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DEPARTMENT OF WORKFORCE SERVICES
ISSUANCE NUMBER PY 18-03

Daryl E. Bassett, Director

July 26, 2018

TO: Local Workforce Development Board Directors

SUBJECT: Risk Assessment, Sunshine Provision, and the Local Workforce Development Area (LWDA)
Permanent File and Annual Reporting (Form)

- I. **Purpose:** To meet the State’s requirement of assessing risk for all subrecipients under 2 CFR 200.331 and to ensure compliance with the sunshine provision under 20 CFR 679.390, improve technical assistance, and facilitate performance reporting in a manner that minimizes requests for information to the Local Workforce Development Boards (LWDBs).
- II. **General Information:** The Arkansas Department of Workforce Services (ADWS) will be implementing, as an alternative to the Risk Assessment process used for discretionary awards, a maintenance file for each LWDA. Additionally, the State will leverage its own website to create a centralized repository for those items required by 20 CFR 679.390, “How does the Local Workforce Development Board meet its requirement to conduct business in an open manner under the “sunshine provision” of the Workforce Innovation and Opportunity Act, (WIOA secs. 101(g) and 107(e))” Additional information provided in TEGL 15-16, pages 9-10, specify how this requirement relates to the One-Stop Operator Selection process. This standard request will be combined with annual report requests and those items requested during monitoring visits, which will consolidate much of the information requests into one process.

III. Instructions:

Part 1- Facilitating the requirements of 20 CFR 679.390, the “sunshine” provision:

To facilitate meeting the sunshine provision requirement and increasing the accessibility of Workforce Innovation and Opportunity Act (WIOA) related information to the public, ADWS will establish a webpage for each of the LWDBs on the ADWS website to provide standardized information. The webpages will be uniform in appearance and content.

For each requirement listed in section 679.390 (see below), the LWDBs are required to follow one of the two approaches below:

- a. If the LWDB has its own website, post the information in an accessible PDF on the LWDB website and report to ADWS the URL of the page where the information will be maintained. Please note that the URL of the document itself is not requested, rather, the hyperlink should lead to a webpage

where this information can be maintained separately by the LWDB. ADWS will post the hyperlink on the ADWS webpage created for the LWDB; or

- b. If the LWDB does not have its own website, provide an accessible PDF to ADWS who will post the documents on the ADWS webpage created to the LWDB.

The required reporting follows:

- a. Draft Local Plans and Modifications to be submitted;
- b. Local Plans and modifications after approval;
- c. Current Local Workforce Development Board (LWDB) membership;
- d. Selection of One-Stop Operator with Documentation, additional detail from TEG 15-16 (p. 9-10).
 - i. "The information that LWDBs are required to make available to the public includes, but is not limited to,
 1. The LWDB's written conflict of interest policy,
 2. The LWDB's written procurement policies,
 3. The procurement solicitation itself,
 4. A listing of the entities that have submitted bids or proposals,
 5. An abstract of those bids or proposals,
 6. The identity of the selected one-stop operator, and
 7. Total award amount and duration of the contract with the one-stop operator."
- e. Award of grants or contracts to Eligible Training Providers;
- f. Minutes of formal meetings of the LWDB; and
- g. Local WDB by-laws, consistent with 20 CFR 679.310(g).

This information will be posted on the ADWS website by either method (through a hyperlink to the page where this information is maintained or by providing accessible PDFs for ADWS to manually post) on standardized webpages established for each LWDB. This effort will make the information accessible and centralized to help the public find the information easily.

Although scanned copies may be posted, for example, to provide signatures, all documents made available under this procedure must be made available in an accessible PDF format.

Part 2- If the LWDB would like to include success stories or other hyperlinks that could be useful, ADWS will consider adding additional items to the standard webpage for each LWDB page, but would like all of these pages to be consistent. Please email suggestions to WIOA@arkansas.gov.

Part 3- Facilitating the requirements of 2 CFR 200.331, pass-through risk assessment requirements, and facilitation of monitoring and annual reports through standardized reporting:

The attached document will be used to facilitate the risk assessment process for LWDBs receiving formula awards under WIOA Title I. Additionally, many of the responses and documents requested are useful for planning monitoring engagements, providing better technical assistance, and completing performance reports. Therefore, in an effort to consolidate these standard requests for information, LWDBs will be required to submit responses once per year with all requested documentation. Some responses and documentation must be maintained between years. The attachment provides further instructions specifying which of the documents or responses require ADWS be updated within 30 days.

The Risk Assessment form may still be required for LWDBs, in certain situations. For example, discretionary awards that have risk apart from formula awards may require a risk assessment. If the information is provided through the processes described in this Issuance, the LWDB may make reference to compliance with this request.

Although this annual request will not eliminate all requests for information, this should streamline the process in many situations.

- II. **Action Required:** Questions about this Issuance, attachments, requirements, and recommendations for improving this effort may be submitted to Kris Jones, ADWS Employment Assistance Assistant Director at kris.jones@arkansas.gov.

Submission Deadlines:

- Annual Responses to the attached LWDB Permanent File and Annual Reporting requests are due within 90 days of the date of this Issuance, **with the exception of the Annual Reporting, which is due on August 31, 2018. Please prioritize the annual report submissions in part “C” of the LWDA Permanent File and Annual Reporting as your current risk assessments have included much of the information required in the other sections.**
- Part I of this Issuance requests either hyperlinks or Accessible PDFs to ensure compliance with the sunshine provisions of WIOA. Please send this information to WIOA@arkansas.gov within 90 days of the date of this Issuance.
- Please note that some documents and responses must be maintained continuously. If designated as such in the LWDA Permanent File and Annual Reporting request, the LWDB must provide the required information, a new hyperlink, update the current webpage on their website, or take whatever steps to comply with the requests within 30 days of the effective date of the change.

- III. **Inquiries:** Send to kris.jones@arkansas.gov

- IV. **Expiration Date:** On-going