

## **NATIVE EMPLOYMENT WORKS (NEW) PROGRAM PLAN GUIDANCE**

### **Instructions for Preparing and Submitting NEW Program Plans, for Grantees that Include their NEW Programs in Public Law 102-477 Projects**

#### **OVERVIEW AND GENERAL INSTRUCTIONS**

##### **Overview of the Native Employment Works Program**

The Native Employment Works (NEW) program is authorized by section 412(a)(2) of the Social Security Act, as amended by Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The federal regulations for the NEW program are found at 45 CFR Part 287.

Eligibility for NEW program funding is limited by law to federally-recognized Indian tribes and Alaska Native organizations that operated a Tribal Job Opportunities and Basic Skills Training (JOBS) program in fiscal year (FY) 1995.

Annual NEW grant amounts are set by law at the FY 1994 Tribal JOBS funding levels for each eligible tribe/organization. Total annual NEW funding is \$7,633,287.

By law, the purpose of the NEW program is to make work activities available to grantees' service populations and service areas. Allowable work activities include educational activities, training and job readiness activities, and employment activities that help clients prepare for, obtain, and retain employment. Allowable supportive and job retention services include transportation, child care, items needed for training or employment, medical services, counseling, and other work and family sufficiency related services that enable clients to participate in the program and prepare for, obtain, and retain employment. Allowable activities also include job/labor market assessments, job creation, and economic development leading to job creation for NEW program participants. NEW program funds also may be used for appropriate administrative costs. (Sections of the NEW program regulations that describe allowable activities and services are attached.)

##### **Overview of the Native Employment Works Program Plan and Guidance**

The NEW program plan is the application for NEW program funding. As approved by the Department of Health and Human Services (HHS), Administration for Children and Families

(ACF), the plan documents how the grantee will carry out its NEW program. HHS/ACF must approve NEW program plans and plan amendments in order for them to be in effect.

Each NEW program plan generally covers a three-year period. ACF does not prescribe a format for NEW program plans. The format is left to the discretion of each NEW grantee.

This program plan guidance contains instructions for preparing and submitting NEW program plans, for grantees that include their NEW programs in Public Law 102-477 projects. These requirements are based on the requirements for plans in the NEW program regulations. This program plan guidance is issued as a NEW program instruction under NEW-ACF-PI-\_\_\_. This document, and the corresponding document for grantees that do not include their NEW programs in P.L. 102-477 projects, supersede previous NEW program plan guidances.

### **Instructions for Grantees that Include their NEW Programs in Public Law 102-477 Projects**

Grantees may choose to include their NEW programs in demonstration projects under Public Law 102-477, the Indian Employment, Training and Related Services Demonstration Act of 1992. If a grantee wants to include its NEW program in its 102-477 project, the grantee's 102-477 plan must identify the NEW program as one of the programs to be included/integrated in the 102-477 project. P.L. 102-477 plans generally cover three-year periods. NEW programs generally can be added to or removed from 102-477 projects as of July 1 (the beginning of the NEW program year, when NEW funds generally are available for award), if all applicable requirements have been met. The Department of the Interior, the lead agency for 102-477 projects, provides further information on preparing and submitting 102-477 plans.

NEW funds must be used to provide appropriate work activities and supportive and job retention services. Grantees' plans must cover the appropriate activities and services for which NEW funds will be used. These activities and services must be allowable under the NEW statute and applicable regulations.

Any administrative (including indirect) costs paid with NEW funds must be appropriate and allowable under all applicable requirements. NEW funds must not be used to pay excessive administrative/indirect costs (for example, to "compensate" for limitations on use of other programs' funds for these costs).

All statutory and regulatory requirements for NEW programs apply to NEW funds included in 102-477 projects, unless a grantee specifically requests a statutory or regulatory waiver in its 102-477 plan and HHS specifically grants the waiver. Public Law 102-477, section 14(a)(1), states, "Program funds shall be administered in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount attracted from each program) are spent on allowable activities authorized under such program."

If a grantee wants to request any waiver(s) of NEW program statutory requirements, regulations, policies, or procedures necessary to enable it to implement its 102-477 plan, the 102-477 plan must identify each specific statutory requirement, regulation, policy, and/or procedure that the

grantee requests be waived. Public Law 102-477, section 7, states, “ the Secretary of the affected agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by that agency that has been so identified by such tribal government or agency, unless the Secretary of the affected agency determines that such a waiver is inconsistent with the purposes of this Act or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian programs.”

**Grantees that include their NEW programs in 102-477 projects must submit plans that include all information required for NEW program plans, as described in this program plan guidance. These grantees have two options for preparing and submitting their NEW program plans; they may choose the option they prefer.**

- **Option 1** – Include the information required for NEW program plans in a separate NEW plan. Submit the separate NEW plan directly to ACF for review and approval. Also submit a 102-477 plan to the Department of the Interior, which forwards a copy of the 102-477 plan to ACF for review and approval.

Grantees that choose this option should notify ACF that they want to submit a separate NEW plan. In consultation with the grantee, ACF will confirm the period to be covered by the grantee’s NEW plan and the submission date. This period generally will start July 1, the beginning of the NEW program year. (The NEW plan and the 102-477 plan might cover different periods. For example, the NEW plan might cover a three-year period starting July 1, and the 102-477 plan might cover a three-year period starting October 1 of the same year.)

Submit the original of the NEW plan to the appropriate ACF regional office (information attached). Also submit one copy of the NEW plan to: Department of Health and Human Services; Administration for Children and Families; Office of Family Assistance; Attention: NEW Team; 370 L'Enfant Promenade, S.W.; Washington, D.C. 20447.

Submit the 102-477 plan to: Department of the Interior; Assistant Secretary – Indian Affairs; Office of Indian Energy and Economic Development; Division of Workforce Development; 1951 Constitution Avenue, N.W., MS-18-SIB; Washington, D.C. 20240.

- **Option 2** – Include the information required for NEW program plans in the 102-477 plan, incorporating the NEW plan in the 102-477 plan. Submit the original of the 102-477 plan incorporating the NEW plan to the Department of the Interior. At the same time, please submit a copy of the plan directly to ACF to facilitate our review and approval.

Grantees that choose this option should be sure that ACF and the Department of the Interior know they will incorporate their NEW plan in their 102-477 plan.

In the 102-477 plan, when addressing each information item required for NEW plans as described in this program plan guidance under “Program Plan Information”: If the information/response to an item is the same for NEW and the overall 102-477 project and/or all included employment and training programs, the information/response need not specifically

reference the NEW program or specifically identify uses of NEW funds. For example, if the administering agency named in the 102-477 plan administers all included programs, the plan need not specify that this agency administers NEW funds. Similarly, if the service area, service population/eligibility, work activities, supportive and job retention services, coordination, goals, and performance standards described in the plan apply to all included employment and training programs, the plan need not specify that each of these responses applies to NEW funds or provide a separate description for the NEW program.

Applicants should submit 102-477 plans at least 120 days before the proposed implementation date of initial 102-477 plans, and at least 90 days before implementation of 102-477 renewal plans. After initial review of plans by the appropriate federal partners, including ACF, the applicant will be notified about any additional action needed for plan approval, and the applicant will be notified when the plan is approved.

Submit the 102-477 plan to: Department of the Interior; Assistant Secretary – Indian Affairs; Office of Indian Energy and Economic Development; Division of Workforce Development; 1951 Constitution Avenue, N.W., MS-18-SIB; Washington, D.C. 20240. Also, please submit one copy of the plan to: Department of Health and Human Services; Administration for Children and Families; Office of Family Assistance; Attention: NEW Team; 370 L’Enfant Promenade, S.W.; Washington, D.C. 20447.

### **Paperwork Reduction Act Information**

Public reporting burden for this collection of information is estimated to average 29 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

## **PROGRAM PLAN INFORMATION**

NEW program plans must include the following information.

### **1 – PROGRAM ADMINISTRATION**

- Identify the tribe or tribal organization submitting this plan.
- Identify the agency, department, or division within the applicant tribe or tribal organization that is responsible for administering the NEW program.
- State the time period covered by this plan.

- Identify the contact person or persons for the grantee’s NEW program and plan. Include name, position/title, mailing address, and telephone number. Include fax number and e-mail address as appropriate.

## **2 – SERVICE AREA AND SERVICE POPULATION/ELIGIBILITY**

- Describe the geographic area to be served by the NEW program (the tribal service area in which the NEW program will be operated).
- If the service area designated for the NEW program is different from the grantee’s Bureau of Indian Affairs designated service area, explain why a different service area is designated.
- Describe the population to be served by the NEW program and the equitable eligibility criteria for participation in the NEW program (the equitable need-based eligibility requirements for participating in NEW-supported activities and receiving NEW-supported services).
- If there will be priorities for service among persons who are eligible for participation in the NEW program, describe the equitable criteria that will be used to establish priorities for service among eligible individuals. (Example: The population eligible for services under a tribe’s NEW program is unemployed members of federally-recognized Indian tribes. Because the grantee anticipates that the demand for services may exceed the available resources, it establishes criteria giving first/top priority for services to unemployed members of federally-recognized Indian tribes who receive Temporary Assistance for Needy Families.)

## **3 – ACTIVITIES AND SERVICES TO BE PROVIDED BY THE NEW PROGRAM**

- Describe the work activities that will be provided/available under the NEW program – the work activities that will be provided to clients using NEW funds and/or by persons supported by NEW funds. These are the educational activities, training and job readiness activities, and employment activities that will be provided by/through the NEW program to help clients prepare for and obtain employment. These activities may include:
  - Educational activities including support for GED, remedial, vocational, post-secondary, and alternative education;
  - Training and job readiness activities including job skills training, job readiness training, on-the-job training, entrepreneurial training, and management training; and
  - Employment activities including job search, job development and placement, community work experience, community service programs, traditional subsistence activities, and subsidized and unsubsidized public and private sector work experience and employment.

Provide sufficient details to make clear the specific work activities that will be available under the NEW program. Where the NEW program will pay for education, training and job readiness, and employment activities provided by other entities (for example, by local colleges and trade schools), specify/name these other entities where possible.

- Describe the supportive and job retention services that will be provided/available under the NEW program – the supportive and job retention services that will be provided using NEW funds and/or by persons supported by NEW funds. As appropriate for the grantee, include transportation assistance, child care, items such as clothing, uniforms, shoes/boots, and tools/gear needed for training or employment, medical/optical/dental services (for example, eye exams and purchase of eyeglasses), counseling, and other services necessary to enable clients to participate in the program and prepare for, obtain, and/or retain employment. Provide sufficient details to make clear the specific supportive and job retention services that will be available under the NEW program. (Example: The following types of transportation assistance will be available, based on clients’ needs and availability of funds: tribal van services, bus passes, and payments for gasoline purchase, car repair, and drivers’ license fees.)
- If NEW funds will be used for job/labor market assessment, job creation, and/or economic development leading to job creation, describe these activities. Provide sufficient details to make clear the specific nature of any job creation or economic development activities to be supported with NEW funds.

#### **4 – PROGRAM COORDINATION**

- State the programs and agencies, educational institutions, organizations, and other entities with which the NEW program will coordinate. (Examples: Specified tribal and other programs and entities that provide job training, related education, and work experience; one-stop centers; employment offices; employers; tribal and state TANF programs/agencies; child care and Head Start programs/agencies; economic development agencies; tribal employment rights offices; advisory councils such as local workforce development boards.)
- Describe the coordination between the NEW program and these programs and entities – describe how they will be coordinated. (Examples: Providing referrals; exchanging information on available activities, services, and job opportunities for clients; exchanging information on clients served; providing training, education, employment activities, job placements, and supportive and job retention services.)

#### **5 – PROGRAM OUTCOMES**

- Describe the overall goals/planned outcomes for the NEW program. Include two or more goals/planned outcomes related to preparing clients for work and finding unsubsidized employment. (Examples of goals/outcomes: Provide training, education, and work experience that prepare clients for work. Place clients in unsubsidized employment. Provide supportive and job retention services that enable clients to prepare for, obtain, and retain employment.)
- Describe the standards/measures (performance standards) that will be used to determine the extent to which the NEW program goals/planned outcomes have been achieved. Include two or more standards or measures of program performance in achieving the goals/outcomes. These performance standards must be measurable, outcome-based, and consistent with the NEW plan and the goals/planned outcomes. They should address annual performance –

achievements expected each program year. They should take into account the circumstances of the individual grantee, the grantee's service population, and the labor/job market conditions in the grantee's service area. (Examples of standards/measures: The number or percent of participants the grantee anticipates will achieve specified outcomes, such as the number or percent of participants that will successfully complete certain training activities, education, or work experience each program year, and the number or percent of participants that will be placed in unsubsidized jobs each program year.)

Different standards may be set for different categories of participants (for example, for adults and for youth). Separate standards may be set based on the type of services provided, such as standards for participants receiving intensive training services or work experience, and standards for participants receiving only direct job placement or supportive services.

(Note: Grantees report their success in achieving their performance standards/measures/outcomes in their annual program reports.)

## **6 – SIGNATURE AND STANDARD ASSURANCES/CERTIFICATIONS**

- The plan (for example, Standard Form 424 and/or a cover letter) must be signed by the grantee's chief executive officer (for tribes, the tribal chairperson) or designee.
- The following standard certifications apply to the NEW program. Submitted certifications must be signed by the grantee's chief executive officer (for tribes, the tribal chairperson) or designee. (Copies of these certifications are attached.)
  - Assurances – Non-Construction Programs (Standard Form 424B) – Applicants must sign and return the SF 424B with each application/plan.
  - Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions – Applicants must make the appropriate certification that they are not presently debarred, suspended, or otherwise ineligible for award. By signing and submitting the application/plan, applicants are providing the certification and do not need to return the certification with the application/plan.
  - Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals – Applicants must make the appropriate certification of their compliance with the Drug-Free Workplace Act of 1988. By signing and submitting the application/plan, applicants are providing the certification and do not need to return the certification with the application/plan.
  - Certification Regarding Tobacco Smoke – Applicants will be held accountable for the smoking prohibition included in Public Law 103-227, Title XII – Environmental Tobacco Smoke (also known as the Pro-Children Act of 1994), when providing services covered under that law (predominately education and library services to children). By signing and submitting the application/plan, applicants are providing the certification and do not need to return the certification with the application/plan.

## **Attachments**

Provisions under 45 CFR Part 287 describing activities and services that may be provided with  
NEW program funds  
Administration for Children and Families (ACF) regional office contacts for the Native  
Employment Works (NEW) program  
Standard assurances/certifications that apply to the NEW program (4)