

# PY 2025 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.) Applicable Requirements**

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 following authorities apply to your activities under this Federal award. It is recommended that the award recipient contact DOL when questions arise about what requirements apply in the event of any inconsistency between the terms and conditions of this Notice of Award (NOA) and other requirements.

- Workforce Innovation Opportunity Act (WIOA).
- Other applicable Federal statutes.
- Full-Year Continuing Appropriations and Extensions Act, 2025 (March 15, 2025, Public Law (Pub.L.) 119-4 which appropriates funding at the level in Pub. L. 118-47 with certain exceptions.
- Implementing Regulations.
- Executive Orders and Presidential Memoranda.
- The Office of Management and Budget (OMB) Guidance, including the Uniform Guidance at 2 CFR part 200 and DOL regulations at 2 CFR part 2900.
- The U.S. Department of Labor (DOL) directives.
- 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 TEGL and any amendments found at <https://www.dol.gov/agencies/eta/advisories/tegl-no-11-24> are hereby incorporated into this NOA. Award recipients are bound by the authorizations, restrictions, and requirements contained in the TEGL. 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.

The funds provided under this 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.) Standard Form (SF)-424, Application for Federal Assistance, and SF-424B, Assurances and Certifications

Not applicable to Local Workforce Development Boards

- A(4.) Federal Project Officer (FPO)

Not applicable to Local Workforce Development Boards

- A(5.) System for Award Management (SAM.gov)

A SAM.gov 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 complete the closeout process for expiring awards. See Training and Employment Notice (TEN) 18-17<sup>2</sup> for additional guidance.

Unless exempt from this requirement under 2 CFR 25.110, the recipient must maintain a current and active registration in SAM.gov. The recipient's registration must always be current and active until the recipient submits all final reports required under this Federal award or receives the final payment, whichever is later. The recipient must review and update its information in SAM.gov at least annually from the date of its initial registration or any subsequent updates to ensure it is current, accurate, and complete. If applicable, this includes identifying the recipient's immediate and highest-level owner

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<sup>1</sup> <https://www.grants.gov/>

<sup>2</sup> <https://www.dol.gov/agencies/eta/advisories/training-and-employment-notice-no-18-17>

and subsidiaries and providing information about the recipient's predecessors who have received a Federal award or contract within the last three years.

Effective on April 4, 2022, the DUNS Number was replaced by a new, non-proprietary identifier requested in and assigned by SAM.gov<sup>3</sup>. 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<sup>4</sup>.

If the recipient is authorized to make subawards under this Federal award, then the recipient:

1. Must notify potential subrecipients that no entity may receive a subaward until the entity has provided its UEI to the recipient.
2. Must not make a subaward to an entity unless the entity has provided its UEI to the recipient. Subrecipients are not required to complete full registration in SAM.gov to obtain a UEI.

For the purposes of this award term:

*System for Award Management (SAM.gov)* is the Federal repository into which a recipient must provide the information required for the conduct of business as a recipient. Additional information about registration procedures may be found in SAM.gov (currently at <https://www.sam.gov>).

*Entity* is defined at 2 CFR 25.400 and includes all of the following types as defined in 2 CFR 200.1:

- (1) Non-Federal entity;
- (2) Foreign organization;
- (3) Foreign public entity;
- (4) Domestic for-profit organization; and
- (5) Federal agency.

*Subaward* has the meaning given in 2 CFR 200.1.

*Subrecipient* has the meaning given in 2 CFR 200.1.

DOL advises Federal financial assistance award recipients registered in SAM.gov to frequently review their registration information, particularly their financial information

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<sup>3</sup> <https://sam.gov>

<sup>4</sup> [https://www.fsd.gov/gsafsd\\_sp?id=kb\\_article\\_view&sysparm\\_article=KB0041254&sys\\_kb\\_id=875189f21bee8d54937fa64ce54bcbaa&spa=1](https://www.fsd.gov/gsafsd_sp?id=kb_article_view&sysparm_article=KB0041254&sys_kb_id=875189f21bee8d54937fa64ce54bcbaa&spa=1)

and points of contact. Assistance is available by contacting the Federal Service Desk at FSD.gov.<sup>5</sup>

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

DOL further encourages award recipients to review the expiration date of their SAM.gov 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 amendments to their existing grants, as well as apply for new funding opportunities. Further, the Employer Identification Number (EIN) must remain active until the award closeout process is fully completed.

#### A(6.) Subawards

A *subaward* means an award provided by a pass-through entity to a subrecipient for the subrecipient to contribute to the goals and objectives of the project by carrying out part of a Federal award received by the pass-through entity. It does not include payments to a contractor, beneficiary, or participant. A subaward may be provided through any form of legal agreement consistent with criteria in 2 CFR 200.331, including an agreement the pass-through entity considers a contract.

The provisions of the Terms and Conditions of this award must be applied to any subrecipient under this award. The recipient is responsible for ensuring that the Terms and Conditions and all other information required in 2 CFR 200.332(b) are in all subaward packages, and monitoring the subrecipient, including to ensure that the subrecipient complies with all applicable Federal statutes, regulations, and the Terms and Conditions of this award (2 CFR 200.101(b) and .332).

#### A(7.) Contracts

A *contract* means a legal instrument by which a recipient or subrecipient conducts procurement transactions under a Federal award. Additional guidance on distinguishing between a subrecipient and a contractor is provided in 2 CFR 200.331. When procuring contractors for goods and services, DOL recipients and subrecipients must follow the procurement requirements, including the requirement for full and open competition, found at 2 CFR 200.318 through 200.327 (except states and Indian tribes, which must follow 2 CFR 200.317).

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<sup>5</sup> [https://www.fsd.gov/gsafsd\\_sp](https://www.fsd.gov/gsafsd_sp)

A(8.) 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<sup>6</sup> and the Grants Application and Management collection page on WorkforceGPS.org.<sup>7</sup> SMART training<sup>8</sup> 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:

**M**onitoring,  
**A**ccountability,  
**R**isk mitigation and  
**T**ransparency.

Questions regarding the content may be directed to [compliance.policy@dol.gov](mailto:compliance.policy@dol.gov).

A(9.) Monitoring, Technical Assistance, and Additional Specific Conditions of Award

All award recipients and subrecipients, including states and territories managing the Unemployment Insurance programs, may have the specific conditions of their award adjusted (2 CFR 200.208). A specific condition is based on an analysis of the following factors:

1. Review of OMB-designated repositories of government-wide data (for example, *SAM.gov*) or review of its risk assessment (See 200.206);
2. The recipient's or subrecipient's history of compliance with the terms and conditions of Federal awards;
3. The recipient's or subrecipient's ability to meet expected performance goals as described in 2 CFR 200.211; or
4. A determination of whether a recipient or subrecipient has inadequate financial capability to perform the Federal award.

Specific conditions may include 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;
3. Requiring additional or more detailed financial reports;
4. Requiring additional project monitoring;
5. Requiring the recipient or subrecipient to obtain technical or management assistance; or

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<sup>6</sup> <https://www.dol.gov/agencies/eta/grants/resources>

<sup>7</sup> <https://grantsapplicationandmanagement.workforcegps.org/>

<sup>8</sup> <https://bit.ly/DOL-SMART>

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 that may include in-person or remote assistance.

A(10.) Evaluation, Data, and Implementation

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

A(11.) 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 recipient or subrecipient 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**

### **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 15% of modified total direct costs (MTDC). Indirect 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. The association of costs with a Federal award determines whether costs are direct or indirect.

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 DOL's CPDD is available at DOL's Cost & Price Determination Division (CPDD) website<sup>9</sup> which 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 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<sup>10</sup> for

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<sup>9</sup> <https://www.dol.gov/agencies/oasam/centers-offices/office-of-the-senior-procurement-executive/cost-price-determination-division>

<sup>10</sup> [https://www.dol.gov/sites/dolgov/files/ETA/grants/pdfs/ETA-9130\\_Financial\\_Reporting\\_Resources\\_updated\\_5.1.24.docx](https://www.dol.gov/sites/dolgov/files/ETA/grants/pdfs/ETA-9130_Financial_Reporting_Resources_updated_5.1.24.docx)

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; 2) the SF-424A, included as Attachment B; and 3) the Budget Narrative, included as Attachment C. 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 amendment and prior approval from the Grant Officer.

All period of performance extensions, including no-cost and one-time extensions, require 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 amendment, 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 amendment and approval from the Grant Officer.

Any request for a budget amendment 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(i), for programs where the Federal share is over the Simplified Acquisition Threshold (SAT) (currently \$250,000), the transfer of funds among direct cost categories (for example, personnel, travel, and supplies) or programs, functions, and activities is restricted such that if the cumulative amount of a transfer exceeds or is expected to exceed 10% of the total budget, including cost share, as last approved by the Federal 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 amendment unless the change results in a cumulative transfer among

direct cost categories exceeding 10% of the 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 an amendment.

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**

This award does not include a cost-sharing 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) (<https://pms.psc.gov/>), 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.

Pursuant to Executive Order 14222 – “Implementing the President’s ‘Department of Government Efficiency’ Cost Efficiency Initiative,” Federal agencies are required to record every payment issued by the agency pursuant to each of the agency’s covered contracts and grants, along with a brief, written justification for each payment. PMS now has a “justification” field wherein grant recipients must identify the purpose for the Federal funds being drawn down. The justification is mandatory, and PMS will not accept a payment request if a justification is not provided.

**C(2.) Funds - Return & Refunds**

DOL does not accept paper checks for any type of returned funds. For active grants, all return of funds is to be submitted electronically through the PMS operated by the HHS via the same method as a drawdown. For grants that have been canceled or are expired (typically older than five years), incoming payments, including returns and recoveries to DOL, must be made via the [Pay.gov](https://www.pay.gov/)<sup>11</sup> 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-ARteam@dol.gov](mailto:ETA-ARteam@dol.gov) or for other Department agencies, DOL Office of the Chief Financial Officer, for further assistance.

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<sup>11</sup> <https://www.pay.gov/public/form/start/177233981>

## **PART D: COSTS - LIMITATIONS, ITEMS, AND RESTRICTIONS**

### **D(1.) Administrative Costs**

Administrative costs are defined 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 and Other Capital Assets**

The prior written approval requirements for equipment (as described in 2 CFR 200.439) are waived in accordance with 2 CFR 200.308(c)(4) and (g) 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.

*Disposition.* When equipment acquired under a Federal award is no longer needed for the original project, program, or for other activities currently or previously supported by a Federal agency, the recipient or subrecipient must request disposition instructions from the Federal agency or State if required by the terms and conditions of the Federal award. See 2 CFR 200.313(e).

### **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(b). The DOL will require any program income remaining at the end of the 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.) 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 recipient's or subrecipient's written policies and procedures. All travel must also comply with the Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a U.S. Flag air carrier if service provided by such carrier is available.

#### D(7.) Travel – Mileage Reimbursement Rates

Pursuant to 2 CFR 200.475(a), recipients and subrecipients may charge travel costs on an actual cost basis, on a per diem or mileage basis, or a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip. The method used must be consistent with those normally allowed in like circumstances in the recipient's or subrecipient's other activities and in accordance with the recipient's or subrecipient's established written travel reimbursement policies. In the absence of an established written policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 ("Travel and Subsistence Expenses; Mileage Allowances"), by the Administrator of General Services, or by the President (or their designee) pursuant to any provisions of such subchapter must apply to travel under Federal awards (48 CFR 31.205-46(a)). Mileage rates must be checked annually at GSA's Privately Owned Vehicle (POV) Mileage Reimbursement Rates webpage<sup>12</sup> to ensure compliance.

#### D(8.) Travel – Foreign

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

#### D(9.) 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.

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<sup>12</sup><https://www.gsa.gov/travel/plan-a-trip/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-mileage-reimbursement?gsaredirect=mileage>

## D(10.) 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<sup>13</sup> to see if a property is in compliance, or to find other information about the Act.

## D(11.) 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.<sup>14</sup> 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

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<sup>13</sup> <https://apps.usfa.fema.gov/hotel/>

<sup>14</sup> <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-17-16>

education, employment, training, and supportive services while also providing high-quality customer service to job seekers, workers, and businesses.

#### D(12.) 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(13.) Procurement

The Uniform Guidance (2 CFR 200.317) requires States and Indian Tribes (as defined in 2 CFR 200.1) to follow the same procurement policies and procedures they use for procurements with non-Federal funds. If such policies and procedures do not exist, States and Indian Tribes must follow the procurement standards in 200.318 through 200.327. In addition to their own policies and procedures, they must also comply with 2 CFR 200.321, 200.322, 200.323, and 200.327. All other recipients and subrecipients, including subrecipients of a State or Indian Tribe, must follow the procurement standards in 200.318 through 200.327. States 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 the Payment Management System (PMS), the ETA-9130 financial report for the quarter ending March 31st is due on May 16th.

Quarter End Date	Quarterly ETA-9130 Due Date
March 31 <sup>st</sup>	May 16 <sup>th</sup>
June 30 <sup>th</sup>	August 15 <sup>th</sup>
September 30 <sup>th</sup>	November 15 <sup>th</sup>
December 31 <sup>st</sup>	February 15 <sup>th</sup>

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.<sup>15</sup>

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)

The prime recipient is responsible for reporting quality subaward data to SAM.gov that is subsequently displayed on USAspending.gov. Federal award and subaward descriptions are critical to informing the public of Federal spending by providing the public with an understanding of the purpose of the Federal award provided to the recipient. Recipients should include descriptions about award-specific activities and avoid acronyms or Federal or agency-specific terminology.

Note that the following language is found in Appendix A to 2 CFR part 170 and contains language pertaining to the Federal Funding Accountability and Transparency Act (FFATA) of 2006 Subaward Reporting System (FSRS). As of March 2025, FSRS has been moved to SAM.gov. Applicable to grants and cooperative agreements:

I. REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION

(a) *Reporting of first-tier subawards* —

(1) *Applicability.* Unless the recipient is exempt as provided in paragraph (d) of this award term, the recipient must report each subaward that equals or exceeds \$30,000 in Federal funds for a subaward to an entity or Federal agency. The recipient must also report a subaward if an amendment increases the Federal funding to an amount that equals or exceeds \$30,000. All reported subawards should reflect the total amount of the subaward.

(2) *Reporting Requirements.*

(i) The recipient must report each subaward described in paragraph (a)(1) of this award term to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) at <http://www.fsrs.gov>.

(ii) For subaward information, report no later than the end of the month following the month in which the subaward was issued. (For example, if the subaward was made on November 7, 2025, the subaward must be reported by no later than December 31, 2025).

(b) *Reporting total compensation of recipient executives for entities* —

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<sup>15</sup> [https://www.dol.gov/sites/dolgov/files/ETA/grants/pdfs/ETA-9130\\_Financial\\_Reporting\\_Resources\\_updated\\_5.1.24.docx](https://www.dol.gov/sites/dolgov/files/ETA/grants/pdfs/ETA-9130_Financial_Reporting_Resources_updated_5.1.24.docx)

(1) *Applicability.* The recipient must report the total compensation for each of the recipient's five most highly compensated executives for the preceding completed fiscal year if:

- (i) The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000;
- (ii) in the preceding fiscal year, the recipient received:
  - (A) 80 percent or more of the recipient's annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act; and
  - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act; and,
- (iii) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d))<sup>16</sup> or section 6104 of the Internal Revenue Code of 1986 after receiving this subaward. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

(2) *Reporting Requirements.* The recipient must report executive total compensation described in paragraph (b)(1) of this appendix:

- (i) As part of the recipient's registration profile at <https://www.sam.gov>.
- (ii) No later than the month following the month in which this Federal award is made, and annually after that. (For example, if this Federal award was made on November 7, 2025, the executive total compensation must be reported by no later than December 31, 2025.)

(c) *Reporting of total compensation of subrecipient executives—*

(1) *Applicability.* Unless a first-tier subrecipient is exempt as provided in paragraph (d) of this appendix, the recipient must report the executive total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if:

- (i) The total Federal funding authorized to date under the subaward equals or exceeds \$30,000;
- (ii) In the subrecipient's preceding fiscal year, the subrecipient received:
  - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act; and,
  - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal awards (and subawards) subject to the Transparency Act; and
- (iii) The public does not have access to information about the compensation of the executives through periodic reports filed under

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<sup>16</sup> <https://www.govinfo.gov/content/pkg/USCODE-2023-title15/pdf/USCODE-2023-title15-chap2B-sec78m.pdf>

section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)).<sup>17</sup> or section 6104 of the Internal Revenue Code of 1986 after receiving this subaward. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

(2) *Reporting Requirements.* Subrecipients must report to the recipient their executive total compensation described in paragraph (c)(1) of this appendix. The recipient is required to submit this information to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) at <http://www.fsrs.gov> no later than the end of the month following the month in which the subaward was made. (For example, if the subaward was made on November 7, 2025, the subaward must be reported by no later than December 31, 2025).

(d) *Exemptions.* (1) A recipient with gross income under \$300,000 in the previous tax year is exempt from the requirements to report:

- (i) Subawards, and
- (ii) The total compensation of the five most highly compensated executives of any subrecipient.

(e) *Definitions.*

For purposes of this award term:

*Entity* includes:

- (1) Whether for-profit or nonprofit:
  - (i) A corporation;
  - (ii) An association;
  - (iii) A partnership;
  - (iv) A limited liability company;
  - (v) A limited liability partnership;
  - (vi) A sole proprietorship;
  - (vii) Any other legal business entity;
  - (viii) Another grantee or contractor that is not excluded by subparagraph (2); and
  - (ix) Any State or locality;
- (2) Does not include:
  - (i) An individual recipient of Federal financial assistance; or
  - (ii) A Federal employee.

*Executive* means an officer, managing partner, or any other employee holding a management position.

*Subaward* has the meaning given in 2 CFR 200.1

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<sup>17</sup> <https://www.govinfo.gov/content/pkg/USCODE-2023-title15/pdf/USCODE-2023-title15-chap2B-sec78m.pdf>

*Subrecipient* has the meaning given in 2 CFR 200.1

*Total Compensation* means the cash and noncash dollar value an executive earns during an entity's preceding fiscal year. This includes all items of compensation as prescribed in 17 CFR 229.402(c)(2).

E(3.) Integrity and Performance Matters – FAPIIS

I. REPORTING OF MATTERS RELATED TO RECIPIENT INTEGRITY AND PERFORMANCE

(a) *General Reporting Requirement.*

(1) If the total value of your active grants, cooperative agreements, and procurement contracts from all Federal agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient must ensure the information available in the responsibility/qualification records through the System for Award Management (*SAM.gov*), about civil, criminal, or administrative proceedings described in paragraph (b) of this award term is current and complete. This is a statutory requirement under section 872 of Public Law 110-417,<sup>18</sup> as amended (41 U.S.C. 2313).<sup>19</sup> As required by section 3010 of Public Law 111-212,<sup>20</sup> all information posted in responsibility/qualification records in *SAM.gov* on or after April 15, 2011 (except past performance reviews required for Federal procurement contracts) will be publicly available.

(b) *Proceedings About Which You Must Report.*

- (1) You must submit the required information about each proceeding that—
- (i) Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
  - (ii) Reached its final disposition during the most recent five-year period; and
  - (iii) Is one of the following—
    - (A) A criminal proceeding that resulted in a conviction;
    - (B) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
    - (C) An administrative proceeding that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
    - (D) Any other criminal, civil, or administrative proceeding if—

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<sup>18</sup> <https://www.govinfo.gov/content/pkg/PLAW-110publ417/pdf/PLAW-110publ417.pdf>

<sup>19</sup> <https://www.govinfo.gov/content/pkg/USCODE-2023-title41/pdf/USCODE-2023-title41-subtitleI-divsnB-chap23-sec2313.pdf>

<sup>20</sup> <https://www.govinfo.gov/content/pkg/PLAW-111publ212/pdf/PLAW-111publ212.pdf>

- (1) It could have led to an outcome described in paragraph (b)(1)(iii)(A) through (C);
- (2) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
- (3) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.

(c) *Reporting Procedures.* Enter the required information in *SAM.gov* for each proceeding described in paragraph (b) of this award term. You do not need to submit the information a second time under grants and cooperative agreements that you received if you already provided the information in *SAM.gov* because you were required to do so under Federal procurement contracts that you were awarded.

(d) *Reporting Frequency.* During any period of time when you are subject to the requirement in paragraph (a) of this award term, you must report proceedings information in *SAM.gov* for the most recent five-year period, either to report new information about a proceeding that you have not reported previously or affirm that there is no new information to report. If you have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000, you must disclose semiannually any information about the criminal, civil, and administrative proceedings.

(e) *Definitions.* For purposes of this award term—

*Administrative proceeding* means a non-judicial process that is adjudicatory in nature to make a determination of fault or liability (for example, Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with the performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

*Conviction* 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.

The total value of currently active grants, cooperative agreements, and procurement contracts includes the value of the Federal share already received plus any anticipated Federal share under those awards (such as continuation funding).

#### E(4.) Audits

Single (organization-wide) or program-specific audits must be performed in accordance with 2 CFR part 200, subpart F, the Audit Requirements of the Uniform Guidance. Non-federal entities (as defined in 2 CFR 200.1) that expend \$1,000,000 or more in a year

from any Federal awards must have an audit conducted for that year in accordance with the requirements contained in subpart F. All audit reports produced under subpart F are submitted through the Federal Audit Clearinghouse. For-profit entities are excluded from the requirements found in Subpart F of the Uniform Guidance (2 CFR 200.501(i)); however, in accordance with 2 CFR 200.503(c), DOL requires for-profit recipients that meet the audit determination threshold outlined in 2 CFR 200.501(a) to conduct a program-specific audit in accordance with generally accepted government auditing standards (GAGAS).

The updated audit and major program determination thresholds of \$1,000,000 apply to grant recipient fiscal years beginning on or after October 1, 2024.

For fiscal years beginning before October 1, 2024, auditors must adhere to the version of the Uniform Guidance in effect prior to October 1 and must not apply any compliance requirements from the 2024 Uniform Guidance revisions.

For grant recipients who would like an extension on their audit report submission, they should first contact their assigned FPO/ PO/ GOR/ GOTR.

All submissions will need to be made through the new FAC (Federal Audit Clearinghouse)<sup>21</sup> hosted by GSA.

#### 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<sup>22</sup> for further information on the closeout process. The recipient's responsibilities at closeout may be found at 2 CFR 200.344.<sup>23</sup> 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.

Administrative costs associated with the closeout activities of a Federal award (for example, salaries of personnel preparing final reports, publication and printing costs, costs associated with the disposition of equipment and property, and related indirect costs) are allowable through your NICRA, CAP, de minimis, or directly charged, as applicable, before the final Federal financial report is due (see 2 CFR 200.472(b)). Such costs cannot exceed any administrative cost limitation. The only liquidation that can

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<sup>21</sup> <https://www.fac.gov/>

<sup>22</sup> <https://www.dol.gov/agencies/eta/grants/management/closeout>

<sup>23</sup> <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR682eb6fbabcde2/section-200.344>

occur during closeout is the liquidation of accrued expenditures (NOT financial obligations) for goods and/or services received during the period of performance specified in this award (see 2 CFR 2900).

#### E(6.) Termination

Per 2 CFR 200.340, the Federal award may be terminated in part or its entirety as follows:

1. By DOL, if the recipient fails to comply with the terms and conditions of the award;
2. By DOL with the consent of the recipient, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;
3. By the recipient upon sending to the Grant Officer written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if DOL determines in the case of partial termination that the reduced or modified portion of the award will not accomplish the purposes for which the award was made, DOL may terminate the award in its entirety; or
4. By DOL, to the greatest extent authorized by law, if the award no longer effectuates the program goals or agency priorities;

When an award is terminated in part or its entirety, the recipient remains responsible for compliance with the closeout and post-closeout requirements in 2 CFR 200.344 and 200.345.

### **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 and the Build America, Buy America Act

The recipient or subrecipient should, to the greatest extent practicable and consistent with law, 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, contracts, and purchase orders under this award.

For purposes of the paragraph above:

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

These funds must be expended consistent with the requirements of 41 U.S.C. 8301-8303, commonly referred to as the Buy American Act (BAA). See WIOA section 502(a), 29 U.S.C. 3342(a). In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available under WIOA title I or the Wagner-Peyser Act (29 U.S.C. 49 et seq.), it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

#### 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, termination, 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 DOL support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by the 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 the use of a copyrighted work, or the cost of acquiring by purchasing 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 [insert organization’s name]. 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 in a format readily accessible and available for open licensing to the public, 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 Bayh-Dole Act Required ETA Grant Term.<sup>24</sup> 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.

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<sup>24</sup> <https://www.dol.gov/sites/dolgov/files/ETA/grants/pdfs/BayhDoleGrantTerm.pdf>

F(6.) Public Communications – Certain Information Requirement

As provided in Pub.L. 119-4, the requirements of Pub.L. 118-47, Division D, Title V, Section 505 apply. 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 recipients and subrecipients 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.) Harassment Prohibited

The award 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.

1. 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:
  - i. 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
  - ii. 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, employment from, or employment in the administration of or in connection with, any WIOA Title I-financially assisted program or activity; or
  - iii. 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.
2. 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.

F(8.) Equal Participation of Faith-Based Organizations and Written Notice of Beneficiary Protections

On March 4, 2024, the United States Department of Labor, along with eight other agencies, issued the final rule Partnerships With Faith-Based and Neighborhood Organizations. The rule is available at 29 CFR 2.30 through 2.41.

(a) Under this final rule, a faith-based organization that participates in this award program retains its independence from Federal, State, and local Governments and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law.

(b) A faith-based organization may not use direct Federal financial assistance, whether received through an award or subaward, to support or engage in any explicitly religious activities. An organization receiving Federal financial assistance also must not, in providing services funded by DOL, or in conducting outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

(c) *Notice to beneficiaries of programs supported by direct Federal financial assistance.* Any organization providing services to beneficiaries under programs supported by direct Federal financial assistance from DOL, and any entity responsible for disbursing Federal funds as part of a program of indirect Federal financial assistance administered by DOL, must give the written notice shown below to beneficiaries and prospective beneficiaries:

Name of Organization:

Name of Program:

Type of Federal Financial Assistance: **DIRECT**

Contact Information for Program Staff: (provide name, phone number, and email address, if appropriate)

Because this program is supported in whole or in part by financial assistance from the Federal Government, we are required to let you know that:

- (1) We may not discriminate against you on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;
- (2) We may not require you to attend or participate in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) that are offered by our organization, and any participation by you in such activities must be purely voluntary;
- (3) We must separate in time or location any privately funded explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) from activities supported with direct Federal financial assistance;
- (4) You may report violations of these protections, including any denials of services or benefits by an organization, by contacting or filing a written complaint with the U.S. Department of Labor's Civil Rights Center, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210, or by email to [CRCEXternalComplaints@dol.gov](mailto:CRCEXternalComplaints@dol.gov); and
- (5) If you would like to seek information about whether there are any other federally funded organizations that provide these kinds of services in your area, please call toll-free 1-877-US2-JOBS (1-877-872-5627) or TTY 1-877-889-5627.

This written notice must be given to you before you enroll in the program or receive services from the program, unless the nature of the service provided or exigent circumstances make it impracticable to provide such notice before we provide the actual service. In such an instance, this notice must be given to you at the earliest available opportunity.

#### F(9.) 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<sup>25</sup>.

In accordance with TEN 21-23<sup>26</sup>, 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](mailto: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.

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<sup>25</sup> <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-39-11>

<sup>26</sup> <https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEN/2023/TEN%2021-23/TEN%2021-23%20%28Accessible%20PDF%29.pdf>

F(10.)      Publicity and Lobbying/Advocacy

Publicity - As provided in Pub.L. 119-4, the requirements of Pub.L. 118-47, Division D, Title V, Section 503 apply. 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 – As provided in Pub.L. 119-4, the requirements of Pub.L. 118-47, Division D, Title V, Section 503 apply. No federal funds may be used to pay the salary or expenses of any grant recipient, or an agent acting for such recipient, related to any activity designed to influence the enactment of the 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(11.)      Veterans' Priority Provisions

38 U.S.C.4215 requires award recipients or subrecipients 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 or subrecipient 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 or subrecipient 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 and subrecipients must comply with the DOL guidance on veterans' priority. ETA's TEGL No. 10-09<sup>27</sup> 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.

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<sup>27</sup> <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-10-09>

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 3.900 through 3.906 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.) Civil Rights Act of 1964 - Title VI, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

Pursuant to Title VI of the Civil Rights Act of 1964 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.<sup>28</sup> (May 29, 2003); see also Appendix to 29 CFR 38.9 - Guidance to Recipients.<sup>29</sup>

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.) Salary and Bonus Limitations

As provided in Pub.L. 119-4, the requirements of Pub.L. 118-47, Division D, Title I, Section 105 apply. 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.<sup>30</sup> 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 10-24.<sup>31</sup> 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 with TEGl 10-24. An example of proposed salary breakdowns is provided in Exhibit B,<sup>32</sup> as part of “A Guide for Indirect Cost Rate

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<sup>28</sup> <https://www.govinfo.gov/content/pkg/FR-2003-05-29/html/03-13125.htm>

<sup>29</sup> <https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-A/section-38.9>

<sup>30</sup> <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>

<sup>31</sup> <https://www.dol.gov/agencies/eta/advisories/tegl-10-24>

<sup>32</sup> [https://www.dol.gov/sites/dolgov/files/OASAM/legacy/files/DCDWebExhibitsA122\\_Commercial.xlsx](https://www.dol.gov/sites/dolgov/files/OASAM/legacy/files/DCDWebExhibitsA122_Commercial.xlsx)

Determination<sup>33</sup>”, Section III, Examples of Exhibits to Support Indirect Cost Proposals on CPDD’s website.

To determine unallowable compensation in excess of TEGL 10-24, refer to this link (<https://www.dol.gov/sites/dolgov/files/OASAM/legacy/files/ETA-JC-SalaryCAP-Calculation.xlsx>) 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 10-24, 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 10-24. Unallowable direct costs must remain as part of the indirect cost allocation base.

## **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**

2 CFR 175.200 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.*

1. Under this award, the recipient, its employees, subrecipients under this award, and subrecipient's employees must not engage in:—
  - i. Severe forms of trafficking in persons; or
  - ii. The procurement of a commercial sex act during the period of time that this award or any subaward is in effect; or
  - iii. The use of forced labor in the performance of this award or any subaward; or

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<sup>33</sup> <https://www.dol.gov/sites/dolgov/files/OASAM/legacy/files/DCD-2-CFR-Guide.pdf>

- iv. Acts that directly support or advance trafficking in persons, including the following acts:
  - (A) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents;
  - (B) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless:
    - (1) Exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant or cooperative agreement; or
    - (2) The employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action;
  - (C) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;
  - (D) Charging recruited employees a placement or recruitment fee; or
  - (E) Providing or arranging housing that fails to meet the host country's housing and safety standards.
- 2. DOL as the Federal awarding agency may unilaterally terminate this award or take any remedial actions authorized by 22 U.S.C. 7104b(c), without penalty, if any private entity under this award:
  - i. Is determined to have violated a prohibition in paragraph a)1. of this award term; or
  - ii. Has an employee who is determined to have violated a prohibition in paragraph a)1. of this award term through conduct that is either—
    - (A) Associated with performance under this award; or
    - (B) Imputed to you (the recipient) 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.*
  - 1. DOL as the Federal awarding agency may unilaterally terminate this award or take any remedial actions authorized by 22 U.S.C. 7104b(c),

without penalty, if a subrecipient that is a private entity under this award—

- i. Is determined to have violated a prohibition in paragraph a)1. of this award term; or
- ii. Has an employee who is determined to have violated a prohibition in paragraph a)1. of this award term through conduct that is either—
  - (A). Associated with performance under this award; or
  - (B). Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 29 CFR Part 98.

c. *Provisions applicable to any recipient.*

1. The recipient must inform DOL and the DOL Office of the Inspector General immediately of any information you (the recipient) receive from any source alleging a violation of a prohibition in paragraph a)1. of this award term.
2. DOL’s right to unilaterally terminate this award as described in paragraph a.2 or b.1 of this award term:
  - i. Implements the requirements of 22 U.S.C. 78, and
  - ii. Is in addition to all other remedies for noncompliance that are available to DOL under this award.
3. The award recipient must include the requirements of paragraph a)1. of this award term in any subaward the award recipient makes to a private entity.

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

1. “Employee” means either:
  - i. An individual employed by the award recipient or a subrecipient who is engaged in the performance of the project or program under this award; or
  - ii. Another person engaged in the performance of the project or program under this award and not compensated by the 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 requirements.
2. “Private Entity” means any entity, including for-profit organizations, nonprofit organizations, institutions of higher education, and hospitals. The term does not include foreign public entities, Indian Tribes, local governments, or states as defined in 2 CFR 200.1.
3. The terms “severe forms of trafficking in persons,” “commercial sex act,” “sex trafficking,” “Abuse or threatened abuse of law or legal process,” “coercion,” “debt bondage,” and “involuntary servitude”

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 received under this award may not be used to enter into or renew a contract that 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 individual's 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

As provided in Pub.L. 119-4, the requirements of Pub.L. 118-47, Division D, Title V, Section 506 and 507 apply. Federal funds received under this award 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 recipient or subrecipient from providing health benefits coverage for abortions when all funds for that specific benefit do not come from a Federal source. Additionally, no funds made available through this award may be provided to a State or local government if such government subjects any institutional or individual healthcare entity to discrimination on the basis that the healthcare entity does not provide, pay for, provide coverage of, or refer for abortions.

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

As provided in Pub.L. 119-4, the requirements of Pub.L. 118-47, Division D, Title I, Section 108 apply. 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 is applied for a period of two years afterward. The language is as follows:

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

—  
(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate,

in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

(B) who receives from such employer on average weekly compensation of not less than \$591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and

(C) whose duties include any of the following:

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

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

(3) For purposes of this subsection—

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

(B) the term ‘employee employed to adjust or evaluate claims resulting from or relating to such major disaster’ means an individual who timely secured or secures a license required by the 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

As provided in Pub.L. 119-4, the requirements of Pub.L. 118-47, Division D, Title V, Section 520 apply. No Federal funds received under this award 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

As provided in Pub.L. 119-4, the requirements of Pub.L. 118-47, Division D, Title I, Section 103 apply. No Federal funds received under this award 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 on ILAB's List of Products Produced by Forced or Indentured Child Labor webpage.<sup>34</sup>.

G(10.) Promotion of Drug Legalization Restricted

As provided in Pub.L. 119-4, the requirements of Pub.L. 118-47, Division D, Title V, Section 509 apply. No Federal funds received under this award 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

As provided in Pub.L. 119-4, the requirements of Pub.L. 118-47, Division D, Title V, Section 526 apply. No Federal funds received under this award 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

As provided in Pub.L. 119-4, the requirements of Pub.L. 118-47, Division D, Title V, Section 508 apply. No Federal funds received under this award 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

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<sup>34</sup> <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-products>

purposes of this term, the term “human embryo or embryos” includes any organism, not protected as a human subjected under 45 CFR 46 as of March 23, 2024, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.