

III. CERTIFICATIONS AND ASSURANCES

A. General Certifications and Assurances

By signing the Unified Plan signature page, you are certifying that:

1. the methods used for joint planning and coordination of the programs and activities included in the unified plan included an opportunity for the entities responsible for planning or administering such programs and activities to review and comment on all portions of the unified plan. Workforce Investment Act, 501(c)(3)(B)

In addition, if you submit your unified plan by posting it on an Internet web site, you are certifying that:

2. the content of the submitted plan will not be changed after it is submitted. Plan modifications must be approved by the reviewing agency. It is the responsibility of the designated agency to circulate the modifications among the other agencies that may be affected by the changes.

In addition, the following certifications and assurances apply to the extent that the programs and activities are included in your State Unified Plan.

3. Nonconstruction Programs

By signing the Unified Plan signature page, you are certifying that:

1. the grantee has filed the Government-wide standard assurances for nonconstruction programs (SF 424). States can print SF 424 from <http://ocfo.ed.gov/grntinfo/appforms.htm>.

B. EDGAR Certifications, Nonconstruction Programs, Debarment, Drug-Free Work Place and Lobbying Certifications

You must include the following certifications for each of the State agencies that administer one of these programs: Perkins III, Tech-Prep, Adult Education and Literacy or vocational rehabilitation. A State may satisfy the EDGAR requirement by having all responsible State agency officials sign a single set of EDGAR certifications.

EDGAR Certifications

By signing the Unified Plan signature page, you are certifying that:

1. the plan is submitted by the State agency that is eligible to submit the plan.
[34 CFR 76.104(a)(1)]
2. the State agency has authority under State law to perform the functions of the State under the program. [34 CFR 76.104(a)(2)]
3. the State legally may carry out each provision of the plan. [34 CFR 76.104(a)(3)]
4. all provisions of the plan are consistent with State law. [34 CFR 76.104(a)(4)]
5. a State officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the plan. [34 CFR 76.104(a)(5)]
6. the State officer who submits the plan, specified by title in the certification, has authority to submit the plan. [34 CFR 76.104(a)(6)]
7. the agency that submits the plan has adopted or otherwise formally approved the plan.
[34 CFR 76.104(a)(7)]
8. the plan is the basis for State operation and administration of the program.
[34 CFR 76.104(a)(8)]
9. a copy of the State plan was submitted into the State Intergovernmental Review Process.
[Executive Order 12372]

Debarment, Drug-Free Work Place, and Lobbying

By signing the Unified Plan signature page, you are certifying that:

1. the ED grantee has filed ED 80-0013. This form also applies to AEFLA and RSA. States can print ED 80-0013 from <http://ocfo.ed.gov/grntinfo/appforms.htm>.

C. Perkins III

By signing the Unified Plan signature page, you are certifying that:

1. the State plan complies with the requirements of Title I and the provisions of the State plan,

including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs. (§ 122(c)(10))

2. none of the funds expended under title I will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization. (§122(c)(11))

3. §501(b)(1) provides that secondary vocational education programs authorized under Perkins III may only be included in a unified plan "with the prior approval of the legislature of the State." Documentation of this approval is submitted with the unified plan. State legislative approval may be conferred by a resolution adopted by votes of both houses of your State legislature (unless your State has a unicameral legislature) on any date following July 28, 1998. The resolution need not be freestanding; it may be included as an amendment to other legislation. In either event, the resolution should be specific and refer to the requirements of section 501(b)(1) and must clearly differentiate between secondary and postsecondary vocational education.

D. WIA Title I/Wagner-Peyser Act/Veterans Programs

By signing the Unified Plan signature page, you are certifying that:

1. the State Board will ensure that the public (including people with disabilities) has access to Board meetings and information regarding State Board activities, including membership and meeting minutes. (§112(b)(1))

2. the State assures that it will establish, in accordance with section 184 of the Workforce Investment Act, fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through the allotments made under sections 127 and 132. (§112(b)(11))

3. the State assures that it will comply with section 184(a)(6), which requires the Governor to, every two years, certify to the Secretary, that -

A. the State has implemented the uniform administrative requirements referred to in section 184(a)(3);

B. the State has annually monitored local areas to ensure compliance with the uniform administrative requirements as required under section 184(a)(4); and

C. the State has taken appropriate action to secure compliance pursuant to section 184(a)(5). (§184(a)(6))

4. the State assures that the adult and youth funds received under the Workforce Investment Act will be distributed equitably throughout the State, and that no local areas will suffer significant shifts in funding from year to year during the period covered by this plan. (§112(b)(12)(B))

5. the State assures that veterans and other preference eligible persons will be afforded a priority service, in accordance with the requirements of chapter 41 of title 38 and 20 C.F.R. 1001, in the One-Stop system for the provision of labor exchange services funded under the Wagner-Peyser Act.

6. the State assures that the Governor shall, once every two years, certify one local board for each local area in the State. (§117(c)(2))

7. the State assures that it will comply with the confidentiality requirements of section 136(f)(3).

8. the State assures that no funds received under the Workforce Investment Act will be used to assist, promote, or deter union organizing. (§181(b)(7))

9. the State assures that it will comply with the nondiscrimination provisions of section 188, and its implementing regulations at 29 CFR part 37, including an assurance that a Methods of Administration has been developed and implemented (§188 and § 112(b)(17))

10. the State assures that it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of section 188, as provided in the regulations implementing that section. (§185)

11. the State certifies that the Wagner-Peyser Act Plan, which is part of this document, has been certified by the State Employment Security Administrator.

12. the State assures that veterans workforce investment programs funded under WIA, Section 168 will be carried out in accordance with that section, and further assures veterans will be afforded employment and training services under WIA section 134, to the extent practicable.

13. the State certifies that Workforce Investment Act section 167 grantees, advocacy groups as described in the Wagner-Peyser Act (e.g., veterans, migrant and seasonal farmworkers, people with disabilities, UI claimants), the State monitor advocate, agricultural organizations, and

employers were given the opportunity to comment on the Wagner-Peyser Act grant document for agricultural services and local office affirmative action plans and that affirmative action plans have been included for designated offices.

14. the State assures that it will comply with the annual Migrant and Seasonal Farmworker significant office requirements in accordance with 20 CFR part 653.

15. the State has developed this Plan in consultation with local elected officials, local workforce boards, the business community, labor organizations and other partners.

16. the State assures that funds will be expended in accordance with the requirements of the WIA, the Wagner-Peyser Act, chapter 41 of Title 38, the regulations implementing such laws, written guidance issued by the Department of Labor, grant agreements, and other applicable Federal laws.

17. the State certifies that labor exchange activities funded under the Wagner-Peyser Act will be provided by public merit-staff employees. Colorado is a demonstration pilot state; activities funded under the Wagner-Peyser Act will be delivered by State and/or county merit staff employees.

18. the State Workforce Investment system and entities carrying out activities in the community who are in receipt of assistance from the workforce investment system or from the workforce investment system partners shall comply with the Architectural Barriers Act of 1968, sections 503 and 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990.

19. the State assures to include State and local EO officers and advocates for groups protected from discrimination under WIA Section 188 in the planning process in a meaningful way, beginning with the earliest stages.

20. the State assures that it will comply with the grant procedures prescribed by the Secretary (pursuant to the authority at section 189(c) of the Act) which are necessary to enter into grant agreements for the allocation and payment of funds under the Act. The procedures and agreements will be provided to the State by the ETA Office of Grants and Contract Management and will specify the required terms and conditions and assurances and certifications, including, but not limited to, the following:

General Administrative Requirements:

· 29 CFR part 97--Uniform Administrative Requirements for State and Local Governments (as amended by the Act)

- 29 CFR part 96 (as amended by OMB Circular A-133) –Single Audit Act
- OMB Circular A-87 --Cost Principles (as amended by the Act)

Assurances and Certifications:

- SF 424 B --Assurances for Nonconstruction Programs
- 29 CFR part 31, 32 --Nondiscrimination and Equal Opportunity Assurance (and regulation)
- CFR part 93 --Certification Regarding Lobbying (and regulation)
- 29 CFR part 98--Drug Free Workplace and Debarment and Suspension

21. the State certifies that, in providing an opportunity for public comment and input into the development of the plan, the State has consulted with persons of disabilities and has provided information regarding the plan and the planning process, including the plan and supporting documentation in alternative formats when requested. (§112(b)(9))

E. Adult Education and Family Literacy

By signing the Unified Plan signature page, you are certifying that:

1. the eligible agency will award not less than one grant to an eligible provider who offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, or individuals with other special needs, to participate in Adult Education and Literacy activities, which eligible provider shall attempt to coordinate with support services that are not provided under this subtitle prior to using funds for Adult Education and Literacy activities provided under AEFLA for support services. (§ 224(b)(5))

2. the funds received under this subtitle will not be expended for any purpose other than for activities under this subtitle. (§ 224(b)(6))

3. the eligible agency will expend the funds under this subtitle only in a manner consistent with fiscal requirements in section 241. (§224(b)(8))

F. Food Stamp Employment and Training (FSET)

By signing the Unified Plan signature page, you are certifying that:

1. federal funds allocated by the Department of Agriculture to the State under section 16(h)(1) of the Food Stamp Act of 1977 (the Act), or provided to the State as reimbursements under

sections 16(h)(2) and 16(h)(3) of the Act will be used only for operating an employment and training program under section 6(d)(4) of the Act.

2. the State will submit to the Food and Nutrition Service (FNS) annual updates to its Employment and Training Plan for the coming fiscal year. The updates are due by August 15 of each year. The annual update must include any changes the State anticipates making in the basic structure or operation of its program. At a minimum, the annual update must contain revisions to Tables 1 (Estimated Participant Levels), 2 (Estimated E&T Placement Levels), 4 (Operating Budget), and 5 (Funding Categories).

3. if significant changes are to be made to its E&T program during the fiscal year, the State will submit to FNS a request to modify its plan. FNS must approve the modification request before the proposed change is implemented. The State may be liable for costs associated with implementation prior to approval. See "The Handbook on Preparing State Plans for Food Stamp Employment and Training Programs" for additional information.

4. the State will submit a quarterly E&T report, FNS-583. Reports are due no later than 45 days after the end of each Federal fiscal quarter. The information required on the FNS-583 is listed in Exhibit 3 of the "The Handbook on Preparing State Plans for Food Stamp Employment and Training Programs."

5. the State will submit E&T program financial information on the SF-269, Financial Status Report. It must include claims for the 100 percent Federal grant, 50 percent matched funding, and participant reimbursements. The SF-269 is due 30 days after the end of each Federal fiscal quarter.

6. the State will deliver each component of its E&T program through the One-Stop delivery system, an interconnected strategy for providing comprehensive labor market and occupational information to job seekers, employers, core services providers, other workforce employment activity providers, and providers of workforce education activities. If the component is not available locally through such a system, the State may use another source.

G. Vocational Rehabilitation

By signing the Unified Plan signature page, you are certifying that:

1. as a condition for the receipt Federal funds under title I, part B of the Rehabilitation Act (3) for the provision of vocational rehabilitation services, the designated State agency (4) agrees to operate and administer the State Vocational Rehabilitation Services Program in accordance with

provisions of this State plan (5), the Act and all applicable regulations(6), policies and procedures established by the Secretary. Funds made available under section 111 of the Act are used solely for the provision of vocational rehabilitation services under title I and the administration of this State plan.

2. as a condition of the receipt of Federal funds under title VI, part B of the Act for supported employment services, the designated State agency agrees to operate and administer the State Supported Employment Services Program in accordance with the provisions of the supplement to this State plan (7), the Act, and all applicable regulations(8), policies, and procedures established by the Secretary. Funds made available under title VI, part B are used solely for the provision of supported employment services and the administration of the supplement to the title I State plan.

3. the designated State agency or designated State unit is authorized to submit this State plan under title I of the Act and its supplement under title VI, part B of the Act.

4. the State submits only those policies, procedures, or descriptions required under this State plan and its supplement that have not been previously submitted to and approved by the Commissioner of the Rehabilitation Services Administration. (§ 101(a)(1)(B))

5. the State submits to the Commissioner at such time and in such manner as the Secretary determines to be appropriate, reports containing annual updates of the information relating to the: comprehensive system of personnel development; assessments, estimates, goals and priorities, and reports of progress; innovation and expansion activities; and requirements under title I, part B or title VI, part B of the Act. (§ 101(a)(23))

6. the State plan and its supplement are in effect subject to the submission of such modifications as the State determines to be necessary or as the Commissioner may require based on a change in State policy, a change in Federal law, including regulations, an interpretation of the Act by a Federal court or the highest court of the State, or a finding by the Commissioner of State noncompliance with the requirements of the Act, until the State submits and receives approval of a new State plan or plan supplement. (§ 101(a)(1)(C))

7. the State has an acceptable plan for carrying out part B of title VI of the Act, including the use of funds under that part to supplement funds made available under part B of title I of the Act to pay for the cost of services leading to supported employment. (§101(a)(22))

8. the designated State agency, prior to the adoption of any policies or procedures governing the provision of vocational rehabilitation services under the State plan and supported employment services under the supplement to the State plan, including making any amendment to such policies and procedures, conducts public meetings throughout the State after providing adequate

notice of the meetings, to provide the public, including individuals with disabilities, an opportunity to comment on the policies or procedures, and actively consults with the Director of the client assistance program, and, as appropriate, Indian tribes, tribal organizations, and Native Hawaiian organizations on the policies or procedures. (§ 101(a)(16)(A))

9. the designated State agency takes into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals and groups of individuals who are recipients of vocational rehabilitation services, or in appropriate cases, the individual's representatives; personnel working in programs that provide vocational rehabilitation services to individuals with disabilities; providers of vocational rehabilitation services to individuals with disabilities; the Director of the client assistance program; and the State Rehabilitation Council, if the State has such a Council. (§ 101(a)(16)(B))

10. the designated State agency (or, as appropriate, agencies) is a State agency that is:

a. ___ primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities; or

b. x not primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities, and includes within the State agency a vocational rehabilitation bureau, or division, or other organizational unit that: is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities, and is responsible for the designated State agency's vocational rehabilitation program; has a full-time director; has a staff, all or substantially all of whom are employed full time on the rehabilitation work of the organizational unit; and is located at an organizational level and has an organizational status within the designated State agency comparable to that of other major organizational units of the designated State agency. (§ 101(a)(2)(B))

11. the designated State agency (or, as appropriate, agencies):

a. ___ is an independent commission that is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State; is consumer-controlled by persons who are individuals with physical or mental impairments that substantially limit major life activities; and represent individuals with a broad range of disabilities, unless the designated State unit under the direction of the commission is the State agency for individuals who are blind; includes family members, advocates, or other representatives, of individuals with mental impairments; and undertakes the functions set forth in § 105(c)(4) of the Act; or

b. x has established a State Rehabilitation Council that meets the criteria set forth in section 105 of the Act and the designated State unit: jointly with the Council develops, agrees to,

and reviews annually State goals and priorities, and jointly submits annual reports of progress with the Council, in accordance with the provisions of § 101(a)(15) of the Act; regularly consults with the Council regarding the development, implementation, and revision of State policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services; includes in the State plan and in any revision to the State plan, a summary of input provided by the Council, including recommendations from the annual report of the Council described in section 105(c)(5) of the Act, the review and analysis of consumer satisfaction described in section 105(c)(4), and other reports prepared by the Council, and the response of the designated State unit to such input and recommendations, including explanations for rejecting any input or recommendation; and transmits to the Council all plans, reports, and other information required under this title to be submitted to the Secretary; all policies, and information on all practices and procedures, of general applicability provided to or used by rehabilitation personnel in carrying out this title; and copies of due process hearing decisions issued under this title, which shall be transmitted in such a manner as to ensure that the identity of the participants in the hearings is kept confidential. (§101(a)(21))

12. the State provides for financial participation, or if the State so elects, by the State and local agencies, to provide the amount of the non-Federal share of the cost of carrying out title I, part B of the Act. (§101(a)(3))

13. the plan is in effect in all political subdivisions of the State, except that in the case of any activity that, in the judgment of the Commissioner, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of individuals with disabilities or groups of individuals with disabilities, the Commissioner may waive compliance with the requirement that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by the Commissioner, but only if the non-Federal share of the cost of the vocational rehabilitation services involved is met from funds made available by a local agency (including funds contributed to such agency by a private agency, organization, or individual); and in a case in which earmarked funds are used toward the non-Federal share and such funds are earmarked for particular geographic areas within the State, the earmarked funds may be used in such areas if the State notifies the Commissioner that the State cannot provide the full non-Federal share without such funds. (§101(a)(4))

14. the State agency employs methods of administration found by the Commissioner to be necessary for the proper and efficient administration of the State plan. (§101(a)(6)(A))

15. the designated State agency and entities carrying out community rehabilitation programs in the State, who are in receipt of assistance under title I of the Act, take affirmative action to employ and advance in employment qualified individuals with disabilities covered under and on the same terms and conditions as set forth in § 503 of the Act. (§101(a)(6)(B))

16. facilities used in connection with the delivery of services assisted under the State plan comply with the provisions of the Act entitled "An Act to insure that certain buildings financed with federal funds are so designed and constructed as to be accessible to the physically handicapped," approved on August 12, 1968 (commonly known as the "Architectural Barriers Act of 1968"), with § 504 of the Act and with the Americans with Disabilities Act of 1990. (§101(a)(6)(C))

17. the designated State unit submits, in accordance with section 101(a)(10) of the Act, reports in the form and level of detail and at the time required by the Commissioner regarding applicants for and eligible individuals receiving services under the State plan and the information submitted in the reports provides a complete count, unless sampling techniques are used, of the applicants and eligible individuals in a manner that permits the greatest possible cross-classification of data and ensures the confidentiality of the identity of each individual. (§101(a)(10)(A) and (F))

18. the designated State agency has the authority to enter into contracts with for-profit organizations for the purpose of providing, as vocational rehabilitation services, on-the-job training and related programs for individuals with disabilities under part A of title VI of the Act, upon the determination by the designated State agency that such for-profit organizations are better qualified to provide such vocational rehabilitation services than non-profit agencies and organizations. (§101(a)(24)(A))

19. the designated State agency has cooperative agreements with other entities that are components of the statewide workforce investment system of the State in accordance with section 101(a)(11)(A) of the Act and replicates these cooperative agreements at the local level between individual offices of the designated State unit and local entities carrying out activities through the statewide workforce investment system. (§ 101(a)(11)(A) and (B))

20. the designated State unit, the Statewide Independent Living Council established under section 705 of the Act, and the independent living centers described in part C of title VII of the Act within the State have developed working relationships and coordinate their activities. (§ 101(a)(11)(E))

21. if there is a grant recipient in the State that receives funds under part C of the Act, the designated State agency has entered into a formal agreement that meets the requirements of section 101(a)(11)(F) of the Act with each grant recipient. (§101(a)(11)(F))

22. except as otherwise provided in part C of title I of the Act, the designated State unit provides vocational rehabilitation services to American Indians who are individuals with

disabilities residing in the State to the same extent as the designated State agency provides such services to other significant populations of individuals with disabilities residing in the State. (§ 101(a)(13))

23. no duration of residence requirement is imposed that excludes from services under the plan any individual who is present in the State. (§101(a)(12))

24. the designated State agency has implemented an information and referral system that is adequate to ensure that individuals with disabilities are provided accurate vocational rehabilitation information and guidance, using appropriate modes of communication, to assist such individuals in preparing for, securing, retaining, or regaining employment, and are appropriately referred to Federal and State programs, including other components of the statewide workforce investment system in the State. (§101(a)(20))

25. in the event that vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in the State who apply for the services, individuals with the most significant disabilities, in accordance with criteria established by the State for the order of selection, will be selected first for the provision of vocational rehabilitation services and eligible individuals, who do not meet the order of selection criteria, shall have access to services provided through the information and referral system implemented under section 101(a)(20) of the Act. (§ 101(a)(5)(C) and (D))

26. applicants and eligible individuals, or, as appropriate, the applicants' representatives or the individuals' representatives, are provided information and support services to assist the applicants and eligible individuals in exercising informed choice throughout the rehabilitation process, consistent with the provisions of section 102(d) of the Act. (§ 101(a)(19))

27. an individualized plan for employment meeting the requirements of section 102(b) of the Act will be developed and implemented in a timely manner for an individual subsequent to the determination of the eligibility of the individual for services, except that in a State operating under an order of selection, the plan will be developed and implemented only for individuals meeting the order of selection criteria; services under this plan will be provided in accordance with the provisions of the individualized plan for employment. (§101(a)(9))

28. prior to providing any vocational rehabilitation services, except:

- assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
- counseling and guidance, including information and support services to assist an

individual in exercising informed choice consistent with the provisions of section 102(d) of the Act;

- referral and other services to secure needed services from other agencies through agreements developed under section 101(a)(11) of the Act, if such services are not available under this State plan;
- job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
- rehabilitation technology, including telecommunications, sensory, and other technological aids and devices; and
- post-employment services consisting of the services listed under subparagraphs (a) through (f), to an eligible individual, or to members of the individual's family, the State unit determines whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual unless the determination of the availability of comparable services and benefits under any other program would interrupt or delay:
 - progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;
 - an immediate job placement; or
 - provision of such service to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.

(§101(a)(8)(A))

29. the Governor of the State in consultation with the designated State vocational rehabilitation agency and other appropriate agencies ensures that there is an interagency agreement or other mechanism for interagency coordination that meets the requirements of section 101(a)(8)(B)(i)-(iv) of the Act between any appropriate public entity, including the State Medicaid program, public institution of higher education, and a component of the statewide workforce investment system, and the designated State unit so as to ensure the provision of the vocational rehabilitation services identified in section 103(a) of the Act, other than the services identified as being exempt from the determination of the availability of comparable services and benefits, that are included in the individualized plan for employment of an eligible individual, including the provision of such services during the pendency of any dispute that may arise in the implementation of the interagency agreement or other mechanism for interagency coordination.
(§ 101(a)(8)(B))

30. the State agency conducts an annual review and reevaluation of the status of each individual with a disability served under this State plan who has achieved an employment outcome either in an extended employment setting in a community rehabilitation program or any other employment under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)) for 2

years after the achievement of the outcome (and annually thereafter if requested by the individual or, if appropriate, the individual's representative), to determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment; provides for the input into the review and reevaluation, and a signed acknowledgment that such review and reevaluation have been conducted, by the individual with a disability, or, if appropriate, the individual's representative; and makes maximum efforts, including the identification and provision of vocational rehabilitation services, reasonable accommodations, and other necessary support services, to assist such individuals in engaging in competitive employment.

(§101(a)(14))

31. funds made available under title VI, part B of the Act will only be used to provide supported employment services to individuals who are eligible under this part to receive the services. (§ 625(b)(6)(A))

32. the comprehensive assessments of individuals with significant disabilities conducted under section 102(b)(1) of the Act and funded under title I will include consideration of supported employment as an appropriate employment outcome. (§ 625(b)(6)(B))

33. an individualized plan for employment, as required by section 102 of the Act, will be developed and updated using funds under title I in order to specify the supported employment services to be provided; specify the expected extended services needed; and identify the source of extended services, which may include natural supports, or to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available. (§ 625(b)(6)(C))

34. the State will use funds provided under title VI, part B only to supplement, and not supplant, the funds provided under title I, in providing supported employment services specified in the individualized plan for employment. (§625(b)(6)(D))

35. services provided under an individualized plan for employment will be coordinated with services provided under other individualized plans established under other Federal or State programs. (§ 625(b)(6)(E))

36. to the extent jobs skills training is provided, the training will be provided on site. (§625(b)(6)(F))

37. supported employment services will include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities,

concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities. (§625(b)(G))

38. the State will expend not more than 5 percent of the allotment of the State under title VI, part B for administrative costs of carrying out this part. (§625(b)(7))

39. the supported employment supplement to the title I State plan contains such other information and be submitted in such manner as the Commissioner of the Rehabilitation Services Administration may require. (§ 625(b)(8))

H. Unemployment Insurance

The Governor, by signing the Unified Plan Signature Page, certifies that:

1. the SESA will comply with the following assurances, and that the SESA will institute plans or measures to comply with the following requirements. Because the Signature Page incorporates the assurances by reference into the Unified Plan, States should not include written assurances in their Unified Plan submittal. The assurances are identified and explained in Paragraphs (2) - (11) below.

2. Assurance of Equal Opportunity (EO). As a condition to the award of financial assistance from ETA:

(a) the State assures that it will comply with the nondiscrimination provisions of section 188, and its implementing regulations at 29 CFR part 37, including an assurance that a Method of Administration has been developed and implemented (§188 and § 112(b)(17));

(b) the State assures that it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of section 188, as provided in the regulations implementing that section (§ 185)

3. Assurance of Administrative Requirements and Allowable Cost Standards. The SESA must comply with administrative requirements and cost principles applicable to grants and cooperative agreements as specified in 20 CFR Part 601 (Administrative Procedure), 29 CFR Part 93 (Lobbying Prohibitions), 29 CFR Part 96 (Audit Requirements), 29 CFR Part 97 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), and OMB Circular A-87 (Revised), 60 FR 26484 (May 17, 1995), further amended at 62 FR 45934 (August 29, 1997) (Cost Principles for State, Local, and Indian Tribal Governments), and with administrative requirements for debarment and suspension applicable to subgrants or contracts as specified in 29 CFR Part 98 (Debarment and Suspension). The cost of

State staff travel to regional and national meetings and training sessions is included in the grant funds. It is assured that State staff will attend mandatory meetings and training sessions, or unused funds will be returned.

States that have subawards to organizations covered by audit requirements of OMB Circular A-133 (Revised) (Audit Requirements of Institutions of Higher Education and Other Non-Profits) must (1) ensure that such subrecipients meet the requirements of that circular, as applicable, and (2) resolve audit findings, if any, resulting from such audits, relating to the UI program.

(a) The SESA also assures that it will comply with the following specific administrative requirements.

(i). Administrative Requirements.

Program Income. Program income is defined in 29 CFR 97.25 as gross income received by a grantee or subgrantee directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period. States may deduct costs incidental to the generation of UI program income from gross income to determine net UI program income. UI program income may be added to the funds committed to the grant by ETA. The program income must be used only as necessary for the proper and efficient administration of the UI program. Any rental income or user fees obtained from real property or equipment acquired with grant funds from prior awards shall be treated as program income under this grant.

Budget Changes. Except as specified by terms of the specific grant award, ETA, in accordance with the regulations, waives the requirements in 29 CFR 97.30(c)(1)(ii) that States obtain prior written approval for certain types of budget changes.

Real Property Acquired with Reed Act Funds. The requirements for real property acquired with Reed Act or other non-Federal funds and amortized with UI grants are in UIPL 39-97, dated September 12, 1997, and in 29 CFR 97.31 to the extent amortized with UI grants.

Equipment Acquired with Reed Act Funds. The requirements for equipment acquired with Reed Act or other non-Federal funds and amortized with UI grants are in UIPL 39-97, dated September 12, 1997, and in 29 CFR 97.31 to the extent amortized with UI grants.

Real Property, Equipment, and Supplies.

Real property, equipment, and supplies acquired under prior

awards are transferred to this award and are subject to the relevant regulations at 29 CFR Part 97.

For super-microcomputer systems and all associated components which were installed in States for the purpose of Regular Reports, Benefits Accuracy Measurement, and other UI Activities, the requirements of 29 CFR Part 97 apply. The National Office reserves the right to transfer title and issue disposition instructions in accordance with paragraph (g) of Federal regulations at 29 CFR 97.32. States also will certify an inventory list of system components which will be distributed annually by ETA.

Standard Form 272, Federal Cash Transactions Report. In accordance with 29 CFR 97.41(c), SESAs are required to submit a separate SF 272 for each sub-account under the Department of Health and Human Services (DHHS) Payment Management System. However, SESAs are exempt from the requirement to submit the SF 272A, Continuation Sheet.

(ii). Exceptions and Expansions to Cost Principles. The following exceptions or expansions to the cost principles of OMB Circular No. A-87 (Revised) are applicable to SESAs:

- Employee Fringe Benefits. As an exception to OMB Circular A-87 (Revised) with respect to personnel benefit costs incurred on behalf of SESA employees who are members of fringe benefit plans which do not meet the requirements of OMB Circular No. A-87 (Revised), Attachment B, item 11, the costs of employer contributions or expenses incurred for SESA fringe benefit plans are allowable, provided that:

For retirement plans, all covered employees joined the plan before October 1, 1983; the plan is authorized by State law; the plan was previously approved by the Secretary; the plan is insured by a private insurance carrier which is licensed to operate this type of plan in the applicable State; and any dividends or similar credits because of participation in the plan are

credited against the next premium falling due under the contract.

For all SESA fringe benefit plans other than retirement plans, if the Secretary granted a time extension after October 1, 1983, to the existing approval of such a plan, costs of the plan are allowable until such time as the plan is comparable in cost and benefits to fringe benefit plans available to other similarly employed State employees. At such time as the cost and benefits of an approved fringe benefit plan are equivalent to the cost and benefits of plans available to other similarly employed State employees, the time extension will cease and the cited requirements of OMB Circular A-87 (Revised) will apply. 3) For retirement plans and all other fringe benefit plans covered in (1) and (2) of this paragraph, any additional costs resulting from improvements to the plans made after October 1, 1983, are not chargeable to UI grant funds.

- UI Claimant's Court Appeals Costs. To the extent authorized by State law, funds may be expended for reasonable counsel fees and necessary court costs, as fixed by the court, incurred by the claimant on appeals to the courts in the following cases:

Any court appeal from an administrative or judicial decision favorable in whole or in part for the claimant;

Any court appeal by a claimant from a decision which reverses a prior decision in his/her favor;

Any court appeal by a claimant from a decision denying or reducing benefits awarded under a prior administrative or judicial decision;

Any court appeal as a result of which the claimant is awarded benefits;

Any court appeal by a claimant from a decision by a tribunal, board of review, or court which was not unanimous;

Any court appeal by a claimant where the court finds that a reasonable basis exists for the appeal.

Reed Act. Payment from the SESA's UI grant allocations, made into a State's account in the Unemployment Trust Fund for the purpose of reducing charges against Reed Act funds (Section 903(c)(2) of the Social Security Act, as amended (42 U.S.C. 1103(c)(2)), are allowable costs provided that:

The charges against Reed Act funds were for amounts appropriated, obligated, and expended for the acquisition of automatic data processing installations or for the acquisition or major renovation of State-owned real property (as defined in 29 CFR 97.3); and

With respect to each acquisition or improvement of property, the payments are accounted for as credit against equivalent amounts of Reed Act funds previously withdrawn under the respective appropriation.

Prior Approval of Equipment Purchases. As provided for in OMB Circular No. A-87 (Revised), Attachment B, item 19, the requirement that grant recipients obtain prior approval from the Federal grantor agency for all purchases of equipment (as defined in 29 CFR 97.3) is waived and approval authority is delegated to the SESA Administrator.

4. Assurance of Management Systems, Reporting, and Record Keeping. The SESA assures that:

- Financial systems provide fiscal control and accounting procedures sufficient to permit timely preparation of

required reports, and the tracing of funds to a level of expenditure adequate to establish that funds have not been expended improperly (29 CFR 97.20).

The financial management system and the program information system provide Federally-required reports and records that are uniform in definition, accessible to authorized Federal and State staff, and verifiable for monitoring, reporting, audit, and evaluation purposes.

It will submit reports to ETA as required in instructions issued by ETA and in the format ETA prescribes.

The financial management system provides for methods to insure compliance with the requirements applicable to procurement and grants as specified in 29 CFR Part 98 (Debarment and Suspension), and for obtaining the required certifications under 29 CFR 98.510(b) regarding debarment, suspension, ineligibility, and voluntary exclusions for lower tier covered transactions.

5. Assurance of Program Quality. The SESA assures that it will administer the UI program in a manner that ensures proper and efficient administration. "Proper and efficient administration" includes performance measured by ETA through Tier I measures, Tier II measures, program reviews, and the administration of the UI BAM, BTQ measures, and TPS program requirements.

6. Assurance on Use of Unobligated Funds. The SESA assures that non-automation funds will be obligated by December 31 of the following fiscal year, and liquidated (expended) within 90 days thereafter. ETA may extend the liquidation date upon written request. Automation funds must be obligated by the end of the 3rd fiscal year, and liquidated within 90 days thereafter. ETA may extend the liquidation date upon written request. Failure to comply with this assurance may result in disallowed costs from audits or review findings.

7. Assurance of Disaster Recovery Capability. The SESA assures that it will maintain a Disaster Recovery plan.

8. Assurance of Conformity and Compliance. The SESA assures that the State law will conform to, and its administrative practice will substantially comply with, all Federal UI law requirements, and that it will adhere to DOL directives.

9. Assurance of Participation in UI PERFORMS. The SESA assures that it will participate in the annual UI PERFORMS State Quality Service Planning process by submitting: (1) any Corrective Action Plans (CAPs) required under UI PERFORMS, and (2) any Continuous Improvement Plans (CIPs) negotiated with the Department of Labor as part of the State Quality Service Planning process.

10. Assurance of Financial Reports and Planning Forms. The SESA assures that it will submit financial reports and financial planning forms as required by the Department of Labor to support the annual allocation of administrative grants.

11. Assurance of Prohibition of Lobbying Costs (29 CFR Part 93). The SESA assures and certifies that, in accordance with the DOL Appropriations Act, no UI grant funds will be used to pay salaries or expenses related to any activity designed to influence legislation or appropriations pending before the Congress of the United States. (k). Drug-Free Workplace (29 CFR Part 98). The SESA assures and certifies that it will comply with the requirements at this part.

I. Temporary Assistance for Needy Families (TANF)

By signing the Unified Plan signature page, you are certifying that:

1. that, during the fiscal year, the State will operate a child support enforcement program under the State plan approved under part D. (§402(a)(2))
2. that, during the fiscal year, the State will operate a foster care and adoption assistance program under the State plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under title XIX. (§402(a)(3))
3. which State agency or agencies will administer and supervise the TANF program for the fiscal year, which shall include assurances that local governments and private sector organizations have been consulted

regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and have had at least 45 days to submit comments on the plan and the design of such services. (§402(a)(4))

4. that, during the fiscal year, the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to federally-funded assistance under the State's TANF program (§402(a)(5))

5. that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage. (§402(a)(6))

6. (optional) that the State has established and is enforcing standards and procedures to:

- screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
- refer such individuals to counseling and supportive services; and
- waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence. (§ 402(a)(7)(A)(i), (ii), (iii))

J. Welfare-to-Work (WtW)

By signing the Unified Plan signature page, you are certifying that:

1. the State is an eligible State, pursuant to SSA section 402(a) for the fiscal year. (SSA § 402(a); SSA § 403(a)(5)(A)(ii)(IV))
2. the State assures that qualified State expenditures (within the meaning of SSA section 409(a)(7)) for the fiscal year will not be less than the applicable percentage of historic State expenditures (within the meaning of SSA section 409(a)(7)) with respect to the fiscal year. (SSA section 403(5)(A)(ii)(V); SSA Section 409(a)(7))
3. the State has consulted and coordinated with the appropriate entities in the substate areas regarding the plan and the design of WtW services in the State. Statutory Citation: SSA section 403(a)(5)(A)(ii)(I)(cc).
4. the State will make available to the public a summary of the WtW plan. Statutory Citation: SSA section 402(b).
5. the State has agreed to negotiate in good faith with the Secretary of Health and Human Services with respect to the substance and funding of any evaluation under SSA section 413(j) and to cooperate with the conduct of such an evaluation. (SSA § 403(a)(5)(A)(ii)(III); SSA § 413(j))
6. the State shall not use any part of these grant funds, nor any part of state expenditures made to match the funds, to fulfill any obligation of any State, political subdivision, or private industry council to contribute funds under SSA sections 403(b) or 418 or any other provision of the Social Security Act or other Federal law. (NOTE: There is an exception to this requirement for Access to Jobs.) Statutory Citation: SSA section 403(a)(5)(C)(vi).
7. the State will return to The Secretary of Labor any part of the WtW funds that are not expended within 3 years after the date the funds are so provided. Statutory Citation: SSA section 403(a)(5)(C)(vii).
8. the State WtW program will be conducted in accordance with the WtW legislation, regulatory provisions, future written guidance provided by the Department, and all other applicable Federal and State laws.

9. the State will apply the TANF law and regulations to the operation of the WtW program, unless otherwise specified by the Department or defined in SSA section 403(a)(5) or the applicable WtW regulations.
10. the State will provide services under the WtW grant to eligible participants only.
11. the State will maintain and submit accurate, complete and timely participant and financial records reports, as specified by the Secretary of Labor and the Secretary of Health and Human Services.
12. the State will establish a mechanism to exchange information and coordinate the WtW program operated by the State and PICs with other programs available that will assist in providing welfare recipients employment.
13. the State shall adhere to the certifications required under TANF and will meet the TANF maintenance of effort requirements.
14. the State will comply with the "common rule" Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments codified for DOL at 29 CFR Part 97.
15. the State will follow the audit requirements of The Single Audit Act Amendments of 1996 and OMB-Circular A-133.
16. the State will follow the allowable cost/cost principles of OMB Circular A-87.
17. the State will establish policies to enforce the provisions regarding nondisplacement in work activities under a program operated with funds provided under WtW. Statutory Citation: SSA section 403(a)(5)(J)(i).
18. assures that the Health and Safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of other participants engaged in a work activity under a program operated with funds provided under WtW. Statutory Citation: SSA section

403(a)(5)(J)(ii).

19. the State will enforce the provision that an individual may not be discriminated against by reason of gender with respect to participation in work activities under a program operated with funds provided under WtW. Statutory Citation: SSA section 403(a)(5)(J)(iii).

20. the State shall establish and maintain procedures for grievances or complaints from participants and employees under the WtW program. The procedures established will be consistent with the requirements of SSA section 403(a)(5)(J)(iv). Statutory Citation: SSA section 403(a)(5)(J)(iv).

21. the State shall establish and enforce standards and procedures to ensure against fraud and abuse, including standards and procedures against nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State WtW program, kickbacks, and the use of political patronage.

22. the State will comply with the nondiscrimination provisions of the laws enumerated at SSA section 408(d), with respect to participation in work activities engaged in under the WtW program.

K. Senior Community Service Employment Program (SCSEP)

1. By signing the Unified Plan signature page, you are certifying that the State agrees to follow the provisions of Title V of the Older Americans Act of 1965 as amended or its successor legislation, the regulations at 20 CFR part 641 and Department of Labor guidance when administering funds provided pursuant to that Act.

L. Community Services Block Grant (CSBG)

By signing the Unified Plan signature page, you are certifying that:

1. funds made available through the grant or allotment will be used--

- to support activities that are designed to assist low-income families and individuals, including families and individuals

receiving assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals--

- to remove obstacles and solve problems that block the achievement of self-sufficiency (including self-sufficiency for families and individuals who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act); to secure and retain meaningful employment;
- to attain an adequate education, with particular attention toward improving literacy skills of the low-income families in the communities involved, which may include carrying out family literacy initiatives;
- to make better use of available income;
- to obtain and maintain adequate housing and a suitable living environment;
- to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and
- to achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to--
- document best practices based on successful grassroots intervention in urban areas, to develop methodologies for widespread replication; and strengthen and improve relationships with local law enforcement agencies, which may include participation in activities such as neighborhood or community policing efforts;

2. the needs of youth in low-income communities are being met through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as--

- programs for the establishment of violence-free zones that would involve youth development and intervention models (such as modes involving youth mediation, youth mentoring, life skills training, job creation, and entrepreneurship programs); and
- after-school child care programs. There is an effective use of, and to coordinate, other programs related to the purposes of this subtitle (including State welfare reform efforts).

3. there is an effective use of, and to coordinate with other programs related to the purposes of this subtitle (including State welfare reform efforts).

4. a description is provided on how the State intends to use discretionary funds made available from the remainder of the grant or allotment described in section 675C(b) in accordance with this subtitle, including a description of how the State will support innovative community and neighborhood-based initiatives related to the purposes of this subtitle.

5. information is provided by eligible entities in the State, containing--

- a description of the service delivery system, for services provided or coordinated with funds made available through grants made under section 675C(a), targeted to low-income individuals and families in communities within the State;
- a description of how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and followup consultations;
- a description of how funds made available through grants made under section 675C(a) will be coordinated with other public and private resources; and
- a description of how the local entity will use the funds to support innovative community and neighborhood-based initiatives related to the purposes of this subtitle, which may include fatherhood initiatives and other initiatives with the goal of strengthening families and encouraging effective parenting.

6. eligible entities in the State will provide, on an emergency basis,

for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals.

7. the State and the eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services, and a description of how the State and the eligible entities will coordinate the provision of employment and training activities, as defined in section 101 of such Act, in the State and in communities with entities providing activities through statewide and local workforce investment systems under the Workforce Investment Act of 1998.

8. the State will ensure coordination between antipoverty programs in each community in the State, and ensure, where appropriate, that emergency energy crisis intervention programs under title XXVI (relating to low-income home energy assistance) are conducted in such community.

9. the State will permit and cooperate with Federal investigations undertaken in accordance with section 678D;

10. Any eligible entity in the State that received funding in the previous fiscal year through a community services block grant made under this subtitle will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b).

11. the State will require each eligible entity in the State to establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation.

12. the State will require each eligible entity in the State to establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation.

13. the State will secure from each eligible entity in the State, as a condition to receipt of funding by the entity through a community services block grant made under this subtitle for a program, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community-needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs.

14. the State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System, another performance measure system for which the Secretary facilitated development pursuant to section 678E(b), or an alternative system for measuring performance and results that meets the requirements of that section, and a description of outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization.

15. the information describing how the State will carry out the assurances is described in this subsection.

1. Please note that the Departments of Education and Labor may issue additional guidance to assist States in fulfilling the performance accountability requirements for WIA Title I, the Adult Education and Family Literacy Act, and Perkins III, including, for example, the requirements to renegotiate performance levels at statutorily defined points in the 5-year unified plan cycle.

2. Please note that for programs administered by OVAE, the

unified plan will not go into effect for any particular program until a new grant is awarded under that program.

3 . Unless otherwise specified, any references to "the Act" means to the Rehabilitation Act of 1973, as amended, (Public Law 93-112, as amended by Public Laws 93-516, 95-602, 99-506, 100-630, 102-569, 103-073, and 105-220).

4. All references in this plan to "designated State agency" or to "the State agency" relate to the agency identified in this paragraph.

5. No funds under title I of the Act may be awarded without an approved State plan in accordance with section 101(a) of the Act and 34 CFR part 361.

6. Applicable regulations include Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 76, 77, 79, 80, 81, 82, 85 and 86 and the State Vocational Rehabilitation Services Program regulations in 34 CFR part 361.

7. No funds under title VI, part B of the Act may be awarded without an approved supplement to the title I State plan in accordance with section 625(a) of the Act.

8. Applicable regulations include Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 76, 77, 79, 80, 81, 82, 85 and 86; 34 CFR part 361; and 34 CFR 363.