

**Nevada Department of Employment, Training and Rehabilitation
Employment Security Division
Workforce Innovation Support Services**

**Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 5.9

Originating Office: DETR; Workforce Innovation Support Services (WISS)

Subject: State Compliance Policy Creation and Update Procedure

Approved: April 21, 2016, by the Governors Workforce Development Board (GWDB); Updated non-substantive changes December 2017; March 15, 2023; Approved non-substantive changes July 19, 2023; Ratified by full GWDB October 18, 2023.

Purpose: To transmit the procedure for updating State Compliance Policy (SCP) and the use of Technical Assistance Guides (TAGs) as it relates to WIOA. This policy is intended to facilitate timely SCP updates.

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in *bold, italicized* type.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-134), 20 CFR §§ 679.140 and 676.143, State Compliance Policies and GWDB bylaws.

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, Local Workforce Development Board (LWDB) Board members and any other concerned parties. Any local boards' policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background: WIOA is designed to improve workforce innovation activities services of the State and local workforce development systems. By increasing the employment, retention and earnings of participants, assisting in the attainment of recognize postsecondary credentials, and improving the quality of the workforce participants will obtain economic self-sufficiency and employers will gain a more competent workforce.

Program regulations for WIOA are contained in the Code of Federal Regulations (CFR) at 20 CFR. Changes to regulations such as interpretations of Federal laws, procedural, administrative, management, and program direction are published in the Federal Register and require mandatory compliance on the published effective date. Additionally, the Employment and Training Administration (ETA) Advisory system disseminates changes, updates and clarifications to

existing legislation and regulations through Training Employment Notices (TEN) and Training & Employment Guidance Letters (TEGL) which are also mandatory program requirements. The changes contained in these documents are required to be incorporated into the appropriate Nevada State Compliance Policy.

Policy and Procedure:

SCPs will be written in accordance with the criteria established in WIOA and as clarified by Training and Employment Guidance Letters, Training and Employment Notices and Veteran Program Letters (VPL). State policy may then narrow the guidance, should it be required based on Nevada’s unique needs. In the occurrence of State requirements, additional or otherwise, these items are printed in **bold** and *italicized*.

Prior to submission of new policies to the GWDB for review and approval, each LWDB will have the opportunity for review. This review will allow for comments to be submitted in writing for consideration by the State before final action.

Substantive changes to policy initiated either by State staff or local boards must be approved by both GWDB Executive Committee and the full board for ratification.

Non-substantive changes to a policy require only GWDB Executive Committee approval and are defined later in this policy under definitions.¹

Mandatory substantive changes required by Federal program regulation published in the Code of Federal Regulations or documented in either TENs, TEGLs or VPLs are automatically incorporated into the SCP for notification to the GWDB. WISS staff will prepare updated SCP and back-up documentation which will be included as an informational item in the GWDB meeting.

Publish for Public Comment (WIOA Sec.101(g); 20 CFR §§ 679.140 and 676.143) Nevada does not have a “Sunshine Provision” which requires the State to publish these specific documents for public comment. The Department of Labor requires, at least:

- State Expected Level of Performance
- Nevada’s WIOA State Plan
- State Compliance Policy and updates to State Compliance Policy

Until Nevada integrates a Sunshine Provision into Nevada Revised Statutes (NRS), WISS will request the GWDB, LWDBs, and Nevada’s Public Libraries host a static message directing interested parties to the DETR website where documents will be posted requesting public comment. These items will be posted for 14 business days. A public comment form accompanies each posting and will be automatically directed to WISS for review and consideration.²

Technical Assistance Guides (TAGs) will be issued to clarify statewide procedures, WIOA Reporting, Performance, Management Information System (MIS) and other clarifications as necessary.

¹ Revised per Department of Labor requirements from 09/2022 monitoring.

² Revised per GWDB Bylaws update, 08/2023.

Definitions

Federal Changes to Notices (TENS, TEGs, etc.): Changes to an advisory are issued as a change to the original document and located in the same year as the original document. The Advisory and all changes to it are found under the year in which it was first issued. This may be Program Year or Fiscal Year.

Federal Level Changes: Changes the federal government mandates.

Non-substantive Changes: Non substantive changes are defined as administrative corrections or adjustments originating from the State that are considered not to impact the content or the law as intended and only requires GWDB Executive Committee approval.

State Requirements: Policy the state of Nevada proposes/mandates, including procedural changes including WIOA training, reporting, performance, Federal policy clarification and updates. Or are required Federal changes issued through the ETA.

Strategic Plan Based Changes: Changes necessary to achieve goals of the GWDB (e.g., strategic plan, branding, integration).

Substantive Changes: Substantive changes are defined as any modification that impacts the content or definition of a SCP and requires Executive and Full GWDB approval.

Technical Assistance Guides (TAGs): Clarify statewide procedures, WIOA Reporting, Performance, Management Information System (MIS) and other clarifications as necessary. These are issued to the LWDBs for comment period prior to posting on the DETR site.

Training and Employment Guidance Letters (TEGLs): Are used to transmit policy and operational guidance to the WIOA state and local workforce systems and issued by Program Year (July 1 - June 30). *Reviewed by WISS to determine necessary updates to SCP.*

Training and Employment Notices (TENS): Are used to communicate announcements of meetings, publications, or general information and issued by Program Year (July 1 - June 30). *Reviewed by WISS to determine necessary updates to SCP.*

Veteran Program Letter (VPL): To provide guidance to states and Department of Labor (DOL) Veterans' Employment and Training Service (VETS) field staff on changes to the Department of Veterans Affairs Vocational Readiness and Employment (VA/VR&E) joint national agreement to coordinate services for veterans enrolled in VA's Chapter 31 program.

Additional Information

Approved SCPs are posted to the Governor's Office of Workforce Innovation (GOWINN) website at the following location.

<https://gowinn.nv.gov/uncategorized/wioa-state-compliance-policies/>

TAGs are posted to the DETR website at the following location.

https://detr.nv.gov/Page/Technical_Assistance_Guides