

# America's Promise Grants

PARTNERSHIPS — PATHWAYS — PROSPERITY

## America's Promise Job Driven Grant Program (America's Promise) Key Policy Clarification Revised February 2019

This document provides answers to frequently asked questions regarding key policy guidance for America's Promise Job Driven (America's Promise) grantees. It should be viewed as a supplement to other technical assistance materials that have been and will be provided to America's Promise grantees that are funded with H-1B visa fees.

### Definition of a Participant

A participant is any individual who receives an H-1B grant-funded service beyond a determination of eligibility.

### Populations Eligible to be Served

To be eligible for services, an individual must be unemployed, underemployed, or an incumbent worker, as defined in the Funding Opportunity Announcement (FOA) and as it aligns with a grantee's Statement of Work (SOW). Further, the FOA states that "training participants must be older than 16 years of age and not currently enrolled in school within a local educational agency." Therefore, H-1B participants must be 17 years of age or older and not currently enrolled in high-school.

The America's Promise FOA defines the eligible populations as:

- **Unemployed Worker:** An individual who is without a job and who is seeking employment and is available to work.
- **Underemployed Worker:** An individual who is not currently connected to a full-time job commensurate with the individual's level of education, skills, or wage and/or salary earned previously, or who has obtained only episodic, short-term, or part-time employment.
- **Incumbent Worker:** An individual who is employed, particularly in lower-skill, lower-wage, and front-line jobs, but needs training to upgrade their skills to either 1) secure full-time employment in, 2) advance in their career in; or 3) retain their current occupation in an H-1B occupation and industry. Incumbent workers are workers who typically are employed in lower-skilled and/or entry level positions and where attaining new skills and competencies could help advance them into middle- and high-skilled jobs. The training provided to incumbent workers is developed with an employer or employer association.

For applicants proposing to serve incumbent workers, no more than 25 percent (25%) of the total participants served may be incumbent workers that meet the eligibility criteria.

Within the three target groups described above, grantees may also serve disadvantaged populations such as low-income, underrepresented in the targeted industry (including women and minorities), dislocated

workers, and other populations with employment barriers move into middle-to high-skilled occupations and industries.

### **Determining a Participant's Employment Status at Program Entry**

As part of the eligibility determination process, grantees are required to determine an individual's employment status. For the purposes of America's Promise, participants must be unemployed, underemployed, or an incumbent worker to be eligible for services (in addition to meeting other eligibility requirements identified in the FOA and the grantee's SOW).

When determining an individual's employment status at program entry for eligibility purposes, grantees must account for each individual's specific circumstance. Included below are three examples to illustrate scenarios that grantees may encounter when determining if someone is underemployed, or an incumbent worker. These examples are intended to help accurately identify an individual's employment status.

Examples:

- A. An individual has full-time employment in a lower-skill, lower-wage job with Employer X. If this individual needs training to upgrade their skills to secure a full-time position, advance in their career, and/or retain their current occupation within the same H-1B industry; and the training is developed in partnership with Employer X or an employer association.
  - The individual may be considered an **incumbent worker**.
- B. An individual has full-time employment with Employer W in a position that is commensurate with their education and skill level. He/she is interested in getting training for a higher-skilled and higher paying job with a different employer and applies for America's Promise funded training that is not developed in partnership with Employer W.
  - The individual does not meet the America's Promise definition of **unemployed, underemployed, or incumbent worker**, and cannot be served through the grant.
- C. An individual is working in a lower-skilled, lower-wage job at employer Z and is not currently connected to a full-time job commensurate with the individual's level of education, skills, or wage and/or salary earned previously, or has obtained only episodic, short-term, or part-time employment. He/she would like to get a better job in an H-1B industry occupation. Training is not developed with Employer Z or an employer association.
  - This individual may be considered **underemployed**.

### **Selective Service Registration Requirements**

H-1B America's Promise grants are authorized under Section 414(c) of the American Competitiveness and Workforce Improvement Act (ACWIA) of 1998. ACWIA does not require that a determination of Selective Service registration be made prior to enrollment or in determining eligibility to participate in an America's Promise grant program. While grantees may be checking Selective Service registration for other reasons, such as co-enrollment in Workforce Innovation and Opportunity Act (WIOA)-funded programs, America's Promise does not require grantees to check if participants are registered for selective service.

### **Requirement to Collect Social Security Numbers (SSNs)**

As part of performance reporting requirements, grantees are required to collect participant Social Security Numbers (SSNs) and provide these to the Department of Labor (DOL), Employment and Training

Administration (ETA) as part of the quarterly reporting process. DOL/ETA will use SSNs to track exit-based indicators of performance on the behalf of grantees. Grantees should also ensure that when they are collecting this information from participants, that they inform the participants of the reason for requesting SSNs. *Please note, grantees are required to ask participants for their SSN, but if a participant chooses to not disclose this information they cannot be denied services.*

### **Incentive Payments to Collect Employment Outcomes**

Grantees may use up to 1.5 percent of grant funds for the provision of gift cards or other payments to participants for providing information on their employment status after they leave the program, for the purposes of reporting these employment and retention outcomes to the department. These incentive payments must be tied to the goals of the grant. Grantees must have policies and procedures in place governing the awarding of incentive payment and the incentives provided under the grant must comply with these organizational policies.

The use of grant funds for incentive payments other than to collect participant information on employment status after they leave the program is not allowed.

### **Co-enrolling Participants Across Multiple H-1B Job Training Grants**

The Employment and Training Administration (ETA) encourages H-1B job training program grantees to maximize the use of their resources and minimize the duplication of efforts, particularly through the leveraging of other Federal and non-Federal funding sources. Leveraging resources may include co-enrolling H-1B job training participants in programs through the Workforce Innovation and Opportunity Act (WIOA), other Federally funded programs, and non-Federal programs. The intent of co-enrollment is to meet the training and employment needs of program participants and provide as many participants as possible with comprehensive services that may not otherwise be available or allowable under an individual grant or funding source.

The intent of co-enrollment for an H-1B job training grant program is to leverage complementary resources to maximize the scope and scale of the funded activities through the grant. Therefore, it is not acceptable to leverage resources that would result in co-enrollment in other H-1B funded programs that are providing the same or similar services. Specifically, grantees should not co-enroll participants in more than one H-1B job training program grant (enrollment in both an H-1B TechHire program and an H-1B America's Promise program, for example) as a strategy to facilitate the attainment of grantee service levels and performance outcomes across multiple H-1B job training programs. The purpose of H-1B job training grant programs is to provide education and job training services to participants and increase the number of individuals obtaining employment. Co-enrolling participants in two H-1B job training grant programs may lead to duplication of efforts while limiting the total number of participants served through H-1B job training grants. This guidance does not prevent grantees from leveraging tools, materials, or other resources that were developed under other H-1B job training grant programs, assuming these activities do not result in co-enrollment.

If an H-1B grant program is co-enrolling participants through WIOA, other Federally funded programs, and non-Federal programs, please ensure:

- Participants are determined eligible for each grant program, as it aligns with each program's eligibility criteria. Every program has very specific and distinct eligibility requirements;
- Participants are enrolled in allowable, non-duplicated grant activities, as it pertains to each grant program;
- The grantee adheres to cost allocation, if appropriate. For example, if a participant is enrolled in an IT training program, of which the classroom and instructor salary are paid for with TechHire grant funds and the cost of participant training/tuition is covered by a WIOA program, the grantee would

need to ensure that the cost of training/tuition billed to the WIOA program did not include any costs or fees paid for by TechHire grant funds;

- The grantee reports on leveraged resources (both Federal and non-Federal funded) on the ETA-9130 financial report form and quarterly narrative reports (QNR), as appropriate;
- The grantee reports on performance outcomes in accordance with the performance reporting requirements for each co-enrolled program, as appropriate.
  - Grantees can report on all outcomes and other deliverables that result from activities and services funded with both leveraged resources and grant funds in the Quarterly Performance Report (QPR) and QNRs for each co-enrolled grant program. For example, for an America's Promise grant, any outcomes achieved as a result of a leveraged WIOA program, the America's Promise grant, or a combination of both, may be reported.

## **Individuals Served with Leveraged Resources**

### *Individuals Served with BOTH Leveraged Resources and Grant Funds*

Individuals who receive services through an America's Promise grant project funded with both leveraged resources and grant funds are considered grant participants. Grantees must report on all outcomes and other deliverables that result from activities and services funded with both leveraged resources and grant funds in the Quarterly Performance Reporting (QPR) Form ETA No. 9173, as appropriate. Grantees must also report on leveraged resources that have been provided to support their grant in both the grant's Quarterly Narrative Report (QNR) and in their quarterly financial report Form ETA 9130.

### *Individuals Served with ONLY Leveraged Resources*

Individuals who receive services through an America's Promise grant project funded solely with leveraged resources (i.e. no services are provided with grant funds) are not considered grant participants. Grantees must not report on outcomes for individuals funded solely with leveraged resources on their required Quarterly Performance Report (QPR).

## **Participant Placement along a Career Pathway**

Grantees should ensure that their training activities are designed to meet the training completion and employment outcome targets identified in their grant Statements of Work (SOW).

Participants served through the project must pursue a middle- and/or high-skilled occupation, and develop the competencies to enable them to enter middle and high-skilled jobs along a career pathway in H-1B industries and occupations during the grant period of performance. In addition, the FOA also states that "programs need to build individuals' skills such that at the conclusion of the program they are prepared to be placed into middle- and high-skill occupations, or along a career pathway to such occupations in H-1B industries or occupations [emphasis added]." While the primary intent is employment during the grant period, some participants may not have completed training by the end of the grant, or some participants may be continuing on to further education along the career pathway. The outcomes must align with grantee performance outcomes.

Career pathways must be sector-focused and incorporate the needs and hiring opportunities of employers within a specific industry sector, and provide planned and sequenced coursework, training, or work experience that leads to attainment of industry-recognized skills and stackable credentials.

The Department recognizes that there are many entry points along a career pathway; and that while the intent of the America's Promise grant is to move individuals into middle- and/or high-skilled- H1B occupations during the grant period of performance, not all participants will achieve the middle- and/or high-skilled occupations they aspire to during the life of the grant. Additionally, "to facilitate the inclusion of less-skilled and disadvantaged workers," grantees may include components in their programs that will assist those who do not have particular educational prerequisites and/or experience, as long as the program will provide them with the competencies and skills necessary to enable them to enter middle- and

high-skilled jobs during the grant period of performance.” These components may include basic skills training, particularly through integrated education and training, to address particular educational prerequisites; or on-the-job training (OJT), paid work experience, or paid internships to provide contextual work as long as the work experience or internship is connected to and supports the education and training activities of the grant.

In order to successfully meet the intent of the grant program, grantees are expected to develop individualized career plans for all participants as described in the FOA:

*Projects must develop career plans for participants that will help each participant navigate and assess their various career pathway options within a specific sector strategy, including identifying skills and competencies needed for those occupations, and describing how the education and training provided will assist individuals in moving along a career pathway within the targeted industry sector....The clear sequence of coursework and/or credentials allows progression through a variety of post-secondary credentials that demonstrate marketable skills in various occupations in a particular industry sector.*

These individual career plans should document the long-term career goals of the individual and clearly establish how far the participant is expected to progress along this career pathway during the life of the grant, taking into account: 1) the skill level of the participant at entry into the program; 2) where in the grant cycle the individual starts the program; 3) the type of training being received; 4) and the long-term goals of the participant. For participants that do not attain their career goals during the life of the grant and are not yet placed into a middle- and/or high-skilled job, the career plan should reflect that the individual is progressing along a career pathway to middle- and high-skill occupations, and that for these participants the grantees had identified strategies to support participants completing their training along a career pathway after the grant ends.

### **Intellectual Property Rights**

H-1B America’s Promise grantees will need to make work created with the support of the grant available and public under a Creative Commons Attribution 4.0 (CC BY) license. Work that must be licensed under the CC BY includes both new content created with the grant funds and modifications made to pre-existing, grantee-owned content using grant funds.

Additional information on where products should be submitted and made available will be provided in future guidance.

### **Requests for Changes to Grant Service Area**

The regional workforce partnerships in each grant were self-identified by grantees and were part of the scoring criteria in the America’s Promise grant application. The national Program Office will not typically consider a service area change unless there is a compelling reason such as a major economic event in the region, or a natural disaster. To consider a service area change we would need a strong justification for how an expanded service area aligns with the current regional workforce partnership, per the definition in the FOA. Additionally, expanding the service area into other areas may require the grantee to expand their regional workforce partnership to include the workforce agencies and other partners, including the requisite employer commitments, in those areas; and grantees would need to provide documentation that these partnerships are in place, or there is a commitment by the required partners in those areas, that they will actively participate in the grant. If their request to expand the service area is due to recruitment challenges in the current service area, it may be more effective for the grantees to work with their FPO and their assigned technical assistance coach on assessing and modifying their current outreach/recruitment strategies within the current service area.