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## DEPARTMENT OF LABOR AND EMPLOYMENT

### WORKFORCE DEVELOPMENT PROGRAMS

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| Category: State Initiatives   |
| Subject: <b>H-1B Technical Skills Training Grant: Strategies to Advance Colorado's Highly Skilled Workforce</b> |
| Source: Federal/State   |
| Revise/Replace:   |
| Contact: Workforce Development Programs Director  |
| Distribution: Managers, Workforce Development Programs Staff, Local Workforce Region Directors, Fiscal          |
| Colorado One-Stop System Policy Guidance Letter#: 12-02-H1B   |
| Date: March 7, 2012   |

#### I. REFERENCE(S):

Workforce Investment Act of 1998, 20 CFR 652 et al.; Wagner Peyser Act of 1933, as amended; United States Department of Labor – Employment and Training Administration (USDOL-ETA) Notification of Award/Obligation HG-22594-12-60-A-8 for the H-1B Technical Skills Training Grant; Federal laws, regulations, OMB Circulars, Technical Employment Guidance Letters (TEGLs) and other Federal guidance; 29 CFR Part 97, Uniform Administrative Requirements For Grants And Cooperative Agreements To State And Local Governments; OMB Circular A-87 (relocated to 2 CFR Part 225) Cost Principles For State, Local, And Indian Tribal Governments; The Jobs for Veterans Act (Public Law 107-288; and Colorado Department of Labor and Employment (CDLE) Policy and Program Guidance Letters (PGLs), such as # 10-10-WP – Use of Funds for Outreach, Advertising, Public Relations and Informational Activities; # 11-03-P - Expenditure Authorization (EA) Procedures; and # 11-06- WIA - Waiver Policy.

#### II. PURPOSE:

To provide policy, information, guidelines, and programmatic requirements for Local Workforce Investment Boards and Local workforce regions to implement the **H-1B Technical Skills Training Grant (Grant)**. Each Local workforce region shall comply with the federal, state and local laws and regulations, including the specific reporting requirements governing the grant and other funding provisions issued by the State. CDLE shall allocate funding to local workforce regions through a Notice of Fund Availability (NFA) letter and funds may be used pursuant to an executed expenditure authorization.

### III. BACKGROUND:

Between January 2010 and June 2011, Colorado employers spent more than \$19M in H-1B visa fees to import 5,761 foreign workers for Colorado jobs. The USDOL- ETA released a solicitation of funds “designed to provide education, training and job placement assistance in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and the related activities necessary to support such training. H-1B technical skills training grants are financed by a user-fee paid by employers to bring foreign workers into the United States (US) under the H-1B non-immigrant visa program.”

CDLE, in partnership with the local workforce regions, local businesses and educational partners, applied for a \$5 Million Technical Skills Training grant. The proposal was designed to develop strategies to advance Colorado’s highly skilled workforce in high growth industries and occupations. In addition to the \$5M grant award, Colorado educational partners, businesses and local workforce regions will provide \$2.5M in matching funds to supplement and support this grant. Funding will be initially allocated to 8 local workforce regions and sub-regions as grant sub-recipients. These regions will provide or facilitate an opportunity for training and services to **558** incumbent workers and **239** unemployed workers statewide.

The goal of the grant is to provide training and financial incentives to all partners who train, retain, or hire a minimum of 797 workers in positions that might otherwise be filled by H-1B foreign workers. Colorado will build off of the best practices of past grant initiatives, including the sector-based strategies that have been implemented throughout the state. Regions will expand partnerships with employers by offering advanced skills education that keeps Colorado’s workers employed. The national economy is still struggling to regain jobs after the 2008 recession. Colorado’s economy has been showing signs of improvement; however, layoffs are still occurring and there are still skill shortages identified in some industries and occupations. Through this initiative, Colorado businesses stand to save nearly \$3 Million in visa costs and approximately \$2.3 Million in training costs they would have paid to keep their workforce competitive. Increased tax revenues will be generated by the unemployed who will be upgraded and hired into high-skill, high-wage occupations. Based on calculations by CDLE’s Labor Market Information (LMI) section, the return-on-investment generated from this grant for business and Colorado may exceed \$6 Million for the 4-year grant period of performance.

**Participating Regions:** Arapahoe/Douglas Works!, Workforce Boulder County, Denver Office of Economic Development – Workforce Development, Employment Services of Weld County, Larimer County Workforce Center, Pikes Peak Workforce Center, Rural Consortium Workforce Center (Participating Sub-Regions: Mesa and Pueblo)

**Targeted Populations:** incumbent workers, unemployed individuals who receive or have exhausted extended unemployment benefits, Veterans and eligible spouses, and other diverse populations (including minorities, disabled, Temporary Assistance to Needy Families (TANF), women).

**Period of Performance:** The overall period of performance runs from **November 14, 2011 through November 30, 2015**. Participating local workforce regions will receive a Notice of Fund Availability (NFA) around February 15, 2012. Local workforce regions are

instructed to review the NFA for any updated period of performance information, as appropriate.

#### IV: POLICY/ACTION:

##### A. Definitions/Glossary

###### *i. H-1B Eligible Participants:*

- a. Employed Workers are those adults and dislocated workers who are employed, have received at least one core service, and are determined by a One-Stop operator to be in need of more intensive services to obtain or retain employment that leads to self-sufficiency (WIA Definition – 663.220). The definition of employed worker is relevant for those H-1B participants who may be co-enrolled in the WIA program. Also, employed workers who are under-employed or partially employed (at enrollment) may qualify for H-1B training through the long-term unemployed worker eligibility criteria.

NOTE: Each local workforce region should review local policies to determine the local self-sufficiency standards that have been set for employed workers. H-1B participants must have income below the local self-sufficiency standard to be eligible for co-enrollment.

- b. Incumbent Worker is an individual who is employed, but does not necessarily have to meet the eligibility requirements for intensive and training services for employed WIA adults and dislocated workers, eliminating the WIA sequential delivery of services requirement. For H-1B purposes, an incumbent worker must retain employment after the training.
- c. Long-Term Unemployed are generally those individuals who have been unemployed for 27 weeks or more. More specifically they are individuals who have lost their jobs during the most recent recession (commencing January 1, 2008 forward), and have exhausted unemployment benefits, or have not yet reconnected with a job that provides a comparable responsibility and pay (underemployment), or who are working part-time job(s) when they want full-time work, or who have become discouraged and have stopped looking for a job.
- d. Unemployed Worker are those individuals who have been unemployed (partially employed, or underemployed) for one or more weeks.

###### *ii. Other Definitions*

- a. Contextualized Learning incorporates what is learned in the classroom with real-life applications of the subject matter.
- b. Customized Training is training that (a) is designed to meet the special requirements of an employer (or group of employers); (b) is conducted with a commitment by the employer to employ, or continue to employ an individual on successful completion of the training; and (c) for which the employer pays for not less than 50% of the cost of the training (WIA Definition – 663.715).
- c. Distance Learning establishes a process where students can use technology to participate from a remote location when time or geographic location of the physical training location is not easily accessible.
- d. H-1B Entered Employment can be recorded when the post-training employment uses a substantial portion of the skills taught in the (H-1B) training, and meets one or more of the following definitions:
  - o Entered Training-Related Employment (unemployed workers) only applies to those participants who held a job after program exit, and within the 1<sup>st</sup>

- quarter after the program exit.
- Retained Current Position with Current Employer (Employed or Incumbent Workers) those who were employed at the start of participation and following completion retained their current position, as a result of grant funded activities, in the 2<sup>nd</sup> quarter after the quarter of exit.
- Employed and Advanced into a New Position with Current Employer (Employed and Incumbent Workers) those who were employed at the start of participation and following completion advanced into a new position with the current employer, as a result of grant funded activities, in the 2<sup>nd</sup> quarter after the quarter of exit.
- e. H-1B High-Growth Industries and Occupations include those industries and occupations that are projected to add substantial numbers of new jobs to the economy; are being transformed by technology and innovation and require new skill sets for workers; are new and emerging businesses that are projected to grow; or have a significant impact on the economy overall or on the growth of other industries and occupations. (See **Attachment 1** for the list of targeted H1B occupations.)
- f. H-1B Operations Manual will be distributed in Spring 2012 and will provide more specific details on program operations to Colorado Local workforce regions administering the H-1B Technical Skills Training Grant.
- g. Layoff Aversion USDOL-ETA considers a layoff averted when: 1) a worker's job is saved with an existing employer that is at risk of downsizing or closing; or 2) a worker is at risk of dislocation transitions (with the same or a different employer) and experiences no (or minimal) spell of unemployment. H-1B funds may be utilized to train incumbent workers without being part of a documented layoff aversion strategy. See section E for more information on layoff aversion in this grant.
- h. STEM (Science, Technology, Engineering and Mathematics) – For the purposes of this grant, STEM occupations are defined as high-skill occupations requiring significant science, technology, engineering and/or mathematics training.

## **B. General Responsibilities/Overview**

### Targeted Industries, Occupations and Participants

- This grant will focus on targeted occupations in **Information Technology, Advanced Manufacturing, STEM – Professional, Scientific, and Technical Services**. Other highly-skilled (non-entry level) occupations within these defined sectors/clusters may also be considered, including occupations with similar career pathways. Please consult the H-1B project manager regarding any exceptions from the targeted occupations. See **Attachment 1** for the list of targeted occupations.

### Training and Grant activities

- This grant will utilize training to provide the necessary skills and competencies for employment in the targeted occupations to **558** incumbent workers and **239** unemployed/long-term unemployed individuals.
- Training Services for Incumbent Workers – Industry-identified skill upgrade training will be provided through classroom training and customized training strategies, through on-site, local training institutions, or online and distance learning. These training options will be short-term certificate programs in most cases, but in limited instances may involve longer-term degree completion coursework.
- Training Strategies for Long-Term Unemployed – Training options will include

classroom and online industry-identified, skill upgrade, customized training courses leading to certificates, plus longer term degree completion programs. In addition, paid work experience opportunities will be offered to participants who would benefit from exposure to updated industry technology at local businesses.

- CareerReady Colorado assessments and certificates, as well as other assessments, will be offered to unemployed customers. These individuals will also have access to an array of workforce services.
- On-the-Job Training (OJT) is not an allowable training service in this grant. (See Section G below for more details on training activities.)

### **C. Coordination of Services with Other Project Partners**

- This grant will provide a regional, coordinated approach with one “lead” local workforce region identified to serve large employers that have work-sites in more than one region.
- The H1B project manager from Workforce Development Programs (WDP) will hold monthly meetings with local workforce regions and regional partners, as appropriate. These meetings will include discussions on implementation strategies, overall progress, best practices and process improvement strategies.
- Regions shall refer to the H-1B Operations Manual to be issued Spring 2012 for additional coordination of services and other guidance.

### **D. Participant Eligibility**

- Participants must be at least 18 year of age and pursuing a high-skilled occupation.
- Must be long-term unemployed or an incumbent worker who has been selected to participate by a participating current employer.
- Must have at least a High School Diploma or GED and some post-secondary education and/or work experience that would allow participants to enter a defined career pathway at a later point.
- Must be either 1) a US citizen providing documentation that shows authorization to work in the United States, or 2) a foreign national with an immigrant visa (green card).
- Veteran’s Priority of Service applies to all Veterans and eligible spouses who meet the program’s eligibility requirements. Please refer to the most recent State guidance on Veteran’s Priority of Service for more details (Refer to PGL# 10-05-V).
- This grant will pay particular attention to minority and disabled veterans currently employed in the targeted industries and occupations, as well as transitioning vets and National Guard members meeting the long-term unemployed criteria.
- Emphasis will also be placed on women and minorities pursuing information technology and engineering careers, who are currently under-represented in the targeted high growth industries and occupations.

### **E. Recruitment**

- **Incumbent Workers** - Incumbent workers will be identified by the employer. Employers will extend and encourage a “priority of service” for veterans, minorities and women. Incumbent workers may access case management services through the workforce system. Employers have indicated their greatest interest is in training incumbent workers to achieve the qualifications needed for upcoming contractual work. This training opportunity is available to those incumbent workers who will upgrade their skills and obtain or retain employment and will utilize these new skills (see **Entered Employment** definitions). H-1B funds may be utilized to train

incumbent workers without being part of a documented layoff aversion strategy. If WIA formula, set aside, or 25% funds are used to supplement grant funds, a layoff aversion strategy would be required.

- **Long-Term Unemployed** - The long-term unemployed, including the underemployed, will be selected through processes developed within workforce centers, with priority of service for veterans (and eligible spouses), minorities, and women for available training.  
Potential new-hire participants will be assessed for program participation appropriateness. This might involve an evaluation of current work experience, acquired skills and credentials, education levels and the results of any currently used pre-assessment tools by various partners. For those not currently employed, employers have signed a letter of commitment to interview the most qualified H-1B candidates. This may involve a short-term work experience opportunity.
- **Partner Referrals** - Other participants will be recruited through partner referrals, news and social media outreach, SECTORS initiatives, State Energy Sector Partnership (SESP) program participants, and WIA Dislocated Worker – UI Claimant initiatives. Participants must meet the eligibility, documentation, and participation requirements for all program enrollments.
- Other potential recruitment strategies may involve partnership and coordination with the State Rapid Response Team, Business Service Alliance Group, Work Opportunity Tax Credit (WOTC) Program, the Colorado Enhanced Approved Training (CEATP) and other programs.

#### **F. Program Activities**

- Local recruitment and outreach for employers and participants
- Eligibility determination
- Education/career assessments, such as CareerReady Colorado certificates, for unemployed workers
- Case management, career guidance, labor market information, plus supportive services for the long-term unemployed (see Supportive Services Section H below)
- Job search activities including development of Career Portfolios, and conducting job development and job placement activities for the unemployed
- Employment-related workshops for the unemployed participants, such as resume development and successful interviewing
- Follow-up services for participants including workplace counseling, as needed
- Develop appropriate training strategies for participants (see section G below), including processing and tracking training scholarships

#### **G. Training**

- Education and training conducted through this program may include training for highly skilled occupations (other than entry-level positions) that prepare workers for employment along career pathways for a broad range of occupations and industries in which employers are using H-1B visas to hire foreign workers.
- H-1B participants are not required to utilize training programs on the Eligible Training Provider List (ETPL) unless they are co-enrolled in a WIA adult or dislocated worker program.
- **Training strategies must:** 1) Target skills and competencies in demand by industries and occupations for which employers are using H-1B visas to hire foreign workers, 2) provide education and training for jobs currently available, and 3) result in an industry-recognized credential.

- Training strategies may include classroom training, contextualized learning, distance learning, or customized training for an employer or group of employers. OJTs are not allowable.
  - Customized Training – This type of training would integrate skills training with company policies and procedures. A menu of customizable, stackable credentials and certifications will expand and align existing education and training strategies and resources. Training can be in-person or on-line to meet the participating employers' specific needs.
  - Skill Upgrades for the long-term unemployed – This training will prepare individuals to enter or re-enter the targeted high-skill occupations. Training may include short-term classroom training leading to a certificate, Associate's or Bachelor's degrees, and work-based learning opportunities (internships and work experience opportunities).

#### **H. Supportive Services**

- Supportive services provided to training participants shall comply with the definitions in WIA §101(46), 134(e)(2), and 134(e)(3). Transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in education and training activities are allowable.
- Up to 10% of the H-1B funds awarded to a local workforce region may be used to provide supportive service activities to long-term unemployed participants.

#### **I. Job Placement and Advancement**

- Local workforce regions shall work with employer partners to ensure job placement and advancement of trained participants.
- Business Services Units at the local workforce regions will work with employer partners to assess and screen unemployed participants for job openings, identify skills and training gaps, and develop internships/work experience opportunities when these training options are appropriate.
- Regions shall ensure that all employers participating in the grant have committed to interviewing and/or hiring qualified workers that participate in grant-funded training, or to sending their current workers to participate in training to upgrade their skills.
- Job openings will be posted on Connecting Colorado. The WDP H-1B grant manager will look into ways to streamline the process for the job openings. This will be discussed further in the H-1B Operations Manual.
- Industry and trade associations in the targeted industries will also act as a bridge between job seekers and employers by helping to identify employer members' skill needs and job openings.

#### **J. Case File Documentation Requirements**

##### Data Gathering, Tracking, and Management of Information (MIS)

- In December 2011, Local workforce regional Directors and Operators met with WDP and H-1B coordinators to discuss the implementation of the grant. The Workforce Centers agreed to maintain two separate reporting systems, the Federal H-1B reporting system and Colorado's Connecting Colorado database. The Federal reporting system will not likely provide the level of detail, data and Return-On-Investment information that local workforce regions and their stakeholders would normally receive. Connecting Colorado will be especially helpful for recruiting and tracking unemployed participants, and to supplement the data from the Federal Reporting System.

- Case files should clearly demonstrate program eligibility with documentation and notes about how the participant qualifies for the program.
- When enrolling incumbent workers, include basic information on the employer, why the employer needs to retrain this individual, and what skills gaps does the participant currently have.
- For those participants who are unemployed, the case file shall include career assessment data and analysis of the skill sets needed.
- Participant progress and case management activity updates should continue to be documented throughout the program enrollment period.
- Refer to the H-1B Operations Manual for additional information.

#### MIS Regional Coding and Tracking

- A unique Connecting Colorado program code (and sub-code, when appropriate) has been identified to represent client services provided. Local workforce regions shall use **H1** as the H-1B enrollment code for participants. The subcode for unemployed is **UI** and the subcode for incumbent workers is **IN**.
- All grant participants are exited within 60 days after the completion of the grant period of performance. This hard exit is allowed with the H1B discretionary grant. However, co-enrolled participants will continue to be active until 90 days after their last participation service, if they are co-enrolled in a WIA formula program, Wagner-Peyser or TAA. **NOTE:** Rules governing common exit reporting for individuals in multiple USDOL funded programs do not apply (This is similar to the reporting requirements of the State Energy Sectors Program and Veteran Workforce Investment Program). The federal reporting structure for this grant does not enter the WIASRD and therefore is not subject to the same data validation and data integrity **EXIT** requirements discussed in PGL 11-17-WIA – Data Integrity and Customer Participation Cycles for WIA and TAA programs. All other standards should be maintained and monitored for consistency, and especially for those co-enrolled in WIA.
- Performance outcomes, grant activities and follow-up activities are to be entered into Connecting Colorado, as well as the Federal H-1B reporting system.
- Refer to the H-1B Operations Manual for the most current coding and tracking information.

#### **K. Role of the Advisory Council**

For purposes of organization and administration, the grant will establish one statewide Industry Advisory Committee (IAC) as a task group under Colorado's Workforce Development Council (CWDC). The task group will build upon the industry expertise that exists on the CWDC to further define the workforce needs of the advanced manufacturing, information technology, and STEM/aerospace fields. This will prevent a duplication of effort and will unify policy guidance to ensure the successful outcomes of the grant. In alignment with this framework, this grant will build upon the existing sector partnerships that have already been developed through Colorado's SECTORS initiative.

Local workforce regions may establish a local industry advisory council if desired. A local representative or designee shall participate in the IAC activities. Regions should refer to the H-1B Operations Manual, when published, for more details.

#### **L. Contracts and Grant Administration**

### Expenditure Authorizations

- CDLE shall allocate funding to local workforce regions through a Notice of Fund Availability (NFA) letter. Funds shall be used pursuant to an executed expenditure authorization (EA).
- CDLE expects to see explicit information in the Statement of Work in the EA that includes, at a minimum, the following:
  1. Targeted populations to be served
  2. Recruitment areas: The EA shall describe the targeted populations and recruitment strategies
  3. Assessment process and tools to be used to identify skills and training gaps of participants
  4. Targeted industries
  5. Training services to be offered and credentials that participants may obtain
  6. Internships and/or work experiences to be developed and provided
  7. Projected performance outcomes and a completed Planned Participation Summary Chart
  8. Recruitment strategies for employers
  9. Names of employers that committed to the Federal grant proposal, if applicable
  10. The EA shall also contain information on the match requirement, the type of match (cash/in-kind), and how the region will manage this requirement
  11. Program integration processes with operative SECTORS initiatives and other workforce programs in the local workforce region
  12. Methods for coordinating services among the local workforce region's Business Services staff and other workforce center staff, the Community College staff, and participating employers

### Sub-contracting

- Regions may sub-contract out portions of the grant activities pending approval of the sub-contract with the State. Please contact the grant manager to discuss sub-contracting options.
- Sub-contractors may not request reimbursement and/or conduct grant activities until the expenditure authorization (EA) and sub-contract agreements have been fully executed.
- Local workforce regions are responsible for program reporting and monitoring for any established sub-contracting activities.

### Procurement

- State and County-run region must adhere to any and all applicable procurement rules.
- CDLE encourages the use of competitive solicitations vs. sole source vendors; performance-based vs. time and materials contracts; and the use of best practices in the administration of its contracts.

### Administrative Costs

- Local workforce regions will be provided a 7.2% administrative costs budget unless further negotiated with CDLE.
- The regional amount of funds spent on administration activities will be defined in your Expenditure Authorization (EA) according to any specific requirements provided in the Notice of Funding Authorization (NFA).

### Cost Sharing and Matching (Leveraged Costs)

- Local workforce regions serving incumbent worker training activities must provide

resources equivalent to 55% of the grant award amount as matching funds (cash or in-kind; however, half of all matching funds must be cash match) (29 CFR 97.25 and 29 CFR 95.23).

- Local workforce regions shall track all required match on the VAX Match Report form.
- The portion of an incumbent worker's salary paid while the worker is participating in H-1B incumbent worker training may be counted as cash match under these grants. Fringe benefits and other personal benefits cannot be counted as match. Any cash or in-kind resources beyond the 55% match should be counted as leveraged resources.
- See other State and Federal financial guidance for allowable costs and what can be counted as matching funds.

#### **M. Financial and Program Reporting Requirements**

- State and Federal Reporting requirements will be attached to the H-1B Operations Manual. CDLE recommends that one staff member from each local workforce region be responsible for collecting and inputting data into the federal H-1B reporting system.
- CDLE and Local workforce regions will adhere to the financial and program reporting timelines specified below. Regions will have 20 days to complete all quarterly reporting requirements to CDLE. CDLE will compile all regional information and submit quarterly reports to USDOL within 45 days of the end of the quarter, or as specified in the grant.
- Local workforce regions should maintain a file of best practices and success stories that can be shared with various stakeholders, including CDLE and USDOL.
- As additional reporting needs arise, CDLE will communicate these changes to all local workforce regions. Regions are responsible for any monthly/quarterly/closeout reporting requirements, as stated in their current and executed Grant Agreement.
- USDOL has identified **four** H-1B reports that will be completed by CDLE. Regions will report information to CDLE to complete these reports, as discussed in the Operations Manual.
  1. Quarterly Financial Status Report (ETA 9130-SF269) is required until such time as all funds have been expended or the project period has expired.
  2. Quarterly Performance Report (QPR) is used to track quarterly job/education performance metrics. It provides aggregated performance data used to determine the levels of participation and program accomplishments for the most recent quarter and four-quarter period. Reports shall be generated from the web-based MIS system after data is validated and edit checks are complete.
  3. Quarterly Narrative Reports (QNR) In addition to providing a QPR, CDLE shall provide a narrative style account of performance activities that occurred during the reporting quarter. This report provides ETA information on program activities including information that can't be easily captured using data alone.
  4. Final Performance report (FRP) Together, the QNR and the FRP shall provide both quarterly and cumulative information on the grant's overall activities. They will summarize project activities, employment outcomes and

other deliverables, and related results of the project, and will thoroughly document the approaches used by the grantee. CDLE shall report on post-program outcomes for all participants, as well as on post-program follow-up and tracking activities for all participants.

Quarterly Reporting deadlines

| <b>Program Year (PY) and Quarter</b>  | <b>Quarter End Dates</b> | <b>Reports Due to CDLE</b> | <b>CDLE Reports Due to USDOL</b> |
|---------------------------------------|--------------------------|----------------------------|----------------------------------|
| PY11 – Q2                             | Dec 2011                 | January 20th               | February 14th                    |
| PY11 – Q3                             | Mar 2012                 | April 20th                 | May 15th                         |
| PY11 – Q4                             | Jun 2012                 | July 20th                  | August 15th                      |
| PY12 – Q1                             | Sep 2012                 | October 20th               | November 15th                    |
| PY12 – Q2                             | Dec 2012                 | January 20th               | February 15th                    |
| PY12 – Q3                             | Mar 2013                 | April 20th                 | May 15th                         |
| PY12 – Q4                             | Jun 2013                 | July 20th                  | August 15th                      |
| PY13 – Q1                             | Sep 2013                 | October 20th               | November 15th                    |
| PY13 – Q2                             | Dec 2013                 | January 20th               | February 15th                    |
| PY13 – Q3                             | Mar 2014                 | April 20th                 | May 15th                         |
| PY13 – Q4                             | Jun 2014                 | July 20th                  | August 15th                      |
| PY14 – Q1                             | Sep 2014                 | October 20th               | November 15th                    |
| PY14 – Q2                             | Dec 2014                 | January 20th               | February 15th                    |
| PY14 – Q3                             | Mar 2015                 | April 20th                 | May 15 <sup>th</sup>             |
| PY14 – Q4                             | Jun 2015                 | July 20th                  | August 15 <sup>th</sup>          |
| PY15 – Q1                             | Sep 2015                 | October 20th               | November 15 <sup>th</sup>        |
| PY15 – Q2                             | Nov 2015                 | January 20th               | February 15 <sup>th</sup>        |
| <b>Final Performance Report (FRP)</b> | <b>Nov 2015</b>          | <b>January 20th</b>        | <b>February 15<sup>th</sup></b>  |

**N. Performance Requirements**

The H-1B grant has established performance reporting and data element requirements. Performance reporting will be collected within Connecting Colorado and the Federal H-1B reporting system. Regions who would like to collect additional information should work with CDLE or set up a data collection process to do this.

**O. Other Programmatic Requirements**

Statewide Meetings, Training and Technical Assistance

- The State or ETA requires all grant recipients and sub-recipients participate in training activities related to orientation, financial management and reporting, product dissemination, and other technical assistance throughout the life of the grant.
- WDP plans to hold monthly meetings with grant recipients, as needed to provide coordination, training and technical assistance to Workforce Center staff.

**P. Outreach, Marketing and Promotional Guidelines, Limitations, Constraints**

All outreach activity, marketing, and promotional expenses must be allowable pursuant to OMB Federal accounting principles and applicable circulars, and shall include specific language identified in the current Workforce Development Programs

(WDP) Agreement funding provisions. When creating marketing materials for the grant, please refer to the special conditions that have been identified in the SGA and Federal grant agreement. Refer to the H-1B Operations Manual and *PGL# 10-10-WP – Use of Funds for Outreach, Advertising, Public Relations and Informational Activities* for additional information and requirements).

## **Q. Monitoring Responsibilities**

### Internal and Sub-Contractor Monitoring and Oversight

- Local workforce regions are responsible for internal monitoring and oversight of all aspects of the grant and grant activities, including monitoring and oversight of any sub-contractors.

### State Monitoring and Oversight

- Monitoring of grant performance will be conducted by the WDP monitoring staff as part of regional annual compliance monitoring and program reviews. In addition, CDLE will monitor the H-1B grant at the state level to ensure that the overall grant activities, deliverables, expenditures and performance are in compliance with Federal requirements.

## **R. Exclusions**

- H-1B Technical Skills Grants are not intended to address entry-level skill shortages nor may they fund programs aimed at imparting basic educational skills; however, applicants may propose courses that support technical skills development at the post-secondary level that are directly related to the technical skills training.
- Activities that are not directly related to the development and implementation of education, training and other related services for high-growth industries for which employers are using H-1B visas are not allowable activities under this H-1B grant.
- OJTs are not allowable within this grant.
- General economic development projects, including revolving loan accounts, do not meet the H-1B requirements of this grant and are not allowable.
- The local program must not contract with an employer who has previously exhibited a pattern, including failing to provide WIA participants who have received OJT or customized training opportunities by that employer with continued long-term employment with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work (WIA definition – 663.700-730).
- ETPL requirements are waived for incumbent worker training; however unemployed or employed workers may be subject to ETPL requirements, if they are co-enrolled in WIA.

## **V. IMPLEMENTATION DATE:**

Effective immediately

**VI. INQUIRIES:**

Please direct all inquiries to the H-1B Project Manager, Workforce Development Programs, Kate Anderson 303.318.8984 or [kate.anderson@state.co.us](mailto:kate.anderson@state.co.us)

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Elise Lowe-Vaughn, Acting Director  
Workforce Development Programs

**ATTACHMENT:**

**Attachment #1: H-1B Targeted Industries and Occupations**