Hampton Roads Workforce Council (HRWC) Policies
Workforce Innovation and Opportunity Act (WIOA)
As of 9/10/19

HRWC develops and implements policies and related guidance in accordance with the requirements of WIOA, and other good business practices, to provide for the ongoing implementation of workforce development programs and related initiatives in the Hampton Roads Region. Policies will remain in force until otherwise removed or revised.

In Virginia, WIOA is overseen by the Virginia Community College System (VCCS) on behalf of the Governor in partnership with the Virginia Board of Workforce Development (VBWD). The VCCS is responsible for the administration of the WIOA funds, compliance oversight of the funded programs, services and activities, and the development and implementation of related policy guidance and other technical assistance, in conjunction with the VBWD. In that regard, the posted policies and other related materials shown on the VCCS Website at www.virginiacareerworks.com are applicable to the operation and administration of WIOA funded programs, services and activities and must be followed and adhered to accordingly.

On July 1, 2015, the Workforce Investment Act (WIA) was replaced by WIOA. Those WIA Policies that were still relevant under WIOA were edited to reflect the change in law, any additional compliance requirements and were made effective on July 1, 2015.

All HRWC Policies are periodically reviewed for ongoing compliance with applicable rules and regulations and removed or revised, as warranted. New policies are developed based on WIOA regulatory requirements, State and/or federal guidance or the dictates of good business practices and implemented accordingly.

Note: HRWC was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

The following is a listing of current HRWC Policies by number, subject area and effective date that are in force as of the date shown above:

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# 15-19 HRWC Personnel Policy and Procedures Manual
Revision #1 1/1/18

# 15-20 HRWC Cost Policy Statement and Cost Allocation Plan
Revision #1 7/1/17

# 15-21 Subcontractor Billing Process for Cost Reimbursement Contracts
Revision #2 7/1/18

# 15-22 Sub-Recipient Contract Monitoring Policy
Revision #3 8/22/19

# 15-23 Freedom of Information Act (FOIA) Policy 11/23/16

# 15-24 General Grievance and Complaint Policy
Revision #5 8/13/19

# 15-25 On-the-Job Training (OJT) Policy
Out of School Youth (OSY)
Revision #1 9/10/19
EMPLOYER JOB ORDER POLICY

Policy #15-01
Effective Date: 7/1/15

Purpose
This Policy sets forth the steps that will be taken by the Hampton Roads Workforce Council (HRWC) prior to the acceptance of employer job orders for posting on the HRWC website and within the One-Stop and/or Youth Career Centers. For the purpose of this Policy, a Job Order is defined as a detailed description of a specific position for which an employer is seeking pre-screened applicants, as opposed to a general announcement from an employer that they are currently hiring. In the case of the latter, general job announcements will only be posted for companies known to HRWC.

Note: HRWC was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

Initial Review

Note: Employers that are currently authorized and verified by the Virginia Employment Commission (VEC) to post job orders are automatically approved to post job orders with HRWC. All other employers must be reviewed in accordance with the following guidelines.

(1) The employer must have a valid Federal Employer Identification Number (FEIN). If the employer is a sole proprietor, his/her Social Security Number (SSN) is acceptable. If a new business is in the process of obtaining a FEIN, the individual owner’s SSN may be used temporarily, with the exception that the FEIN will be provided when obtained.

(2) The employer must have a current license to do business in the city or county where located and, in the case of a corporation, must be currently registered with the Virginia State Corporation Commission.

(3) A search of the employer’s website will be conducted to corroborate information that was provided regarding the company and a general internet search for information regarding the employer and company will be conducted.

(4) The job description(s)/job order(s) will be reviewed for clarity, completeness and the presence of any language or practices which may be prohibited by federal, state or local law.

(5) A meeting may be conducted with the employer at its place of business.

Approval Process

(1) Employers that are approved under the Initial Review may post an approved job order(s) immediately.

(2) Employers or job order(s) that are not approved will be notified of such.

The Directors of the One-Stop System and the Youth Career Center will make the final decision whether to approve an employer and/or job order.

Documentation of the Initial Review and any subsequent review activities will be maintained in a physical or electronic file for the employer.

Job orders that are approved will be maintained for an initial period of sixty (60) days or less as determined by the employer and may be removed or extended, as appropriate.
Conflict with State and Federal Laws

HRWC does not accept job orders describing work situations that conflict with Federal and State compensation laws, such as, but not limited to, the Fair Labor Standards Act (29 U.S.C. Chapter 8), Minimum Wage Act (Section 40.1-29 of the Code of Virginia), Payment of Wage Law (Section 40.1-29 of the Code of Virginia), or Child Labor Laws (Section 40.1-29 through 40.1-116 of the Code of Virginia).

Customer Disclaimer

The following will be posted for public viewing on the HRWC website and in the Centers:

“Information on this site is believed to be accurate but is not guaranteed. While HRWC endeavors to conduct due and reasonable diligence in the posting of employer job orders, we cannot guarantee the legitimacy of employment offers. HRWC further disclaims any liability for any errors and omissions, or any fraudulent activity resulting from the use of this site. It is ultimately the responsibility of job seekers to review employers and/or job orders prior to the acceptance of employment.”
INCUMBENT WORKER TRAINING (IWT) POLICY

Policy #15-02
Revision #2
Effective Date: 7/7/17

Purpose

Incumbent Worker Training (IWT) is intended to support the establishment of strategic partnerships with local employers whereby appropriate Workforce Innovation and Opportunity Act (WIOA) funded training solutions may be provided for specific existing workers (Incumbent Workers). IWT is a form of work-based training that is designed to ensure that employees of a company can acquire the skills necessary to retain employment and advance within the company, thus creating backfill opportunities, or to provide the skills necessary to avert a layoff. While it is designed to either assist workers in obtaining the new skills necessary to advance their employment or to avert layoffs, it must increase both a worker’s and a company’s competitiveness. Up to 20% of the WIOA Adult and Dislocated Worker Formula Funds allocated to the Hampton Roads Workforce Council (HRWC) for a Program Year may be used to support IWT.

IWT is an important business services initiative that is designed to benefit business and industry by assisting with existing employees’ skill development and by increasing employee productivity and company growth. IWT is authorized under Sections 122 and 134 of WIOA and implemented in accordance with Virginia Board of Workforce Development (VBWD) Policy #403-04 and VCCS VWL #16-05, Change #1.

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Incumbent Worker Eligibility

While there is no income eligibility requirement for Incumbent Workers, the following eligibility requirements apply and must be verified and documented:

1. Eighteen (18) years of age or older; a U.S. Citizen or non-U.S. Citizen legally authorized to work in the United States; compliant with the Military Selective Service Act (MSSA) Requirements; and,

2. Currently employed by the participating employer as a paid full-time employee; meet the Fair Labor Standards Act (FSLA) requirements for an employer-employee relationship; have an established work history with the employer for six (6) consecutive months or more (if training is being provided to a cohort of employees, not every employee in the cohort must have an established work history with the employer for six (6) months, provided that the majority of the employees in the cohort meet the six (6) month requirement; and,

3. Need training to support continued employment and/or avert a layoff, be promoted and/or be successful in their employment with the company, as determined by the employer; and,
4. Work at a facility located in the Commonwealth of Virginia or work for a staffing agency and placed at a Virginia facility.

**Employer Eligibility**

The following eligibility requirements for Employers must be verified and documented:

1. Has operated in the Commonwealth of Virginia during the twelve (12) month period prior to the application date for funding, with at least two (2) full-time, non-temporary employees; and,

2. Current on all Virginia tax obligations, including all applicable county, city and local taxes; and,

3. Proposed training is for employees based within the Commonwealth Virginia and there is a positive relationship of the proposed training to the competitiveness of the employee and employer; and,

4. Engaged in a high demand/growth industry sector, as determined by HRWC Labor Market Information (LMI) and have a demonstrated linkage to such; and,

5. Completion and acceptance by HRWC of an IWT Pre-Award Review and Proposed Training Program Application, as prerequisites for the funding of training services.

**Note:** A business or part of a business that has relocated from any location in the United States, if the relocation has resulted in any employee losing their job at the original location, is not eligible until the company has operated for at least one hundred and twenty (120) days. Also, no funds provided to an employer may be used to encourage or induce the relocation of a business or part of a business, if such relocation would result in a loss of employment at the original location and such original location is within the United States.

**Incumbent Worker Positions**

Positions in which Incumbent Workers will be placed or retained upon the successful completion of training must be full-time, non-temporary, at an hourly wage of at least $12.00 per hour and provide full company benefits including healthcare, unless otherwise authorized by HRWC. Incumbent workers trained under this Policy may not displace any other regular worker. For the purpose of this Policy, full-time employment will be determined by the employer but in no case may be less than thirty-five (35) hours per week.

**Training Services, Contracting, Training Duration and Employer Reimbursement**

Training must be for occupational skills that are directly related to the employer’s company and industry. All training services must result in the receipt of a recognized training credential for the employee upon the successful completion of training.

HRWC will enter into a contract with the employer which will detail the training services, training provider, number of authorized employees, reimbursement amount, period of performance and other applicable requirements, stipulations and conditions. The employer must enter into a contract with qualified training provider which will outline the specific training services, type of credential and serve as the basis for the reimbursement of costs to the employer. The employer must pay the training provider for the full training costs for each authorized employee before reimbursement from HRWC can be requested.
HRWC will reimburse the employer for the federal share of each authorized employee’s training cost based on the submission and acceptance of an invoice. As a rule, the reimbursement rate for the federal share will be 50% but can be higher based on the number of company employees, as provided for under VBWD Policy #403-04, at the discretion of HRWC. The amount not reimbursed by HRWC is the employer’s responsibility and referred to as the non-federal share.

The maximum federal share reimbursement from HRWC is up to $5,000 per authorized employee and the training duration may be up to six (6) months, unless otherwise authorized by HRWC.

Outcomes

Strategies for developing new workforce skills in the existing workforce shall be designed to benefit business and industry in ways that encourage and support the integration of new technology and business processes, increased employee productivity and support the competitiveness of the company. In addition to increased employee skill sets and credential attainment, IWT Programs create additional positive outcomes which include:

1. Improving the alignment of existing workers’ skills with new job requirements.

2. Providing individuals access to new career opportunities within a business.

3. Encouraging the retention of existing personnel who otherwise may become dislocated because of skill deficiencies.

4. Creating new opportunities for entry-level workers through the promotion of existing workers: and supporting the overall enhancement of local and regional economic development efforts.

5. Projection of increased earnings for employees commensurate with their increased job skills and company responsibilities, in accordance with company policy.
LOCAL LAYOFF AVERSION STRATEGY

Policy# 15-03
Revision #1
Effective Date: 7/7/17

Policy Statement

It is crucial for the Hampton Roads Region to promote a well-trained, well educated, highly skilled and qualified workforce that understands and meets the needs of the Region’s employers and that is actively engaged in lifelong learning. The Hampton Roads Workforce Council (HRWC) intends to ensure that workforce development services for the existing workforce are effectively coordinated and that prospective strategies are developed for rapid access to the range of employer resources necessary for the averision of possible employee layoffs, through available State and Local resources, at the earliest possible intervention. Through this effort, HRWC will assist participating employers to increase the capacity and productivity of their current workforces, to enhance the employer’s potential for company stability and growth, and to underpin their capability for increased competitiveness in the marketplace, with the primary goal of avoiding the layoff of employees.

Given that resources are finite, priority will be given to those employers that are engaged in high demand/growth industry sectors, as determined by HRWC Labor Market Information (LMI).

Definition of Layoff Aversion

A Layoff is averted when: (1) a worker’s job is saved with an existing employer; or, (2) a worker at risk of dislocation transitions to a different job with the same employer or a new job with a different employer and experiences no or minimal period of unemployment. A key consideration in the averision of a layoff is the identification existing employees that without the provision of new training and education would result in a layoff. These include skill changes required by external economic or market forces; significant changes in technology or operating processes; rapidly changing industry or occupational job requirements; or, the emergence of new products, as the result of a change in the employer’s business model.

Identification of Employers

HRWC will conduct ongoing outreach to local employers to inform them of available business services, including the Local Layoff Aversion Strategy and its related resources. This information will be posted on the HRWC website, contained in printed informational documents and shared with HRWC partner organizations. From this effort, employers at risk of having a layoff will be encouraged to contact HRWC, either directly or through a referral from a partner organization. In addition, HRWC staff will stay current on published stories or news articles in the local media and business publications to identify employers that are experiencing difficulties in maintaining their workforce and initiate contact accordingly, as applicable and appropriate. In addition, HRWC serves as a member of the SEVA Rapid Response Team and participates in their ongoing layoff averision forecasting efforts.
Layoff Aversion Actions

The focus of this Local Layoff Aversion Strategy is the establishment and implementation of a partnership with an affected employer(s) to facilitate access to the necessary resources to improve the skill sets of their existing workforce, so that the existing employees can function at a higher level and be retained in employment and to support the increased stability and growth of the employer’s company.

In that regard, HRWC will provide Incumbent Worker Training (IWT) for those affected existing employees and related employers who meet the requirements for such, based on the availability of local Workforce Innovation and Opportunity Act (WIOA) IWT Adult and Dislocated Worker Formula Funds, in accordance with HRWC IWT Policy #15-02, Revision #2.

In addition, HRWC will facilitate access for affected employers to applicable partner organization layoff aversion resources and assist employers with the preparation of the required application to the Commonwealth of Virginia for State Level Incumbent Worker Training resources, as well as other State resources, as appropriate.
UNLIKELY TO RETURN STATUS POLICY
DISLOCATED WORKER FUNDING STREAM ELIGIBILITY

Policy# 15-04
Revision #1
Effective Date: 8/10/17

Background

Dislocated Worker (DW) Funding Stream Eligibility set forth under Section 3 (15) (A) (II) (iii) of the Workforce Innovation and Opportunity Act (WIOA) includes the requirement that an individual must be Unlikely to Return to their Previous Industry or Occupation in order to meet the requirements specified under that Section, in addition to meeting all other applicable DW eligibility criteria. As is the case with all WIOA eligibility requirements, verification of Unlikely to Return Status must be specific to support the eligibility criterion, documented in accordance with acceptable verification sources and maintained in the participant record.

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Guidelines

In order to be determined Unlikely to Return to their Previous Industry of Occupation, an otherwise WIOA eligible DW must meet at least one (1) of the following categories:

1. Determined as Unlikely to Return by the Virginia Employment Commission (VEC) verified in a written statement or documented telephone confirmation from the VEC. The specific reason as to why the DW is Unlikely to Return must be clearly stated on the verification documentation.

2. Participation in the VEC REO Program verified in a written statement or documented telephone confirmation from the VEC.

3. Current LMI data showing the former occupational area as being in decline verified based on the completion of the One-Stop Labor Market Analysis Form. Documentation must include the specific occupational area and provide information that supports the fact that the occupational area is in decline.

4. Receipt of Unemployment Insurance (UI) Benefits for duration of at least 12 of the previous 26 weeks verified in a written statement or documented telephone confirmation from the VEC or other State UI agent, as applicable, or an official UI Benefits Statement.
5. Available for and looking for full-time, non-temporary employment for at least 15 consecutive weeks prior to the WIOA application date without a job offer, verified in a written statement from the applicant documenting their job search efforts. A minimum of 8 job search attempts are required during the period.

6. Obsolete job skills which no longer meet the minimum requirements of the jobs currently available in their previous occupation (e.g. a clerical worker without word processing skills, etc... where skills upgrading is required), verified by a written comparison of the applicant’s background to the current skills required for the jobs.

7. Physical limitations or disabilities that now restrict the applicant’s ability to perform the minimum required duties and responsibilities of their previous occupation, verified in a written statement or documented telephone confirmation from a medical professional or cognizant organization such as a rehabilitation facility, community services board, Commonwealth of Virginia Division of Rehabilitative Services, etc...

8. Excess number of workers with similar skill sets and experience seeking limited employment opportunities in the region, verified in a written statement or documented telephone confirmation from the VEC, or applicable industry of trade association in which the previous occupation is included, or other documented local LMI source. Details pertaining to the specific occupation and related limited job openings are required to be included in the documentation.

9. Local layoff impact where a plant or business closing within the last 12 months has had a significant negative impact on the availability of jobs in the applicant’s previous occupation or industry, verified in a written statement or documented telephone confirmation from the VEC or through a written public announcement. Details of the specific negative impact are required to be included in the documentation.
INDIVIDUAL TRAINING ACCOUNT (ITA) POLICY

Eligible Training Provider and Programs List

Policy# 15-05
Revision #4
Effective Date: 7/1/19

Background

Individual empowerment through informed customer choice is one of the guiding principles of the Workforce Innovation and Opportunity Act (WIOA). One of the primary mechanisms for providing customers with increased choice and flexibility when it comes to accessing training under WIOA is through the Individual Training Account (ITA) Program. The ITA Program allows customers to access a wide variety of approved training programs from qualified training providers. Customer choice is maximized by both the diversity and sheer numbers of different programs and training opportunities that are available to meet the needs of WIOA eligible customers.


The Program is made available at the point at which a customer’s employment needs and goals cannot be met without the receipt of training services based on an assessment of their knowledge, skills, abilities, work history and employment barriers. Since access to the ITA Program can only occur following a customer’s receipt of assessment services and determination of need, a strong case management and career counseling infrastructure must be present to coordinate all the various aspects of service intervention, to support the overall goal of meaningful unsubsidized employment and recognized postsecondary credential attainment for the customer.

A List of currently approved ITA Training Providers and Training Programs is maintained on the HRWC website www.vcwhamptonroads.org, and posted in the One-Stop System Centers, otherwise known as Virginia Career Works Centers, on an ongoing basis. This information along with cumulative performance results for approved training programs is shared with customers by One-Stop System staff in order to facilitate meaningful customer choice in the selection of training programs.

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ITA Initial Eligibility Application Process

The ITA Initial Eligibility Application Package is posted on the HRWC website at www.vcwhamptonroads.org on an ongoing basis. The Application Package includes the VCCS prescribed Training Provider and Training Program Application Forms, in addition to other submission requirements.

Interested training providers may propose training programs for Initial Training Provider/ Program Eligibility at any time. HRWC staff reviews submitted Application Packages for completeness and compliance with applicable requirements. Where submitted Application Packages do not fully meet the applicable requirements and/or are incomplete, HRWC staff will contact the proposing training provider for resolution. The Application Package will not be moved forward for consideration until resolution is complete. Where submitted Application Packages are complete and in compliance with the applicable requirements, such will be moved forward for program selection consideration.

Initial Training Provider/Training Program Eligibility Selection Process

The Hampton Roads Workforce Development Board (HRWDB) in consultation with the HRWDB Workforce Services Committee (WSC) selects training programs for inclusion on the HRWDB Approved ITA Programs List. Selection is based on a review of submitted Application Packages by the WSC and the formulation of program selection recommendations for the HRWDB to consider at their next regularly scheduled meeting. The WSC considers such factors as capacity to provide the proposed training services; performance outcomes; training credential recognition; organization qualifications; labor market demand; training curriculum/ training provider accreditation; and, the skills to be obtained from the training program. The HRWDB Executive Committee may review and approve proposed training programs between HRWDB meetings.

Training providers whose proposed training programs are selected by the HRWDB for inclusion on the HRWDB Approved ITA Training Programs List will be notified by letter and an ITA Vendor Agreement with HRWC will be executed. The ITA Vendor Agreement will outline the terms, conditions, stipulations and requirements under which HRWC may purchase training services from the training provider. In addition, it will outline the performance data tracking and reporting requirements related to the HRWC participants who receive training services. Training programs selected for inclusion on the List and will remain on such for one (1) year, unless otherwise removed by HRWC for cause. Training programs selected by the HRWDB will be included on Eligible Training Provider and Programs List for Virginia. ITA Vendor Agreements may be formally modified in writing, as applicable and appropriate.

Those training providers whose proposed training programs are not selected will also be notified by letter and informed of the HRWDB Reconsideration Process that is available for those whose proposed programs were not selected for inclusion on the HRWDB List. Training providers must first exhaust their reconsideration option with the HRWDB prior to going forward with the VCCS Process.

Continued Training Provider/Training Program Eligibility Recertification Process

Following the completion of one (1) full year of Initial Eligibility each approved training provider program will be reviewed to determine continued eligibility recertification for inclusion on the HRWDB Approved ITA Programs List.
Recertification will be primarily based on the compilation and review of WIOA participant performance outcomes for approved training programs. Performance outcomes will be based on an ongoing cumulative count for participants enrolled on and after July 1, 2016 and will include both "real time" data maintained by HRWC and DOL Performance Metrics data provided by the VCCS on a quarterly basis, through an analysis conducted by HRWC staff and reported to the WSC, in conjunction with the staff training program recertification recommendations. Program outcomes where there are less than six (6) cumulative participant exits will not be considered for recertification purposes and those individual programs will be continued for an additional year. Also, individual programs which have had no enrollments and where there have been no adverse circumstances, are continued for an additional year. Individual training programs that have had no enrollments for a period of two (2) consecutive years following the Initial Eligibility period will be removed from the List.

At a minimum, training program satisfactory performance in accordance with following metrics and minimum levels is required for recertification, as stipulated in VBWD Policy #404-01, and as qualified above:

1. Training Completion Rate (50% for Adults and DWs)
2. Credential Attainment Rate (65% for Adults and DWs)

Participant data and related rate calculations will be validated by HRWC with applicable training providers. In addition to consideration of the above participant performance outcomes, other factors that may be considered for recertification include: organizational structure; operational capability issues; any participant complaints or formal grievances; credential recognition; curriculum contents; training delivery method; invoicing or reporting issues; real time performance outcome issues; and, any other operational issues related to the delivery of training services under the ITA Vendor Agreement.

The WSC will review training programs for recertification and make recommendations to the HRWDB or Executive Committee for continued inclusion on the HRWDB Approved ITA Programs List. This activity will occur in the Fall and Spring of each year based on the WSC meeting date prior to the next scheduled HRWDB or Executive Committee meeting date. Training program durations shown in the VaWC will be extended to accommodate for the time required for the meetings to take place and actions to be taken.

Training programs authorized by the HRWDB or Executive Committee for continued eligibility may operate for an additional year unless otherwise removed by HRWC for cause. Thereafter, continued eligibility will be determined on an annual basis in accordance with the above. Training providers whose training programs are approved for continued eligibility will be notified by letter and their ITA Vendor Agreement will be modified accordingly. In addition, an updated Anti-Discrimination Certification Form will be obtained from the training provider. Those training providers with training programs that are not approved will also be notified by letter and the Reconsideration Process will be available.

If a training program(s) is not recertified, participants who are currently enrolled and active in authorized training services will be allowed to continue through to the completion of their approved training plan, if they actively participate.
HRWC WIOA Training Funds/Approved Program Revisions

The maximum amount of WIOA funds that an individual customer may receive for ITA training tuition and other necessary training related costs is established by the WSC, in consultation with HRWC. This amount is reviewed by the WSC as needed and changes are made when warranted. Currently that amount is up to $5,000, in total. WIOA funds are to be used for customer training when other forms of federal grant assistance, such as PELL Grants, are not available. In all cases, a financial plan is developed by One-Stop System staff in consultation with the participant to identify how the full cost of training services will be funded.

Revisions to existing approved training programs may be authorized where curriculum changes are needed to reflect dynamic industry training standards and/or requirements in support of existing and/or new industry recognized credentials and/or where the name of an existing training program has changed. These revisions can be accomplished administratively at any time during the ITA Vendor Agreement performance period without the need of a formal application process. Any revisions to existing approved programs must be approved by HRWC and in no case will the cost exceed the maximum WIOA training funds limitation.

**Virginia Eligible Training Provider and Programs List Use Option**

Once a training provider’s training program(s) is approved by any Local Workforce Development Board (LWDB) in Virginia, that program(s) is included on the Virginia Statewide Eligible Training Provider and Programs List. Other LWDBs may purchase training from that training provider if the applicable program(s) remains in good standing on the Virginia List, without the training provider having to go through an additional application process.

HRWC may choose to enter into an ITA Vendor Agreement and purchase training from a training provider who is on the Virginia List, to best meet the needs of a specific customer, in exception situations, at its sole discretion. In that regard, the following process will be followed prior to using a training provider’s program(s) from the Virginia List:

1. The training program is not available from any training provider in good standing on the current HRWDB Approved ITA Programs List and has been verified to be current on the Virginia List. The timing of training services delivery regarding the needs of the customer will be considered in relation to the determination of availability.

2. The training program’s occupational area shows positive projected labor market demand, as determined by Opportunity Inc.

3. The training program’s curriculum, training delivery capacity and recognized training credential is verified and a satisfactory site visit, as warranted, is conducted by HRWC.

4. The training program after meeting the requirements set forth under items 1, 2 and 3 above, is reviewed by the HRWC Workforce Services Officer for approval. A training program that does not meet the requirements under items 1, 2 and/or 3, and/or if there are other extenuating negative circumstances, will not be approved.

5. The training provider enters into an ITA Vendor Agreement with HRWC.
Note: Training programs that are purchased by HRWC via the Virginia List will only be authorized for specific individual customers and will not be included on the HRWDB Approved ITA Programs List as eligible to receive ongoing customer referrals and additional vouchers. Being included on the Virginia List does not guarantee that a program(s) will be purchased by HRWC. The Reconsideration Process option is not available to programs not selected from the Virginia List by HRWC.

Out of State Training Providers Use Option

For a customer to obtain WIOA funded training services from an Out of State training provider, the training provider’s program must be currently included on another State WIOA Eligible Training Provider and Programs List. Approved training programs in other States can be located at http://www.service locator.org/ program.

Approval for the use of an Out of State training provider’s program with follow the process outlined above for the use of the Virginia List. If an Out of State training provider is used, a detailed case note that explains why such was used must be entered into the VaWC and sufficient data must be obtained from the training provider in order to enter the training program into the VaWC.

Registered Apprenticeship Process

In accordance with Section 680.470 of the WIOA Final Rules and Regulations and VBWD Policy #404-02, Registered Apprenticeship (RA) Programs are automatically eligible for inclusion on the WIOA Eligible Training Provider and Programs Lists, at the State and Local Levels.

Interested training providers must submit the Application Form attached to VBWD Policy #404-02 to HRWC, which will then be sent to the Virginia Department of Labor and Industry (DOLI) for review and approval. If approved by DOLI, HRWC will obtain the required information needed to enter the training program into the VaWC and to enter into an ITA Vendor Agreement for the training program. Funding for RA Programs must be for a specific, otherwise WIOA eligible individual who is a Registered Apprentice or an individual that will be hired by an employer as a Registered Apprentice, based on the training to be provided.

An RA Program may remain on the HRWDB and Virginia Lists if it continues to be registered and recognized with DOLI or until a RA Program sponsor requests to have a Program removed. RA Programs are not subject to the State mandated performance requirements.

VaWC Data Entry

HRWC will ensure that the required data elements related to the Initial Eligibility Application Package, Continued Eligibility and performance information regarding approved training provider training programs are entered the VaWC. Once the Initial Eligibility Application Package is completed, reviewed and approved by the HRWDB or HRWDB Executive Committee, the information will be entered into the VaWC within fourteen (14) business days, unless otherwise warranted. This will include training provider training programs that are not approved by the HRWDB. In addition, Registered Apprenticeship Program information will also be entered into the VaWC.
ITA Program Related Staff Responsibilities

The HRWC Workforce Services Officer will have the primary responsibility for the overall ITA Program. VaWC training program data entry will be performed by the HRWC MIS Technician, as directed by the Workforce Services Officer. ITA Vouchers are issued to WIOA eligible and approved customers by One-Stop System staff which serve as authorization documentation to the training provider for the customer to attend training. One-Stop System staff provide ongoing case management services throughout the customer’s training experience and maintain the customer file, in accordance with VCCS standards.

ITA Program Records Retention

HRWC will maintain Initial Eligibility Application Packages; Registered Apprenticeship Program information and related DOLI verification documentation; Continued Eligibility Performance Information; records regarding training provider related complaints and actions taken on those complaints; and, other required records and documents, for a minimum period of four (4) years.
PERSONALLY IDENTIFIABLE INFORMATION (PII) POLICY

Policy# 15-06
Revision #1
Effective Date: 10/11/18

Background

Federal Law, OMB Guidance, Department of Labor (DOL) Employment and Training Administration (ETA) and Virginia Community College System (VCCS) Policies require that PII and other sensitive information be protected by those organizations that administer and/or operate Federally Funded Programs. This information is usually found in personnel files; participant records and data sets; performance reports; program evaluations; grant, sub-grant and contract files; and, other sources.

OMB defines PII as information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Sensitive Information is considered to be any classified information whose loss, misuse, or unauthorized access to or modification of such could adversely affect the interest or the conduct of Federal Programs, or the privacy to which individuals are entitled under the Privacy Act. DOL has defined two types of PII: Protected PII and Non-Sensitive PII. The differences between the two types are based on an analysis regarding the “risk of harm” that could result from the release of the PII. A description of the two types of PII is as follows:

Note: The Hampton Roads Workforce Council (HRWC) was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

Protected PII is information that if disclosed could result in harm to the individual whose name or identity is linked to that information. Examples of Protected PII include, but are not limited to, Social Security Numbers, credit card numbers, bank account numbers, home telephone numbers, ages, birthdates, marital status, spouse names, educational history, biometric identifiers (finger prints, voiceprints, iris scans, etc...), medical history, computer passwords and financial information.

Non-Sensitive PII is information that if disclosed, by it, could not reasonably be expected to result in personal harm. Essentially, it is stand-alone information that is not likely or closely associated with any Protected or Unprotected PII. Examples include information such as first and last names, e-mail addresses, business addresses, business telephone numbers, general education credentials, gender or race. However, depending on the circumstances, a combination of these items could potentially be categorized as Protected or Sensitive PII.

To illustrate the connection between Non-Sensitive and Protected PII, the disclosure of a name, business email address, or business address most likely will not result in a high degree of harm to an individual. However, a name linked to a Social Security Number, a Date of Birth, and a mother's maiden name could result in identity theft. This demonstrates why protecting the information of program participants and others involved in the administration and/or operation of Federal Programs is so important.

Protection Safeguards

In order to ensure the confidentiality and security from unauthorized disclosure for all types of PII related to program participants and others involved with the administration and/or operation of Federal Programs, the following protection safeguards will be maintained:
1. All program participants will sign a release acknowledging their understanding that the use of PII and other Sensitive Information will be for Federal Program purposes, only.

2. PII, to include but not be limited to participant program records, will be stored in an area that is physically safe from access by unauthorized persons, at all times. Records must be maintained in locked file cabinets when not in use and never left in the open and unattended. Staff is to close the VaWC on their computer monitors when they are away from their desk in order to avoid an unauthorized individual’s ability to access electronic participant data. Dedicated staff is to be assigned to ensure that this storage area will be secure and that only authorized staff is granted access to information contained in the records, in addition to, overseeing overall compliance with this Policy.

3. PII and other Sensitive Information that is transmitted via email or CDs, DVDs, thumb drives, etc., must be encrypted. Participant information that includes Social Security Numbers or Date of Birth may not be emailed under any circumstance.

4. Data must be processed using grantee/sub-grantee issued equipment, managed information technology (IT) services and designated locations approved by Opportunity Inc. Accessing, processing, and storing Protected PII data on personally owned equipment, at off-site locations (e.g., employee’s home), and non-grantee managed IT services (e.g., Yahoo mail) is strictly prohibited unless otherwise authorized by HRWC.

5. Information related to an individual’s participation in the Federal Program must not be extracted by staff for any purpose not stated in the grant or sub-grantee agreement, contract or Memorandum of Understanding (MOU). Any access to participant data must be for program purposes, only.

6. Identifying information relating to program participants may only include a State ID, User Name or User ID from the VaWC and must be used for all communications. Protected PII may not be used as identifiers on participant file folders.

7. All employees and other personnel who will have access to sensitive/confidential/private data will be advised of the confidential nature of the information, the safeguards required to protect the information, and that there are civil and criminal sanctions for noncompliance with such safeguards that are contained in Federal and State Law. Each will be provided with a copy of this Policy.

8. Records will be retained in accordance with the requirements contained in VCCS VWL #11-03 and OMB Circular A-110. Upon reaching the retention expiration date, physical records will be disposed of by secure shredding and by the appropriate process for the deletion of electronic data, as appropriate.

9. DOLETA and VCCS authorized staff will have access to records for audit; compliance monitoring; performance evaluation; and, other valid grant related purposes, in accordance with this Policy.

10. Participant records will not be provided to or discussed with any party not involved with the delivery of Federal Program services without expressed written permission of the participant, unless otherwise ordered under a subpoena or other written order issued by a Local, State or Federal Court.

11. Any breach or suspected breach involving the improper disclosure of PII is to be immediately reported to HRWC management staff.

Note: When multiple participants are shown on a single invoice and/or single piece of supporting documentation, the names and related information for all participants who are unrelated to the participant will be redacted on the document(s) maintained in the participant’s file, in order to ensure the protection of PII.
References: This Policy is based on the guidance provided in DOLETA TEGL #39-11 and VCCS VWL #14-02, which are incorporated into this Policy by reference.
ON-THE-JOB TRAINING (OJT) POLICY

Adults and Dislocated Workers

Policy # 15-07
Revision #4
Effective Date: 1/9/18

Purpose

The purpose of the OJT Program is to provide job specific training to authorized and eligible Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker participants, eighteen (18) years of age and older, while employed in active and productive work with an employer. Under the OJT Program, the employer delivers daily training services for an authorized job position in accordance with a detailed training outline for that position. A distinguishing feature of the OJT Program is the reimbursement to the employer for the extraordinary costs of providing the training and supervision related to the OJT participant/employee, otherwise known as the “OJT Training Costs”, as stipulated under Section 680.700 (a) of the WIOA Final Rules and Regulations.

Note: The Hampton Roads Workforce Council (HRWC) was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

Definition

OJT is training provided by an employer to a paid participant/employee while engaged in the conduct of productive work, that:

1. Provides transferable knowledge and/or skills essential to the full and adequate performance of the job and knowledge and/or skills that are measurable.

2. Provides reimbursement to the employer at a rate based on no more than 50% of the participant/employee wages during the contract performance period not to exceed a total reimbursement of $5,000 per participant/employee, for up to a maximum of five (5) OJT participants per employer, unless otherwise authorized by HRWC. Reimbursement is for actual time worked and does not include hours associated with any form of compensation paid where the participant/employee was not on the job for those hours. The employer must pay the participant/employee an hourly wage of at least $12.00 per hour, unless otherwise authorized by HRWC. This reimbursement is considered to be for the extraordinary costs incurred for the training and supervision of the participant/employee.

In no case may the reimbursement rate for WIOA OJT Agreements exceed 50% of the most recent average hourly wage rate for Virginia, which is currently $24.40. This rate will be periodically updated by DOL. Based on the current rate the maximum reimbursement amount for any WIOA OJT Agreement is $12.20 per hour. OJT Agreements may be entered into for full hourly wage rates that exceed the State average. In those cases, the maximum hourly reimbursement amount cannot exceed $12.20 and the reimbursement percentage will be less than 50%, which is to be shown on
the OJT Agreement. It is understood that employers must compensate the OJT participant/employee at the same wage rates as trainees or employees who are employed in similar occupations with the same employer. This action is based on the guidance provided under DOL TEGL #13-15.

3. Is limited in duration that is appropriate to the occupation in which the participant/employee is being trained and is based on an assessment of the participant’s skill level, abilities, prior work experience and training needs, but not to exceed six (6) months in duration.

4. Provides for full-time, non-temporary employment and job retention with the employer subsequent to successful completion of OJT.

**Basic Guidelines**

OJT Agreements may be entered into when:

1. The employer has been in business for at least twelve (12) consecutive months immediately prior to the Agreement effective date, has at least two (2) employees, has all required licenses, certifications, insurances, etc … The employer is not presently debarred or proposed for debarment from doing business with federal, State or local government.

2. The employer successfully completes a documented Pre-Award Review which will be incorporated into the OJT Agreement. The results of a staff conducted general internet/social media search of the employer do not provide any issues or other reasons to support not entering into an OJT Agreement.

3. The training provided is in the region’s target industries and/or occupations and the skills are transferable to similar jobs with other employers, unless otherwise authorized by HRWC.

4. The possibility for promotional opportunities exists within the employer’s business and there are identified, structured career paths with income and skill advancement and/or professional development.

5. The employer offers paid benefits, including healthcare benefits, unless otherwise authorized by HRWC.

6. The employer has the physical plant, supply/material, technological and staff resources required to provide OJT and, agree to retain the participant/employee as a full-time, non-temporary employee upon the successful completion of training.

7. The employer demonstrates a pattern of providing employees with continued long-term employment with wages, benefits and working conditions equal to those provided to a similarly situated employee(s).

8. The employer will not use an OJT participant/employee to displace any regular employee, or to replace any employee on layoff.

9. The employer has not relocated from any location within the United States within one hundred and twenty (120) days, where the relocation resulted in any employee losing their job at the original location.
10. While the OJT Program is primarily intended for new employer hires, employed workers may be authorized at the discretion of HRWC. Should OJT be provided for an employed worker(s), such will adhere to the requirements set forth under Section 680.710 of the WIOA Final Rules and Regulations, in addition to the other requirements set forth herein.
CUSTOMIZED TRAINING POLICY

Policy # 15-08
Revision #1
Effective Date: 12/2/16

Purpose

Customized Training is designed to provide a workforce solution to meet the specialized occupational skills training needs of an employer or group of employers, in order to increase the employer’s productivity and/or to introduce new and advanced technology(s) or process applications, in order to increase the employer’s competitiveness, through increased workforce capabilities. Customized Training is provided in accordance with Section 680.760 of the Workforce Innovation and Opportunity Act (WIOA) Final Rules and Regulations. Participants who receive Customized Training must be WIOA eligible as determined by the Hampton Roads Workforce Council (HRWC).

Note: HRWC was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

Definition

Customized Training is to be provided by a qualified third party training provider identified and contracted by the employer and the training provided must result in needed workplace skills specific to the employer’s business and/or industry that will result in an industry recognized training credential for the participant upon the successful completion of training. The employer must commit to employing participants who successfully complete training as full-time, non-temporary employees. While Customized Training is primarily intended for new employer hires, employed workers may be authorized at the discretion of HRWC. Should Customized Training be provided to an employed worker(s), such will adhere to the requirements set forth under Section 680.770 of the WIOA Final Rules and Regulations.

HRWC will enter into a contract with an employer(s) for Customized Training and will provide reimbursement of up to 50% of the training cost for each authorized participant, not to exceed and overall reimbursement of up to $5,000 per participant. The training duration should be short term, not to exceed six (6) months, unless otherwise agreed to by HRWC.

Basic Guidelines

Customized Training Contracts may be entered into when:

1. The employer has been in business for at least twelve (12) consecutive months immediately prior to contract, has at least two (2) employees, has all required licenses, certifications, insurances, etc … and successfully completes the Customized Training Contract Pre-Award Review Process.
2. The training provided is in the region’s target industries and/or occupations and the skills are transferable to similar jobs with other employers, unless otherwise authorized by HRWC.

3. The possibility for promotional opportunities exists within the employer’s business and there is identified, structured career paths with income and skill advancement and/or professional development.

4. The employer offers paid employee benefits, including healthcare insurance.

5. The employer will not use Customized Training funded participants to displace any regular employee, or to replace any employee on layoff.

6. The employer has not relocated from any location within the United States within one hundred and twenty (120) days, where the relocation resulted in any employee losing their job at the original location.

7. The employer has identified a third party training provider for the delivery of Customized Training services that will result in the award of an industry recognized credential and enters into a contract with the training provider prior to the execution of a contract with HRWC. The training provider must have expertise in the training area to be delivered.

8. The employer agrees to hire all participants who successfully complete Customized Training as new employees. In the case of current employees who may be authorized and successfully complete Customized Training, the employer agrees to retain them within the business at increased earnings and the possibility for upward mobility.

9. Positions authorized for Customized Training must be full-time, non-temporary and pay at least $12.00 per hour, unless otherwise agreed to by HRWC.
PRIORIT OF SERVICE POLICY
Veterans, Eligible Spouses and Adults

Policy# 15-10
Revision #3
Effective Date: 10/15/18
Replaced Policy #15-09

Background

Section 680.600 of the Workforce Innovation and Opportunity Act (WIOA) Final Rules and Regulations and Virginia Workforce Letter (VWL) #18-04 require that statutory priority for Individualized Career and Training Services under the WIOA Adult Funding Stream be given to otherwise eligible individuals who are also Recipients of Public Assistance, Low Income and/or Basic Skills Deficient (the WIOA Priority Groups). Under WIOA, this priority applies to the Adult Funding Stream, only, and is afforded automatically to the group of individuals. For this Policy, “Basic Skills Deficient” is defined as an individual who is unable to compute or solve problems, or read, write or speak English, at a level necessary to function on the job, in the individual’s family, or in society, as stipulated under Section 3(5)(B) of WIOA. Public Assistance and Low Income are defined under WIOA Sections 3(50) and 3(36), respectively, and in VWL #18-04. WIOA services may be provided to other individuals who are not members of the Priority Group after priority has been provided, if such services have been determined appropriate for the individuals by Virginia Career Works Center Staff.

A “Veteran” defined under WIOA Section 3(63)(A) and 38 U.S. Code 101 as an individual who served in the active military, naval or air service and who was discharged or released wherefrom under conditions other than dishonorable, and who also meets the statutory Adult Funding Stream Priority Group requirements, is to receive First Priority for services. In addition, a Spouse of any Veteran who died of a service connected disability; of any Veteran who has a total disability resulting from a service connected disability; of any Veteran who died while a disability so evaluated was in existence; or, any member of the armed forces serving on active duty who, at the time of application for assistance, has been listed for a total of ninety (90) or more days as either missing in action, captured in the line of duty by a hostile force or forcibly detained or interned in the line of duty by a foreign government or power, is to be considered as an Eligible Spouse, and if such individual meets the above Adult Funding Stream Priority Group requirements, is also to receive First Priority.

As referenced under Section 680.650 of the WIOA Final Rules and Regulations, The Jobs for Veterans Act of 2002, Virginia Board of Workforce Development Policy #600-01, VWL #18-04 and Department of Labor (DOL)
Training and Employment Guidance Letter (TEGL) #19-16, any Veteran or Eligible Spouse who otherwise meets the program eligibility/priority qualifications for a Department of Labor funded program must receive First Priority.

**Note:** The Hampton Roads Workforce Council (HRWC) was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

**Priority of Service**

Priority of Service applies to the selection of individuals for enrollment into WIOA Individualized Career and/or Training Services. If there is a waiting list for services, an individual in a Priority Group must go to the top of that list. Once an individual outside of any Priority Group has been approved for funding and accepted/enrolled into a training program, Priority of Service does not allow another individual in a Priority Group to “bump” that individual from their training program. This Policy has been provided to all Virginia Career Works Center Staff and is posted in the Centers in order to inform individuals of their respective rights.

Virginia Career Works Center Staff will complete the WIOA Priority of Service Status Form to document each individuals Priority of Service Category and maintain such completed Form in the individual’s physical file. The Form is attached to this Policy.

**Practice**

First Priority for the receipt of services under the Adult Funding Stream will be given to Veterans and Eligible Spouses who meet the specific program eligibility/priority criteria.

Second Priority will be given to non-covered individuals (that is, individuals who are not Veterans or Eligible Spouses) who are otherwise eligible Public Assistance Recipients, Low Income individuals and/or individuals who are assessed to be Basic Skills Deficient.

Third Priority will be given to otherwise eligible Veterans and Eligible Spouses who are not included in the WIOA Priority Groups.

Last Priority will be given to otherwise eligible non-covered individuals outside of the WIOA Priority Groups.

**Note:** The Governor of the Commonwealth of Virginia and HRWC have not identified any other Priority Groups.
WIOA Dislocated Worker Funding Stream

Otherwise eligible Veterans and Eligible Spouses will have First Priority for services funded under the WIOA Dislocated Worker Funding Stream. There is no other priority requirement for that funding stream.

Process

Virginia Career Works Center Staff will determine and document the specific eligibility qualifications for the Priority of Service populations for DOL Funded Programs administered by HRWC. Such will be determined and documented in accordance with the prescribed WIOA requirements. Priority status for individuals seeking to receive WIOA Basic Career Services may be identified through self-attestation. Priority status to receive Individualized Career and/or Training Services must be verified. Services for priority populations will be tracked on the Virginia Career Works Center Case Management Log on an ongoing basis. With regard to Training Services, funding sources other than those available under WIOA will be considered to the fullest degree possible, based on availability to the individual.

Virginia Career Works Center Management Staff will monitor adherence to this Policy on an ongoing basis, in consultation with the HRWC Workforce Services Officer. Ongoing outreach and recruitment activities will be conducted by Virginia Career Works Center Staff to identify individuals for whom Priority of Service is required, to make them aware of the services, resources and activities available through the Virginia Career Works-Hampton Roads Region System. Outreach and recruitment activities will be primarily directed at those organizations within the local community that serve the priority target populations. In addition, outreach and recruitment activities will be conducted with all System Partner Organizations.

Attachment:

- WIOA Priority of Service Status Form
VIRGINIA CAREER WORKS – HAMPTON ROADS REGION

WIOA PRIORITY OF SERVICE STATUS FORM

Purpose: This Form is to be used to document the Priority of Service Category of a Workforce Innovation and Opportunity Act (WIOA) Title I Adult Funding Stream participant.

Participant’s Name: ________________________________

State ID: _______________ Participation Date: ___________

PRIORITY OF SERVICE CATEGORY: (CHECK 1 OF THE FOLLOWING):

A. Veteran or Eligible Spouse:
   a. Veteran: Yes ___ No ___
   b. Eligible Spouse: Yes ___ No ___
   c. Meets Adult Priority Criteria:
      i. Is currently receiving public assistance: Yes ___ No ___ or
      ii. Is low income: Yes ___ No ___ or
      iii. Is basic skills deficient: Yes ___ No ___

B. A non-covered individual who:
   a. Meets Adult Priority Criteria:
      i. Is currently receiving public assistance: Yes ___ No ___ or
      ii. Is low income: Yes ___ No ___ or
      iii. Is basic skills deficient: Yes ___ No ___

C. A veteran or eligible spouse of a veteran who is not included in WIOA priority groups:
   a. Yes ___
   b. No ___

D. A non-veteran who is not included in WIOA priority groups:
   a. Yes ___
   b. No ___

Note: Verification documentation is required for WIOA Individualized and Training Service participants.

E. Other priority groups identified by the Governor or the Local Workforce Development Board. Any priority group identified must have been included in the Combined State Plan or the Local Workforce Development Area Plan. The Governor of the Commonwealth of Virginia and Opportunity Inc. of Hampton Roads have not identified any other Priority of Service Groups

Center Staff: ________________________________

Date Completed: ________________________________

Note: This Form is to be maintained in the participant’s file

10/15/18
SELF-SUFFICIENCY POLICY
EMPLOYED ADULT ELIGIBILITY

Policy# 15-12
Effective Date: 7/1/15

Background

The Workforce Innovation and Opportunity Act (WIOA) provides for local Workforce Boards to establish the definition of "Self-Sufficiency" within their regions. This definition is used by One-Stop System staff to determine the qualification of otherwise eligible currently employed adult customers to receive WIOA funded individual career services and training services. In that regard, currently employed adult customers may receive the services, provided that their income level is below that which is set by the local Workforce Board. Workforce Boards have flexibility in determining the definition of “Self-Sufficiency” for their region, within the parameters set forth under WIOA.

Note: The Hampton Roads Workforce Council (HRWC) was formerly known as Opportunity of Hampton Roads. All Policy requirements previously issue in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

Definition

The Hampton Roads Workforce Development Board (HRWDB) has established the definition of “Self-Sufficiency” for Virginia Workforce Region #16 to be annual family income, at or above the income levels as shown by family size on the Self-Sufficiency Income Guidelines Chart developed and maintained by HRWC. In that regard, otherwise WIOA eligible currently employed adult customers, with annual family income determined and documented to be below the corresponding level for their respective family size, may receive WIOA career services and training services. Family income amounts for this purpose of this Policy will be determined and documented by One-Stop System staff in accordance with the WIOA Eligibility Determination Guidelines set forth by the Virginia Community College System (VCCS). The income levels shown on the Self-Sufficiency Income Guidelines Chart were developed by HRWC based on calculations using statistical data and applications from the Virginia Department of Social Services (VDSS), U.S. Census and the Consumer Price Index for Urban Consumers in the South. The Guidelines will be periodically reviewed and revised, as appropriate.
ADDITIONAL ASSISTANCE STATUS POLICY
YOUTH PROGRAM ELIGIBILITY

Policy # 15-13
Revision #2
Effective Date: 2/28/17

Purpose

Youth Program Eligibility set forth, in part, under Section 129 (a) (1) (B) (iii) (VIII) and (a) (1) (C) (iv) (VII) of the Workforce Innovation and Opportunity Act (WIOA) and Virginia Community College System (VCCS) VWL #16-11, stipulates that a youth who requires Additional Assistance in order to Complete an Educational Program or to Secure and Hold Employment may be considered to have an allowable barrier for the purpose of WIOA eligibility determination. Local Workforce Development Boards (LWDBs) may define “Additional Assistance Status” through the identification of specific categories that could serve as barriers to an otherwise WIOA eligible youth’s ability to attain their goals. As is the case with all WIOA eligibility requirements, verification of “Additional Assistance Status” must be documented in accordance with acceptable verification sources and maintained in the participant file. The purpose of this Policy is to outline the requirements for the use of Additional Assistance Status for participant eligibility purposes.

Note: The Hampton Roads Workforce Council (HRWC) was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

Background

The Hampton Roads Workforce Development Board (HRWDB) has approved the following categories, based on the recommendation of the HRWDB Youth Services Committee, to define what constitutes the need for Additional Assistance for WIOA youth participants. This action was taken by the HRWDB at their meeting of June 17, 2015 with an effective date of July 1, 2015.

Low Income Youth who meet one (1) or more of the following categories will be considered to require Additional Assistance to complete an Educational Program or to Secure or Hold Employment, for WIOA eligibility purposes. These categories apply to both In-School Youth (ISY) and Out of School Youth (OSY), unless otherwise indicated, and are as follows:

➢ Child of a currently Incarcerated Parent or Legal Guardian.
➢ Does not have any Paid Work Experience.
➢ Does not have a valid Driver’s License (Out of School Youth).

➢ Unemployed for the Previous Six (6) Months (Out of School Youth).

➢ Is Behind One (1) or More Grade Levels as Related to Age (In-School Youth).

Use Limitation for Additional Assistance Status

Not more than 5% of the ISY participants who are enrolled in the overall HRWC Youth Program for any given program year may be made eligible by use of the Additional Assistance Status eligibility qualification.

There is no use limitation for OSY participants.

Process to use Additional Assistance Status

Prior to enrolling any WIOA ISY participant with the Additional Assistance Status eligibility qualification, Youth Program Contractors must first request approval from the HRWC Youth Program Coordinator. This request must be in writing. The Coordinator will review the request and respond in writing as soon as possible. Contractors must ensure that approved requests result in the verification and documentation of all required eligibility items, in accordance with current requirements. A request that would result in the 5% cap for ISY being exceeded will not be approved.

Prior approval for the use of Additional Assistance Status for OSY participants is not required, given that there is no use limitation. However, any use of such must be in accordance with this Policy.

Additional Assistance Status Monitoring

The Youth Program Coordinator will monitor the use of Additional Assistance Status for ISY in relation to the respective Youth Program participant count in the VaWC on an ongoing basis. Prior to approving any ISY request, a review of the VaWC will be conducted, at that time. In addition, the Coordinator will review Additional Assistance Status eligibility documentation for both ISY and OSY participants as part of the Youth Program Contractor monitoring process.
EQUAL OPPORTUNITY (EO) POLICY

Nondiscrimination

WIOA Title I Participants, Applicants and Program Providers

Policy # 15-14
Revision #5
Effective Date: 3/7/19

Civil Rights

As stipulated under Part 38 of the Workforce Innovation and Opportunity Act (WIOA) Final Rules and Regulations, discrimination on the basis of race, color, religion, sex, national origin, age, disability and political affiliation or belief, is expressly prohibited.

Background

Hampton Roads Workforce Council (HRWC) is the Recipient of federal funds under Title I of WIOA for Virginia Local Workforce Development Area 16. The intent of HRWC is to ensure nondiscrimination and equal opportunity in the admission or access to, opportunity or treatment in, or employment, in the administration of or in connection with any program or activity funded in whole or in part with WIOA Title I funds. In addition, this Policy applies to HRWC programs funded with other federal, State and/or local government funding sources.

In that regard, it is important to understand that it is unlawful for this Recipient of federal financial assistance to discriminate against any individual in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of WIOA, on the basis of the individual's citizenship status or participation in any WIOA Title I financially assisted program or activity. Information regarding specific rights is included on the "EQUAL OPPORTUNITY IS THE LAW" poster (English and Spanish versions), which are publically displayed within program provider site locations, HRWC Virginia Career Works Centers, Opportunity Inc. Youth Career Center and the HRWC Headquarters Office. Staff will direct you to the poster, as well as, explain your rights under the discrimination complaint policy, if needed. Assistive technology if needed to access the poster information is available upon request.

Note: HRWC was formerly known as Opportunity Inc. of Hampton Roads. All policy requirements previously issued in the name of Opportunity Inc. remain in force.

What to do if you believe that you have experienced discrimination

If you believe that you have been subjected to discrimination under a WIOA Title I funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: Mr. Bill Coley, Virginia Local Workforce Development Area 16 (
Recipient) EO Officer, Suite 1314, 999 Waterside Drive, Norfolk, VA 23510, (757) 314-2370, bcoley@vcwhamptonroads.org, VA Relay 711 (if needed); or, Ms. Vicki Tanner, State WIOA EO Officer, VCCS, Suite 200,300 Arboretum Place, Richmond, VA 23236, (804) 819-1682, vtanner@vccs.edu, VA Relay 711 (if needed); or, Ms. Shirley M. Bray-Sledge, State- Level EO Officer, VEC, 703 East Main Street, Room 102, Richmond, VA 23218, (804) 786-3466, Shirley.bray-sledge@vec.virginia.gov, VA Relay 711 (if needed); or, Director, Civil Rights Center (CRC), United States Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, D.C. 20210.

If you file a complaint with the Recipient, you must wait either until the Recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the CRC (see address above). If the Recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the Recipient to issue that Notice before filing a complaint with CRC. However, you must file your complaint within 30 days of the date on which the 90-day period expired.

Complaint Document Information

Complaints may be filed by an individual complainant or on behalf of a complainant by an authorized representative, in writing, and be signed by the complainant or authorized representative. In addition, the complaint document must include the following information:

1. Complainants name, address and telephone number, or other means by which the complainant may be contacted.
2. Identification of the individual(s) and/or organization responsible for the alleged discrimination.
3. Thorough description of the complainant’s allegations to (a) determine the Grant Recipient’s jurisdiction regarding the complaint, (b) timeline of the alleged act(s) of discrimination (c) specific prohibited basis or bases for the alleged discrimination (i.e. race, sex, etc…), and (d) apparent merit of the complaint.

Complaint Actions

All written complaints submitted to the Recipient will be investigated by the EO Officer in accordance with the following process:

1. A written notice will be sent to acknowledge receipt of the complaint and to inform that the complainant has the right to be represented in the complaint process.
2. A written statement will be provided to the complainant or authorized representative that contains a list of issues raised in the complaint and, for each issue, a statement whether the Grant Recipient will accept or reject the issue, and the reason(s) for any rejection(s).
3. A period of fact finding will be conducted by the EO Officer, which will include interviews with the complainant, individual(s) named in the complaint and other individuals as warranted.
4. A written notice of Final Action will be provided to the complainant within 90 days of the date on which the complainant filed; that contains the Grant Recipient’s determination.

All activities and records of the EO Officer related to the investigation and fact finding of a complaint shall ensure the confidentiality of the complainant and any resulting actions.

Policy Distribution
A copy of this Policy will be provided to all WIOA Title I Program Applicants, Participants, Program Providers, ITA Vendors and WIOA Title I funded Program Provider Staff. In addition, the Policy will be posted on the HRWC website at www.vcwhamptonroads.org and a discussion of the rights provided under this Policy will be included in Program Applicant/Participant and new WIOA Title I funded Program Provider Staff orientations. Program Participants, Applicants and WIOA Title I funded Program Provider Staff will document their receipt of the Policy on the HRWC Nondiscrimination and Equal Opportunity (EO) Statement which will be retained in the Participant/Applicant/Staff file. For this Policy, an “Applicant” is an individual who has formally applied for WIOA Title I funded services and a file has been started. The Statement Form is attached to this Policy.

**Babel Notice**

Section 188 of WIOA requires WIOA Grant Recipients to indicate in appropriate languages that language assistance is available for all communications of vital information, in either hard copy or electronic form, which are issued. For this purpose, the determination of “vital” will be the responsibility of HRWC Consistent with the EQUAL OPPORTUNITY IS THE LAW Posters for the local area, this Policy is issued in Spanish as well as English. In addition, a Babel Notice will be provided to Applicants/Participants as part of the WIOA Title 1 Youth, Adult and Dislocated Worker Intake Packets. Individuals needing language assistance should contact either Mr. Bill Coley, EO Officer at (757) 314-2370 or Ms. Nancy Stephens, Assistant EO Officer, at (757) 629-4674. The aforementioned contact information is contained within the Babel Notice.

**EO/ Nondiscrimination Monitoring**

The HRWC EO Officer will monitor all aspects of the distribution of and adherence to this Policy in order to ensure that all applicable entities have been informed accordingly. This will be done on an annual basis through a combination of desk reviews, on-site visits and discussions with applicable staff and participants as a part of formal contract monitoring activities, where applicable. In addition, the HRWC EO Officer will conduct EO Training, as required, and investigate and document complaints of disparate treatment, when warranted. Service provider as well as employment opportunity outreach and recruitment activities will be reviewed on an ongoing basis in order to ensure that the full community has been afforded access to such. Documentation of such will be maintained by the EO Officer. Monitoring activities will be coordinated with The Virginia Department of Aging and Rehabilitative Services and Virginia Department of The Blind and Visually Impaired, as applicable and appropriate.

**Recordkeeping and Retention**

The Recipient will maintain an automated or manual log of discrimination complaints to include name and address of the complainant; basis for the complaint (i.e. race, sex, etc…); description of the complaint; date the complaint was filed; the disposition and date of disposition; and, any other pertinent information. Records will be maintained for a period of 3 years from the date of complaint resolution and will be maintained in a confidential manner. In the event that it is necessary that a person’s identity be disclosed, the person shall be protected from retaliation.
NONDISCRIMINATION AND EQUAL OPPORTUNITY (EO) STATEMENT
WIOA Title I Participants, Applicants and Program Providers

Civil Rights:
The Hampton Roads Workforce Council (HRWC), as the Recipient of federal funds under Title I of the Workforce Innovation and Opportunity Act (WIOA) for Virginia Local Workforce Region 16, welcomes you as an Applicant/Participant/Program Provider Staff under Title I of WIOA. The intent of HRWC is to ensure nondiscrimination and equal opportunity in the admission or access to, opportunity or treatment in, or employment, in the administration of or in connection with any program or activity funded in whole or in part with WIOA Title I funds.

In that regard, it is important to understand that it is unlawful to discriminate against any applicant or participant on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, and against any beneficiary of, applicant to, or participant in programs financially assisted under WIOA Title I or activities funded under WIOA Title I on the basis of citizenship, lawful residency, work status or participation. Information regarding your rights is included on the “EQUAL OPPORTUNITY IS THE LAW” posters, which are publically displayed within your program site location. Staff will direct you to the poster, as well as, explain your rights under the discrimination complaint policy, if needed.

What to do if you believe that you have experienced discrimination:
If you believe that you have been subjected to discrimination under a WIOA Title I funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: Mr. Bill Coley, Virginia Local Workforce Region 16 (Recipient) EO Officer, 999 Waterside Drive, Suite 1314, Norfolk, Virginia 23510, (757) 314-2370, bcoley@vcwhamptonroads.org, VA Relay 711 (if needed); Ms. Vicki M. Tanner, State WIOA EO Officer, VCCS, 300 Arboretum Place, Suite 350, Richmond, VA 23236, (804) 819-1682, vtanner@vccs.edu, VA Relay 711 (if needed); or, Ms. Shirley M. Bray-Sledge, State-Level EO Officer, VEC, 703 East Main Street, Room 102, Richmond, VA 23218, (804) 786-3466, Shirley-bray-sledge@vec.virginia.gov, VA Relay 711 (if needed); or, Director, Civil Rights Center (CRC), United States Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, D.C. 20210.

If you file a complaint with the Recipient, you must wait either until the Recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the CRC (see address above). If the Recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the Recipient to issue that Notice before filing a complaint with CRC. However, you must file your complaint within 30 days of the date on which you received the Notice of Final Action.

Attestation:
By signing below, I attest that I have read and/or had explained to me the above rights and have been given a copy of the current HRWC EO Policy #15-14.

Applicant/Participant/Program Provider Staff Signature __________________________ Date ________________

Applicant/Participant Parent or Guardian Signature (as needed) __________________________ Date ________________

Note: This signed and dated form is to be retained in the Applicant/Participant/Staff File.
5% YOUTH INCOME EXCEPTION POLICY

Policy # 15-15
Revision # 1
Effective Date: 3/1/17

Purpose

The Workforce Innovation and Opportunity Act (WIOA) outlines a broader youth vision that is grounded in evidence-based strategies to support a service delivery system that is dedicated to achieving high levels of performance, accountability and quality in preparing young people for the workforce. WIOA provides an exception to the low-income criteria under the Youth Program to allow for more disadvantaged youth to be enrolled and served.

This exception allows Local Workforce Development Boards (LWDBs) to enroll youth participants who do not meet the low-income criteria (non-low-income youth) for the WIOA Youth Program but would otherwise be able to benefit from the program services.

The purpose of this Policy is to provide for the use of the 5% Youth Income Exception by Hampton Roads Workforce Council (HRWC) Youth Program Contractors in accordance with the process shown below.

Note: HRWC was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

Background

In accordance with Section 129 (a)(3)(A)(ii) of WIOA and Virginia Community College System (VCCS) VWL #16-12, each LWDB must not enroll more than 5% of “covered individuals” who are not low income into the WIOA Youth Program at any given time. WIOA defines all In-School Youth (ISY) and the following two (2) categories of Out of School Youth (OSY) as “covered individuals”:

- A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is basic skills deficient or an English language learner.
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. (Please reference Opportunity Inc. Policy #15-13, Revision #2 for specific guidance regarding the Additional Assistance Category)
**Note:** A youth who lives in a High Poverty Area is automatically considered to be a low-income individual and would not be considered for a 5% Exception.

The participant base for the calculation of the 5% Income Exception at any time during a program year is the combined total of all ISY participants and those OSY participants who are required to meet the WIOA low-income criteria.

**Process to use the 5% Income Exception**

Prior to enrolling any WIOA Youth Program participant under the 5% Income Exception, Youth Program Contractors **must first request approval from the HRWC Youth Program Coordinator**. This request must be in writing. The Coordinator will review the request and respond in writing as soon as possible. Contractors must ensure that approved requests result in the verification and documentation of all other required participant eligibility items, in accordance with current requirements. Requests that would cause 5% of overall covered individuals to be exceeded, will not be approved.

**5% Income Exception Monitoring**

The Youth Program Coordinator will monitor the use of the 5% Income Exception in relation to the respective Youth Program participant count in the VaWC on an ongoing basis. Prior to approving any 5% request a review of the VaWC will be conducted, at that time. In addition, the Coordinator will review the use of the 5% Income Exception and related eligibility documentation during the Youth Program Contractor monitoring process.
PARTICIPANT INFORMATION CONFIDENTIALITY POLICY
PII POLICY NOTIFICATION

Policy # 15-16
Effective Date: 7/1/15

Background

It is the practice of the Hampton Roads Workforce Council (HRWC) to maintain the confidentiality of participant information contained in Workforce Innovation and Opportunity Act (WIOA) and other federally funded program records, in addition to Personally Identifiable Information (PII) obtained from participants as part of their receipt of programmatic services and activities from the One-Stop System, in accordance with the HRWC PII Policy. This Policy is posted for public viewing in the One-Stop Centers and with the Youth Program Contractors.

Note: HRWC was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

Guidelines

Participant program records and PII will be maintained in a secure location and access to such will only be granted to those staff who have a “need to know” that is directly related to the participant’s participation in a federally funded program administered by HRWC. Access will be granted to the Department of Labor Employment and Training Administration (DOLETA) or other federal agency or department providing the funding for the participant’s program, Commonwealth of Virginia, HRWC staff, and their duly authorized agents. The access will be restricted for the purposes directly related to the participant’s participation in a federally funded program operated under the purview of HRWC. Access to participant records and PII can be provided to other parties at the request of the participant with a signed release form describing the information to be provided, purpose and authorized entity to receive such, as signed and dated by the participant (and parent/guardian if under 18 years of age), unless otherwise ordered by a court subpoena or other written order issued by a Local, State or Federal Court.

Participants are to be provided with the aforementioned information and directed to the PII Policy public posting in the One-Stop Center or Youth Program Contractor’s site, at the time of program registration. Participants are to sign and date the Attestation Section of this Form to document that they have been informed of the aforementioned information. This Form, any future release forms authorized by the participant and any related court order(s) are to be maintained in the participant’s program file.
ATTESTATION:

I, the undersigned participant, have been informed of the HRWC PII Policy and Confidentiality of Participant Information Practices:

__________________________  ______________________
Participant Signature        Date

__________________________  ______________________
Staff Signature              Date
Hampton Roads Workforce Development Board Appointment Process Policy

Policy# 15-17

Effective Date: 2/11/15

A. Nomination & Selection Process:

The Hampton Roads Workforce Council (HRWC), on behalf of the Chief Local Elected Officials of the Cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach and the Counties of Isle of Wight and Southampton, from time to time may contact the appropriate entities in the region for nominations to appoint members and/or to fill vacancies on the Hampton Roads Workforce Development Board, based on the process below. Vacancies will be filled in the same manner as original appointments.

Note: HRWC was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

Private sector representatives will be selected from among individuals nominated by local business organizations (i.e. Chambers of Commerce, Trade Associations or Economic Development organizations). Individual businesses may also nominate themselves or provide nominations of other businesses to the Chief Local Elected Officials. Private sector representatives can include owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy making or hiring authority. They must be from the local high demand industries including Healthcare, Port or Logistics, Information Technology or Advanced Manufacturing (or related industries).

Local educational entity representatives will be selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities including local school boards, entities providing vocational education, entities providing secondary adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges).

Labor representatives will be selected from among individuals nominated by local labor federations or other employee organizations and/or the state AFL-CIO.

For all other members, appropriate groups in the local area will be consulted for possible individuals to serve including representatives of community-based organizations and economic development agencies.

For more information or to submit nominations, contact boardnominations@vcwhamptonroads.org.

B. Public Participation

HRWC, on behalf of the Chief Local Elected Officials of the Cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach and the Counties of Isle of Wight and Southampton, will provide public notice on the HRWC website of the intent to solicit nominations for board membership.
ACCOUNTING MANUAL

Policy #15-18
Revision #2
Effective Date: 7/1/18

Note: The Hampton Roads Workforce Council (HRWC) was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised. All references to Opportunity Inc. contained in this Manual are to be understood to mean HRWC.
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I. BACKGROUND

Opportunity Inc of Hampton Roads (OppInc) is a special purpose governmental consortium established by the cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk, and Virginia Beach, and the counties of Isle of Wight and Southampton.

Its purpose is to promote Workforce Development in Hampton Roads and to administer local employment and training programs for eligible individuals.
Funds for OppInc are, for the most part, appropriated by Congress through the Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128) and are allocated to OppInc by a prescribed formula in the Act. These funds allocated to OppInc are governed by the Commonwealth of Virginia through the Virginia Community College System (VCCS) and the City of Virginia Beach, the WIOA Grant Recipient. OppInc directly receives and accounts for WIOA funds from the VCCS. This does not preclude OppInc from receiving and administering other funds through the system described in this manual.

A. PURPOSE OF THIS MANUAL

It is the purpose of this manual to describe the internal financial management system and procedures used by OppInc in administering all funds available to the organization. The Vice-President of Finance and Administration of OppInc and the Finance Department are responsible for compliance with all aspects of this manual.

This manual will be used as a working guide for OppInc employees and as a documented procedural manual for auditors and/or other appropriate individuals or organizations.

The following additional objectives are intended to be accomplished by this manual:
1) Insure that all financial requirements of the Act, Federal regulations, State regulations, and VCCS instructions are followed by OppInc.

2) Provide for a budgeting process that allows for proper expenditure and monitoring of funds.

3) Establish an adequate system of internal control to properly safeguard assets and to provide a system to assure the accuracy and reliability of accounting data.

4) Define documentation necessary to support accounting records.

5) Insure that sufficient records, ledgers, and support documentation are maintained to establish a clear audit trail.

B. APPLICABLE RULES, REGULATIONS, AND PROCEDURES

OppInc, in administering funds provided through the Workforce Innovation and Opportunity Act (WIOA), must adhere to the following rules, regulations, and procedures:

1) Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 including amendments thereto;

2) WIOA Regulations, Department of Labor, and revisions;

3) OMB Uniform Guidance for Federal Awards
4) Management Requirements for WIOA programs and activities, VCCS;

5) Instructions and Guidance Material, Financial Reporting to the VCCS; and

6) WIOA Interpretations as published by the VCCS.

C. DUTIES AND RESPONSIBILITIES OF STAFF

OppInc serves as the grant sub-recipient and as staff and fiscal agent of the Hampton Roads Workforce Development Board (HRWDB).

The Hampton Roads Workforce Development Board approves the annual plan which includes the overall budget for the organization. Management and administrative functions of OppInc are performed by staff hired by the President and CEO. The CEO is appointed and hired by the HRWDB.

D. BONDING AND INSURANCE

OppInc maintains a blanket dishonesty bond or crime insurance policy to cover all employees. The amount of coverage is $1 million. OppInc also maintains Director’s and Officer’s Liability and Errors and Omissions Insurance in the amount of $1 Million.

Insurance and Bonding requirements for subcontractors are included in all contractual agreements between OppInc and subcontractors.

OppInc also maintains a comprehensive general
liability insurance coverage for bodily injury, illness, or any other damages or losses, or any claims arising out of any activity under a WIOA contract or agreement whether concerning persons or property. OppInc also maintains workers compensation coverage and unemployment insurance for all employees.

II. INTERNAL CONTROLS

The objectives of OppInc’s internal controls are the following:

- To insure that liabilities, obligations, and expenditures comply with applicable Federal, State or Local laws and regulations;
- To insure that all transactions are authorized and are accurately recorded;
- To accurately account for all cash and other assets, liabilities, grants, other revenues, and expenditures; and access to any assets is permitted only with the proper approval of the CEO or his/her assigns;
- To permit the preparation of relevant and reliable financial reports and other required financial information reports; and
- To provide segregation of duties and responsibilities among OppInc staff to achieve maximum efficiency of control.
- In order to accomplish the aforementioned objectives, OppInc has adopted the following:

- An organizational plan which provides for the segregation of duties. This prevents any one employee from having complete control over all phases of a transaction. The flow of work from one employee to another provides a cross-check but avoids duplication of efforts. When sufficient staffing does not exist to provide the desired separation of duties and cross-checks, other available personnel are utilized to maximize internal controls;

- A computerized accounting system which will accurately account for all assets, liabilities, revenues, expenditures and will generate the required financial reports;

- A set of authorization procedures for any transaction that will create claims and obligations

- A HRWDB approved annual implementation plan and operating budget.

III. GENERAL ACCOUNTING SYSTEM

A. OVERVIEW

OppInc is required to establish the necessary fiscal controls and fund accounting procedures in order to satisfy the requirements set forth in Public Law 113-128 and VCCS rules and regulations.
OppInc has established a Financial Accounting System in accordance with generally accepted accounting principles and applicable Governmental Accounting Standards Board (GASB) Statements, and includes internal controls sufficient to safeguard assets, to compare actual expenditures with budgeted amounts and to provide source documentation to support accounting records. OppInc has adopted GASB Statement No. 34, Basic Financial Statements - and Management’s Discussion and Analysis - for State and Local Governments, for financial reporting.

B. METHOD OF ACCOUNTING

All funds received and expended by OppInc are accounted for by grants fund accounting. A fund is defined as "a fiscal and accounting entity with a self balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations."
C. BASIS OF ACCOUNTING

OppInc has adopted a modified accrual basis of accounting in accordance with generally accepted accounting principles. Federal or State funds are considered available as awarded by the Commonwealth of Virginia or Federal Agencies. Generally, liabilities are recorded in the month they are incurred. Revenue is recorded as expenditures are incurred. Depreciable assets are recorded as expenditures in the grants fund and capitalized at historical cost in the government-wide financial accounts.

D. COSTS POLICY STATEMENT AND COST ALLOCATION METHODOLOGY

A cost allocation plan (CAP) is utilized to allocate allowable and eligible expenditures that support more than one funding stream or grant.

EXPENDITURE CLASSIFICATIONS

OppInc expenditures are classified as Operations, One-Stop System, Program Expenditures paid to Sub-Recipients or Sub-Contractors, and Other Direct Charges.

Operations expenditures include personnel and fringe benefit costs of staff, facilities rentals, office equipment, rentals, services, maintenance and supplies, travel, communications, annual financial and compliance audit, organization dues and memberships, general liability and property insurance, help wanted and legal ads, publications and printing, staff development, record retention and other allowable expenditures associated with the LWDB and OppInc as the lead workforce development organization in the area.

One-Stop System expenditures are the costs of establishing, operating and maintaining one comprehensive and affiliate sites to provide career services to individuals, business services to
employers or partners and other organizations. These expenditures specific to the One-Stop System fall into the same category as Operations expenditures, but are accounted for separately. Additional categories of expenditures for the One-Stop System include client assessment materials and services, outreach and recruitment supplies and services for programs, security services, and resource room supplies and services.

Program Expenditures paid to Sub-Recipients or Sub-Contractors (Vendors) include payments to organizations for reimbursement of direct program expenditures that they have already incurred to provide the activities and scope of work as detailed in their contract, memorandum of understanding (MOU) or agreement, or for billings for services rendered in accordance with a contract, MOU or agreement. For OppInc’s purposes, Sub-Recipients include Youth Program Contractors that responded to one or more Request for Proposal (RFP) to operate Youth programs. Sub-Recipients could also include an organization providing program services for a specific grant or funding stream procured in accordance with applicable procurement requirements or as directed by a grant or contract. Sub-Contractors include all other organizations with whom OppInc has entered into a contract, MOU or agreement. Program expenditures include training or other allowable expenditures paid on behalf of enrolled participants and billed by ITA training providers or other service providers, including employers in OJT or incumbent worker programs or contracts.

Other Direct Charges include all other expenditures that are incurred for the benefit or support of a specific funding stream or grant, but that are not part of Operations, the One Stop System, or Program Expenditures paid to Sub-Recipients or Sub-Contractors. Other Direct Charges are usually program expenditures, but may be administrative costs in accordance with WIOA or other grant definition of administrative costs.

COST ALLOCATION PLAN

ONE STOP SYSTEM

One Stop System costs that are to be allocated are originally recorded as expenditures in two distinct cost pools - a Career Developer pool and a Management One Stop pool.

The System employs several Career Developers who provide services to individuals enrolled as Adults or Dislocated Workers only. The personnel costs incurred by these Career Developers
are originally recorded as expenditures in the Career Developer pool. At the end of each reporting period (monthly), these costs are then allocated to the Adult and Dislocated Worker Funding Stream based on the number and percentage of participants enrolled in each funding stream during the month compared to the total enrolled in those two funding streams together during the same month. Additional funding streams can be added to this allocation methodology if these Career Developers provide services to additional participants enrolled under the additional funding streams and the System does not employ other staff to provide the services that would otherwise be direct charged to the additional funding stream.

All other One System Costs that must be allocated are originally recorded as expenditures in the Management One Stop pool. At the end of each reporting period (monthly), these costs are then allocated to all funding streams with enrolled participants in the One Stop System in the same methodology and process as the Career Developer pool. The allocation is based on the number and percentage of participants enrolled in each funding stream during the month compared to the total enrolled in those funding streams during the month.

OPERATIONS

OppInc utilizes two main costs pools and two cost sub-pools for the allocation process for Operations expenditures. The two main pools are program costs and administration costs and the two sub-pools are executive costs and overhead costs.

The executive cost sub-pool is for personnel and other costs incurred by the President/CEO and the Vice-President of Workforce Innovation of OppInc that are originally recorded as expenditures in the Executive cost sub pool. These senior staff are involved in all program and administrative aspects and functions of OppInc. At the end of each reporting period (monthly), these costs are then allocated to the administration cost pool (or direct to WIOA administration) and the program cost pool. This allocation is based on the percentage of personnel costs directly charged to administration during the month compared to the total personnel costs for the month. OppInc complies with the applicable State or WIOA guidance regarding classification and recording of administration expenditures.

The Overhead cost sub-pool is for Operations expenditures that are not specific to the executive cost sub pool nor can be
direct charged to the administration cost pool (or WIOA administration) or the program cost pool. An example is the monthly lease for the operations office. These costs are originally recorded as expenditures in the Overhead cost sub-pool. At the end of each reporting period (monthly), these costs are then allocated either to the administration cost pool (or WIOA administration) or the program cost pool in the same methodology and process as the Executive cost sub pool.

All other Operations program expenditures that must be allocated and are not originally recorded to the sub-pools are originally recorded to the program pool.

At the end of each reporting period (monthly), if any expenditures were originally recorded in the administration pool and/or allocated from the sub-pools into the administration pool, then these costs are then allocated to applicable funding streams as administration costs based on the percentage of expenditures charged directly to each funding stream compared to the total direct expenditures for the same reporting period. The total direct expenditures includes One Stop System costs after its allocation process, Program Expenditures paid to Sub-Recipients and Sub-Contractors, Training and other direct charges.

The final step in the plan allocates operations expenditures remaining in the main program costs pool that were either originally recorded in the pool or were allocated from the sub-pools. At the end of each reporting period (monthly), expenditures remaining in the main program costs pool are then allocated to applicable funding streams in the same methodology and process as the allocations from the Administration pool.

E. DETERMINATION OF ALLOWABLE COSTS

OppInc is required to follow the policies, practices and rules included in the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance) as a condition of receiving Federal Awards and operating programs with Federal Awards. Sub-part E of this guidance addresses the determination of allowable costs.
Additionally, the Workforce Innovation and Opportunity Act and its rules and regulations contains certain costs restrictions that are not included in the Uniform Guidance. Also, the Virginia Community College System and its rules and regulations prescribes certain cost restrictions pertaining to funds it provides to OppInc.

F. COST LIMITATIONS

Language removed and incorporated into E above.

G. FINANCE DEPARTMENT

The Finance Department consists of the Vice-President of Finance and Administration and current approved and budgeted staff. The Department is under the direct supervision of the Vice-President of Finance and Administration, who in turn, is under the supervision of the President/CEO.

H. SAGE 300 ACCOUNTING SOFTWARE

The Sage 300 Accounting System is a modular, Windows based and menu-driven system that allows OppInc to record and manage its day to day transactions, as well as producing financial statements and detail reports to meet management needs and State and Federal reporting
requirements. OppInc is currently using Sage 300s
general ledger, accounts payable, common services and
administrative services modules.

OppInc Finance staff also uses PayWare software to
produce and manage the Payroll process.

Sage 300 and all financial software are located on a
Local Area Network (LAN) which is only accessible by
password by Finance Department Staff.

I. FLOW OF TRANSACTIONS

1. Cash Receipts:

The amount of funds available under each grant is
communicated through a "Notice of Award" (NOA) issued
by the VCCS or by award notices by other Agencies.
The VCCS provides for the drawdown of funds as needed
and other funds are available as allowed by other
Agencies. OppInc prepares its cash requests based on
projected minimum and immediate cash needs from funds
available. These requests are prepared by the VP of
Finance/Finance Dept. Staff and approved by the
President/CEO prior to submission.

For internal control purposes, the OppInc Staff
Assistant receives all the incoming mail including all
cash receipts. Incoming mail addressed to "OppInc" is
given to the CEO and all checks payable to OppInc are
turned over to the Finance Dept. and stamped "for
deposit only". Most Federal Funds are received via
direct deposit into OppInc's demand deposit account.
OppInc receives electronic notification from the VCCS
of deposits to be received on the following day or
two. The VP of Finance/Finance Dept. Staff verifies
receipt of all Federal Funds and verifies that the
amount matches the original request. The VP of
Finance/Finance Dept. Staff gives the Accountant a
copy of each Federal Funds deposit and the Accountant
prepares the receipt journal entry.

2. Accounts Payable and Cash Disbursements:

a. Types of Transactions

All payments are processed through a batch
system in the Sage 300 accounts payable module.
Disbursements of program funds are a result of
invoices or billings from subcontractors,
suppliers of goods and services, payroll and
staff travel reimbursements. Invoices can be
received by mail, e-mail or fax. The Staff
Assistant stamps the invoices as received and
enters them into a log and forwards the invoices
to the Finance Dept. Accountant. Generally, all
sub-contractors' invoices/billings are first reviewed by the VP of Finance/Finance Dept. Staff and then routed to the specific Program Manager and the Operations Officer for verification of participants and compliance with the contract currently in force.

Invoices from suppliers of goods and services for OppInc are stamped as received by the Staff Assistant and are also matched to purchase orders as applicable. They are then routed to the Finance Dept. Accountant for processing. Also, requests for mileage reimbursements or travel advances are all subject to the approval of the CEO or his/her assigns prior to payment. Payroll disbursements are generated on a bi-weekly basis and approved by the President/CEO.

b. Accounts Payable Batch System

After all invoices or billings have been reviewed and approved by program managers and/or the Workforce Services Officer, the Accountant prepares Sage 300 Accounts Payable Batch transaction entries, prints them, and submits them to the Director of Accounting for review, who submits it to the VP of Finance and
Administration for review and approval. Upon approval, the Accountant posts the entry to record the transaction. The purpose of the Batch is to clearly document to which program the expenditure will be charged by assigning the proper accounting and fund codes and to otherwise provide a summary of the transaction. Checks are prepared at least weekly and submitted to the President/CEO, Workforce Services Officer and/or the VP of Workforce Innovation for signatures. (Checks for less than $500 require only one signature). The President also signs the Batch printout report at the same time checks are signed. Signed checks are prepared for distribution by the Office Manager who then delivers them to the Finance Department for distribution as allowed by available cash. The President/CEO, Vice-President of Workforce Innovation and the Workforce Services Officer are the only signatories approved for OppInc disbursements. All paid original invoices are immediately and permanently attached to the Batch printout, the copy of the check and the purchase order if applicable or other approving documents
and filed in Vendor Files in the Accountant’s office.

Requests by any OppInc employee for the purchase of supplies, materials, or services is initiated by completing a purchase requisition/request for payment which must be approved by the Department Head for appropriateness, the VP of Finance for budget compliance and account coding, and the CEO or his/her assigns for final approval. Requests for refreshments for meetings must include agendas or other documents that describe the purpose for which the refreshments are requested. Once all approvals are obtained, purchase orders are issued by the Staff Assistant when appropriate. Receipt of supplies and materials is verified by the Staff Assistant through comparison of the approved purchase order and the shipping documents accompanying the supplies. When verified, the purchase order or delivery receipt is dated and signed received by the Staff Assistant.

The Finance Department reviews outstanding
purchase orders at least weekly to ensure that needed materials are received timely and, ultimately, to properly record accrued expenditures in the proper accounting period.

Blank checks are kept in a locked file cabinet in the Accountant's office. Unusable checks are voided and filed.

c. Bank Reconciliation

At the end of each month, the bank statement is reconciled with the general ledger cash balance by the Director of Accounting.

3. Payroll:

The personnel file of each individual contains the status of employment with OppInc, benefits available, requested payroll deduction, required documentation of withholding taxes, and the rate of pay. This file is maintained and updated by the Accountant.

Changes in an employee's rate of pay may result from a merit increase or outstanding performance award, a Cost of Living Adjustment (COLA) budgeted by the HRWDB, a reclassification of the position, or a change in the position. The Accountant is notified of a change in an employee's pay rate for a
merit and/or outstanding performance by receipt of an approved notice of personnel action form containing the change. A hire memo will be forwarded to the Accountant by the CEO reflecting changes in pay as a result of a change in position.

Upon receipt of the hire memo, the Accountant will see that a notice of personnel action form is completed and forward it to the CEO for signature. Upon receipt of the approved Notice of Personnel Action form, the Accountant will update the employee master file in the PayWare software.

Voluntary deductions and changes in deductions are initiated by the Accountant upon receipt of a written, signed request from the employee authorizing the action. Non-voluntary deductions and withholdings initiated by court order are implemented by the Accountant upon receipt and in accord with the court order. Upon receipt of the appropriate authorizing documentation, the Accountant will update the employee master file in the PayWare software.

Oppinc prepares payroll every two weeks and employees are paid every other Friday. All
timesheets are prepared by the employees and are approved by their supervisors. The Accountant receives approved timesheets and reviews them for completeness and accuracy and then inputs the hours worked as approved on the timesheets into the payroll software. A preliminary payroll report is generated and reviewed by the VP of Finance/Finance Dept. Staff. This preliminary payroll report includes the timesheets and leave authorizations and the VP of Finance/Finance Dept. Staff certifies that the hours for time worked and hours on sick or annual leave as totaled on the preliminary report match the hours on the timesheets. The VP of Finance then recommends approval of the payroll and submits it to the CEO for approval. After approval by the CEO, the Accountant prints payroll advices for employees on direct deposit and otherwise completes the payroll process, including printing of required reports, paying payroll taxes and arranging the direct deposits with our bank. The Office Manager distributes the payroll advices to employees. Funds are available for employees on direct deposit on the actual pay day.
J. PROCUREMENT

OppInc has established procurement procedures detailing the approved requirements for the purchase of goods and services for use by OppInc and subcontractors. The manual is in compliance with the Virginia Public Procurement Act, WIOA regulations and VCCS policies and HRWDB policies. The HRWD has set the procurement threshold for competition at $30,000. OppInc will accept a subcontractor procurement system as long as it does not violate the Virginia Public Procurement Act, WIOA Regulations and VCCS Policies. Terms in subcontractor’s contracts outline procurement policies and procedures.

K. PROPERTY MANAGEMENT

Equipment/Furnishings with a unit price of $5,000 or more requires approval by OppInc and the VCCS and will be placed on the depreciable Fixed Asset List if required.

If required by a specific funding stream, grant, sub-award or governing agency, an inventory list of all desktop and laptop computers (including peripherals) purchased by OppInc or its contractors as part of a specific funds, will be maintained in the same manner as
the depreciable Fixed Asset List.

All property included on either list is OppInc property and is accounted for and maintained by OppInc Finance Office. The VP of Finance performs an inventory check periodically for OppInc property and any subcontractor property is monitored as part of annual program monitoring. If required by a specific funding source or grant, OppInc will comply with the requirements of that funding or grant for disposition of any listed property upon the expiration of that grant.

Once property becomes obsolete OppInc disposes of property according to applicable procedures.

L. PROGRAM INCOME

OppInc or its subcontractors may generate program income and follows policies and procedures regarding program income in accordance with the VCCS, the Workforce Innovation and Opportunity Act and the Uniform Guidance.

All program income generated must be expended for the program that produced the income.

M. DATA RECOVERY PLAN
OppInc has established a Data Recovery Plan in the event of a system crash or other disaster. The backup of the hard drive's fileserver occurs five times per week.

N. FINANCIAL REPORTING

1. Objectives

The overall objective of financial reporting is to provide information useful for evaluating managerial and organizational performance. The following are some specific objectives of financial reporting:

a) To provide the financial information that is useful for determining and forecasting the amount of resources required for current operation.

b) To provide information that is useful for planning, budgeting, and forecasting, to achieve the operational objectives. OppInc staff must be able to assess the cost implications of any program alternatives during the period and its effects on the set objectives.

c) To provide information that is useful for monitoring performance under the terms of the contract and program rules and regulations.

d) To provide information useful for evaluating
managerial and organizational performance. The
financial information should enable the HRWDB and
management staff of OppInc to evaluate the
efficiency, economy, and effectiveness of the
different programs.
e) To provide clear, concise, relevant, and
sufficiently comprehensive financial reports.

2. OppInc and/or LWDB Requirements

At the end of each month, an internal summary
report detailing cumulative expenditures by account
cost category and title/name of funds is prepared.
This report, along with budget comparison reports,
are provided by the Finance Dept. to the CEO and
others as requested. The most recent completed
internal summary report is reviewed at each Finance
and Audit Committee meeting, each Executive
Committee meeting and each Workforce Development
Board meeting.

3. State Requirements

The following reports are submitted to the
Virginia Community College System (VCCS) as
required:
a. Cash Request (CPS) - submitted as required.
b. Monthly Expenditure Report (MEDR) - due on the 25th day of the month for the preceding month.
c. Annual Close outs - report is due as directed by the VCCS following the close of the Program year.
d. Other reporting documents as required by VCCS for special funds.

O. RECORDS RETENTION

OppInc shall retain financial, statistical, and participant records and supporting documentation for a period of five (5) years following the last year the funds were available for expenditure and after the final report has been submitted to and accepted by the Department of Labor, except in cases of any ongoing litigation, audit resolution or settlement of claims. In these instances, the records will be retained until the litigation, audit, or claim is finally resolved.
1. Financial and Compliance Audit:

OppInc will procure its annual audit from an independent Certified Public Accounting firm in accordance with WIOA and State procurement standards. The annual audit is completed in accordance with The Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance) issued by OMB and by standards as set forth by the American Institute of Certified Public Accountants or other applicable regulatory bodies. The Financial Statements contained in the audit are prepared in accordance with Governmental Accounting Standards Board (GASB)Statement No. 34 and any other applicable GASB statement. OppInc, in its role as a pass-through entity of Federal funds, has the responsibility of ensuring compliance with the Uniform Guidance by its sub-recipients. The final audit report is submitted to the Virginia Community College System, the City of Virginia Beach (WIOA Grant Recipient) and to the Federal Clearinghouse as required.
2. **Debt Collection:**

   OppInc will actively pursue debt collection through those procedures prescribed in local civil ordinances in those instances when all appeals and/or other remedies have been exhausted and the Secretary of Labor has issued a final determination disallowing costs and requesting repayment.
Note: The Hampton Roads Workforce Council (HRWC) was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised. All references to Opportunity Inc. contained in this Manual are to be understood to mean HRWC.

January 1, 2018

Effective on the date above, this revised manual replaces any and all other previously approved versions and any and all other previously approved inserts or memoranda.
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OPPORTUNITY INC. OF HAMPTON ROADS
PERSONNEL POLICIES AND PROCEDURES MANUAL

I. INTRODUCTION

Opportunity Inc. of Hampton Roads (Opportunity Inc.) is a special purpose unit of local government established by the Cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk, and Virginia Beach and the Counties of Isle of Wight and Southampton. Its primary purpose is to facilitate and administer local workforce development activities and to act as the Sub-recipient and Fiscal Agent for the Federal Workforce Innovation and Opportunity Act (WIOA) funding. This federal funding is passed through the Commonwealth of Virginia and the local WIOA grant recipient to support workforce development in the above localities. The Chief Local Elected Officials (CLEOs) of the localities, or their designees, appoint the Hampton Roads Workforce Development Board (HRWDB). The HRWDB is responsible for governing and oversight of the activities of Opportunity Inc.

This manual is approved by and may be amended by the HRWDB. It defines and describes Opportunity Inc.'s personnel and other policies and procedures that are designed to assist in the implementation and the attainment of its overall mission. From time to time, clarification, and/or interpretation of the policies may be set forth by memoranda from the President/CEO. These policies and procedures are not legal contracts between Opportunity Inc. and its employees. Furthermore, if any changes to any Federal, State or Local law or regulation requires Opportunity Inc. to take action that appears to be in conflict with these policies and procedures, then the new law or regulation supersedes these policies and procedures. All employees will be notified as soon as feasible in the event this takes place.

II. NONDISCRIMINATION AND EQUAL OPPORTUNITY POLICY

As stipulated under Part 38 of the Workforce Innovation and Opportunity Act (WIOA) Final Rules and Regulations, discrimination on the basis of race, color, religion, sex, national origin, age, disability and political affiliation or belief, is expressly prohibited.

The intent of Opportunity Inc. is to ensure nondiscrimination and equal opportunity employment, in the participation, admission or access to programs and in the administration of or in connection with any program or activity funded in whole or in part with WIOA funds. In addition, this Policy

1 Effective January 1, 2018
applies to Opportunity Inc. programs funded with other federal, State and/or local government funding sources.

In that regard, it is important to understand that it is unlawful for this recipient of Federal financial assistance to discriminate against any individual in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of WIOA, on the basis of the individual’s citizenship status or participation in any WIOA Title I – financially assisted program or activity. Information regarding specific rights is included on the “EQUAL OPPORTUNITY IS THE LAW” poster (English and Spanish versions), which are publically displayed within program site locations, Opportunity Inc. One-Stop Centers, Opportunity Inc. Youth Career Center and the Opportunity Inc. Headquarters Office. Staff will direct any interested person to the poster, as well as explain your rights under the discrimination complaint policy, if needed. Assistive technology if needed to access the poster information is available upon request.

If you believe that you have been subjected to discrimination under a WIOA Title I funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

1. Mr. Bill Coley, Virginia Local Workforce Development Area 16 (Grant Recipient) EO Officer, for matters related to WIOA programs, Suite 1314, 999 Waterside Drive, Norfolk, VA 23510, (757) 314-2370, bcoley@oihr.org, VA Relay 711 (if needed); or,

2. Ms. Vicki Tanner, State WIOA EO Officer, VCCS, Suite 200, 300 Arboretum Place, Richmond, VA 23236, (804) 819-1682, vtanner@vccs.edu, VA Relay 711 (if needed); or,

3. Director, Civil Rights Center (CRC), United States Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, D.C. 20210.

Opportunity Inc. staff may file a complaint within 180 days from the date of the alleged violation with Mr. Shawn Avery, Suite 1314, 999 Waterside Drive, Norfolk, VA 23510, (757) 314-2370, sawery@oihr.org, VA Relay 711 (if needed).
If you file a complaint with the Grant Recipient, you must wait either until the Grant Recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the CRC (see address above). If the Grant Recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the Grant Recipient to issue that Notice before filing a complaint with CRC. However, you must file your complaint within 30 days of the date on which the aforementioned 90 day period expired.

Complaints may be filed by an individual complainant or on behalf of a complainant by an authorized representative, in writing, and be signed by the complainant or authorized representative. In addition, the complaint document must include the following information:

1. Complainants name, address and telephone number, or other means by which the complainant may be contacted.
2. Identification of the individual(s) and/or organization responsible for the alleged discrimination.
3. Thorough description of the complainant’s allegations to (a) determine the Grant Recipient’s jurisdiction regarding the complaint, (b) timeline of the alleged act(s) of discrimination (c) specific prohibited basis or bases for the alleged discrimination (i.e. race, sex, etc…), and (d) apparent merit of the complaint.

All written complaints submitted to the Grant Recipient will be investigated by the EO Officer in accordance with the following process:

1. A written notice will be sent to acknowledge receipt of the complaint and to inform that the complainant has the right to be represented in the complaint process.
2. A written statement will be provided to the complainant or authorized representative that contains a list of issues raised in the complaint and, for each issue, a statement whether the Grant Recipient will accept or reject the issue, and the reason(s) for any rejection(s).
3. A period of fact finding will be conducted by the EO Officer, which will include interviews with the complainant, individual(s) named in the complaint and other individuals as warranted.
4. A written notice of Final Action will be provided to the complainant within 90 days of the date on which the complainant filed; that contains the Grant Recipient’s determination.

All activities and records of the EO Officer related to the investigation and fact finding of a complaint shall ensure the confidentiality of the complainant and any resulting actions.

A copy of this Policy will be provided to all program applicants, participants, program contractors, ITA Vendors and WIOA funded staff. In addition, the Policy will be posted on the Opportunity Inc. website at www.opp-inc.org and a discussion of the rights provided under this Policy will be included in program applicant/participant and new employee orientations. Program participants and applicants will document their receipt of the Policy on the Opportunity Inc. Nondiscrimination and Equal Opportunity (EO) Statement which will be retained in the participant/applicant file. For the purpose of this Policy, an “applicant” is an individual who has formally applied for WIOA funded services and a file has been started. The Statement Form is attached to this Policy.

The Opportunity Inc. EO Officer will monitor all aspects of the distribution of and adherence to this Policy in order to ensure that all applicable entities have been informed accordingly. This will be done on an annual basis through a combination of desk reviews, on-site visits and discussions with applicable staff and participants as a part of formal contract monitoring activities, where applicable. In addition, the Opportunity Inc. EO Officer will conduct EO Training, as required, and investigate and document complaints of disparate treatment, when warranted. Service provider as well as employment opportunity outreach and recruitment activities will be reviewed on an ongoing basis in order to ensure that the full community has been afforded access to such. Documentation of such will be maintained by the EO Officer. Monitoring activities will be coordinated with The Virginia Department of Aging and Rehabilitative Services and Virginia Department of The Blind and Visually Impaired, as applicable and appropriate.

The Grant Recipient will maintain an automated or manual log of discrimination complaints to include: name and address of the complainant; basis for the complaint (i.e. race, sex, etc...); description of the complaint; date the complaint was filed; the disposition and date of disposition; and, any other pertinent information. Records will be maintained for a period of three years from the date of complaint resolution and will be maintained in a confidential manner. In the event that it is necessary that a person’s identity be disclosed, the person shall be protected from retaliation.
III. RESPONSIBILITY

A. President/CEO Responsibility

The President/CEO is responsible for the selection, retention, discharge, demotion, assignment, and evaluation of all employees, but may delegate any part of this responsibility at any time.

B. "Open Communication" Policy

Opportunity Inc. encourages two-way communication between employees and supervisors. If any employee believes a circumstance or situation exists that affects his or her ability to effectively perform his or her job, the employee should initiate discussions with his or her immediate supervisor. Additional guidance can be found later in this manual if the employee does not agree with the solution or if the employee is not comfortable discussing the matter with the immediate supervisor.

IV. WAGE AND SALARY INFORMATION

A. Job Classifications

Staff positions are classified within Opportunity Inc.'s job structure according to similarities of responsibilities and requisite qualifications. The President/CEO is responsible for the classification of staff positions, subject to the approval of the HRWDB or its designated standing committee(s). In exercising this authority, the President/CEO may ask employees to review and/or complete a description of their work assignments. Those comments will be reviewed further by supervisors, and may be used in any evaluation of the position and classification. Reclassification of an employee may result if, following an evaluation, the President/CEO determines that changes in job content are significant enough to merit changing the employee to another classification.

An employee who believes his or her actual duties and responsibilities are not properly classified may bring this opinion to the attention of the employee's supervisor. If the supervisor determines, after consultation with the employee, that a reevaluation of the job classification is justified, the supervisor must notify the President/CEO in writing to request such reevaluation.

Job classification also occurs with respect to whether employees are exempt from the provisions of the federal Fair Labor Standards Act (FLSA). See subsection IV (E) below.
B. Payroll Deductions

1. Statutory Deductions

Funds are withheld from all applicable employee earnings and submitted as follows:

- Federal and State Income Tax in amounts required by law or as directed by employees on Federal W-4 forms and State Withholding Forms.
- Social Security and Medicare Tax (FICA) in amounts required by law. These deductions are matched by Opportunity Inc. at 100% and then submitted together with the Federal Income Tax withheld.
- Virginia Retirement System in accordance with applicable Virginia law and the particular plan in which the employee is a member.
- Garnishments, levies, liens or any other deductions in amounts required by law or as directed by a court of law.

2. Optional Deductions

Eligible employees may authorize deductions and payments to third parties for:

a. Group Insurance coverage for the employee and/or other individuals as named by the employee and as authorized and allowed by law, Opportunity Inc. and the applicable insurance company.

b. A Deferred Income or Defined Contribution Plan available to eligible Opportunity Inc. employees.

c. Any other deduction authorized by employees and approved by Opportunity Inc.

3. Improper Deductions

If, in any pay period, an employee believes he or she has had an improper deduction taken from pay, he or she should notify the supervisor right away. Opportunity Inc. will promptly review the matter and make any correction needed to eliminate an error.
C. Employee Compensation

1. Compensation Schedule

The compensation schedule and salary ranges for all authorized positions is periodically reviewed by the President/CEO and the HRWDB to maintain a competitive structure that ensures a highly qualified staff. New employees will begin employment at the first step level of his or her job grade unless otherwise authorized by the President/CEO.

2. Pay Increases or Decreases

The HRWDB, as part of the budget approval process for Opportunity Inc., may grant approval or direct the President/CEO to increase or decrease the salaries or wage rate of all current, approved positions to be effective at any time during the fiscal or program year.

3. Outstanding Achievement Award

In recognition of outstanding success in the development and implementation of new programs or systems that enhance the efficiency and/or the effectiveness in the attainment of its goals and objectives, Opportunity Inc. may give an outstanding achievement award to an employee once in a program year, not to exceed two and a half percent (2.5%) of the employee’s annual compensation. A recommendation may be submitted at any time by any employee’s supervisor and must be recommended by the appropriate Vice-President to the President/CEO for consideration and approval. Each award will be included in the next pay period after approval by the President/CEO unless otherwise directed by the President/CEO. The award will not change the employee’s annual salary or wage rate and will not be included in the computation of Virginia Retirement System contributions, disability insurance, life insurance benefits or any other benefit in place at the time of the award.

All compensation schedules, pay increases, pay adjustments and/or outstanding achievement awards are subject to change and/or suspension by the HRWDB and/or the President/CEO based on the currently approved budget.

A Notice of Personnel Action form is required to be completed for all new and terminating employees and for changes in salaries, job titles, departments and sources of funding.

Effective January 1, 2018
D. Payroll Schedule and Time and Attendance Records

Opportunity Inc. operates on a bi-weekly payroll schedule, with paydays occurring one week following the end of each pay period.

All full-time employees are scheduled to work 37.5 hours per week (including approved leave), and are allowed one hour for lunch. The President/CEO is authorized to set or change the schedule for any Opportunity Inc. office or location as needed and is authorized to implement flexible schedules for any and/or all employees.

Opportunity Inc. employees are required to maintain and complete a time and attendance record each pay period and submit it to their supervisor for approval.

E. Overtime Pay

Any work in excess of the normal workweek must be authorized by the supervisor and approved by the President/CEO or his/her designee in advance. Opportunity Inc. employees who are not exempt from the FLSA are eligible for authorized, additional pay at their regular rate for hours worked in excess of 37.5, up to 40 hours for the workweek. Overtime pay for authorized, additional work in excess of 40 hours per workweek will be paid at one and one-half times an employee’s regular rate. Hours charged to vacation, sick leave, holidays or other forms of leave do not count toward eligibility for overtime pay.

In accordance with the FLSA, certain employees are exempt from overtime pay. All employees are given a determination letter from the Opportunity Inc. President/CEO as official notification of their status regarding overtime pay and are required to acknowledge in writing receipt of this letter.

V. STAFF BENEFITS

A. Leave

All regular, full-time employees are eligible to receive leave benefits detailed below, unless otherwise noted or as authorized by the President/CEO. Probationary employees will accrue Annual and Sick Leave benefits during their probationary period of employment, but will not be able to use accrued Annual or Sick Leave, unless preapproved, until after the probationary period

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Effective January 1, 2018
has ended. In addition, Probationary employees will not be paid any accrued Annual or Sick Leave if employment is terminated within the probationary period of employment.

I. Annual Leave (Vacation)

Annual Leave is accrued according to length of employment, unless otherwise adjusted by the President/CEO, as follows:

a. One day for each month employed through the first five years, or 12 days per year, or 3.46 hours per 2 week pay period or any pro-rated portion of a pay period.

b. One and one-fourth days for each month employed after the fifth year of employment, or 15 days per year, or 4.33 hours per 2 week pay period or any pro-rated portion of a pay period.

c. One and one-half days per month for each month employed after the tenth year of employment, or 18 days per year, or 5.19 hours per 2 week pay period or any pro-rated portion of a pay period.

d. One and three quarters days per month for each month employed after the fifteenth year of employment, or 21 days per year, or 6.06 hours per 2 week pay period or any pro-rated portion of a pay period.

e. Two days per month for each month of employment after the twentieth year of employment, or 24 days per year, or 6.92 hours per 2 week pay period or any pro-rated portion of a pay period.

f. If employment is terminated for any reason prior to the end of the probationary period, no leave is granted or paid.

g. All regular, non-probationary, full-time employees receive one day of Personal Leave from January 1 through December 31 of each calendar year to be scheduled with the approval of employees’ supervisor. This one day of Personal Leave may not be carried over from year to year.

h. Employees are not required to use annual leave accrued each year, but no more than twice the annual accrual may be carried into any new fiscal year (July 1), unless authorized by the President/CEO.
i. Annual leave should be requested from and approved by supervisors in advance of the leave, if possible, using the forms and/or processes in effect at the time.

j. Annual leave actually taken must be reported on the next time sheet or using the reporting record in effect at the time of the leave and will be paid accordingly if accrued annual leave is available.

k. Accrued but unpaid annual leave up to twice the current annual accrual shall be paid upon separation of employment at the employee’s current rate of pay for non-probationary full-time employees. Employees must first return all Opportunity Inc. property and have no financial obligations to Opportunity Inc. When an employee resigns, at least two (2) weeks’ notice must be given in order to be paid accrued annual leave, unless otherwise authorized by the President/CEO. Employees who are discharged for performance or conduct problems may not receive a payout of accrued but unpaid Annual Leave.

2. Sick Leave

For regular, full-time employees, Sick Leave is accrued at the rate of one day for each month employed, or 12 days per year, or 3.46 hours per 2 week pay period or any pro-rated portion of a pay period. There is no limit on the number of Sick Leave days or hours an employee can accrue. In the case of a long term illness after Sick Leave has been exhausted, an employee may use accrued Annual Leave consistent with the Annual Leave policy.

Sick Leave may be used by an employee due to personal illness, doctor appointments or the illness of an employee’s family member who resides in the same household or a dependent, regardless of residence. Sick Leave actually taken must be reported on the next time sheet or using the reporting record in effect at the time of the leave and will be paid accordingly if accrued Sick Leave is available. A doctor’s certificate shall be required if requested by the Supervisor for any Sick Leave taken for more than three consecutive work days. Upon resignation of employment with two weeks’ notice and 10 or more years of formal service or VRS retirement with five or more years of service, either of which must be preceded by at least two weeks’ notice, Opportunity Inc. employees who have returned all employer property and owe no money to Opportunity Inc. will be paid for 25% of their unused Sick Leave up to a maximum of $3,000. Employees who are
3. Jury Duty Leave

An employee absent during the regular workweek because of jury duty will receive full regular daily pay while serving. Any compensation received for jury duty services must be remitted to Opportunity Inc., unless an employee uses annual leave while serving on jury duty. If jury duty requires four hours or less on any day, the employee is expected to work the remainder of the scheduled workday. Jury Duty Leave must be verified and recorded on the Leave Request Form. All regular and probationary full-time employees are eligible for Jury Duty Leave.

4. Military Duty Leave

Two kinds of military leave may be granted – Training Leave and Service Leave.

a. Training Leave is considered as an adjusted pay absence by Opportunity Inc. It must be requested from and approved by the President/CEO or his/her designee upon presentation of the employee’s military orders. Training Leave cannot exceed 15 days per year or training period, unless otherwise stated on the military orders and approved by the President/CEO. The Employee’s pay from Opportunity Inc. will be reduced in an amount equivalent to the training pay earned during the Training Leave. All benefits the employee receives in accordance with these policies and procedures will continue during the Training Leave.

b. Service Leave is available to regular and probationary full-time employees who receive orders to report for military service. The employee should request approval for Service Leave from the President/CEO. The employee’s name will be removed from active personnel files and placed in a Service Leave File. All other leave accruals and benefits in accordance with these policies and procedures will stop. Upon discharge from military service, the employee may request and will be granted reinstatement of employment in accordance with the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA).
5. Bereavement Leave

A maximum of three days Bereavement Leave with pay is authorized for regular and probationary full-time employees due to the death of the employee’s parent, spouse, sibling, child, grandchild, grandparent, parent-in-law, grandparent-in-law, legal guardian, relative residing in the same household as the employee or a dependent regardless of residence. One (1) day of Bereavement Leave with pay is authorized for an employee due to the death of the employee’s uncle, aunt, nephew or niece. Bereavement Leave actually taken must be recorded on the next time sheet or using the reporting record in effect at the time of the leave. With approval from the supervisor, one or more of these days available for Bereavement Leave may be reserved for travel to a funeral or memorial service outside the Hampton Roads area.

6. Leave without Pay

The President/CEO may grant leave without pay for a period not to exceed twelve (12) work weeks where there is insufficient accumulation of Annual or Sick Leave to cover an authorized absence. Leave without pay is an approved absence during which time the employee retains employee status without loss of certain employment benefits or administrative conveniences that normally cease upon termination of employment, except that Annual and Sick Leave shall not accrue during this period.

Leave without pay must be requested in writing as soon as possible prior to the commencement of the leave. It will only be granted for compelling circumstances and is not favored by Opportunity Inc. as a means of retaining employment.

7. Family and Medical Leave

In accordance with the Family and Medical Leave Act ("FMLA") of 1993, as amended, an employee with at least 12 months of service and who has worked a minimum of 1,250 hours during the previous 12 months is eligible for a maximum of 12 workweeks of family and medical leave during any 12 month period for the following reasons: the birth of a child; the adoption of a child or placement of a foster child; to care for a sick spouse, son, daughter, or parent; the employee’s own serious health condition. The 12 month period is measured backward on a rolling basis from the date an employee uses any FMLA leave. In other words, each time an employee uses FMLA
leave, the remaining leave entitlement is the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Leave for the birth of a child or placement of an adopted or foster child may be taken only within twelve (12) months of that birth or placement. The right to leave for these purposes is waived if not taken during this time. An employee must provide thirty (30) days’ advance notice of such leave. If the employee is unable to provide thirty (30) days’ notice, he or she must provide “such notice as is practicable.” Leave may be taken on an intermittent or reduced basis for the birth or placement of a child, but only if Opportunity Inc. agrees to this arrangement in advance. Additionally, if both spouses are employed by Opportunity Inc. and want leave to care for their newly arrived child, their aggregate leave is limited to twelve (12) weeks.

When leave is necessary because of a serious health condition - either that of a family member or the employee - it may be taken intermittently where medically necessary. If the employee’s intermittent leave is based on foreseeable medical treatment, Opportunity Inc. may temporarily transfer the employee to a different job that better accommodates Opportunity Inc.’s needs during the employee’s recurring periods of leave. The temporary position will provide the employee with equal pay with benefits. Employees undergoing foreseeable medical treatment also are required to make a reasonable effort to schedule the treatments so as not to unduly disrupt the operations of Opportunity Inc. Employees must give thirty (30) days advance notice of medical treatment, unless unable, in which case they must give such notice as practicable.

An employee requesting family or medical leave should submit the request to his or her immediate supervisor as soon as practical to ensure that it is processed expeditiously. An employee is required to furnish medical certification from a health care provider for leave involving a serious health condition affecting either the employee or a family member.

An employee’s certification must include the date the serious health condition began, the probable duration of the condition, and appropriate, supporting medical information concerning the condition. If the leave is based on the employee’s own condition, the certification also must affirm his or her inability to perform his or her job. Where the leave is necessitated by care of a spouse, child or parent, it must be certified that the employee is needed to provide this care.

When Opportunity Inc. seeks confirmation of the validity of a medical certification, it may require a second opinion. Selection of the new health care provider is subject to Opportunity Inc.’s
approval. If the two health care providers disagree, Opportunity Inc. may require the opinion of a third jointly approved provider who shall be the final authority on the question. Second and third opinions are at Opportunity Inc.’s expense. Opportunity Inc. may also require the employee to obtain subsequent recertification and remain in contact with us on a reasonable basis.

Under this policy, an employee shall use available sick and/or annual leave, prior to being approved for leave without pay. Paid leave time will count toward and run concurrently with the total 12 weeks Opportunity Inc. is required to provide. Employee benefits will continue except that sick and annual leave will not accrue during this period, and Opportunity Inc. will maintain the employee’s group health coverage during this approved leave of absence at the same level of contribution as provided prior to the period of Family and Medical Leave. However, should an employee fail to return from leave granted under this provision, he or she will be required to reimburse Opportunity Inc. for premiums paid on his or her behalf during the period of the absence.

Generally, any employee who takes leave under the Family and Medical Leave Act is entitled to return to the same or a similar job upon completion of the leave. If the previous job is unavailable, the employee is entitled to a “genuinely equivalent” position, with equal pay, benefits, and other conditions of employment previously enjoyed. An employee who will not be returning to work at the conclusion of a FMLA leave shall notify Opportunity Inc. as soon as practicable. In the absence of written notification, failure to return to work as scheduled after FMLA leave may be interpreted as resignation. With proper communications from the employee, Opportunity Inc. will consider whether additional time off or some reasonable accommodation would be appropriate under the Americans with Disabilities Act.

B. Holidays

Opportunity Inc. will adopt holidays as designated annually or periodically by the Commonwealth of Virginia and the specific days will be communicated to employees upon availability or may be viewed on the Commonwealth of Virginia Website. All regular and probationary full-time employees are paid for holidays. Other employees may be paid for holidays as authorized by the President/CEO. Employees on any type of unpaid leave will not be paid for holidays.
C. Employee Insurances

All full-time, regular and probationary employees are eligible to join the group insurance plan(s) offered by Opportunity Inc., subject to eligibility terms of such plans. The plans are subject to change at any time and the specific benefits and premium amounts will be provided to eligible employees as necessary.

Group life insurance at twice employees’ annual salaries is provided by The Virginia Retirement System. Additional coverage is available through payroll deduction.

Insurance coverage begins on the first day of the month following an employee’s date of hire. If the date of hire is the first day of the month, then insurance coverage begins on that day. Insurance coverage ends on the last day of the month in which the employee’s employment ends. Separating employees, if eligible, may continue to participate in the group health insurance plan at their own expense in accordance with the terms of the federal law known as COBRA. Separating employees receive notice of their options regarding COBRA within the time required by law.

Other insurance and benefits paid by Opportunity Inc. of behalf of employees include Workers’ Compensation and Unemployment Insurance in accordance with all required laws, Fidelity Bonding and Directors and Officers/Errors and Omissions.

D. Staff Development

A regular, full-time, non-probationary employee who has been employed at least one year is eligible to submit a written plan requesting financial assistance in the form of a one-time award for a program designed to improve the employee’s professional and/or technical credentials and/or skills and that will provide credit toward the attainment of a certificate or degree. The program requested must be directly related to the employee’s position with Opportunity Inc. All plans must be submitted to the employee’s supervisor at least ninety (90) days prior to the beginning of the program. The employee will be notified in writing within thirty (30) days of the request whether the plan is approved, denied or approved with conditions. This notification will include the maximum annual amount of tuition (typically 50% of tuition up to $2,500 per year) that Opportunity Inc. will reimburse the employee. Tuition does not include any other expenses incurred by the employee during the program, including, but not limited to, fees, books or supplies. The total tuition that can be paid under this section is $10,000 during the time of employment.
If approved, the employee is responsible for making all arrangements necessary to begin the program. The employee must submit official documents showing passing grades and official receipts showing payment by the employee in order to be reimbursed for the tuition. Minimum passing grades are defined as “C” for undergraduate programs and “B” for graduate programs. The receipts submitted for reimbursement must clearly show the amount of tuition paid separate from any other charge or cost included.

Should an employee leave Opportunity Inc. for any reason within one year of receiving a tuition award, the employee will be required to refund the full amount of any award received in the last year.

E. Retirement/Social Security/Medicare

1. Virginia Retirement System (VRS)

The Virginia Retirement System (VRS) is a defined benefit/defined contribution retirement plan administered by the Commonwealth of Virginia. Opportunity Inc. is a member of VRS and participation by regular, full-time employees is mandatory unless a specific position is excluded by the HRWDB. Effective January 1, 2014, all employees who previously had not participated in VRS became members of the VRS Hybrid Plan. Employees and Opportunity Inc. make contributions to the VRS in accordance with laws and mandates of the Commonwealth. Additional information about the VRS is available on its website at www.varetire.org. Participation in the VRS begins with the month following an eligible employee’s date of hire, except that if the date of hire is the first day of the month, then participation begins immediately.

2. Social Security/Medicare (FICA)

Opportunity Inc. is required by law to include all employees in the Federal Social Security/Medicare Program (also called FICA). Employee contributions are automatically deducted from the paycheck in the amount required by law, and Opportunity Inc. matches that amount. Additional information about Social Security/Medicare (FICA) can be found at their websites: www.ssa.gov and www.medicare.gov.
3. Deferred Income Plan

Opportunity Inc. participates in a Section 457 Deferred Compensation Plan that allows employees to set aside, on a pre-tax basis, a portion of their salary as deferred income. Participation is voluntary and Opportunity Inc. does not match any portion of the deferred compensation.

VI. TRAVEL POLICY

Opportunity Inc. will reimburse employees for authorized travel expenses necessary to fulfill official business duties in accordance with the rates/amounts as set forth by the President/CEO. Opportunity Inc. will not reimburse for any costs prohibited by any applicable law, regulation or applicable Federal OMB Circular, nor for any fines/court costs for violations of traffic and/or parking laws. Employees should endeavor to minimize expenditures while traveling on Opportunity Inc. business. If an employee is in doubt as to whether a mode of travel, hotel or meal expense will be fully reimbursable, he or she should call in advance of incurring the expense. Proper receipts may be requested for any expense.

A. In-Area Travel

This is defined as travel within the municipal or county jurisdictions that comprise the Local Planning District Commission. When employees use their personal vehicle, reimbursement will be for mileage at the current Internal Revenue Service standard mileage rate for business, plus necessary out of pocket expenses such as tolls and parking. Employees must have a valid driver’s license and comply with all applicable Commonwealth of Virginia laws for the privilege of driving a vehicle.

1. Auto allowances in specified amounts and included in payroll checks may be authorized by the President/CEO in lieu of mileage reimbursement for in-area travel. Opportunity Inc. complies with all Internal Revenue Service requirements regarding allowances paid to employees.

2. Employees will not be reimbursed for meals and related expenses while traveling in-area, unless these expenses are incurred while representing Opportunity Inc. at an official function or meeting or as authorized by the President/CEO.

Effective January 1, 2018
B. Out-of-Area Travel

This is defined as travel to a destination outside the municipal or county jurisdictions that comprise the Local Planning District Commission. Out-of-area travel must be approved in advance using the process/forms in effect at the time of the request. Employees should strive to use the most economical and efficient form of transportation when traveling out of the area. Employees must have a valid driver’s license and comply will all applicable Commonwealth of Virginia laws for the privilege of driving a vehicle.

1. Commercial Air Travel is to be used whenever it is most economical and/or whenever driving is not efficient. Tourist/Coach or similar class accommodations are to be used and all reservations should be made by employees as soon as practical in order to take advantage of the best rates available.

2. A personal vehicle may be used with supervisory approval when commercial transportation is not to be used, or if the employee prefers to use a personal vehicle even though commercial transportation is determined to be the most efficient. Reimbursement for mileage will be at the rate for in area travel, plus parking fees and tolls, or as determined and approved by the President/CEO in the event a personal vehicle is preferred instead of commercial transportation.

3. A rental automobile from a commercial rental company may be used for any approved out-of-area travel when appropriate. Opportunity Inc. will reimburse actual expenses supported by receipts, including gasoline purchased by the employee for the travel, but not for any gasoline charge or surcharge appearing on the rental company invoice or receipt. Insurance coverage for damage to the rented vehicle that is offered by the commercial rental company should be included in the rental arrangement.

4. Other expenses that may be reimbursed for approved out-of-area travel include lodging, meals in accordance with policies or amounts in effect at the time of the travel, including tips up to 20% of the cost of the meal (maximum three meals per day), public transportation, conference or workshop attendance fees not paid in advance by Opportunity Inc. and other incidentals necessary for the purpose of the travel supported by actual receipts.

Effective January 1, 2018
C. Settlement (Travel Reimbursement Requests)

Requests for reimbursement for in-area travel should be made no more than once every two weeks using processes/forms in effect at the time of the travel. At the end of the fiscal year (June 30), requests must be received by July 10 for travel expenses incurred June 30 or prior.

Out-of-area travel reimbursement requests must be submitted using processes/forms in effect at the time of the travel and within five (5) business days after completion of the travel. Detailed original paid receipts are required to be submitted with the request.

VII. RELATED JOB INFORMATION

A. Filling Vacant and New Positions

It is the responsibility of each supervisor to report promptly to the President/CEO or his/her designee any vacancies that occur.

Opportunity Inc. is an equal opportunity employer and complies with all Federal and State laws, regulations and requirements when filling vacant or new positions.

A notice of all job openings, listing the title, salary, qualifications, a brief description of the position and how to apply will be posted on the bulletin board at all Opportunity Inc. locations for at least three full business days so that current employees have an opportunity to apply for the vacant position. Opportunity Inc. strives to fill vacancies from within the organization whenever possible.

When external applicants are desired, the notices of position vacancies and how to apply will be advertised/distributed in the selected manner(s) upon approval of the President/CEO. The President/CEO is authorized to determine the selection process for each vacant position. Any position that becomes vacant and that was filled in the last six months does not require new notices or advertisements/distributions, and may be filled by a previous, qualified applicant.

B. Temporary Appointments

The President/CEO may appoint a staff member to temporarily fill a vacant position. This type of appointment may require a temporary adjustment in the employee’s pay as determined by the President/CEO. The President/CEO may appoint temporary employees as described in Subsection F., below.
C. Orientation

When a new employee is hired, the supervisor will provide the employee with general information on what the employee can expect from the organization and what the organization can expect from the employee. The Supervisor will also coordinate with Opportunity Inc.’s Management to allow the new employee to complete required employment papers and forms needed to become an employee. A copy of this Personnel Policies and Procedures Manual will be made available to the new employee.

D. Outside Employment

Employees may not participate in other gainful employment without the written approval of the President/CEO. Such employment must not be in direct conflict with the proper discharge of his/her duties including making independent judgments in the performance of official Opportunity Inc. duties and avoiding a conflict of interest. The President/CEO determines if conflict of interest exists or may exist, in which case outside employment may be restricted or prohibited.

E. Ethics

The following policy establishes certain requirements of ethical conduct for all employees by setting forth those acts or actions that are considered to be incompatible with the best interest of the organization. The policy requires disclosure by employees of any private financial or other interests which may directly or indirectly adversely affect the organization.

No employee shall accept any gift or benefit, whether in the form of service, loan, thing, or promise, from any person, firm, corporation or governmental body which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with Opportunity Inc.; nor shall the employee, (1) accept any gift, favor, or thing of value that may tend to influence him or her in the discharge of his or her duties, or (2) grant, in the discharge of his or her duties, any improper favor, service or thing of value, or (3) misuse any Opportunity Inc. equipment; nor shall any employee fail to report any action of a person, firm, corporation or governmental body which to his or her knowledge may have an adverse effect upon Opportunity Inc., its constituent localities, and/or the staff of any of them.

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Effective January 1, 2018
F. Part-time and Temporary Employees

A Part-time Employee is one who is scheduled to work less than 30 hours per week. Part-time employees do not receive staff benefits as outlined in these policies except for those required by law or as authorized by the President/CEO.

A temporary employee is one who may be scheduled to work full-time or part-time but who is hired for only a specific length of time. Temporary employees do not receive staff benefits as outlined in these policies except for those required by law or as authorized by the President/CEO. The President/CEO is authorized to hire a temporary employee for any vacant position for up to three months without following the process as described in Subsection A above in order to temporarily fulfill an important need that resulted from the position becoming vacant.

G. Employee Records

Employee records and personnel files are maintained under the supervision of the Vice-President of Finance and Administration or as assigned by the President/CEO. An employee may review his/her own file for any reason during regular business hours, but the file may not be removed from the office where it is maintained. Copies of portions of his/her personnel file will be made available to an employee upon request in accordance with the Virginia Freedom of Information Act or any other applicable law or compulsory legal process. The President/CEO is authorized to obtain and review any and all employee records and personnel files at any time.

Employees’ records will, at a minimum, contain the completed resume and/or application if required, reference letters if requested, position descriptions, employee evaluations, documentation of disciplinary action in accordance with these policies, salary and benefit information, and other official personnel information discussed in this Manual and as authorized by the President/CEO and/or the Vice-President of Finance and Administration.

Supervisors desiring to review employee records and personnel files of any employees under their supervision or those applying for a vacant position in their department should contact the Vice-President of Finance and Administration to schedule the review.

H. Evaluations

The purpose of the employee performance evaluation is to inform employees about how well they are performing their work and how they can improve their work performance. The performance
evaluation may also be used in determining salary increments, as a factor in determining order of lay-off, as a basis for training, promotion, demotion, transfer or dismissal, and for such other purposes as set forth in these procedures or as set forth by the President/CEO.

Written employee performance evaluations may be completed at any time but should be completed at least once every two years on each non-probationary employees using the evaluation process/instrument in effect at the time of the evaluation for that particular position. An employee’s immediate supervisor is to initially prepare a draft of the evaluation and submit to/review with the department or division head prior to review with the employee being evaluated. The department or division head may also review the evaluation with the appropriate Vice-President and eventually the President/CEO if desired prior to review with the employee being evaluated.

After all supervisory reviews are completed, the immediate supervisor will finalize the evaluation and then review it with the employee. The employee will be asked to sign the evaluation, and the supervisor will sign and submit to the department or division head for further required signatures, including the President/CEO, and then for delivery to the appropriate office for placement in the employee’s personnel file.

An employee who disagrees with any part of the performance evaluation shall have the right to appeal the evaluation to the President/CEO, who will then decide if any revisions are to be made to the evaluation.

I. Probationary Period

All employees hired to fill any position serve a probationary period of at least six (6) months. During this time, an employee is evaluated in order to determine if he or she is successfully meeting the responsibilities and duties of the position, and producing the desired and expected outcomes of the position. Prior to the end of the initial six month probationary period, an employee will be formally notified if and when his or her probationary period will end. The probationary period may be extended for up to three additional months. If, after a total of nine months in the probationary period, an employee is not meeting the requirements of the position, he or she will be terminated upon the approval of the President/CEO.

Beginning with the date of hire and throughout the probationary period, an employee’s supervisor must clearly communicate to the employee the responsibilities, duties, and desired and expected
outcomes of the position. On a day to day basis throughout the probationary period, the supervisor must point out errors, omissions or oversights, the correct remedy for them and the possible consequences if not corrected or resolved, and to point out the successes of the employee. Also during this period, the probationary employee must seek guidance from the supervisor and to ask sufficient questions if necessary in order to fully understand the responsibilities, duties, and the desired and expected outcomes of the position, to learn best practices, and to successfully decrease errors, omissions or oversights.

J. Absent Without Leave/Notice

It may be necessary for an employee to unexpectedly be absent from work. Our leave policies and procedures are explained in Section V of this Manual. Though a full-time, regular non-probationary employee is entitled to leave and may have leave time accrued, an employee must notify his or her supervisor, or the President/CEO or his/her designee, as far in advance as possible for anticipated absences from work. This should also be done when leave without pay is requested. If an employee is physically unable to notify the organization, he or she must have a relative or friend provide this notification on the employee’s behalf. Notice should be provided in person or by telephone, not by email, voice mail, or text message.

If an employee is absent without a leave authorization for a period of two working days and has not made the required notification by the end of the second day, the supervisor will immediately notify the President/CEO or his/her designee. The supervisor will attempt to reach the employee by telephone to determine the reason for the absence. If unsuccessful, the President/CEO will then send the employee a letter with proof of delivery required indicating that the employee may be dismissed effective as of the last actual day worked. This dismissal is subject to review by the President/CEO if the employee requests a review within five working days from the date the letter was received by the employee. Refusal to accept the letter will not extend the time for explaining an absence. If there is no response from the employee by the above-stated deadline or if the employee’s explanation for the absence is not acceptable, the President/CEO will send a letter with proof of delivery required to the employee indicating that the employee has been dismissed effective as of the last actual day worked.

One final note is that Absence Without Leave is not an approved form of leave. It should be recorded as a very rare situation caused by compelling or necessitous circumstances. Such
absences result in a delay or disruption of work and should not be relied upon by employees to protect their employment.

K. Electronic and Telephone Communications

1. Electronic and Telephone Communications

All Opportunity Inc. policies, including the prohibition against discrimination and harassment, apply fully to employees’ electronic and telephone communications. Violations of those policies are not permitted and may result in disciplinary action.

2. Telephone, E-Mail and Internet Usage

Employees who have access to the internet, telephone and e-mail understand that during working hours this technology is to be used for Opportunity Inc.’s business purposes. Personal use of Opportunity Inc.’s telephone, the internet and e-mail system for non-business related activity during working hours is discouraged.

Employees should be aware that their telephone, computer and internet use may be monitored. The devices and computer accounts, including laptops, tablets, and other devices, given to employees are to assist them in performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive when using the devices and the internet on the Opportunity Inc.-provided devices and networks. Opportunity Inc. has the right, but not the duty, to monitor any and all aspects of its electronic and telephone system, including, but not limited to reviewing call logs and voicemails, monitoring sites visited by employees on the internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the internet, and reviewing e-mail sent and received by users. Any designation as “personal” or “confidential” will not alter Opportunity Inc.’s right to view those communications. In addition, the telephone and e-mail system and all information transmitted by, received from, or stored in that system are the property of Opportunity Inc.

3. Use of Social Media

Purpose and Intent: Opportunity Inc. understands that employees are likely engaging in substantial online activity, for both personal and business reasons. Such activity may include social media, networking sites, blogging and live blogging such as Facebook, Instagram, Twitter, Yelp,
LinkedIn, YouTube, Parascope, and other online platforms ("Social Media"). The purpose of this policy is to provide Opportunity Inc. employees with guidelines and requirements for participation in Social Media.

**General Guidelines:** Opportunity Inc. respects the right of its employees to use their free time and their personal resources to engage in Social Media. However, postings to Social Media are public information, and employees should have no expectation of privacy in the information they choose to share on the internet.

The following guidelines apply to all Opportunity Inc. employees who are using Social Media for personal or professional reasons:

**Limit access to Social Media while at work.** Employees are prohibited from accessing Social Media, whether from Opportunity Inc.'s computers and network or from personal devices, during work hours, unless (a) the employee is on a break or before or after regular working hours; or (b) the employee’s job description specifically includes social networking or online activity on behalf of Opportunity Inc. and the employee is in fact engaging in such activity on behalf of Opportunity Inc. Specific guidelines for employees whose job descriptions include social networking on behalf of Opportunity Inc. are included below.

**Harassment prohibited.** Employees must never harass (as defined by Opportunity Inc.'s anti-harassment policy) fellow employees, clients, competitors, or anyone else on social media and networking sites. Types of behavior that are prohibited include, but are not limited to, posting comments or statements that are discriminatory as to race, color, religion, gender, pregnancy, sexual orientation, national origin, age, disability, genetic information, veteran or military status, or any other protected status. Threatening or bullying comments (such as threats to stalk, haze or physically injure another employee, client, competitor or others) are also prohibited.

**Be clear that the views you express are your own.** Employees who identify themselves as Opportunity Inc. employees or discuss matters related to Opportunity Inc.'s business may create the impression of speaking on behalf of Opportunity Inc. For this reason, employees shall refrain from making comments on Social Media that suggest that they are acting as representatives or spokespersons for Opportunity Inc. (unless they are specifically authorized to so act) or that misrepresent their role at Opportunity Inc. Employees must make clear that they are speaking for themselves, and not on behalf of Opportunity Inc., unless they explicitly have been approved to do
so in writing by an authorized member of management or are doing so in connection with a job
duty contained in their job descriptions.

Employees who do not have authorization to post comments on behalf of Opportunity Inc. should
post disclaimers such as “This is a personal view and does not necessarily represent the views of
my employer” when posting on matters relating to Opportunity Inc.’s business.

Always follow Opportunity Inc. policies. Communications made on Social Media sites must be
made in compliance with all Opportunity Inc. policies at all times, including, but not limited to,
policies dealing with harassment, discrimination, retaliation, illegal use of drugs or alcohol, and
computer usage. This applies whether such conduct takes place during working hours or during
the employee’s free time.

To maintain consistency with Opportunity Inc.’s policy to only verify dates of employment and
job titles of former employees, supervisors are prohibited from providing recommendations or
references via social media sites, such as LinkedIn, for any former employee they previously
managed or supervised. Any other employee who chooses to provide a personal reference for a
former colleague on such social media sites must be clear that he or she is not speaking on behalf
of Opportunity Inc.

Official Opportunity Inc. Use of Social Media: Opportunity Inc. may designate certain individuals
to speak on behalf of Opportunity Inc. on Social Media. These individuals will be expressly
authorized, via their job descriptions or by written authorization, to engage in online activity as a
representative of Opportunity Inc. Opportunity Inc. reserves the right to request that posts be
removed when the employee is speaking on behalf of Opportunity Inc. without authorization. In
addition to the guidelines set forth above, employees authorized to represent Opportunity Inc. on
Social Media must abide by the following guidelines when acting on behalf of Opportunity Inc.:

1. Opportunity Inc.-approved Social Media activities include, but are not limited to, the
   following: (a) sharing public information including, but not limited to, news releases
   and Opportunity Inc. updates; (b) connecting with clients and potential clients; and (c)
   recruiting activities.

2. Communications should be consistent with Opportunity Inc.’s policies and applicable
   laws. Employees are expected to use good judgment in their online postings.

Effective January 1, 2018
3. Employees shall not post offensive, discriminatory, or defamatory content, or anything containing threats, obscenities, or profanities, on a webpage or social media site controlled by Opportunity Inc. or on any social media site on which they post information in connection with their social media activities on behalf of Opportunity Inc. or when referring to Opportunity Inc.

4. Employees are required to protect the privacy of Opportunity Inc., its employees and its clients. When posting on behalf of Opportunity Inc., communication on Social Media shall never contain information that discloses any employee’s personal information or any of Opportunity Inc.’s proprietary, confidential or nonpublic information to which employees may have access. Such information includes, but is not limited to, client information, employee information, financial information, and strategic business plans.

Questions: Any questions about this policy should be directed to your supervisor.

L. Resignations

Each employee who voluntarily terminate employment with Opportunity Inc. must give at least two weeks’ notice of the effective resignation date. The employee shall send a written notice to his or her immediate supervisor stating the effective resignation date. Failure to provide adequate notice may result in forfeiture of any accrued Annual Leave.

M. Staffing Reduction

It may be necessary at any time for Opportunity Inc. to reduce staffing if available funds or resources are reduced and/or otherwise not available to continue at current staffing levels. In this event, the President/CEO will prepare and present a plan to the Finance and Audit Committee of the HRWDB in order to reduce personnel expenditures sufficient enough to ensure that over-expenditures do not occur. Generally this will be attained by eliminating positions primarily funded by the resource(s) that is (are) being reduced or eliminated. If multiple positions exist for the same job title and job description but not all are being eliminated, the employee(s) with the least seniority will be separated first. The employee with the second least seniority will be separated second, and so on until the number of positions to be eliminated is reached. At least two
weeks' advance notice will be given prior to effective date of the staffing reduction. Annual and Sick Leave payouts will be made if available under those particular policies.

For the purpose of determining staffing reductions, the employee’s seniority is determined by calculating the number of continuous calendar days the individual has been a full-time, regular, non-probationary employee of Opportunity Inc. at the time of the staffing reduction. Should the number of days of continuous service be exactly equal, performance in the affected position will be considered as a tie breaker.

N. Disciplinary Action

Opportunity Inc. may take disciplinary action against any employee for committing offenses described below:

1. Offensive and/or abusive language or conduct directed towards any individual.
2. Insubordination.
3. Failure to perform the duties and responsibilities of the position.
4. Negligence in the care and handling of Opportunity Inc. property that results in damage to the property, any individual, or any other property.
5. Conviction of any felony or a misdemeanor connected with work which undermines management’s confidence in an employee’s work performance.
6. Willful violation of any provision of federal, state, or local laws in connection with the employment.
7. Willful violation of policies or procedures included in this Manual or any other Opportunity Inc. work practice.
8. Recurring tardiness or unapproved absences from the job.
9. Use of or being under the influence of illegal drugs or alcoholic beverages while performing job duties in the workplace or elsewhere on Opportunity Inc. business. Any sale or distribution of unlawful drugs or the use of drugs improperly obtained or improperly used.
10. Any act of workplace harassment or discrimination prohibited by law.
11. Any act of dishonesty, disloyalty or unethical conduct.
Additionally, any action taken by or offenses committed by an employee or any material omission which negatively reflects on or otherwise discredits the organization, or is a direct hindrance to the effective performance of another employee may result in disciplinary action.

The President/CEO is authorized to initiate disciplinary action against any employee. Disciplinary actions are not intended to punish an employee, but rather to correct or improve conduct or performance which threaten an employee’s continued employment.

The following are progressive disciplinary actions that are subject to employee appeal through the grievance procedure:

1. Oral Reprimand: An immediate supervisor may orally reprimand an employee for the listed offenses as described above or other harmful conduct in the workplace.

2. Written Reprimand: The President/CEO may give written reprimands to employees who have received oral reprimands but repeated the same offense that resulted in the oral reprimand or a different, more serious offense deserving a more serious sanction. A copy of the written reprimand will be placed in the employee’s personnel file.

3. Suspension: An employee may be suspended for a period of time by the President/CEO, without pay, for repetition of the listed offenses or a single new infraction warranting immediate, severe action. The reasons and terms of the suspension will be given to the employee in writing and a copy will be placed in the employee’s personnel file.

4. Discharge: An employee may be discharged by the President/CEO for continued repetition of the listed offenses or for misconduct in the workplace or elsewhere of a single incident that is so unacceptable as to warrant immediate termination. A written notice of discharge specifying the reasons for the discharge will be given to the employee at the time of the discharge. For example, and not by way of limitation, an employee may be discharged immediately if the employee steals Opportunity Inc. property or embezzles or otherwise criminally obtains Opportunity Inc. money or funds, or funds intended to be used in Opportunity Inc. programs. An employee may also be discharged immediately for stealing other employees’ property or money. An employee may be discharged immediately if he or she is convicted of any felony, especially one that affects his or her ability to perform job requirement and duties.
O. Political Activity

Employees are encouraged to exercise their right to vote in all national, state and local elections. Due to the need to keep our work non-partisan, political activities during working hours or when officially representing the organization are prohibited. Restrictions are as follows.

1. Employees may not serve as an officer, delegate, or organizer of a political club or party.
2. Employees may not participate in political campaigns.
3. Employees may not be a candidate for a partisan political election.
4. Employees may not, in any manner, solicit any contribution to any political party, nor may an employee be party to such solicitation by others.
5. Employees may not use the name or connection to their employment with the organization on behalf of any political candidate, faction, or party.
6. Employees may not promise an appointment to or employment with Opportunity Inc., any of its subcontractors, or any of the governmental units in the jurisdictional areas served, as a reward for any political activity.

P. Nepotism

No person shall be employed in a position funded in whole or in part under WIOA or any other Federal or State Grant if a member of that person’s immediate family is engaged in an administrative capacity for the Federal Government, Commonwealth of Virginia, Opportunity Inc., or any of its sub-recipients.

For the purpose of this section:

1. The term “employ” means to hire, or place by transfer or any other means.
2. The term “immediate family” means a person’s spouse and any other relative, by blood, marriage (including step-children and step-parents) or adoption.
3. The term “administrative capacity” means a person having overall administrative responsibility, and persons in subordinate positions having selection, hiring, placement or supervisory responsibilities. It also includes a member of a public or private governing board or council having oversight responsibilities.

Effective January 1, 2018
Q. Drug-Free Workplace Policy

Recognizing the inherent dangers and negative effects associated with the unlawful use of illegal drugs, Opportunity Inc. provides and maintains a drug-free workplace. Unlawful manufacturing, distributing, dispensing, possession or use of an illegal drug or a lawful drug improperly obtained or used in the workplace or elsewhere on Opportunity Inc. business is prohibited. Violation of this policy will result in disciplinary action, including possible discharge, at the discretion of the President/CEO.

R. No Smoking Policy

It is the policy of Opportunity Inc. to prohibit smoking on all Opportunity Inc. premises and in Opportunity Inc. vehicles or leased vehicles in order to provide and maintain a safe and healthy work environment for all employees. Smoking generally is defined as the “act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind,” and includes the use of e-cigarettes and vapors.

The smoke-free workplace policy applies to:

- All areas of Opportunity Inc.-owned or leased properties
- All Opportunity Inc.-sponsored off-site conferences and meetings
- All vehicles owned or leased by Opportunity Inc.
- All visitors to the premises of Opportunity Inc.
- All employees, including part-time and temporary employees

Smoking may be permitted in designated outside areas only.

S. Anti-Harassment Policy

Opportunity Inc. employees are entitled to work in an environment free from harassment. Harassment is a violation of Title VII of the Civil Rights Act of 1964, the Americans With Disabilities Act, the Age Discrimination in Employment Act and other federal laws.

In general, verbal or physical conduct constitutes unlawful harassment when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; or (3) such conduct has the purpose or effect of
substantially interfering with an individual’s work performance or creating intimidating, hostile or offensive working conditions.

Such behavior is a violation of Opportunity Inc. personnel policies and procedures and its occurrence will be handled in accordance with and be subject to these policies and procedures. Any person who wishes to make a complaint of workplace harassment may do so by contacting his or her supervisor, department head or the President/CEO. The matter will be investigated and appropriate action taken in response. Confidentiality will be maintained on a need to know basis. Any person who retaliates against a person making a complaint of harassment will be subject to disciplinary action.

VIII. GRIEVANCE POLICY AND PROCEDURE

A. “Open Door” Policy

The nature and professional quality of work done by Opportunity Inc. makes it necessary that open communications exist between the various levels of supervision when disagreement or dissatisfaction arises. It is expected that the “Open Door” Policy established by Opportunity Inc. will largely alleviate the need for a formal grievance procedure.

B. Procedures

A grievance is a complaint by an employee or a group of employees concerning their employment with Opportunity Inc. Excluded from these are: complaints concerning conditions of employment agreed to by the employee; complaints concerning negotiations of wages, salaries and employee benefits; and the content of matters discussed in these Personnel Policies and Procedures, except when they are in violation of law or regulation or administered in an arbitrary or discriminatory manner.

The purpose of our Grievance Procedure is to obtain a complete understanding and resolution of employee complaints, as soon as possible, at the lowest supervisory level. This policy applies to all full-time, regular non-probationary employees. In situations where there is a question regarding the ability to grieve an issue, a determination will be made by the President/CEO. Accordingly, the following complaints may not be grieved under this procedure:

1. Establishment and revision of wages or salaries, position classifications, or staff benefits;

Effective January 1, 2018
2. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content (The measurement and assessment of work activity through a performance evaluation shall not be grieved);

3. The contents of personnel policies, procedures, rules, regulations, ordinances and statutes;

4. Failure to be promoted (except where the employee can show established promotional policies or procedures were not followed);

5. The methods, means, and personnel by which such work activities are to be carried on;

6. Discharge, demotion, or suspension, staffing reduction, outsourcing of functions, activities or services or job elimination (except where the employee can show established procedures were not followed); and,

7. The hiring, transfer, assignment, and retention of employees within the organization (provided such actions do not constitute disciplinary actions); and the relief of employees from duties of the organization in emergencies.

The following provides the procedures to file a complaint:

1. The grievant is encouraged to orally present any complaint to his/her immediate supervisor in an attempt to resolve the issue before submitting a written grievance.

2. If a complaint is not satisfactorily resolved orally, as in #1 above, the grievant may submit the grievance in writing to the immediate supervisor within five work days of the alleged occurrence of the event being grieved. The immediate supervisor, unless away from the Hampton Roads area, must respond with a decision in writing within three work days of receipt of the written grievance.

3. If a grievance is not satisfactorily settled, as in #2 above, the grievant may appeal in writing within three work days of the supervisor’s decision to the Department or Division Head or the appropriate Vice President if there is no Department or Division Head. The Department or Division Head or Vice President will meet with the grievant and his or her immediate supervisor and unless away from the Hampton Roads area, will reply in writing within three days of the receipt of the appeal. If the supervisor is the Vice President, the grievant uses procedure #4.
4. If a grievance is not satisfactorily resolved in #3 above, the grievant may submit a written appeal to the President/CEO within three work days of receipt of the decision. The President/CEO will meet with the grievant and all parties involved and, unless away from the Hampton Roads area, reply to the appeal with a decision in writing within five work days of receipt of the written appeal.

5. If a grievance is not settled, as in #4 above, the grievant may appeal the decision to the Grievance Review Panel (see below). The decision by the Grievance Review Panel shall be final and binding except as otherwise noted herein. Notification of an employee’s intent to appeal to a Grievance Review Panel must be sent by the grievant to the President/CEO within three work days of the President/CEO’s response. This notification shall include a statement as to the basis on which the grievant will contend that the President/CEO’s decision should be reconsidered, along with a description of the complaint and the action sought.

6. The President/CEO, within five (5) work days, shall arrange for a hearing time and place, and notify all affected parties. The decision of the panel shall be in writing and shall be rendered within 30 days from the date of the hearing. This procedure applies to all grievances, except those which are non-grievable as noted in Part B, above, Part D, below and to grievances related to discharge, demotion, and for suspension for more than five (5) work days.

C. Grievances Related to Nondiscrimination and Equal Opportunity (EO)

See Section II.

D. Grievance Related to Grants and the Whistleblower Policy

Grievances alleging a violation(s) of the regulations, grants or other arrangements made under Federal, State or Local Grants are to be submitted in writing, to the President/CEO and processed under the Commonwealth of Virginia Fraud and Abuse Whistleblower Protection Act. Grievances of this nature must be filed within one (1) year of the date of the alleged violation.

All Opportunity Inc. employees are encouraged to report either orally or in writing to their immediate supervisor or alternate line of authority as hereinafter described, all evidence of activity by an Opportunity Inc. employee that may constitute:

1. Instances of Organizational Fraud
2. Unlawful Business Conduct
3. A violation of Federal, State or Local Law
4. Substantial and specific danger to the employee’s or public’s health and safety.

Any Opportunity Inc. employee who reports such incidents as described above will be protected from threats of retaliation, discharge, or other types of discrimination including but not limited to compensation or terms and conditions of employment that are directly related to the disclosure of such reports. In addition, no employee may be adversely affected because the employee refused to carry out a directive which, in fact, constitutes fraud or is a violation of federal, state or local law.

Any Opportunity Inc. employee who wants to report evidence of alleged activity as described above should contact his/her immediate supervisor. In instances where the employee is not satisfied with the supervisor’s response, or does not want to address such concerns to the supervisor, then the employee may contact and report to the supervisor’s superior. If the employee is still not satisfied with the response, then the employee may continue to contact and report to appropriate superiors until the President/CEO is contacted. If the employee is not satisfied with the response from the President/CEO, the employee may contact the Chair of the HRWDB Finance and Audit Committee. Employees are encouraged to provide as much specific information as possible including names, dates, places, and events that took place, the employee’s description of why the incident(s) may be a violation, and what action the employee recommends be taken. Anonymous written or telephonic communications will be accepted. Supervisors shall communicate all reported incidents to the President/CEO, who shall be responsible for their resolution as well as be responsible for reporting the same to the Chair of the Finance and Audit Committee. Employees who choose to identify themselves will receive a reply to their report within 30 working days or as soon as practicable thereafter.

E. Grievances Related to Discharge, Demotion and Suspension

For discharge, demotion, or suspension of more than five work days, the following procedures are used:

1. The grievant appeals the action in writing to a Grievance Review Panel, through the President/CEO within five work days of the notification of discharge, demotion, or suspension for more than five work days. The written notification shall include a factual
statement as to the basis on which the grievant will contend that Opportunity Inc.’s action should be reconsidered.

2. All procedures for the Grievance Review Panel are the same as in Subsection B (5) above, except that the Panel’s findings and recommendations pertaining to the appeal of discharge, demotion, and suspension for more than five work days, are advisory to the President/CEO who retains the authority to make a final decision for Opportunity Inc.

F. The Grievance Review Panel

1. Selection of the Grievance Review Panel Members

The HRWDB will constitute the standing pool of potential grievance hearing officers.

   a. The grievant will select one member of the pool to serve on the panel.
   b. The President/CEO will select one member of the pool to serve on the panel.
   c. The third member will be selected within five work days by the other two panel members (selected via a. & b. above). If the two panel members cannot agree on a third member within five work days, the Chairperson of the HRWDB will appoint a third member from the remaining pool members. The third member will chair the panel.

2. Conduct of Grievance Review Panel Hearing

The Panel will determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing.

   a. The Panel may ask, at the initiation of the hearing, for statements clarifying the issues involved.
   b. Exhibits, including previous correspondence related to appeals and decisions, may be received into evidence, marked and made part of the record by the Panel.
   c. The Panel shall afford full and equal opportunity to all parties and witnesses for presentation of facts, evidence, and other relevant material.
   d. The Panel will determine the relevance and materiality of any evidence offered.
   e. All evidence shall be presented in the presence of the Panel and all parties; a transcript of the hearing will be kept.
f. The majority decision of the Panel shall be its final decision in all its determinations.

g. The Chair, upon completion of presentation of all evidence and materials, shall specifically ask all parties whether or not they have further evidence to offer, or witnesses to be heard. Upon negative replies to the inquiry, the Chair shall declare the hearing closed.

h. The Panel’s decision shall be presented in writing, and distributed and received by all parties within ten work days of the closing of the hearing.

i. Failure to comply with a Panel decision, or reprisals, or action taken as a result of a Panel decision, or as a result of participation in the grievance of another employee, shall be subject to disciplinary action.

j. A hearing may be re-opened on the motion of the Panel, or upon application of any party, for good cause, prior to the time the Panel’s decision is written or distributed.

G. Grievance Rights and Conditions

1. At any step beyond the first, listed in Section B, above, a grievant may be accompanied and/or represented by an individual, including legal counsel of his/her choice. Any such representation shall be at the expense of the grievant.

2. Failure by the grievant to process a grievance within the time limits outlined in the preceding sections shall constitute termination of the grievance. Failure by a Supervisor, or President/CEO to respond within the time limits outlined in the preceding sections allows the grievant to immediately proceed to the next section. In extenuating circumstances, the President/CEO may extend the time limits to any party.

3. Any eligible employee may exercise the grievance process with complete freedom from reprisal, regardless of outcome. This right does not, however, confer the right upon anyone to make slanderous or libelous statements.

4. The jurisdiction and authority of the Grievance Review Panel shall be constrained to judging Opportunity Inc.’s action in relation to the existing policies, rules, and regulations of Opportunity Inc. The Panel shall have no authority to add to, delete from, or amend Opportunity Inc. policies, rules, regulations, and procedures.
5. The express policy and procedures support the right of Opportunity Inc. to carry out the following provided none of the rights are exercised in any arbitrary or discriminatory manner.

   a. Direct the work of its employees.
   
   b. Hire, promote, transfer, assign, and retain employees in positions within the organization.
   
   c. Demote, discharge, or suspend employees for just and proper cause.
   
   d. Maintain the efficiency of Opportunity Inc. operations.
   
   e. Relieve employees from duties because of lack of work, budgetary constraints, or for other legitimate reasons.
   
   f. Take actions that may be necessary to carry out the duties of the organization in emergencies.
   
   g. Determine the methods, means, and personnel by which Opportunity Inc.'s plans and operations are to be carried out.
IX. ACKNOWLEDGEMENT AND RECEIPT

This is to acknowledge that I have received a copy of Opportunity Inc.'s Personnel Policies and Procedures Manual. I have read the Manual, and have had the opportunity to ask any questions I may have about the rules, policies and standards set forth in the Manual. I agree to abide by the rules, policies and standards outlined in the Manual.

______________  ________________
Employee Name (Print)    Date

________________________
Employee Signature
POLICY #15-20
REVISION #1
EFFECTIVE DATE: 7/1/17

COST POLICY STATEMENT AND
COST ALLOCATION PLAN
JULY 1, 2017

Hampton Roads Workforce Council (HRWC)

HRWC is a special purpose unit of local government chartered by the Cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach, and the Counties of Isle of Wight and Southampton, pursuant to the authority granted by Section 15.2-1300 of the Code of Virginia, 1950, as amended. These jurisdictions comprise the Local Workforce Development Board (LWDB) serving Area 16 that receives an annual allocation of Title I Workforce Innovation and Opportunity Act (WIOA) funds passed through the Virginia Community College System of the Commonwealth of Virginia (VCCS) and the City of Virginia Beach (Grant Recipient). HRWC is a sub-recipient of WIOA funds and is the fiscal agent to the LWDB. It’s basis of accounting is the accrual method and the organization adopted and implemented GASB Statement Number 34 for the fiscal year ended June 30, 2003.

The Hampton Roads Workforce Development Board appointed by the elected officials of the above jurisdictions hires staff through HRWC to facilitate the workforce development efforts of South Hampton Roads. The expenses of the Board and the staff are funded by Federal Funds as described above and, if available, by direct grants awarded by Federal and/or State agencies or by sub-awards from other non-federal organizations.

Note: HRWC was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

A cost allocation plan (CAP) is utilized to allocate allowable and eligible expenditures that support more than one funding stream or grant.

EXPENDITURE CLASSIFICATIONS

HRWC expenditures are classified as Operations, One-Stop System, Program Expenditures paid to Sub-Recipients or Sub-Contractors, and Other Direct Charges.

Operations expenditures include personnel and fringe benefit costs of staff, facilities rentals, office equipment, rentals, services, maintenance and supplies, travel, communications, annual financial and compliance audit, organization dues and memberships, general liability and property insurance, help wanted and legal ads, publications and printing, staff development, record retention and other allowable
expenditures associated with the LWDB and HRWC as the lead workforce development organization in the area.

One-Stop System expenditures are the costs of establishing, operating and maintaining one comprehensive and affiliate sites to provide career services to individuals, business services to employers or partners and other organizations. These expenditures specific to the One-Stop System fall into the same category as Operations expenditures but are accounted for separately. Additional categories of expenditures for the One-Stop System include client assessment materials and services, outreach and recruitment supplies and services for programs, security services, and resource room supplies and services.

Program Expenditures paid to Sub-Recipients or Sub-Contractors (Vendors) include payments to organizations for reimbursement of direct program expenditures that they have already incurred to provide the activities and scope of work as detailed in their contract, memorandum of understanding (MOU) or agreement, or for billings for services rendered in accordance with a contract, MOU or agreement. For HRWC’s purposes, Sub-Recipients include Youth Program Contractors that responded to one or more Request for Proposal (RFP) to operate Youth programs. Sub-Recipients could also include an organization providing program services for a specific grant or funding stream procured in accordance with applicable procurement requirements or as directed by a grant or contract. Sub-Contractors include all other organizations with whom HRWC has entered into a contract, MOU or agreement. Program expenditures include training or other allowable expenditures paid on behalf of enrolled participants and billed by ITA training providers or other service providers, including employers in OJT or incumbent worker programs or contracts.

Other Direct Charges include all other expenditures that are incurred for the benefit or support of a specific funding stream or grant, but that are not part of Operations, the One Stop System, or Program Expenditures paid to Sub-Recipients or Sub-Contractors. Other Direct Charges are usually program expenditures but may be administrative costs in accordance with WIOA or other grant definition of administrative costs.

COST ALLOCATION PLAN
ONE STOP SYSTEM

One Stop System costs that are to be allocated are originally recorded as expenditures in two distinct cost pools – a Career Developer pool and a Management One Stop pool.

The System employs several Career Developers who provide services to individuals enrolled as Adults or Dislocated Workers only. The personnel costs incurred by these Career Developers are originally recorded as expenditures in the Career Developer pool. At the end of each reporting period (monthly), these costs are then allocated to the Adult and Dislocated Worker Funding Stream based on the number and percentage of participants enrolled in each funding stream during the month compared to the total enrolled in those two funding streams together during the same month. Additional funding streams can be added to this allocation methodology if these Career Developers
provide services to additional participants enrolled under the additional funding streams and the System does not employ other staff to provide the services that would otherwise be direct charged to the additional funding stream.

All other One System Costs that must be allocated are originally recorded as expenditures in the Management One Stop pool. At the end of each reporting period (monthly), these costs are then allocated to all funding streams with enrolled participants in the One Stop System in the same methodology and process as the Career Developer pool. The allocation is based on the number and percentage of participants enrolled in each funding stream during the month compared to the total enrolled in those funding streams during the month.

OPERATIONS

HRWC utilizes two main costs pools and two cost sub-pools for the allocation process for Operations expenditures. The two main pools are program costs and administration costs and the two sub-pools are executive costs and overhead costs.

The executive cost sub-pool is for personnel and other costs incurred by the President/CEO and the Vice-President of Workforce Innovation of HRWC that are originally recorded as expenditures in the Executive cost sub pool. These senior staff are involved in all program and administrative aspects and functions of HRWC. At the end of each reporting period (monthly), these costs are then allocated to the administration cost pool (or direct to WIOA administration) and the program cost pool. This allocation is based on the percentage of personnel costs directly charged to administration during the month compared to the total personnel costs for the month. HRWC complies with the applicable State or WIOA guidance regarding classification and recording of administration expenditures.

The Overhead cost sub-pool is for Operations expenditures that are not specific to the executive cost sub pool nor can be direct charged to the administration cost pool (or WIOA administration) or the program cost pool. An example is the monthly lease for the operations office. These costs are originally recorded as expenditures in the Overhead cost sub-pool. At the end of each reporting period (monthly), these costs are then allocated either to the administration cost pool (or WIOA administration) or the program cost pool in the same methodology and process as the Executive cost sub pool.

All other Operations program expenditures that must be allocated and are not originally recorded to the sub-pools are originally recorded to the program pool.

At the end of each reporting period (monthly), if any expenditures were originally recorded in the administration pool and/or allocated from the sub-pools into the administration pool, then these costs are then allocated to applicable funding streams as administration costs based on the percentage of expenditures charged directly to each funding stream compared to the total direct expenditures for the same reporting period. The total direct expenditures include One Stop System costs after its allocation process,
Program Expenditures paid to Sub-Recipients and Sub-Contractors, Training and other direct charges.

The final step in the plan allocates operations expenditures remaining in the main program costs pool that were either originally recorded in the pool or were allocated from the sub-pools. At the end of each reporting period (monthly), expenditures remaining in the main program costs pool are then allocated to applicable funding streams in the same methodology and process as the allocations from the Administration pool.
POLICY #15-21
REVISION #2
EFFECTIVE DATE: 7/1/18

HAMPTON ROADS WORKFORCE COUNCIL (The Council)
SUBCONTRACTOR BILLING PROCESS
COST REIMBURSEMENT CONTRACTS

GENERAL REQUIREMENTS

1. Monthly billings are due by the 20th day of the following month. If this day falls on Saturday, Sunday or a holiday, the billings are due on the previous business day. (Monday-Friday).
2. The first page of the monthly billing is the Monthly Billing Summary for Cost Reimbursement Contracts. The form provided by The Council may be used, but contractors may use their own as long as it contains the same information. The summary will include amounts for previously billed, current billed, billed to date, budget amount and budget balance. Additional details are discussed below.
3. The remainder of the monthly billing consists of Supporting Documentation that is required for approval and payment of the billing. Additional details are discussed below.
4. Each month’s billing should include expenditures incurred by the subcontractor solely for the operations of the contract and that are eligible for reimbursement in accordance with all provisions of the contract.
5. Billings for the final month of a contract or budget must include all expenditures incurred through the final day of that month, including personnel costs and work experience accrued as of the final day of the contract and or budget. Additional information is detailed below in item number five (5) under Supporting Documentation.

SPECIAL REQUIREMENTS AND RULES FOR THE MONTHLY BILLING SUMMARY

1. The line-item and the budget amount columns must show the current contract budget amounts complete with all line-items. The total of the budget column must be the total amount of the contract.
2. The previously billed column must match the billed to date column from the prior month’s billing.
3. The balance column cannot contain any negative balances. Please refer to the contract for the procedure to request a revision to the contract budget.

SUPPORTING DOCUMENTATION

1. The supporting documentation must clearly state, for each line-item, the names of the vendors or individuals that were paid and how much each was paid, including contract personnel costs (gross earnings and fringe benefits) and payments to
participants. The totals by line-item and the overall total must agree with the amounts shown on the current billed column of the Monthly Billing Summary. This detail can be in the form of a worksheet or can be print-outs of transactions from the contractor's accounting system.

2. If a worksheet is provided, a print-out of transactions recorded in the accounting system that corresponds to the worksheet is also required.

3. If the billing includes payments to participants for work experience, those participant timesheets are required to be sent to The Council's Youth Program Coordinator or his/her designee by the 10th day of each month for the previous month.

4. If the billing includes dual enrollment tuition, the worksheet or accounting system printout must include the name of the institution of higher education and the participant. A hand-written notation on a printout is acceptable.

5. If the Monthly Billing Summary includes expenditures that have not yet been recorded in the contractor's accounting system, a separate document must be included detailing the name of the vendor(s)/individual(s) that were paid and the amounts. The billing for the following month should include a printout for these expenditures. If this occurs for the billing for the final month of a contract or budget, a copy of the invoice/receipt and the approval document is also required. For personnel costs and participant work experience, a worksheet detailing the accrual of payroll expenditures and the associated fringe benefits is also required.
SUB-RECIPIENT CONTRACT MONITORING POLICY

Policy #15-22
Revision #3
Effective Date: 8/22/19

1. Purpose

The Hampton Roads Workforce Council (HRWC) will formally monitor all program services sub-recipient contracts on a program year basis or as required by any funding source or grantor. The purpose of the monitoring review is to conduct oversight activities in order to ensure compliance with the terms, conditions, stipulations, deliverables and performance metrics specified under each contract, as well as, compliance with applicable Local, State and Federal policies and rules. A list of basic monitoring review elements is shown on Attachment I.

Note: HRWC was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

2. Review Scheduling

A schedule of contract monitoring reviews will be developed and communicated to the contractors by the Workforce Services Officer and Youth Program Coordinator.

3. Process Steps

A. The Workforce Services Officer, in conjunction with the Youth Program Coordinator, have the primary responsibility for the conduct of the monitoring review process. In that regard, they will coordinate with the Vice President for Finance and Administration regarding all contracts and will also coordinate with the Senior Director, Youth Services regarding the monitoring of youth program contracts. The aforementioned staff will serve as the primary monitoring review team. Other HRWC staff may participate in the monitoring process, as appropriate.

B. A desk review will be conducted to review the contract, prior program monitoring review results, contract related correspondence, related fiscal issues, program statistical performance and any other applicable issues related to the contract operations.

C. An entrance conference will be held with each contractor at the beginning of the monitoring review. The purpose of this conference is to inform the contractor of the scope of the monitoring review, make appropriate scheduling arrangements, to discuss applicable contract operations and to request specific information and records needed for the review. The entrance conference may be conducted either in person or via the telephone.
D. An on-site review will be conducted at the contractor's primary physical site and may also be expanded to other related service delivery site locations if necessary. On-site review activities may include a review of participant records; tests of financial transactions and reviews of related documentation and financial records; review of program service delivery practices and operational strategies; EO/ Nondiscrimination compliance; interviews with staff; interviews with participants; observations of facilities, and verification of contract services.

E. The results of the monitoring review are recorded and documented on various spreadsheets and notes maintained in the contract monitoring review work papers. Additional worksheets, interview questionnaires, and specific written correspondence may also be developed and used based on need. It is the practice of HRWC to discuss any issues or concerns identified during the monitoring review with the contractor while the process is ongoing.

F. An exit conference may be held with the contractor at the end of the monitoring review. This conference may either be in person or via the telephone. The exit conference will be facilitated by the Monitoring Review Team.

4. Monitoring Report

The draft monitoring review report will be prepared by the Youth Program Coordinator, in conjunction with the other members of the Monitoring Review Team, upon the conclusion of the monitoring review. The report will be submitted to the Vice President for Administration and Finance and the Vice President for Workforce Innovation for review and approval. The President and CEO will make the final approval and the final report is then sent to the contractor. It is expected that the report will be submitted to contractors within sixty (60) days after the date of the exit conference or at the end of the review. A copy of the final monitoring review report will be maintained in the contract file. Note: The report will address the Review Elements shown on Attachment I, at a minimum.

5. Monitoring Findings or Concerns

In cases where a monitoring report contains findings and/or concerns, a corrective action plan may be requested, and/or other action directed and will be included with the delivery of the final report to the contractor. In the event that a corrective action plan is requested, the specific area to be addressed will be identified and a timeframe for the submission of the plan will be specified. In addition, the corrective action plan must be signed and dated by authorized contractor staff. The Workforce Services Officer and the Youth Program Coordinator will approve the plan and, if necessary, work with the contractor for implementation. A determination of compliance with the plan will be completed either before or in conjunction with the next monitoring review.

ATTACHMENT 1 ...... Basic Monitoring Review Elements
ATTACHMENT I
BASIC MONITORING REVIEW ELEMENTS
SUB-RECIPIENT CONTRACT MONITORING

Policy # 15-22
Revision #3
Effective Date: 8/22/19

Overview

The following basic monitoring elements will be reviewed for compliance with the contract, as well as compliance with State, federal and HRWC policies and rules. The scope of the monitoring review may be expanded, and/or additional monitoring review elements may be added during the conduct of the monitoring review if required. Documentation for the review of each element will be maintained in the monitoring file.

Element 1 – Participant Records

Focus Areas: eligibility determination, verification and documentation; case notes; Individual Service Strategy (ISS) development, reviews and updates; participant attendance; assessment; confidentiality of participant records; participant service referral and tracking.

Element 2 – Service Delivery

Focus Areas: contract proposal; participant services provided by the contractor and/or provided by another organization; participant outreach, recruitment and selection; participant incentives; staff and participant interviews; programmatic policies and procedures; worksite/internship site development; partnerships with other organizations; relationships with employers, where applicable; physical program services facility(s); staffing.

Element 3 – Fiscal Management

Focus Areas: allowable costs; adherence to budget line items; invoice selection and testing; equipment, program income, cost allocation: audit report and requirements; accuracy and timeliness of fiscal billing/reporting.

Element 4 – Performance Metrics

Focus Area: analysis of actual participant performance outcomes related to contractually specified “real time” and applicable DOL performance measures goal values.

Element 5 – Participant Reporting

8/22/19
Focus Areas: accuracy and timeliness of designated participant case management system entries and reports submitted to HRWC; assigned staff and related training; documentation for reported participant “real time” and DOL performance measures outcomes; and, documentation for reported participant global exclusions.

**Element 6 – Internal Controls and Administrative Practices**

Focus Areas: fiscal management; participant eligibility; records maintenance and data validation; service delivery; participant performance tracking.

**Element 7 – Equal Opportunity (EO), Nondiscrimination, Civil Rights, General Grievance and Related Complaints**

Focus Areas: visible postings; assigned staff; participant notification documentation and accessibility. **Note:** The VCCS prescribed Local Area EO Monitoring Checklist will be utilized as part of this review and maintained in the monitoring review file.
FREEDOM OF INFORMATION ACT (FOIA) POLICY

Policy # 15-23
Effective Date: 11/23/16

Background

The Virginia Freedom of Information Act (Section 2.2-3700 of the Code of Virginia) guarantees citizens of the Commonwealth of Virginia and representatives of the media access to public records held by public bodies, of which the Hampton Roads Workforce Council (HRWC) is one.

A public record is any writing or recording, regardless of whether it is a paper record, an electronic file, an audio or video recording or any other format, that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. All records are presumed to be open and may only be withheld if a specific statutory exemption applies.

The purpose of this policy is to identify the FIOA Officer and outline the process whereby public records may be requested from HRWC in accordance with the FIOA.

Note: HRWC was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

FIOA Officer

The designated FIOA Officer for HRWC is the Vice President for Finance and Administration. The Workforce Services Officer will serve as the alternate FIOA Officer in the absence of the Vice President of Finance and Administration. The appointment of staff to serve as a FIOA Officer is made by the HRWC President and CEO. HRWC staff appointed to serve as an FIOA Officer will participate in annual training provided by the Virginia Freedom of Information Advisory Council.

Process

Citizens or representatives of the media should request a public record(s) from HRWC in writing. The written request must be sent to the Vice President for Finance and Administration at the following address: HRWC, Suite 1314 Dominion Tower, 999 Waterside Drive, Norfolk, VA 23510. Requests must be for existing public records. FIOA does not require that a record that is not in existence be created.

Requests for public records must provide reasonable specificity in order for HRWC to be able to identify and locate the record(s) requested. In addition, the request must identify the requestor’s legal name, address and telephone number and contain how the requestor would like access to the requested record(s). Records may be provided via a computer disk or printed copy and a charge will
be required. Records may be inspected at the HRWC Office, during normal business hours, if requested. In that case there will be no charge.

The HRWC FIOA Officer will respond in writing to requests for public records within five (5) work days of the date of the request. This response will communicate that the requested records will be provided; cannot be provided in whole or in part due to a statutory exemption; additional time is needed for the collection of the requested records citing the reason(s); and, an estimate of the cost, if applicable. The FIOA Officer will contact the requestor in the event that any clarification of the request is needed.

Common Exemptions

The Code of Virginia allows public bodies to withhold certain records from public disclosure. Records subject to this exemption include the following:

1. Personnel Records (Section 2.2-3705.1(1) of the Code of Virginia.
2. Records subject to Attorney-Client Privilege (Section 2.2-3705.1(2) and Section 2.2-3705.1(3) of the Code of Virginia.
3. Vendor Proprietary Information (Section 2.23705.1(6) of the Code of Virginia.
4. Records relating to the negotiation and award of a contract prior to a contract being awarded (Section 2.2-3705.1(12).

Note: Other exemptions may apply as warranted.
GENERAL GRIEVANCE AND COMPLAINT POLICY

Participants

Policy # 15-24
Revision #5
Effective Date: 8/13/19
Replaces Policy #15-11

Purpose

The purpose of this Policy is to outline the process whereby participants in Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker Funding Stream Programs may bring forward a general grievance or complaint regarding their program participation for review, consideration and resolution, if warranted. This Policy also applies to participants in Hampton Roads Workforce Council (HRWC) programs funded by other federal, State and/or local government sources.

This Policy does not apply to grievances and complaints regarding allegations of discrimination and/or a violation of civil rights. Participants seeking resolution of such must follow the most recent version of HRWC Policy #15-14, Equal Opportunity/ Nondiscrimination.

It is the intent of HRWC that participation in workforce development programs be a positive experience for participants in order to underpin the attainment of their workforce goals in an effective and efficient manner.

Note: HRWC was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force.

Process

In order to request review and consideration under this Policy, participants must first present their grievance or complaint in writing to their Program Provider for consideration and resolution, if warranted. All Program Providers are required to have their own internal grievance procedures for participants. It is the intent that general grievances or complaints can be resolved at the Program Provider level, if at all possible.

In the event that a general grievance or complaint is not able to be resolved by the Program Provider to the satisfaction of the participant, the following process steps are to be followed:

1. The participant may inform HRWC of the specific general grievance or complaint. Communication of information related to the grievance or complaint must be specific to the actual details of the matter, including Program Provider’s name; provide a timeline of the events related to such; identify any individual(s) involved; explain how his/her participation was affected; and, provide the resolution of the Program Provider’s review of the grievance or complaint.
Grievances or complaints must be presented to HRWC within thirty (30) days of the date of the Program Provider’s resolution and must be communicated in writing.

2. General grievances or complaints involving participation in a Youth Program are to be submitted to the HRWC Youth Program Coordinator at: Suite 1314, Dominion Tower, 999 Waterside Drive, Norfolk, VA 23510.

3. General grievances or complaints involving participation in an Adult or Dislocated Worker Training Program or the One-Stop System are to be submitted to the HRWC One-Stop Director at: Suite 100, Circle East Office Building, 861 Glenrock Road, Norfolk, VA 23502.

4. Applicable HRWC staff identified under Steps #2 and #3 will review and consider the facts related to the matter. HRWC staff will issue a written resolution of the matter to the participant within thirty (30) days of receipt of the general grievance or complaint.

5. A participant may appeal the resolution of the matter within fifteen (15) days from the date of the resolution. The appeal request must be communicated in writing.

Appeals regarding Youth Programs are to be communicated to the HRWC Senior Director, Youth Services.

Appeals regarding Adult or Dislocated Worker Training Programs or the One-Stop System are to be communicated to the HRWC Workforce Services Officer.

Both staff for appeals can be contacted at: Suite 1314, Dominion Tower, 999 Waterside Drive, Norfolk, VA 23510.

6. Applicable HRWC staff identified under Step #5 will present the appeal to the President/CEO of HRWC who will issue a final resolution in writing within fifteen (15) days of the receipt of the appeal.

**Policy Distribution**

This Policy will be posted in the HRWC Comprehensive One Stop Center, One-Stop Affiliate Sites and the HRWC website at www.vewhamptonroads.org. In addition, a copy of the Policy will be provided to all Youth Program Providers, Adult and Dislocated Worker Program Providers; One-Stop System staff; and, all program participants. Written receipt of this Policy by program participants will be documented and retained in their file. This documentation will take the form of the participant’s signature and date recorded on the bottom of this Policy.

**Recordkeeping and Retention**

HRWC will maintain an automated or manual log of all general grievances or complaints to include name and address of the complainant; description; date of final disposition; and, any other information that may be pertinent. Records will be maintained by either the Senior Director, Youth Services or the Workforce Services Officer, as applicable, in a confidential manner for a period of three (3) years from the date of final disposition. Retaliation of any kind against participants that file general grievances or complaints is prohibited.
Attestation:
By signing below, I attest that I have read and/or had explained to me the above rights and have been given a copy of the current HRWC General Grievance and Complaint Policy #15-24.

Participant Signature ___________________________ Date ____________

Participant Parent or Guardian Signature (as needed) ___________________________ Date ____________

Note: This signed and dated form is to be retained in the Participant File.
ON-THE-JOB TRAINING (OJT) POLICY
Out of School Youth (OSY) Participants

Policy # 15-25
Revision #1
Effective Date: 9/10/19

Purpose

The purpose of the OJT Program for Workforce Innovation and Opportunity Act (WIOA) eligible OSY participants is to provide job specific training, while the participant is employed in active and productive work with an employer. Under the OJT Program, the employer delivers daily training services for an authorized job position in accordance with a detailed training outline for that position. A distinguishing feature of the OJT Program is the reimbursement to the employer for the extraordinary costs of providing the training and supervision related to the OJT participant/employee, otherwise known as the “OJT Training Costs”, as stipulated under Section 680.700 (a) of the WIOA Final Rules and Regulations. In addition, OJT for WIOA OSY is considered to be a Work Experience Activity, as stipulated under Section 681.600 (c) (4) of the WIOA Final Rules and Regulations.

Note: The Hampton Roads Workforce Council (HRWC) was formerly known as Opportunity Inc. of Hampton Roads. All Policy requirements previously issued in the name of Opportunity Inc. remain in force, unless otherwise removed or revised.

Definition

OJT is training provided by an employer to a paid participant/employee while engaged in the conduct of productive work, that:

1. Provides transferable knowledge and/or skills essential to the full and adequate performance of the job and knowledge and/or skills that are measurable.

2. Provides reimbursement to the employer at a rate based on no more than 50% of the participant/employee wages during the contract performance period not to exceed a total reimbursement of $5,000 per participant/employee, for up to a maximum of five (5) OJT participants per employer, unless otherwise authorized by HRWC. Reimbursement is for actual time worked and does not include hours associated with any form of compensation paid where the participant/employee was not on the job for those hours. The employer must pay the participant/employee an hourly wage of at least $8.50 per hour, unless otherwise authorized by HRWC. This reimbursement is considered to be for the extraordinary costs incurred for the training and supervision of the participant/employee.

In no case may the reimbursement rate for WIOA OJT Agreements exceed 50% of the most recent average hourly wage rate for Virginia, which is currently $24.40. This rate will be periodically
updated by DOL. Based on the current rate the maximum reimbursement amount for any WIOA OJT Agreement is $12.20 per hour. OJT Agreements may be entered into for full hourly wage rates that exceed the State average. In those cases, the maximum hourly reimbursement amount cannot exceed $12.20 and the reimbursement percentage will be less than 50%, which is to be shown on the OJT Agreement. It is understood that employers must compensate the OJT participant/employee at the same wage rates as trainees or employees who are employed in similar occupations with the same employer. This action is based on the guidance provided under DOL TEGL #13-15.

3. Is limited in duration that is appropriate to the occupation in which the participant/employee is being trained and is based on an assessment of the participant’s skill level, abilities, prior work experience and training needs, but not to exceed six (6) months in duration.

4. Provides for full-time, non-temporary employment and job retention with the employer subsequent to successful completion of OJT.

**Basic Guidelines**

OJT Agreements may be entered into when:

1. The employer has been in business for at least twelve (12) consecutive months immediately prior to the Agreement effective date, has at least two (2) employees, has all required licenses, certifications, insurances, etc … The employer is not presently debarred or proposed for debarment from doing business with federal, State or local government.

2. The employer successfully completes a documented Pre-Award Review which will be incorporated into the OJT Agreement. The results of a documented staff conducted general internet/social media search of the employer do not provide any issues or other reasons to support not entering into an OJT Agreement. Prior HRWC OJT Agreement(s) performance, if applicable, must be considered as part of the employer approval process. Employers with a previous OJT Agreement(s) who have retained less than 50% of their OJT participants may not participate. To see if a prospective employer has had a previous or current OJT Agreement with HRWC, and any related overall performance, contact Jackie Rondeau, HRWC Business Services Coordinator at either (757) 629-4695 or at jrondeau@vcwhamptonroads.org. Documentation for the aforementioned must be maintained in the OJT File by the Youth Program Contractor.

3. The training provided is in the region’s target industries and/or occupations and the skills are transferable to similar jobs with other employers, unless otherwise authorized by HRWC.

4. The possibility for promotional opportunities exists within the employer’s business and there are identified, structured career paths with income and skill advancement and/or professional development.

5. The employer offers paid benefits, including healthcare benefits, which are commensurate with those provided to other similarly situated employees, in relation to the specific OJT position.

6. The employer has the physical plant, supply/material, technological and staff resources required to provide OJT and, agree to retain the participant/employee as a full-time, non-temporary employee upon the successful completion of training.
7. The employer demonstrates a pattern of providing employees with continued long-term employment with wages, benefits and working conditions equal to those provided to a similarly situated employee(s).

8. The employer will not use an OJT participant/employee to displace any regular employee, or to replace any employee on layoff.

9. The employer has not relocated from any location within the United States within one hundred and twenty (120) days, where the relocation resulted in any employee losing their job at the original location.

10. The OJT Program for WIOA eligible OSY is intended to be for new employer hires. In addition, the WIOA Youth Program services listed under Section 681.460 of the WIOA Final Rules and Regulations, for which a participant has an assessed need, must be provided/made available in accordance with the participant’s Individual Service Strategy (ISS).

11. HRWC Youth Program Contractors must follow this Policy in the delivery of OJT Program services to participants in accordance with their HRWC Youth Program Contract. HRWC staff will provide training and basic OJT Contract, Pre-Award Review and Invoice forms for use by participating Youth Program Contractors, as applicable. In this case the OJT Contract will be between the HRWC Youth Program Contractor and the employer. The aforementioned forms will be modified to reflect the HRWC Youth Program Contractor as the contracting entity instead of HRWC.