

	NCWorks Commission
	NCWorks Commission Policy Statement Number: CPS 01-2020
	Date: December 14, 2020
	Subject: NCWorks Commission Workforce Innovation and Opportunity Act Policy Making Authority
	From:  <hr/> Tom B. Rabon, Jr. Chair, NCWorks Commission

Purpose: To clarify the policymaking role of the NCWorks Commission and the operational guidance role of the NC Division of Workforce Solutions (DWS); and to adjust the official method of issuing and disseminating procedural, administrative, management, and program directions to Division staff, Local Workforce Development Boards and other interested parties.

Background: DWS has state responsibility for administering federal Workforce Innovation and Opportunity Act (WIOA) Title I funds, Trade Adjustment Assistance (TAA), and WIOA Title III Wagner-Peyser (WP) funds. In that capacity, DWS offers operational guidance in reference to those funds and interactions with the US Department of Labor’s Employment and Training Administration. This structure of communication consolidates the organization of information and replaces the former DWS Policy Statement format.

The US Department of Labor’s Employment and Training Administration has mandated this process change to grant the NCWorks Commission approval authority over major statewide WIOA policy. The role of the DWS is to provide operational and programmatic guidance to Local Workforce Boards and strategic partners based on new and existing policy.

The NCWorks Commission policy process is as follows:

Upon completion of a draft policy, the DWS Planning and Policy Development Unit staff will open the draft policy for a public comment period (where applicable) for at least 5 business days. Public comments will be posted on the North Carolina Department of Commerce website, evaluated, then assessed by DWS Executive Leadership for any needed edits. Once approved by the DWS Assistant Secretary, all WIOA policy initiatives will be submitted by DWS to the NCWorks Commission Governance and System Alignment Committee before being voted on by the Committee. After

being approved by the Governance and System Alignment Committee, the final draft policy will be submitted to the NCWorks Commission for approval with a strict up or down vote. As noted earlier, all public comments will be reviewed prior to the Commission vote.

Any drafts of policy recommendations by third parties will need to be routed through the DWS Planning and Policy Development Unit to ensure that it is compliant with WIOA law and existing DWS guidelines. As noted earlier, after DWS review and approval, the draft policy will be submitted to Governance and System Alignment Committee for approval before going to the full Commission for a vote. Anyone with policy ideas is encouraged to contact the DWS Director of Policy, Planning and Accountability early in the process for assistance.

Local Workforce Development Board Directors with policy recommendations should route drafts through the Workforce Development Board Director's Council before they are sent to DWS for review. Commission members should route draft policy recommendations through the Governance and System Alignment Committee for consideration. After review by the Governance and System Alignment Committee, the draft policy will be routed back through the DWS Planning and Policy Development Unit to ensure that it is compliant with WIOA law and existing DWS guidelines. After DWS review, the draft policy will be submitted back to Governance and System Alignment Committee for approval before going to the full Commission for a vote.

In cases where policy approval is urgent, the policy voting process will be expedited by email and text or other electronic means as determined by the NCWorks Commission Chair.

The NCWorks Commission shall transmit Commission Policy Statements, and they will be issued by the Commission Chair. This includes information subject to monitoring and audits of DWS. Commission Policy Statements (CPS) will be indexed and available on the North Carolina Department of Commerce website. Policy numbers will reflect the calendar year with consecutive numbers assigned and will be posted by the DWS Planning and Policy Development Unit.

Below are criteria for determining what policies require NCWorks Commission approval:

CPS Criteria

- New grant policy initiatives.
- Policies impacting audits or monitoring.
- Policies that include potential sanctioning measures and appeal protocols to Local Workforce Development Boards for non-compliance.
- Policies involving procurement or contracts.
- Annual Title I Plan.

DWS Operational Guidance process is as follows:

Operational Guidance Notices are issued to communicate directives to DWS staff, Local Workforce Development Boards and other interested parties. **These Operational Guidance Notices carry the full authority of NCWorks Commission Policies.** Operational Guidance Notices will be indexed and available on the North Carolina Department of Commerce website. Notices will be issued through the DWS Assistant Secretary by calendar year with consecutive numbers assigned and posted by the Division's Planning and Policy Development Unit.

Below are criteria for determining what is considered DWS Operational Guidance:

DWS-Issued Operational Guidance Criteria

- Funding formula updates from the US Department of Labor.
- Policy changes that are clarifications of previous policies.
- Instructions or guidelines for existing grants.
- Annual allocations based on US Department of Labor funding formulas.
- Changes to NCWorks.gov.
- Policies with time-sensitive measures that have financial implications to Local Workforce Development Boards.

Action: Local Workforce Development Boards and DWS staff will be aware of the issuance of Commission Policy Statements and Operational Guidance and should share as appropriate. New Commission Policy Statements and Operational Notices will be made available at www.nccommerce.com/workforce.

The following active DWS Policy Statements will be reviewed by the NCWorks Commission for approval.

PS 12-2020 Finish Line Grants Continuation
PS 14-2020 Dislocated Worker Eligibility
PS 15-2020 Employer Services Grant
PS 08-2019 Finish Line Grants Continuation Instructions and Request Form
PS 01-2020 Local Area Plan Instructions
PS 02-2019 Career Center Code of Conduct Violation
PS 20-2017, Change 1 Financial Management Policy for WIOA Title I
PS 07-2018 Nondiscrimination and Equal Opportunity Standards
PS 21-2017 Procurement and Contracting Policy
PS 18-2017 Conflict of Interest for Workforce Development Boards and Staff
PS 06-2017 WIOA Youth Formula Funds Expenditure Requirements
PS 03-2017 Priority of Service for Veterans

PS 01-2017 Federal Performance Measures
PS 04-2019, Change 2 Revised WIOA PY19 Title I Formula-Allotted Funds
PS 06-2020 WIOA PY20 Title I Formula-Allotted Funds
PS 10-2016 Funds Transfer Between Adult and Dislocated Worker Programs
PS 09-2016 Voluntary Transfer of WIOA Funds
PS 04-2015, Change 1 On-the-Job Training
PS 19-2017, Change 2 Competitive Selection Processes
PS 21-2015 Customer Choice in Selecting Training Providers
PS 14-2015 Non-Criminal Program Complaints

All other existing DWS Policy Statements not listed above will be converted to Operational Guidance Notices using the existing procedures previously used for issuing policy statements.

Effective Date: December 1, 2020
Expiration: Indefinite
Contact: Director of Policy, Planning, and Accountability