need to be made through the new FAC hosted by GSA. Any

draft not fully submitted to the Census FAC by October 1, 2023 may need to be completely re-started at the new GSA FAC.

E(5.) Closeout/Final Year Requirements

At the end of the grant period, the award recipient will be required to close the grant with the DOL. The grant award and cooperative agreement recipient will be notified approximately 15 days prior to the end of the period of performance that the closeout process will begin when the period of performance ends. See ETA's Grant Closeout webpage for further information on the closeout process. The recipient's responsibilities at closeout may be found at 2 CFR 200.344. During the closeout process, the award recipient 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 required documentation is a NICRA or CAP issued by the award recipient's FCA. For those approved to utilize a de minimis rate for indirect costs, the grant agreement or cooperative agreement is sufficient documentation. 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 period of performance specified in this award (see 2 CFR 2900.15).

PART F: NATIONAL POLICY AND RESTRICTIONS

F(1.) 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 the U.S. General Services Administration (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.

F(2.) Domestic Preferences for Procurements

As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of 2 CFR 200.322 must be included in all subawards including all contracts and purchase orders for work or products under this award.

F(3.) Drug-Free Workplace

The Drug-Free Workplace Act of 1988, 41 U.S.C. 702 et seq., and 2 CFR 182 require that all award recipients receiving awards 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.

F(4.) 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 Federal Emergency Management Agency (FEMA).

F(5.) Intellectual Property Rights, Open Licensing Rights, and the Bayh-Dole Act

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: the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and any rights of copyright to which the award 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 DOL 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. Program income must be used in accordance with the provisions of this grant award and 2 CFR 200.307.

The following language must be on all workforce 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 (DOL)'s Employment and Training Administration. The product was created by the recipient and does not necessarily reflect the official position of DOL. DOL 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."

As required at 2 CFR 2900.13, any intellectual property developed under a discretionary Federal award process must be licensed under an open 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. All small business firms, and non-profit organizations (as defined in the link below, and including Institutions of Higher Education) must adhere to the Bayh-Dole Act, which requirements are provided at 37 CFR 401.3(a) and at Bayh-Dole Act Required ETA Grant Term. 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 award. These requirements are in addition to those found in the Intellectual Property Rights term above.

F(6.) Public Communications – Certain Information Requirement

Pursuant to Public Law (Pub.L.) 118-47, Division H, Title V, Section 505, 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 term are separate from those in 2 CFR Part 200 and, when applicable, both must be complied with.

F(7.) Promoting Equitable Delivery of Government Benefits and Equal Opportunity

The Department of Labor (Labor) seeks to affirmatively advance equity, civil rights and equal opportunity in the policies, programs, and services it provides. Therefore, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,* grant award and cooperative agreement recipients must execute the terms and conditions of their award in a manner that advances equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. This extends to all award activities including, but not limited to, service delivery, selection of subrecipients and contractors, and procurement of goods and services. Government programs are designed to serve all eligible individuals. As an

expectation, Labor's award recipients should make the goods and services they provide widely available with the goal of effectively serving a diverse population of eligible individuals; fairly, justly, and impartially in administering the grant award. Award recipients are encouraged to engage in contracting and subcontracting for goods and services related to performing the terms and conditions of their grants in such a way to achieve equity.

The term "equity" means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of "equity."

F(8.) Personally Identifiable Information

The award recipient(s) 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 TEGL No. 39-11, Guidance on the Handling and Protection of PII.

In accordance with TEN 21-23, if it is the practice of the grant recipient to publish NOAs on a website accessible to the public, the Department recommends that the grant recipient redact or mask the Payment System ID to prevent unauthorized use of your accounts by fraudsters. Grant award or cooperative agreement recipients should email regenia.mitchell@psc.hhs.gov if they find that payments have been paid to a bank account other than their registered bank account. The subject line should read: Urgent! Payment Request Deposited to Incorrect Bank Account.

F(9.) Publicity and Lobbying/Advocacy

Publicity - Pursuant to Pub.L. 118-47, Division H, Title V, Section 503, the award recipient is not authorized to use any funds provided under this award—other than for normal and recognized executive–legislative relationships—for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video 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.

Lobbying/Advocacy - Pub.L. 118-47, Division H, Title V, Section 503, no federal funds may be used to pay the salary or expenses of any grant 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 legislature or 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.

F(10.) Telecommunications Prohibition

Award recipients must adhere to 2 CFR 200.216 - Prohibition on certain telecommunications and video surveillance services or equipment (effective August 13, 2020).

Grant award and cooperative agreement recipients, and subrecipients are prohibited from obligating or expending loan or grant funds to:
Procure or obtain;
Extend or renew a contract to procure or obtain; or
Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). Including telecommunications or video surveillance services provided by such entities or using such equipment and telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and

customers is sustained. See Public Law 115-232 (section 889) and 2 CFR 200.471 for additional information.

F(11.) Veterans' Priority Provisions

The Jobs for Veterans Act (Public Law 107-288) requires award 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 an award 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 award 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. Award recipients must comply with the DOL guidance on veterans' priority. ETA's 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.

F(12.) 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.

F(13.) Whistleblower Protection

All employees working for contractors, grant recipients, subcontractors, subgrantees/ subrecipients, and recipients of cooperative agreements working on this Federal award are subject to the whistleblower rights and remedies established at 41 U.S.C. 4712. The award recipient shall inform its employees and applicable contractors and subrecipients, 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. The award recipient shall insert the substance of this clause in all subawards and contracts over the Simplified Acquisition Threshold.

F(14.) Executive Order 12928 – Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities

Pursuant to Executive Order (EO) 12928, the award 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.

F(15.) Executive Order 13043 - Increasing Seat Belt Use

Pursuant to EO 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the award 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.

F(16.) Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency

As clarified by EO 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, award 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, 68 FR 32289 (May 29, 2003). Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Award 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 LEP.gov.

F(17.) Executive Order 13513 - Federal Leadership On Reducing Text Messaging While Driving

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

F(18.) Public Law: The Build American, Buy America Act (BABAA)

The Build America, Buy America Act ("BABAA") was enacted on November 12, 2021 as part of the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58. With the passage of the IIJA, federal financial assistance projects for infrastructure must comply with domestic content procurement preference requirements established in BABAA Section 70914. These requirements went into effect May 14, 2022. The Buy America preference requires all iron, steel, manufactured products, and construction materials used for infrastructure projects in the United States under an award to be domestically manufactured. Covered activities include the construction, alteration,

maintenance, or repair of public infrastructure, including buildings and real property (See OMB Memorandum M-22-11).

F(19.) Salary and Bonus Limitations

Pursuant to Pub.L. 118-47, Division H, Title I, Section 105, award 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. The salary and bonus limitation does not apply to contractors (vendors) providing goods and services as defined in 2 CFR 200.331. 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 DOL programs. See TEGL 5-06 for additional information.

When preparing indirect cost proposals, recipients and subrecipients must disclose salary breakdowns to their Federal cognizant agency (FCA) or pass-through entity so that they can properly assess compliance of TEGL 5-06. An example of proposed salary breakdowns is provided in Exhibit B at (XLS), as part of "A Guide for Indirect Cost Rate Determination", Section III, Examples of Exhibits to Support Indirect Cost Proposals in CPDD's website.

To determine unallowable compensation in excess of TEGL 5-06, refer to this link in CPDD's website. Grant recipients may contact CPDD for any guidance or questions.

After evaluating and disallowing costs (when applicable) in excess of TEGL 5-06, the FCA or pass-through entity should issue applicable rates compliant with this requirement. Note that the same Excel file could also be used to determine unallowable direct compensation in excess of TEGL 5-06. Unallowable direct costs must remain as part of the indirect cost allocation base.

F(20.) Harassment Prohibited

The grant recipient and any subrecipients are prohibited from engaging in harassment of an individual based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, based on citizenship status or participation in any WIOA Title I-financially assisted program or activity. Harassing conduct of this type is a violation of the nondiscrimination provisions of WIOA and of 29 CFR Part 38.

i. Unwelcome sexual advances, requests for sexual favors, or offensive remarks about a person's race, color, religion, sex, national origin, age, disability, political affiliation or belief, or citizenship or participation, and other unwelcome verbal or

physical conduct based on one or more of these protected categories constitutes unlawful harassment on that basis(es) when:

ii. Submission to such conduct is made either explicitly or implicitly a term or condition of accessing the aid, benefit, service, or training of, or employment in the administration of or in connection with, any WIOA title I-financially assisted program or activity; or

iii. Submission to, or rejection of, such conduct by an individual is used as the basis for limiting that individual's access to any aid, benefit, service, training, or employment from, or employment in the administration of or in connection with, any WIOA Title I-financially assisted program or activity; or

iv. Such conduct has the purpose or effect of unreasonably interfering with an individual's participation in a WIOA Title I-financially assisted program or activity creating an intimidating, hostile or offensive program environment.

v. Harassment because of sex includes harassment based on gender identity or sexual orientation; harassment based on failure to comport with sex stereotypes; and harassment based on pregnancy, childbirth, and related medical conditions. Sex-based harassment may include harassment that is not sexual in nature but that is because of sex or where one sex is targeted for the harassment.

PART G: NATIONAL PROHIBITIONS AND OTHER RESTRICTIONS

G(1.) Contracting with Corporations with Felony Criminal Convictions Prohibited

The award 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.

G(2.) Contracting with Corporations with Unpaid Tax Liabilities Prohibited

The award 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.

G(3.) Trafficking in Persons Prohibited

1) 2 CFR 175.15 establishes a government-wide award term for grants and cooperative agreements to implement the requirement in regard to Trafficking in persons.
   a) *Provisions applicable to a recipient that is a private entity.*
      I.The award recipient, the award recipient's 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 grant award is in effect; or

(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.DOL as the Federal awarding agency may unilaterally terminate this award, without penalty, if the award recipient or a subrecipient that is a private entity —

(A). Is determined to have violated a prohibition in paragraph a) I. 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) I. 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.* DOL 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(I) of this grant 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(I) of this grant 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.The award recipient must inform DOL immediately of any information the award recipient receives from any source alleging a violation of a prohibition in paragraph a.1 of this grant award term.

II.DOL's right to terminate unilaterally that is described in paragraph a.II 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 DOL under this grant award.

III. The award recipient must include the requirements of paragraph a) I. of this award term in any subaward the award recipient make to a private entity.

d. *Definitions.* For purposes of this award term:

I. "Employee" means either:

(A). An individual employed by the grant award recipient 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 grant award and not compensated by the grant recipient 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(4.) Health Benefits Coverage for Contraceptives

Federal funds may not be used to enter in to 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 Health Plans, 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.

G(5.) Health Benefits Coverage for Abortions Restricted

Pursuant to Pub.L. 118-47, Division H, Title V, Section 506 and 507, Federal funds may not be expended for health benefits coverage that includes coverage of abortions, except when the pregnancy is the result of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself that would, as certified by a physician, place the women in danger of death unless an 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 grant 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.

G(6.) Fair Labor Standards Act Amendment for Major Disasters

Pursuant to Pub.L. 118-47, Division H, Title I, Section 108, 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—

(B) 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;

(C) 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% 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."

G(7.) Blocking Pornography Required

Pursuant to Pub.L. 118-47, Division H, Title V, Section 520, no Federal funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

G(8.) Privacy Act

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

G(9.) Procuring Goods Obtained Through Child Labor Prohibited

Pursuant to Pub.L. 118-47, Division H, Title I, Section 103, no Federal 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 29, 2022. DOL has identified these goods and services at ILAB's List of Products Produced by Forced or Indentured Child Labor webpage.

G(10.) Promotion of Drug Legalization Restricted

Pursuant to Pub.L. 118-47, Division H, Title V, Section 509, 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.

G(11.) Purchase of Sterile Needles or Syringes Restricted

Pursuant to Pub.L. 118-47, Division H, Title V, Section 526, no Federal funds shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug. This limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

G(12.) Restrictions Against the Creation or Research of Embryos

Pursuant to Pub.L. 118-47, Division H, Title V, Section 508, no Federal funds shall be used for (1) the creation of a human embryo or embryos for research purposes; or (2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)). For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subjected under 45 CFR 46 as of December 29, 2022, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

PART H: ATTACHMENTS

H(1.) Attachment A: SF-424

H(2.) Attachment B: Payment Management System Access Letter

Attachment A: SF-424

OMB Number: 4040-0004
Expiration Date: 11/30/2025

Application for Federal Assistance SF-424

* 1. Type of Submission:	* 2. Type of Application:	* If Revision, select appropriate letter(s):
☐ Preapplication	☒ New	
☒ Application	☐ Continuation	* Other (Specify):
☐ Changed/Corrected Application	☐ Revision	

* 3. Date Received:	4. Applicant Identifier:
06/05/2024	

5a. Federal Entity Identifier:	5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:	7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:	New York Department of Labor

* b. Employer/Taxpayer Identification Number (EIN/TIN):	* c. UEI:
14-6013200	GGD6N8XQ8LU8

d. Address:

* Street1:	State Office Building Campus, Building 12
Street2:	
* City:	Albany
County/Parish:	
* State:	NY: New York
Province:	
* Country:	USA: UNITED STATES
* Zip / Postal Code:	12226-0001

e. Organizational Unit:

Department Name:	Division Name:
NYS Department of Labor	D.E.W.S.

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:	Mr.	* First Name:	Christopher
Middle Name:			
* Last Name:	White		
Suffix:			

Title:	Deputy Commissioner for Workforce Development

Organizational Affiliation:

* Telephone Number:	518-457-1072	Fax Number:	

* Email:	christopher.white@labor.ny.gov

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Employment and Training Administration

11. Catalog of Federal Domestic Assistance Number:

17.259

CFDA Title:

WIOA Youth Activities

*** 12. Funding Opportunity Number:**

ETA-TEGL-12-23-YOUTH

* Title:

Workforce Innovation and Opportunity Act (WIOA) Youth Program Allotments for Program Year (PY) 2024

13. Competition Identification Number:

ETA-TEGL-12-23-YOUTH

Title:

Workforce Innovation and Opportunity Act (WIOA) Youth Program Allotments for Program Year (PY) 2024

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

New York's PY 2024 WIOA Allotment for Youth Activities.
Indirect Costs for this award are estimated at $0.00.

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: NY-020 * b. Program/Project: NY-ALL

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 04/01/2024 * b. End Date: 06/30/2027

18. Estimated Funding ($):

* a. Federal	68,357,497.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	68,357,497.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Ms. * First Name: Karen

Middle Name:

* Last Name: Ronca

Suffix:

* Title: Director of Finance

* Telephone Number: 518-457-1249 Fax Number:

* Email: karen.ronca@labor.ny.gov

* Signature of Authorized Representative: Karen Ronca * Date Signed: 06/05/2024

Attachment B: Payment Management System Access Letter

(For payment draw-down and financial reporting)

U.S. Department of Labor/ETA Office of Grants Management

200 Constitution Avenue, N.W. – Room N-4716
Washington, D.C. 20210

Dear Recipient:

Congratulations on your recent award. This document provides instructions on how to access your organization's funding, as well as how to submit quarterly ETA-9130 Financial Reports. Award recipients accomplish both tasks using the Payment Management System (PMS), operated by the U.S. Department of Health and Human Services (HHS).

All grant recipients must have an ID.me account to gain access to PMS.
Establishing your ID.me account is the first step in the PMS process. User access requests for grant recipients will only be approved if you have an ID.me account. If you have questions related to creating an ID.me account or need technical assistance with accessing PMS via ID.me, instructions and additional guidance can be found at https://xms.hhs.gov/help/job-aids/help_pages.html.

For Existing PMS Users

If your organization has previously received a grant or cooperative agreement with ETA, a PMS account already exists, and it's where you can find your new grant award funding. The front page of your grant award will have the following information to help access your funding in PMS:

- The last eight digits of the award number (item 12) of the new grant or cooperative agreement (e.g., XX123456),
- Award amount (item 27), and
- The PMS Employer Identification Number (EIN) (item 3) (e.g., 1123456789X1) where the new grant or cooperative agreement funding resides under a payee account (e.g., 5h43B).

Recipients may add or amend account access and banking information using the links below.

- To add or remove PMS account access for your organization, please visit: https://pms.psc.gov/grant-recipients/user-access.html
- To add a bank account to your PMS account, please visit: https://pms.psc.gov/grant-recipients/banking-add-change.html

For new PMS Users

When issuing a grant award, a PMS account has been set up for your organization. A payee account (e.g., 5h43B) also has been established, and it's where you can find funding for your

new grant award. The front page of your grant award will have the following information to access to your account:

- The last eight digits of the award number (item 12) of the new grant or cooperative agreement (e.g., XX123456),
- Award amount (item 27), and
- The PMS Employer Identification Number (EIN) (item 3) (e.g., 1123456789X1) where the new grant or cooperative agreement funding resides under a payee account (e.g., 5h43B).

As a new PMS user, you will need to add or amend account access and banking information using the links below.

- To add or remove PMS account access for your organization, please visit: https://pms.psc.gov/grant-recipients/user-access.html
- To add a bank account to your PMS account, please visit: https://pms.psc.gov/grant-recipients/banking-add-change.html

Submitting Federal Financial Reports in PMS

Recipients must report quarterly financial data on the ETA-9130 Financial Report, which is due as shown below:

Quarter End Date	Quarterly ETA-9130 Due Date
March 31	May 16
June 30	August 15
September 30	November 15
December 31	February 15

A final financial report for the last quarter of the period of performance must be submitted no later than 120 calendar days after the expiration of the grant period of performance. Additional information on financial reporting can be found in TEGL No. 16-22 and TEGL No. 16-22, Change 1.

Recipients must submit financial reports through PMS. Recipient staff who are submitting/certifying financial reports on behalf of their organization must log in to PMS and update their permissions to request access to the financial report forms.

- For general instructions on financial report submission, visit: https://pms.psc.gov/grant-recipients/ffr-updates.html
- Grant Recipients' financial reports can be found by: *Login PMS → select "Menu" → Federal Financial Reporting → Federal Financial Reporting*
- A Financial Report User Guide can be found by: *Login PMS → select "Menu" → Federal Financial Reporting → FFR Grantee User Guide*

PMS Help Desk

If you need assistance with your PMS account, information on the PMS Helpdesk can be found at https://pms.psc.gov/support/help-desk.html.

- Please contact the PMS Help Desk at (877) 614-5533 or PMSSupport@psc.gov
- Recipients may also submit a service ticket online and access more services using the Self-Service Web Portal at: https://gditshared.servicenowservices.com/hhs_pms

Family and Human Services Committee Roll Call

District	*Name*	*Yes*	*No*
District 7 - Hyde Park and Pleasant Valley	Truitt*	✓	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Houston*		
District 3 - LaGrange	Polasek*		
District 16 - Fishkill and Beacon	Valdés Smith*		
District 9 - City of Poughkeepsie	Atkins*		
District 2 - LaGrange, Pleasant Valley & Town of Poughkeepsie	Travelpiece		
District 5 - Town of Poughkeepsie	D'Aquanni		
District 8 - City and Town of Poughkeepsie	Brendli		
District 11 - Clinton, Pleasant Valley, and Rhinebeck	Kearney		
District 17 - Town and Village of Fishkill	McHoul (VC)		
District 19 - North East, Stanford, Pine Plains, Milan & Red Hook	Drago	Absent	
District 22 - Beekman and Union Vale	Garito (C)		

Present:	11	Resolution:	✓	Total :	11	0
Absent:	1	Motion:			Yes	No
Vacant:	0			Abstentions:	0	

2024145 AUTHORIZING AMENDMENT OF FUNDING UNDER THE TRADE ADJUSTMENT ACT

AUGUST 8, 2024

Roll Call Sheets

District	Last Name	YES	NO
District 7 - Hyde Park and Pleasant Valley	Truitt	✓	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Houston		
District 3 - LaGrange	Polasek		
District 16 - Fishkill and Beacon	Valdés Smith		
District 9 - City of Poughkeepsie	Atkins		
District 1 - Town of Poughkeepsie	Gorman		
District 2 - LaGrange, Pleasant Valley & Town of Poughkeepsie	Travelpiece		
District 4 - Hyde Park and Town of Poughkeepsie	Lawler		
District 5 - Town of Poughkeepsie	D'Aquanni		
District 6 - Town of Poughkeepsie	Kaul		
District 8 - City and Town of Poughkeepsie	Brendli		
District 10 - City of Poughkeepsie	Johnson		
District 11 - Clinton, Pleasant Valley, and Rhinebeck	Kearney		
District 12 - East Fishkill	Metzger		
District 13 - East Fishkill and Wappinger	Paoloni		
District 14 - Wappinger and Town of Poughkeepsie	Versaci		
District 15 - Wappinger	Faust		
District 17 - Town and Village of Fishkill	McHoul	Absent	
District 18 - City of Beacon and Fishkill	Page		
District 19 - North East, Stanford, Pine Plains, Milan & Red Hook	Drago		
District 20 - Red Hook, Tivoli, and Rhinebeck	Munn		
District 21 - East Fishkill	Caswell		
District 22 - Beekman and Union Vale	Garito		
District 23 - Pawling, Beekman and East Fishkill	Rolison		
District 24 - Dover and Pawling	House		

Present:	24	Resolution:	✓	Total :	24	0
Absent:	1	Motion:			Yes	No
Vacant:	0			Abstentions:	0	

2024145 AUTHORIZING AMENDMENT OF FUNDING UNDER THE TRADE ADJUSTMENT ACT

AUGUST 12, 2024