**Governor’s Guidelines – Revision 3**

**Frequently Asked Questions (FAQ)**

The following questions were asked during the October 10, 2018 WIOA Wednesday Webinar in which the draft Governor’s Guidelines – Revision 3 were presented for feedback from required partners throughout the state. Additional questions shared with the WIOA Interagency Technical Assistance Team since the October 10 webinar also have been incorporated.

**Advanced Planning**

1. **Are the lead MOU negotiator and the impartial budget negotiator two different individuals?**

These roles can be fulfilled by two separate individuals. Both roles can be fulfilled by one individual as long as the individual fulfilling the budget negotiator duties is impartial.

1. **Required partners do not always know which Federally-funded programs are in their local areas and, therefore, required parties to the MOU. How can local areas identify all required partners—including Federally-funded situational partners—who need to be engaged from the beginning of negotiations?**

It is the responsibility of the local workforce board chair to ensure all required and situational partners are informed of the MOU development process in a timely manner. The Interagency Technical Assistance (TA) Team will continue to work with Federally-funded WIOA programs (i.e., situational partners) to ensure each knows its responsibility to participate in MOU negotiations when present in the local areas. Beginning each fall to identify all required partners who will be parties to the MOU is intended to help prevent the last-minute addition of situational partners.

1. **Will State and local partners be held to the same standards regarding the timely identification of key information prior to MOU and budget negotiations and throughout the MOU development process, as described in the Draft Governor’s Guidelines – Revision 3?**

The Governor’s Guidelines issue guidance to both State and local partners, both of which are held to the same standards to ensure that WIOA is implemented in compliance with State and Federal law. The WIOA Interagency Technical Assistance (TA) Team serves to address issues affecting implementation at the local level, including the need to ensure State-administered program partners are engaged and responsive to local MOU and budget negotiations.

1. **What is the purpose of the Pre-Program Year Planning Form, and what are the reporting requirements?**

The purpose of the Pre-Program Year Planning Form is to ensure that each local area is best positioned to begin annual negotiations of one-stop operating budgets and MOUs within the allotted timeframe for the upcoming program year. The form also is intended to be a tool to ensure that all required partners in the local area are involved from the beginning of the negotiation process. Submission of the form and general negotiation schedule allows the Interagency TA Team to be made aware of any serious concerns earlier in the negotiation period.

The form must be submitted to [CWD-wioaplan@ad.siu.edu](mailto:CWD-wioaplan@ad.siu.edu) by December 31 each year.

1. **Will individuals who negotiate MOUs and annual budgets on behalf of their programs have authority to make commitments on behalf of their programs?**

The Governor’s Guidelines – Revision 3 retain language from previous guidance that says, “Each required partner participating in the MOU development and negotiation process will designate a specific individual with authority to commit financially and programmatically on behalf of the required partner” (page 5, Section 1(5)). The same is true for State-administered programs. “All required partners who are parties to the MOU will be empowered to make commitments on behalf of their partner agencies, including staff or other local representatives” of the State-administered programs listed on page 4, Section 1(4).

1. **Doesn’t the existing MOU specify the frequency of reconciliation? Does the advanced planning form also need to do this?**

The frequency of reconciliation must be specified in the MOU, which serves as a contract between required partners and should reflect such agreements between partners. Including the frequency of reconciliation information in the “Pre-Program Year Planning Form” (Appendix C) helps ensure required partners are aware of the frequency of reconciliation much earlier in the MOU negotiations process so they know when actual costs will have to be identified for reconciliation purposes. Including the frequency of reconciliation in the pre-planning form also supports the completion of an agreed-upon MOU.

**State-Level Career Service Matrices**

1. **Can local partners decide to provide career services that are not included in the State-Level Career Service Matrices?**

Yes. The State-level Career Service Matrices are intended to be a tool during local negotiations to help ensure consistency in the career services made available by required partners throughout the State. Required partners in each local area can select to provide additional career services in that local area as authorized under their required programs under WIOA.

1. **Does Appendix F (State-Level Career Service Matrices) replace the need for local areas to fill out a blank matrix for all of these state partners as in the past?**
2. A Local Career Service Matrix is included in the MOU Template and must be submitted with the amended MOU each year, supporting each required partner’s commitment to serving local needs.
3. The State-Level Career Service Matrix provided within the Governor’s Guidelines – Revision 3 is intended to serve as a tool to help ensure consistency in the career services made available by required partners throughout the state, as well as to support local negotiations of each required partner’s service delivery commitments in the local area.
4. **Can a required program partner whose budget in a local area is below a certain threshold be exempted from the Career Service Matrix?**

Only some partners are excluded from the State-level Career Service Matrix because a) CSBG’s services do not fit within the matrix, as CSBG services are provided in direct response to local community needs; and b) the Federally-administered workforce programs are not made available in every local area, preventing a State-level matrix from being useful as a tool to support consistency in local negotiations.

Excluding those partners from the State-level Career Service Matrix does not exempt them from having to meet the Federal requirements where their services are provided.

All required partners—regardless of the size of their budgets—must make their applicable career services available and accessible through a comprehensive one-stop center during all regular business hours. Neither the TA Team nor any other State entity can exempt required partners from the requirement specified in 20 CFR Part 678.305(d).

**Direct Linkage Checklist**

1. **How is the information provided in the Direct Linkage Checklist different from the information that is required in the MOU narrative?**

The Direct Linkage Checklist was developed because to date, descriptions in the MOU narrative about the use of direct linkage technology have primarily been vague or incomplete, risking noncompliance with the Federal definition of direct linkage (20 CFR Part 678.305(d)(3)(i)). The vague descriptions of how direct linkage technology would be used also risked participants being unable to access a direct connection to services within a reasonable amount of time, as required.

The Direct Linkage Checklist is intended to be a tool to support each partner that plans to use direct linkage technology to deliver services in being as specific as possible about how participant’s will truly be able to access services on demand within a reasonable amount of time.

The completed checklists are also intended to be a tool for negotiations, supporting MOU negotiators and required partners in identifying specific ways services will be made available in the local area. In turn, the completed Direct Linkage Checklists are designed to help ensure the description in the MOU narrative is more specific and likely to be compliant.

The Direct Linkage Checklist will remain a local tool to support negotiations. The description of a required partner’s plan to use direct linkage technology must be provided in the MOU narrative, as the MOU serves as the authorizing agreement between partners.

1. **What is the relationship between the Direct Linkage Checklist and related content in the MOU? Will tweaks to how compliance is described in this checklist require changes to the MOU? Will this require re-signature of the MOU?**

The checklist and the MOU narrative should be complementary. Significant changes to the method of providing services using direct linkage technology would require a partner to update the MOU narrative Section 6, which must already be amended annually to support the annual one-stop operating budget. The annual MOU amendment to append the agreed-upon, annual one-stop operating budget requires new partner signatures.

Therefore, any changes to the Direct Linkage Checklist each year can be addressed, if needed, in the local area’s annual MOU amendment procedures.

1. **Will the Direct Linkage Checklist be used in the monitoring process? Will non-substantive differences between various versions of the same content become findings?**

The Direct Linkage Checklist (Appendix I) is intended to support required partners in making specific commitments for how participants will be able to access their services on demand using direct linkage technology in compliance with the Federal definition of “access[[1]](#footnote-1).”

Each State-administered program applies its own monitoring practices to ensure compliance of their sub-grantees and service providers. While the Direct Linkage Checklist is not intended to serve as a State monitoring tool against which required partners in each local area will be assessed, State program monitors may request a copy of the checklist to ensure it is being used.

The Direct Linkage Checklist is a document that will stay at the local level to support negotiations about local service delivery. If an MOU negotiator identifies a concern about a required partner’s planned use of direct linkage technology or noncompliance, then the MOU negotiator is encouraged to contact the required program partner on the WIOA Interagency TA Team.

The Interagency TA Team may request a copy of the applicable partner’s Direct Linkage Checklist during State-level remediation efforts if disputes about direct linkage risk causing an impasse in that local area. The TA Team may also request a copy of a partner’s Direct Linkage Checklist during the State-level review of agreed-upon MOUs to ensure the MOU narrative is specific and accurate.

**Waiver Request Process**

1. **What is waivable? What are some examples of items that could be included in a waiver request?**

The process of a waiver from a provision of the Governor’s Guidelines – Revision 3 formalizes past practices of granting allowable flexibility to local areas in special circumstances to avoid an impasse on MOU or budget negotiations. Examples include:

1. A local area providing documentation to verify that all required partners in a local area agreed to allow a required partner to commit less than the minimum .25 FTE given special circumstances.
2. Providing guidance about the language to include in the MOU narrative and one-stop operating budget spreadsheet when a Federally-administered program such as Job Corp does not agree to share in one-stop operating budget costs of a local area.
3. A local workforce innovation board chair submitting documentation with the MOU to verify that a “situational partner” decided to withdraw from a comprehensive one-stop center.
4. Circumstances that lack clear Federal guidance.
5. Any provision of the Governor’s Guidelines – Revision 3 over which the State has discretion.

Only those waiver requests regarding provisions of the Governor’s Guidelines over which the State has complete discretion will be considered. The State does not have authority to consider waivers of any requirement specified in Federal law, regulation or other authoritative Federal guidance.

1. **What is the turnaround timeframe for the State level to respond to waiver requests from the local level?**

Waiver requests will be reviewed and responded to as efficiently as possible on a case-by-case basis by the WIOA Interagency Technical Assistance Team. A formal timeline for review and approval will be explored.

**Non-Disclosure Agreement**

1. **What kind of confidential information would be covered by a Non-Disclosure Agreement (NDA)?**

To ensure information will not be shared by local areas to individuals outside of the workforce system, the IDES Non-Disclosure Agreement is contained as an attachment to the MOU Template.

1. **Would the MOU under this new NDA allow partners to share IDES information?**

Non-UI information contained in Illinois Job Link can be shared with workforce partners.

1. **What are some examples of information that cannot be shared under the draft NDA?**

The sharing of UI information is prohibited. Examples include Social Security numbers and wage information.

**Periodic Reconciliation**

1. **Who is responsible for identifying the Relative Benefit Received?**

The individual responsible for reconciliation gathers documentation from each partner in the local area to determine the relative benefit received by each partner who shares in the costs and delivers services in the one-stop center. A sample matrix is provided in the [Handbook for Conducting Reconciliation of Budgeted to Actual Costs](https://www.illinoisworknet.com/DownloadPrint/Handbook%20for%20Conducting%20Periodic%20Reconciliation%20for%20PY%202017.pdf) (click on the link).

1. **May the impartial budget negotiator also be responsible for the reconciliation process?**

Yes.

1. **What does .25 FTEs really mean? That the partners are only committed to 10 hours a week?**

Encompassed in the .25 FTE minimum is the requirement that every required partner must make authorized career services available through the one-stop center during all regular business hours in accordance with Section 1, 8(f) of the Governor’s Guidelines – Revision 3. Even if a required partner commits the .25 minimum number of FTEs, that partner must still ensure that a customer can access that program’s services—either in person through program staff or cross-trained staff[[2]](#footnote-2), or through on-demand technology meeting direct linkage requirements.

Note: Direct linkage service delivery can be accomplished through a dedicated phone line with voicemail as long as the customer receives a response within 24 business hours (see page 59 of the draft Governor’s Guidelines – Revision 3).

1. **How are required partners able to negotiate FTEs and shared costs with a partner that receives few referrals and does not receive clear benefits by participating in and funding the one-stop center and local service delivery system?**

Per the Governor’s Guidelines, required partners must commit a minimum of a .25 FTE staff to provide services at the one-stop center through onsite program or contractor staff, onsite cross-trained staff or contractors who are trained to deliver services on behalf of another required partner, or through staff who are available on demand through “direct linkage” technology as defined in 20 CFR Part § 678.305(d).

The requirement is to ensure each required partner’s programs and services are made available through the one-stop center during all regular business hours.

Regarding each partner’s relative benefit received by participating in and funding the one-stop center(s) in the local delivery system, examples of basic benefits and programmatic benefits are provided in the “[Handbook for Conducting Periodic Reconciliation of Budgeted to Actual Costs](https://www.illinoisworknet.com/DownloadPrint/Handbook%20for%20Conducting%20Periodic%20Reconciliation%20for%20PY%202017.pdf),” starting on page 3.

**MOU Template**

1. **What is the purpose of the “variance table” in Section 12 and how is it to be completed?**

The “variance table” in Section 12 was added at the request of the Office of the Illinois Comptroller. The first column is for each partner’s total cash contribution (the total infrastructure and local service delivery system costs from the one-stop operating budget). The second column is for the total cash contribution plus a 10% variance. For example, if a required partner has a total cash contribution of $100,000 (column 1), the variance is $110,000 (column 2).

1. Access to each partner program and its services means: having a program staff member physically present at the one-stop center; having a staff member from a different partner program physically present at the one-stop center appropriately trained to provide information to customers about the programs, services, and activities available through partner programs; or making available a direct linkage through technology to program staff who can provide meaningful information or services. [↑](#footnote-ref-1)
2. According to the Final Rule (20 CFR Part 678.305), “Cross-trained staff” means having a staff member from a different partner program physically present at the one-stop center appropriately trained to provide information to customers about the programs, services, and activities available through partner programs. [↑](#footnote-ref-2)