



PIEDMONT REGION

Uniform Guidance of WIOA Funds	Policy # 34
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I. Purpose  
 To clarify the allowable uses of Workforce Innovation and Opportunity Act (WIOA), its successors, and other competitive grant funds for outreach activities; and provides examples of **how LWDA’s can use grant funds to effectively and equitably conduct outreach to meet the needs** of and better engage businesses and jobseekers.

II. Summary and Background  
 a. *Summary* – **To empower LWDA’s to maximize the reach of workforce development services** by providing clarity on how formula and discretionary grant funds can be used to conduct outreach activities.  
 b. *Background* – The public workforce system plays a critical role in connecting talent with opportunity, connects diverse customers to employment and training opportunities, and helps employers recruit skilled employees that match their employment opportunities. To **fully communicate the workforce system’s value and expand awareness of its services to job** seekers and employers, the system must conduct effective and targeted outreach.

III. Allowable Outreach Activities  
**ETA encourages its LWDA’s to conduct outreach activities to meet the needs of its** customers and to fulfill grant objectives. In fact, WIOA’s Section 188 nondiscrimination and equal opportunity implementing regulations at 29 CFR 38.40 specifically address the affirmative outreach obligations of WIOA recipients.

WIOA section 121(h)(4) includes outreach costs in its definition of “**infrastructure costs.**” Attachment I provides specific Uniform Guidance, statutory, and regulatory language related to outreach.

*Defining Advertising and Public Relations:* A common misconception is that Federal workforce development grant funds cannot be spent on outreach, such as advertising and public relations. These activities are not only allowable but are necessary to reach both businesses and jobseekers. The key is to make sure that the grantee is promoting *Federally-funded activities, services, and programs* and is not solely **promoting the organization’s name recognition** or image.

Public relations, on the other hand, includes activities that promote Federally-funded activities, services, and programs, and are typically personnel costs. Some public relations activities include, but are not limited to, attendance at, facilitation of, collaboration with, or participation in job/career/community fairs, rapid response events, one-stop satellite centers/mobile one-stops, community access points, high school/college career day, podcasts and other interviews, etc. While advertising of Federally-funded activities, services, and program offerings might be present at a public relations event, public relations differs from advertising in that staff typically interact directly with the community, public, or press during public relations

activities. Public relations are an allowable outreach cost for grant activities, services, and programs. The Uniform Guidance at [2 CFR 200.421\(d\)](#) describes allowable public relations activities, and at [2 CFR 200.421\(e\)](#) lists unallowable public relations activities.

**LWDA's, especially in AJCs, may have MOUs that describe the combined costs for advertising and public relations outreach that encompass the services offered by all its partners.**

Infrastructure costs might include media platforms (print, electronic, radio, social media, billboards/signage, text apps, QR codes, etc.) describing one-stop partner activities, services, and programs. IFA costs may identify instances and potentially additional associated costs for supply purchase customization where these purchases are specific to grant outreach activities. ETA broadly interprets grant outreach activities that promote the activities, services, and programs of the grant award to mean efforts to educate, enroll, employ, or extend referrals to **customers with interests in ETA's publicly-funded workforce development system efforts.** For example, execution of this strategy might include supplies bearing the one-stop delivery identifier, at [20 CFR 678.900](#), as well as a QR code or website that is owned, managed, and updated by the grantee and/or signatories to the MOU and directs the public to more information about the AJC and other workforce programs.

*General rules of thumb:* The Uniform Guidance regulations and this guidance will not necessarily list every possible scenario. The Uniform Guidance generally governs the administrative and financial uses of funds. **LWDA's and** their fiscal teams should be familiar with those requirements.

a. *Ways to Conduct Outreach:* Once you understand the terms used in the Uniform Guidance, and understand how to determine allowability, you can explore the many ways to conduct outreach. Below is a list of several examples of activities and platforms allowed with grant funds.

- *In-Person Outreach:* Attending a local fair with materials about where to go to get help with finding a job, developing a resume, obtaining career advice, and learning interview skills is allowable. Materials created to achieve grant objectives/outcomes and for the purpose of outreach at in-person events, and to facilitate engagement between staff and the public are allowable. Materials **used to educate the public about the award's** activities, services, and program offerings are allowable and encouraged.
- *Print:* Printed outreach materials are by far the most popular format for outreach campaigns and are allowable costs. They can include a variety of items such as: advertising and written articles in the local newspaper or neighborhood newsletter, informational postcards, brochures and flyers, doorknob hangers, pamphlets, and leaflets. Other examples may also include bus stop signage, benches, banners, billboards, vehicle wraps, etc. QR codes may also be used in print media to direct potential participants to online information on the grant funded activities, services, or programs. 29 CFR 38.40(b) specifically authorizes use of "notices about openings in the recipient's programs and/or activities to schools and community service groups that **serve various populations.**"
  - ETA broadly interprets printed outreach materials that promote the activities, services, and programs of the grant award to mean efforts to

educate, enroll, employ, and/or extend referrals to customers with **interests in ETA's publicly funded workforce development efforts.**

- *Radio and TV:* Local radio and TV stations are a great way to advertise grant services and are usually cost effective for media coverage. For media engagement, consider public service announcements (PSAs) and press releases.
- *Websites:* The organization or program website is an excellent way to provide practical information about how to obtain services to participants and to community members that are seeking to engage with your organization. *Note that all websites funded with federal funds must meet the accessibility requirements established by section 508 of the Rehabilitation Act of 1973.*
- *Email Communication:* Email remains a useful way to disseminate information to participants and to potential partners in and outside the public workforce system.
- *Social media:* The use of grant funds to create social media accounts, such as Instagram, Facebook, LinkedIn, and other platform accounts to promote the grant services offered, raise awareness of the program, and strengthen relations with the community is an effective way to virtually connect with customers regardless of distance.
- *Quick Response Codes also known as QR Codes:* QR codes are a square holding a barcode-like graphic, comprised of machine-readable information. When someone uses a cell phone to take a picture of the QR code, the phone recognizes the machine-readable information, and can then go to a specific website. QR codes are a quick way to disseminate information and are used in every facet of life, from viewing a menu at a restaurant to shopping.
- *Influencers:* Influencers are people that have often amassed large followings via different types of media platforms and use their power of influence **to communicate information. Influencers may be able to assist LWDA's in** conducting outreach activities by communicating to potential participants what programs and services they offer.
- *Blog and Podcast Interviews:* These platforms are usually interactive content that may be individually or serially posted and can discuss a Federally-funded activity, service, or program offering to a specifically targeted audience. They are typically short in length, and access to some podcasts may require a subscription service. The frequency of use, potential participant cost, and availability of ongoing content should all be considered when undertaking this outreach modality.
- *Mobile American Job Centers (AJCs) or workforce service delivery vehicles:* To reach people where they live, shop, and gather, particularly in more rural **areas, LWDA's may consider purchasing a vehicle to conduct outreach as well** as provide employment and training services. The Uniform Guidance considers motor vehicles as general-purpose equipment, which are allowable under the Cost Principles. Costs to repair and maintain the vehicle are also allowable. The costs of the vehicle and its maintenance must meet all the **"factors of allowability" outlined in 2 CFR 200.403, and in some circumstances,** prior written approval from DOL-ETA may be required. If the motor vehicle benefits two or more programs, the cost of the mobile AJC and the costs to maintain the vehicle must be allocated to the other programs based on the

relative benefit received (2 CFR 200.405(d)).

- *Outreach in Multiple Languages: LWDA's can use funds to create materials in multiple languages or to procure translation and interpretation services. It is important when developing outreach strategies to make sure all potential participants, including those that speak languages other than English, are aware of services available. Access to vital information, which may include certain outreach materials, in a language the participant can understand is key to promote and ensure equity.*

Offering materials translated into the languages used in the community is a key effort to improve outreach and, indeed, may be required depending on the circumstances. See 29 C.F.R. 38.9. Additionally, as a method to make information accessible to people that speak languages not frequently used in the community, consider expanding outreach efforts to individuals who have Limited English Proficiency (LEP) through the use of a language **access guide (called the "I Speak Card")**. The **"I Speak Card is a language** identification card/poster that will assist in identifying a preferred language for potential participants that speak a language other than English, so they can obtain the necessary assistance. Organizations can use such a card to pinpoint the appropriate speakers for anyone that requests services through your organization. Also, visit the LEP website (<https://www.lep.gov/>) for tips on addressing language barriers. Lastly, consider partnering with local communities that serve a diverse population for assistance in drafting culturally competent outreach materials in a variety of languages as this will help build a stronger relationship and presence with the local community.

- b. *Accessibility: LWDA's must make information about their services accessible to individuals with disabilities by providing auxiliary aids and services, including information in alternative formats and can use funds to ensure outreach materials (including, for example, printed materials, forms, and presentations) are accessible. In addition, when developing, procuring, maintaining, or using electronic and information technology with Federal funds, including websites and electronically stored documents or **information, LWDA's** should provide access to and use of information and data for individuals with disabilities that is comparable to what is provided for individuals without disabilities. LWDA's can refer to Government **Services Administration's (GSA) website on electronic and information technology** accessibility ([www.Section508.gov](http://www.Section508.gov)) as a resource. **GSA is the government's** technical advisor for digital accessibility and provides guidance and training in numerous areas. Document creation software like Microsoft Word has tools and accessible design templates that can help to create accessible content from the start. Moreover, when designing websites, accounting for accessibility at the outset is much easier than readjusting the site later to make it accessible for customers. Also, please note that specific accessibility standards apply to QR codes. **DOL's Office of Disability Employment Policy, DOL's Civil Rights Center, and ETA have created a WIOA 188 guide** to nondiscrimination for individuals with disabilities, available at <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-188-workforce-innovation-opportunity-act/guide>. The guide provides several examples of making materials, spaces, and services more fully accessible for individuals with disabilities.*

As noted above, this guidance provides multiple examples but does not address every potential scenario. **ETA encourages LWDA's to review their** outreach plans and consider the examples provided in order to most effectively reach and best serve jobseekers and employers.

#### IV. References

- Workforce Innovation and Opportunity Act (WIOA), Pub. L. 113-128, 29 U.S.C. 3101 *et seq.*
- The Nondiscrimination and Equal Opportunity Provisions (Section 188) of WIOA: <https://www.ecfr.gov/current/title-29/subtitle-A/part-38>
- Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. 701 *et seq.*
- Uniform Guidance, 2 CFR Part 200, and **DOL's** exceptions, 2 CFR Part 2900
- TEGL No. 16-16, *One-Stop Operations Guidance for the American Job Center Network*, <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-16-16>
- TEGL No. 17-16, *Infrastructure Funding of the One-Stop Delivery System*, <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-17-16>
- Training and Employment Notice No. 24-18, *Updated Promising Practices in Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide*, <https://www.dol.gov/agencies/eta/advisories/training-and-employment-notice-no-24-18>
- ETA webinar titled [Yes, WIOA Can! Post, Like, Follow, Share! Using Social Media as an Outreach and Marketing Tool](https://www.workforcegps.org/events/2023/01/11/19/49/Outreach-and-Marketing-for-the-Public-Workforce-Development-System-2) held January 11, 2023. Available at <https://www.workforcegps.org/events/2023/01/11/19/49/Outreach-and-Marketing-for-the-Public-Workforce-Development-System-2>
- ETA webinar titled [Outreach and Marketing for the Public Workforce Development System: Exploring the Possibilities!](https://www.workforcegps.org/events/2022/10/11/18/35/Outreach-and-Marketing-for-the-Public-Workforce-Development-System-Exploring-the-Possibilities) held on October 11, 2022. Available at <https://www.workforcegps.org/events/2022/10/11/18/35/Outreach-and-Marketing-for-the-Public-Workforce-Development-System-Exploring-the-Possibilities>

#### V. Attachment

- Attachment I. Legislative, Regulatory and Uniform Guidance Language Related to Outreach

## Statutory and Regulatory Uniform Guidance Language Related to Outreach

This attachment provides citations from relevant statutes and regulations, including the Uniform Guidance. The Uniform Guidance is a set of regulations issued by the Office of Management and Budget that apply to all grants in the Federal government.

Accessibility, from Rehabilitation Act of 1973 sec. 508:

All materials produced with federal funds must be accessible to individuals with disabilities, sometimes referred to as being “**508-compliant**” in a reference to the statutory requirements of the Rehabilitation Act of 1973 sec. 508. The full text of the statute is available at: <https://www.access-board.gov/law/ra.html>. The Access Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards. Created in 1973 to ensure access to federally funded facilities, the Access Board is now a leading source of information on accessible design. The Access Board develops and maintains design criteria for, among other things, information and communication technology. It also provides technical assistance and training on these requirements and on accessible design.

The Americans with Disabilities Act (ADA) and the WIOA sec. 188 non-discrimination requirements also require that services and information about services to be accessible to individuals with disabilities. The ADA is available at <https://www.access-board.gov/law/ada.html>, and the WIOA sec. 188 nondiscrimination provisions can be found at <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-188-workforce-innovation-opportunity-act>. **WIOA’s implementing regulations also address** accessibility requirements and protections for individuals with disabilities. See 29 C.F.R. [38.5](#); [38.12-17](#).

Acknowledging Federal Funding in Public Communications (Stevens Amendment):

Advertising and public relations outreach activities must adhere to grant terms and conditions, including the Stevens Amendment, a provision included since 1989 in **DOL’s annual appropriation**. This provision requires DOL recipients to acknowledge federal funding contributions when making public any projects or programs that DOL funded through its annual appropriation. Recipients should maintain support documentation for advertising and public relations outreach activities in accordance with record retention **requirements, where applicable. LWDA’s are reminded to follow the** terms of their grant agreement as not all programs have the Stevens Amendment requirement (e.g. H-1B Skills Grants funding).

The Stevens Amendment requires:

**“When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all recipients receiving Federal funds included in WIOA, shall clearly state —**

- (1) the percentage of the total costs of the program or project which will be financed with Federal money;
- (2) the dollar amount of Federal funds for the project or program; and
- (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-**governmental sources.**”

Advertising and Public Relations Costs, from 2 CFR 200.421, the Uniform Guidance:

- (a) The term advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television, direct mail, exhibits, electronic or computer transmittals, and the like.
- (b) The only allowable advertising costs are those which are solely for:
  - (2) The recruitment of personnel required by the non-Federal entity for performance of a Federal award (See also [§ 200.463](#));
  - (3) The procurement of goods and services for the performance of a Federal award;
  - (4) The disposal of scrap or surplus materials acquired in the performance of a Federal award except when non-Federal entities are reimbursed for disposal costs at a predetermined amount; or
  - (5) Program outreach and other specific purposes necessary to meet the requirements of the Federal award.
- (c) **The term “public relations” includes community relations and means those activities** dedicated to maintaining the image of the non-Federal entity or maintaining or promoting understanding and favorable relations with the community or public at large or any segment of the public.
- (d) The only allowable public relations costs are:
  - (2) Costs specifically required by the Federal award;
  - (3) Costs of communicating with the public and press pertaining to specific activities or accomplishments which result from performance of the Federal award (these costs are considered necessary as part of the outreach effort for the Federal award); or
  - (4) Costs of conducting general liaison with news media and government public relations officers, to the extent that such activities are limited to communication and liaison necessary to keep the public informed on matters of public concern, such as notices of funding opportunities, financial matters, etc.
- (e) Unallowable advertising and public relations costs include the following:
  - (2) All advertising and public relations costs other than as specified in [paragraphs \(b\)](#) and [\(d\)](#) of this section;

- (3) Costs of meetings, conventions, convocations, or other events related to other activities of the entity (see also [§ 200.432](#)), including:
  - (i) Costs of displays, demonstrations, and exhibits;
  - (ii) Costs of meeting rooms, hospitality suites, and other special facilities used in conjunction with shows and other special events; and
  - (iii) Salaries and wages of employees engaged in setting up and displaying exhibits, making demonstrations, and providing briefings;
- (4) Costs of promotional items and memorabilia, including models, gifts, and souvenirs;
- (5) Costs of advertising and public relations designed solely to promote the non-Federal **entity.**”

Affirmative Outreach, from 29 CFR 38.40:

Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected by these regulations including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to:

- (a) Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
- (b) Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations; and
- (c) Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

Cost Principles, from the Uniform Guidance at 2 CFR 200.403:

The Cost Principles of the Uniform Guidance describe general criteria all costs must meet in order to be allowable. Paraphrased below, the full text can also be found at [2 CFR 200.403](#).

- Be necessary and reasonable for the performance of your DOL/ ETA award and be allocable to the award.
- Conform with Federal law, guidelines, and grant terms.
- Be consistent with policies and procedures. Costs must be incurred to support your DOL/ETA award, consistent with governing statutes, regulations, and your policies and procedures that apply uniformly to both Federal and non-Federal awards.
- Receive consistent treatment. Costs must receive the same accounting treatment as costs that your organization incurred in similar circumstances.
- Must be in accordance with Generally Accepted Accounting Principles (GAAP).
- Cannot be included as a cost or used to meet cost-sharing or matching requirements of any other Federal award except as specifically provided by federal law or regulation.
- Be properly and adequately documented.
- Cost must be incurred during the approved budget period. The Federal awarding agency is authorized, at its discretion, to waive prior written approvals to carry forward unobligated balances to subsequent budget periods pursuant to § 200.308(e)(3).

When testing for reasonableness of a cost, consider the prudent person test. In the prudent person test,



the recipient must consider: Would a prudent person use Federal funds to pay for the advertising or public relations activities? Would the recipient have used its own funds to conduct outreach efforts related to these activities? Recipients must be able to demonstrate that advertising and public relations costs meet all the factors of allowability before it can be charged to a DOL/ ETA award.

Costs of Infrastructure, from WIOA sec. 121(h)(4):

**“The term ‘costs of infrastructure’, used with respect to a one- stop center, means the non- personnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and assistive technology for individuals with disabilities), and technology to facilitate access to the one-stop center, including the center’s planning and outreach activities.”**

Language Access, from Section 188 of WIOA:

29 CFR 38.9 requires that:

A recipient must take reasonable steps to ensure meaningful access to each limited English proficient (LEP) individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity.

(1) Reasonable steps generally may include, but are not limited to, an assessment of an LEP individual to determine language assistance needs; providing oral interpretation or written translation of both hard copy and electronic materials, in the appropriate non-English languages, to LEP individuals; and outreach to LEP communities to improve service delivery in needed languages.

A recipient must provide adequate notice to LEP individuals of the existence of interpretation and translation services and that these language assistance services are available free of charge.

With regard to vital information:

(1) For languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient must translate vital information in written materials into these languages and make the translations readily available in hard copy, upon request, or electronically such as on a Web site. Written training materials offered or used within employment -related training programs as defined under § 38.4(t) are excluded from these translation requirements. However, recipients must take reasonable steps to ensure meaningful access as stated in § 38.9(b).

(2) For languages not spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient must take reasonable steps to meet the particularized language needs of LEP individuals who seek to learn about, participate in, and/or access the aid, benefit, service, or training that the recipient provides. Vital information may be conveyed orally if not translated.

Noting Equal Opportunity in Public Communications, from 29 CFR 38.38:

**The WIOA nondiscrimination regulations at 29 CFR 38.38 require that LWDA’s indicate that the Federally-funded program or activity in question is an equal opportunity program and that “auxiliary aids and services are available upon request to individuals with disabilities,” in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically, and/or on paper to staff, clients, or the public at large.**