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MANPOWER ADMINISTRATION ORDER NO. 12-68

Subject: Implementation of Title I-B of the 1967 EOA Amendments

1. Purpose. To delegate authority and assign responsibility for the administration of work and training programs under Section 123 of Title I-B of the Economic Opportunity Act of 1963, as amended (EOA). Excluded from consideration herein is that part of EOA Title I-B programs and resources devoted to the Job Opportunities in the Business Sector (JOBS) program.

2. Background. The Economic Opportunity Act Amendments of 1967 consolidate authority for all the delegated work and training programs now administered by the Manpower Administration under Section 123 of the EOA. The law now requires that:

- (a) a community program area (CPA) be designated for the purpose of planning and conducting comprehensive work and training programs (CWTP),
- (b) all work and training components be consolidated into a CWTP and financial assistance for such programs provided through a prime sponsor (PS) after July 1, 1968, and
- (c) the Federal-State employment service provide and develop further its capacity for providing maximum support for manpower training programs.

The implementing instructions set forth herein are provided to insure that each comprehensive work and training program (CWTP) will provide an unbroken sequence of useful training and work opportunities together with appropriate remedial and supportive services to target groups of unemployed and low income persons so that they can obtain and hold regular competitive jobs. The goal is a comprehensive delivery system which marshalls the total manpower resources available to overcome the complex employment problems of the most severely disadvantaged in the rural and urban areas in which they are concentrated. The instructions outline a systematic approach to planning and implementing the CWTP which takes into consideration the need to provide local leaders and members of the groups to be served, with the opportunity to participate in the decisions which determine how manpower resources are to be allocated and utilized.

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3. Delegation of Authority and Assignment of Responsibility.

A. The Regional Manpower Administrators (RMAs) and the Manpower Administrator for the District of Columbia are hereby delegated authority and assigned responsibility in respect to those functions and programs authorized by Sections 121, 122, and 123 of the EOA, as amended, for:

(1) designating community program areas (CPA), for the purpose of planning and conducting comprehensive work and training programs (CWTP),

(2) recognizing a prime sponsor (PS) to receive all financial assistance for programs under section 123 and to plan and conduct comprehensive work and training programs (CWTP),

(3) approving a comprehensive work and training program (CWTP) for each community program area (CPA), which shall consolidate all work and training components commencing July 1, 1968,

(4) approving and executing all contracts and agreements for programs and projects to implement an approved comprehensive work and training program (CWTP);

(5) assuring that the Federal-State employment service provides and develops its capacity for providing maximum support for such manpower programs.

B. All authority delegated and responsibility assigned to the Regional Manpower Administrators and the Manpower Administrator for the District of Columbia by this Order shall be exercised according to the implementing instructions contained herein and subsequent guidelines and standards issued by the Manpower Administration. It should be noted that the instructions require the RMA, in specified instances, to obtain the concurrence of the OEO field staff before a final action is taken.

4. Approved Policies. In accordance with the terms of the agreement reached between the Office of Economic Opportunity (OEO) and the Department of Labor (DOL) embodied in the Memorandum of Agreement dated April 12, 1968, the policies set forth below have been jointly developed and approved by OEO and DOL.

A. Consultation with Local Government Officials

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The RMA will, in the course of his initial planning for the establishment of a comprehensive work and training program in a community, consult with the head(s) of local government(s). Consultation is also required prior to his making major program determinations affecting an ongoing CWTP.

^{1/}References throughout this Order to RMA include the Manpower Administrator for the District of Columbia.

B. Designation of a Prime Sponsor (PS)

A PS is a public or private nonprofit agency which is capable of (1) receiving and disbursing funds and (2) planning, developing, administering, coordinating and evaluating a CWTP.

(1) The CAA in a community is the PS of a CWTP and shall be chosen unless it is jointly determined by OEO and DOL to be incapable of performing the functions of a PS and cannot be feasibly provided with that capacity. Within 30 days after designation of a CPA, the RMA will solicit in writing, and accept an application for recognition as PS from the local CAA.

Once the RMA has tentatively selected a PS, he will immediately notify in writing, the OEO Regional Office and the appropriate CAMPS committee. When exception is taken by OEO to the non-selection of an existing CAA, the checkpoint procedure jointly developed by OEO and DOL will be followed (see paragraph 4H below).

(2) Where OEO and DOL agree that an existing local CAA will not be the PS, or where there is no CAA in existence, the RMA will promptly solicit and accept applications for sponsorship from non-CAA agencies. In such situations, the State employment service or other agencies of State government, local governmental jurisdictions, or private non-profit agencies may be designated as Prime Sponsors wherever they qualify.

When an application for sponsorship has been submitted to the RMA by an agency other than a CAA, the RMA will furnish two copies thereof to the appropriate CAMPS committee. Within 10 days of receipt of all non-CAA applications for sponsorship, the CAMPS committee will schedule interviews with each applicant and forward its recommendations on the merits of each claim for sponsorship to the RMA for his final decision. The relevant CAMPS committees will be notified of all selections of PS's by the RMA.

(3) The PS is responsible for assuring that delegate agencies satisfactorily perform their responsibilities, including providing for participation and employment of members of groups served. When, in the course of monitoring the performance of delegate agencies, the PS finds unsatisfactory performance, he shall seek immediate corrective action by the delegate agency, appealing to higher organizational levels of the agency, as necessary. If the delegate agency remains unresponsive, the PS shall seek corrective action through the RMA, and ultimately, through appeal to the Manpower Administrator.

(4) The RMA shall review annually the performance of each PS, applying the standards of project effectiveness developed and published as described in Section 132(c) of the EOA.

(5) All financial assistance for a CWTP in a CPA must be provided through a PS, unless a determination has been made by the RMA that:

(a) there is a good cause for an extension of time or,

(b) after soliciting and considering the comments of the PS, if any, it is determined that the provision of financial assistance to a public agency or private organization other than the PS, for one or more component programs, would enhance program effectiveness or acceptance on the part of the persons served and that such action would serve the purposes of Title I-B;

(c) the project is an in-school Neighborhood Youth Corps (NYC) project in which case financial assistance may be provided directly to local or State education agencies.

When the RMA decides under 5a or b above, to provide financial assistance directly to a public or private non-profit agency in any community where the CAA is designated as the PS, he will immediately notify the OEO Region Office in writing. Where exception is taken by OEO to the proposed direct funding by the RMA under 5a or b above, steps two and three of the OEO-DOL checkpoint procedure will be followed.

C. Designation of a Community Program Area (CPA)

A community program area (CPA) is the area for which a comprehensive work and training program (CWTP) is planned and within which it is administered by a prime sponsor (PS). A neighborhood, city or multi-city unit, county or multi-county unit, Indian reservation or other area, may be designated as a CPA if it provides a suitable organizational base and possesses the commonality of interest needed for the CWTP.

Where feasible, a CPA should be at least city-wide in dimension. However, an area in which a CEP is already located will be part of a CPA or if no broader area possesses the above prerequisites, the CEP area itself shall be a CPA.

(1) Designation or recognition of a CPA is to facilitate the planning and administration of a CWTP for that community. Areas should be selected upon the basis of such criteria as the extent to which:

- (a) A suitable organizational base exists in the area;
- (b) a commonality of interest is found among the various populations of the area;
- (c) the selection serves the interests of making broad communitywide manpower planning more generally applicable and expedites the process of planning a CWTP to meet the needs of the area;
- (d) the boundaries of the CPA will be consistent with boundaries of other areas used for the planning of manpower programs, such as Community Action Agency (CAA) boundaries, local governmental jurisdictions, CEP areas, Model Cities areas, Standard Metropolitan Statistical Area (SMSA) or CAMPS areas;
- (e) the selection contributes to sound administration of a CWTP.

(2) To help him in selecting areas meeting the above criteria, the RMA, as chairman of the Regional CAMPS committee, will solicit the recommendation of the State CAMPS committee or when appropriate, the areas CAMPS committee. The CAMPS recommendation should be solicited in time to aid the RMA in designating CPAs prior to the date established for the initiation of the annual CAMPS planning cycle.

Before making a final designation of a CPA, the RMA will inform the OEO Regional Office in writing of his proposed designation. When exception is taken by OEO to the proposed designation of the CPA, the checkpoint procedure jointly developed by OEO and DOL will be followed. (See paragraph 4H below).

Once a CPA has been designated, the RMA will immediately notify the OEO Regional office, and the appropriate CAMPS committee.

D. Comprehensive Work and Training Program (CWTP)

A CWTP plan, developed through a systematic approach to planning and implementation, will link all relevant component programs under Title I-B with other appropriate public and private manpower programs and activities so that disadvantaged residents (See Manpower Administration Order No. 2-68 for definition of the term "disadvantaged") of a CPA who are enrolled in a CWTP are provided with an unbroken sequence of services which will enable them to obtain and hold employment. The CWTP will contain an analysis of the needs and priorities of the CPA, together with a complete statement describing how the Title I-B program components for which the PS has contractual responsibility are to be linked with other related manpower programs available in the CPA.

(1) Development of a Comprehensive Work and Training Program (CWTP)

The appropriate CAMPS committee annually initiates the planning cycle for its Comprehensive Manpower Plan by relating the priorities established to each proposal for deploying program resources. Regular participants in the CAMPS planning process will now include the PS who is responsible for planning and administering a CWTP for the CPA.

The PS will provide the appropriate CAMPS committee with a plan of action describing how the various Title I-B program elements for which he has contractual responsibility are to be linked with other manpower programs available in the CPA, indicate the role to be played by delegate agencies, and specify, to the extent feasible, the number of persons involved in each program, both as staff and enrollees, the amount of funds to be obligated, and the time schedule for implementation of each project.

The analysis and proposed plan of action for FY 1969 will be developed and submitted as an amendment to the CAMPS plan and shall be in the form prescribed in ICI 68-4.

The analysis and plan of action for a CWTP will be reviewed by the appropriate CAMPS committee to determine whether it is consistent with the CAMPS Comprehensive Manpower Plan. No alteration may be made in the analysis and plan of action for a CWTP without the PS's approval. The area committee shall then forward the analysis and plan of action for a CWTP (together with its recommendation) through the State CAMPS committee to the regional committee, as a separate, identifiable part of the area CAMPS plan. The Regional CAMPS committee will, as part of the process of reviewing and approving a CAMPS Comprehensive Manpower Plan, make a recommendation to the RMA concerning the extent to which the analysis and plan of action for a CWTP is consistent with the Comprehensive Manpower Plan. After considering this recommendation, the RMA will accept, reject, or modify the CWTP and immediately furnish copies of whatever plan has been approved to both the PS and the appropriate CAMPS committee.

The PS will then prepare the interrelated set of specific project proposals which, when executed, will complete the CWTP. These proposals will be forwarded to the RMA for approval and execution of the necessary documents. Prior to acting on the proposed agreement(s) the RMA shall determine whether the proposed projects are essential to the implementation of a CWTP which is consistent with the CAMPS area plan.

(2) Contracting

The overall objective is to have all components of a CWTP planned, administered, coordinated, and evaluated by a single PS who will serve as the sole source of funds for the operation of those Title I-B projects for which he is contractually responsible. Projects will be operated through delegate agencies wherever feasible. While all elements of a CWTP are ultimately expected to be consolidated into a single contract, initially these elements need not be expressed in one contract. Rather a CWTP plan is in effect when both the analysis, plan and interrelated set of project proposals (action) have been coordinated and approved by the RMA. Specific project proposals shall take whatever form is required to implement the CWTP.

(a) Implementation of a CWTP will not require termination of on-going contracts. For example, ongoing contracts antedating development of an approved CWTP shall, wherever possible, be incorporated in the proposed plan for that CWTP. If the CWTP is approved as part of the overall CAMPS plan then all such contracts may proceed to completion without modification. Additional funds should not be obligated under existing contracts where the PS is not the contractor.

Where modifications are necessary they shall be made, wherever possible, upon the recommendation of the PS, to avoid termination and to bring the contracts into line with the CWTP. This can be done over a period of time, with minimum disruption to the action portion of the CWTP.

(b) Where a required modification is substantial or where an entirely new component is initiated that is not reflected in an approved CWTP, it will be necessary to amend the CAMPS plan in accordance with CAMPS instructions. Such amendment shall be made before the modified agreement is forwarded to the RMA for approval.

(3) Relationship of CEP to CWTP

All CEPs (including existing CEPs) shall be located within a designated CPA and shall be operated by a PS or a delegate agency and planned and administered as a part of a CWTP. In other words, an area in which a concentration of manpower programs is provided (CEP area), shall be an integral part of the CWTP's total response to the problems of the CPA.

E. Provision of Manpower Services

The State Employment Service (SES) is the supplier of all manpower services for the CWTP pursuant to Section 637 of the EQA, as amended. Manpower services provided to a CWTP by a SES will be made available to the extent possible from current SES resources. The provision of these services will be defined in a memorandum of agreement (BWTP Form 32 rev.) between the SES and the PS.

It is the responsibility of the PS to insure that these manpower services are provided in accordance with terms of the contractual agreement or the memorandum of agreement referred to above. If in the course of carrying out his monitoring and overseeing responsibilities, the PS determines that the SES is not supplying manpower services in a satisfactory manner, he should attempt to resolve the matter with the appropriate representative of the SES central office. If the problem cannot be resolved at the SES central office level, he should present his findings to the RMA.

When as a result of the above procedure the RMA determines that a SES is not in compliance with the Secretary's Regulations requiring the SES to be responsible for supplying the manpower services specified in the CWTP, the RMA will, in consultation with the PS, arrange for such services to be supplied by another private or public agency. The requirements of Section G of this document are applicable to any agency providing such manpower services.

Whenever manpower services are required for a CWTP which are over and above those normally provided by the ES, the PS through contractual arrangement, shall reimburse the ES State Agency for the provision of these additional services. Guidelines for reimbursement to the SES will be provided in a subsequent document.

Although the SES is responsible for providing the full range of manpower services set forth in the CWTP, it is recognized that it may be necessary or desirable for the SES to make appropriate arrangements with other private or public agencies to provide a particular manpower service.

F. Supportive Services

In designing a CWTP, the prime sponsor or other sponsoring agency is responsible for making arrangements for the provision of other needed services, as appropriate, including:

- (1) day care
- (2) medical services
- (3) transportation
- (4) family services
- (5) legal services
- (6) basic or remedial education where not provided as part of manpower services.

G. Community Participation

(1) Participation by Representatives of the Poor

It is the basic, continuing and legally binding responsibility of each PS to provide for an effective administrative structure which ensures that representative members of the groups being served in a CPA have direct access to and participate in the decision-making process involving planning, conduct and evaluation of a CWTP and its program components.

(a) Agencies governed or administered by a board of which at least one third of the members are democratically selected from the groups to be served, shall meet this requirement. In all cases where a prime sponsor is not so structured, it should establish a special board which includes, as at least one third of the membership, democratically selected representatives of the areas to be served. These special boards should be given responsibility for overseeing the planning, conduct and evaluation of the CWTP and its components.

(b) The governing or special board referred to above should also serve as the policy level participatory body for delegate agencies required by Section 122 of the EOA, through one of the following optional arrangements:

(i) The board should appoint a subcommittee composed of appropriate representatives of the governing or special board to serve each delegate agency in an advisory capacity or,

(ii) the board should establish a "delegate agencies advisory board" composed of selected members of the governing or special board and a representative from each delegate agency.

In either situation, members of PS boards who represent the groups being served will function also as members of component boards in order to provide overall coordination of the component programs.

(2) Enrollee Participation

It is the responsibility of the prime sponsor and each delegate agency to establish regular procedures for the meaningful participation of project enrollees in the conduct and ongoing evaluation of CWTP programs.

Each of the delegate agencies will meet with enrollees on a monthly basis to ensure continuous participation of the enrollees in the direction of the programs. The governing board of the PS should regularly receive comments, criticisms and suggestions of the project enrollees.

This can be accomplished by using existing representative groups, specially creating such groups, or by utilizing other equally acceptable channels of communication.

(3) Labor and Management Participation

The PS shall provide for participation of employers and of labor organizations in the planning and conduct of the comprehensive work and training programs, in a manner comparable to that provided for members of the groups being served.

(4) Training, Technical Assistance and Financial Assistance

The PS and the delegate agencies should provide training and technical assistance to the resident poor board members and enrollees which is responsive to their needs. Where financial problems are a barrier to participation, reimbursement for transportation or babysitting expenses, etc., and compensation for services on boards or committees should be provided.

(5) Employment of the Poor

The PS and delegate agencies shall provide maximum employment opportunities for resident poor of the CPA, including elderly unemployed and underemployed, in the conduct of component programs. This employment shall include opportunity for further occupational training and career development, and upgrading, with funds made available for this purpose.

H. OEO-DOL Checkpoint Procedure

The following checkpoint procedure will apply when exception is taken by OEO to the non-selection of an existing CAA as PS, the situation where OEO objects to the proposed boundaries of the CPA or when the RMA proposes to provide financial assistance directly to an agency other than the PS under B 5a or b above.

(1) When the RMA takes one of the above actions, he will notify the OEO Regional Director in writing, of his decision

and his reason(s) for taking such action. The OEO Regional Director will have 10 working days to investigate the situation and attempt to resolve any differences with the RMA.

(2) Where these parties are able to reach agreement, the agreement will be reduced to writing and signed.

If no agreement is reached, the OEO Regional Director will have five additional days to compile and forward all written deliberations to the Director of OEO.*

(3) The Director of OEO will immediately furnish to the Manpower Administrator a copy of the record and both parties will have three working days to resolve the question. Once resolved, the decision will be reduced to writing, signed, and transmitted to the appropriate RMA.

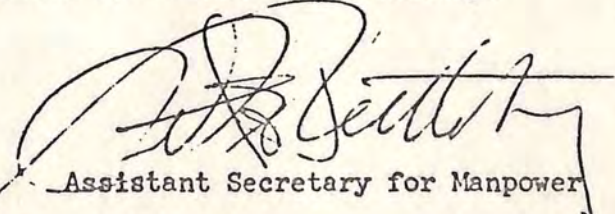
* The RMA will, of course, keep the MA informed of this development through normal internal channels.

5. Authority and Directives Affected. This Order is issued pursuant to Secretary's Order Nos. 5-67, 23-67, and 6-68 and implements Manpower Administration Order Nos. 4-68 and 5-68, and Executive Order No. 11422.

6. Future Changes. During the third quarter of each fiscal year, representatives of the Department of Labor (DOL) and of the Office of Economic Opportunity (OEO), shall jointly review the provisions of this Order and determine what procedural and policy changes should be made in order to carry out the delegated Title I-B programs more effectively. Changes in the policies and procedures described in this Order shall be made with the joint approval of OEO and DOL.

7. The Office of Economic Opportunity and the Manpower Administration have jointly developed and approved the policies set forth in this Order.

8. Effective Date. This Order is effective immediately.


Assistant Secretary for Manpower