**To:** All Local Workforce Development Board Directors

 All Local Workforce Development Board Chairs

**From:** Dr.Yolanda Allen, Assistant Commissioner, Workforce Development

**Date:** October 19, 2023

**Subject:**  Release of United Stated Department of Labor Employment and Training Administration guidance regarding allowable outreach activities

**Reference:** WDPS-PY23-1

The United States Department of Labor Employment and Training Agency (ETA) released new policy guidance, Training and Employment Guidance Letter (TEGL) 3-23, on September 6, 2023, entitled *Allowable Uses of Funds for Outreach Activities for Federal Formula and Competitive Grant Awards*. Please see the policy summary below regarding key provisions from this guidance.

The full TEGL can be found here: [TEGL 3-23](https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEGL/2023/TEGL%2003-23/TEGL%2003-23-A/TEGL%2003-23.pdf)

**POLICY SUMMARY**

TEGL 3-23 provides grantees with guidance around the use of formula and discretionary Federal funds for outreach activities to underserved populations. The guidance includes allowable and unallowable activities, requirements, and suggestions for establishing related policies. The guidance applies to State Workforce Agencies, State Workforce Development Boards (WDBs), Local WDBs, and competitive grantees (such as contracted WIOA Youth providers).

***Affirmative Outreach***

TEGL 3-23 states that Workforce Innovation and Opportunity Act (WIOA) recipients are required to conduct affirmative outreach under WIOA Sec. 188 and the regulations under 29 CFR 38.40. Each grantee must ensure that it is “promoting “federally-funded activities, services, and programs and is not solely promoting the organizations’ s name recognition or image.”

29 CFR 38.40 states “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/or 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:

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

The outreach must be necessary and reasonable for the performance of the DOL/ETA award and be allocable to the award. Therefore, activities must:

* Conform with Federal law, guidelines, and grant terms.
* Be consistent with policies and procedures. Costs must be incurred to support the 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 the organization incurred in similar circumstances.
* 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.
* 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 2 CFR 200.308(e)(3).

Unallowable advertising and public relations costs include the following:

* Costs of meetings, conventions, convocations, or other events related to other activities of the entity (see also 2 CFR 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;
* Costs of promotional items and memorabilia, including models, gifts, and souvenirs;
* Costs of advertising and public relations designed solely to promote the non-Federal entity.”

***Stevens Amendment***

To comply with the Stevens Amendment, which addresses transparency in federal spending, TEGL 3-23 state ““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:

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

**Possible Ways to Conduct Outreach**

Below are summaries of the outreach methods discussed in TEGL 3-23. See the TEGL for full descriptions.

* In-Person Outreach: This can include staff attending a local event with materials about where to go to access workforce development services. The strategy may vary for each special or targeted population.
* Print: Can include advertising, newspaper articles, postcards, brochures and flyers, QR codes may also be used in print media to direct potential participants to online information.
* Radio and TV: For boards without an advertising budget, sharing radio Public Service Announcements or coordinating on air-interviews with local radio stations is a way to build awareness of the services.
* Websites: The organization website is an excellent way to provide practical information about how to obtain services. Keeping the site current and easy to navigate is important, especially if using QR codes that direct to the site to remind people of the activities, services, and programs of a specific event.

All websites funded with federal funds must meet the accessibility requirements established by section 508 of the Rehabilitation Act of 1973. For more information see <http://www.section508.gov/>

* Email Communications: Signature lines can include an additional website link, QR code, or description of an upcoming event or workforce activities, services, and/or program offerings. Use plain language wherever possible.
* Text Messages (SMS Applications): Text messages may be used to communicate with participants in real time to remind participants of upcoming appointments or outstanding documents, to promote a new program/service offering, or to blast out employment opportunities. They can also be used to bolster traditional and effective word-of-mouth outreach by prompting participants who may be in the company of other potential eligible candidates to speak about the opportunity, to put it on their social media accounts, or to forward the text to others who may benefit. It is important to review the data privacy policies of these text messaging applications and other social media platforms.
* 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. This is not an exhaustive list; however, grantees must comply with the grant award terms, especially those for prohibited platforms/vendors. For instance, the grantee can follow other local community-based organizations on social media, like their Facebook stories, congratulate their progress on LinkedIn, and share photos and short clips of them on its Instagram (and do not forget to tag them!). These are all cost-effective ways to create a social media presence online. Please note there may be Federal or state laws that prohibit the use of certain platforms, so grantees should be aware of any restrictions before use. In addition, grant award terms may prohibit certain activities, such as lobbying. These restrictions apply to social media activity as well. For more ideas on how to develop social media strategies, view the webinar: Yes, WIOA Can! Post, Like, Follow, Share! Using Social Media as an Outreach and Marketing
* Quick Response (QR) Codes: QR codes are 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 can provide information about workforce services. Note that accessibility standards apply to QR codes.
* 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 grantees in outreach activities to potential participants regarding programs and services. Grantees should consider the Uniform Guidance’s Cost Principles, as well as the influencer’s reputation, follower base, any state or local vetting requirements, the receptivity of potential participants, the technology access of participants, and the cost/benefit compared to a more traditional outreach modality
* 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.
* Mobile American Job Centers: To reach people where they live, grantees may consider purchasing a vehicle to conduct outreach as well as provide services. The Uniform Guidance considers motor vehicles and their maintenance as allowable costs under the Cost Principles. 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)). Grantees are encouraged to leverage partnerships, as appropriate, when utilizing a mobile AJC unit.

**Outreach in Multiple Languages**: Grantees 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.

**Accessibility**: Grantees 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 are accessible.

For more information see Government Services Administration’s (GSA) website on electronic and information technology accessibility [Section 508](https://www.section508.gov/).

USDOL’s Office of Disability Employment Policy, US Civil Rights Center, and ETA have created a WIOA 188 guide to nondiscrimination for individuals with disabilities, available at [Promising Practices In Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide | U.S. Department of Labor (dol.gov)](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-188-workforce-innovation-opportunity-act/guide)