

PART 5.0 DEFINITIONS OF KEY TERMS

The terms below shall have the following meanings when used in this Contract:

- A. **APPLICANT** means an individual who applies to the Board through its subcontractors for available workforce services. For specifically funded programs, an applicant remains an applicant until the provisions for "customer" have been met.
- B. **BOARD DISBURSEMENTS** means those funds disbursed to Subrecipient by the Board pursuant to this Contract.
- C. **BASIC SKILLS DEFICIENT** refers to an individual who computes or solves problems, reads, writes, or speaks English at or below the eighth grade level or is unable to compute or solve problems, read, write or speak English at a level necessary to function on the job, in the individual's family, or in society. In addition, states and grantees have the option of establishing their own definition, which must include the above language. In cases where states or grantees establish such a definition, that definition will be used for basic skills determination.
- D. **CERTIFICATE** is awarded in recognition of any individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are based on standards developed or endorsed by employers.

For inclusion in performance, certificates are limited to those awarded by:

- A state educational agency or state agency responsible for administering vocational and technical education within a state.
- An institution of higher education described in Section 102 of the Higher Education Act (20 USC § 1002) that is qualified to participate in the student financial assistance program authorized by Title IV of that act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in federal student financial aid programs.
- A professional industry, or employer organization (e.g. National Institute for Automotive Service Excellence certification, National Institute for Metalworking skills, Inc., Machining Level I Credential) or a product manufacturer or developer (e.g. Microsoft Certified Database Administrator, Certified Novell Engineer, Sun Certified Java Programmer) using a valid and reliable assessment of an individual's knowledge, skills, and abilities.
- A registered apprenticeship program.
- A public regulatory agency, upon an individual's fulfillment of educational work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g. FAA aviation mechanic certification, state certified asbestos inspector).
- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons.

- Job Corps centers that issue certificates.
 - Institutions of higher education, which are formally controlled, or have been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes.
- E. **CHILD CARE SERVICES** is the term used to describe the system of management and child care programs to ensure that appropriate child care is available to eligible low income families, under several different programs. The system includes fiscal management; determination of eligibility and authorization of child care for customers; vendor recruitment, training, oversight, and payment via the CCS automated system; and promotion of resources and training to improve the availability and quality of child care in the community.
- F. **CHOICES** a term describing the service delivery model developed by TWC with primary emphasis on the employment of adult welfare recipients, including a “work first” strategy with private, unsubsidized employment at the earliest opportunity.
- G. **COMMON MEASURES** Performance measures for all job seekers served through the workforce system including; Entered Employment, Retention, Wage Gains and Educational Achievement.
- H. **CONTRACTOR** refers to an entity that receives a contract. A contractor is sometimes also referred to as a vendor, but not a subrecipient. Characteristics that are indicative of a contractor relationship are when the entity:
- (1) provides the contracted goods and services within normal business operations;
 - (2) provides similar goods or services to many different purchasers;
 - (3) normally operates in a competitive environment;
 - (4) provides goods or services that are ancillary to the operation of the federal or state program; and
 - (5) is not subject to compliance requirements of the federal or state program as a result of the agreement (although similar requirements may apply for other reasons).
- I. **CUSTOMER** an Employer or Job Seeker that has requested assistance, or determined to be eligible for a Board sponsored program. Job Seeker customers in specifically funded programs may have to be verified as being certified eligible to continue to receive services e.g. (Case Management, Training, etc.)
- J. **DEGREE/DIPLOMA** is a credential that the state education agency accepts as equivalent to a high school diploma. The term diploma also includes post secondary degrees including associates (AA and AS) and bachelor’s degrees (BA and BS)
- K. **DEOBLIGATION** is the action by which the Board shall unilaterally withdraw and/or reduce part or all of any contracted funds from the Subrecipient.
- L. **DISLOCATED WORKER** refers to Dislocated Workers assistance under WIOA. This legislation provides employment and training services to persons experiencing employment dislocation because of downturns in local labor market conditions and/or structural shifts in the general economy.
- M. **EDUCATIONAL GAIN** at post-test, participant completes or advances one or more educational functioning levels from the starting level measured on entry into the program (pre-test).
- N. **ELIGIBLE APPLICANT** means an individual who has made application and been determined to be eligible for a Board sponsored program; customers in WIOA or other specifically funded programs must have been verified as meeting established eligibility criteria for that specifically funded program.
- O. **EMPLOYERS** refers to all establishments of any size, organized as sole proprietorships, partnerships or corporations engaged in legal commerce who hire employees for wages under conditions conforming to State or Federal labor laws.
- P. **EMPLOYMENT** as defined in TWC and Board policies means full-time (no less than 30 hours per week) work in the job trained for , or in a training related occupation, at or above wages, which meet Board standards;

preferably benefits are included.

- Q. **ENROLL/ENROLLMENT** means the process whereby an individual who has been certified as eligible under this Contract is officially enrolled by the Board. For Board/WIOA customers, enrollment requires acceptance by the State TWIST system for participation in Board and Subrecipient's WIOA funded program. Other specific funding programs may also require acceptance into computerized records systems to be considered officially enrolled.
- R. **EXIT** refers to the term "program exit" which means a participant does not receive a service funded by the program or funded by a partner program for 90 consecutive calendar days and is not scheduled for future services other than follow-up. The last date of service is the exit date.
- S. **FINANCIAL MANUAL FOR GRANTS & CONTRACTS (FMGC)** refers to the document issued by the Texas Workforce Commission which incorporates uniform administrative and financial guidelines for all federal or state programs funded through the Commission. All Subrecipients are required to follow the guidelines provided therein. Please refer to the following website: http://www.twc.state.tx.us/business/fmgc/fmgc_toc.html
- T. **GRANT** means funds, from whatever source, awarded to the Board by the Texas Workforce Commission (TWC), an agency of the State of Texas.
- U. **HISTORICALLY UNDERUTILIZED BUSINESS (HUB)** is a business at least fifty percent owned and operated by minority group members, as defined by State law. Federal regulations define Disadvantaged Business Enterprises (DBE) and Minority or Woman Owned Business enterprises (MWBE) as a publicly traded or privately owned business, at least fifty-one percent of which is owned by minority group members determined to be disadvantaged. Minority members include Black American, Hispanic Americans, American Women, Asian Pacific Americans, and Native Americans. Such businesses will be offered maximum opportunities to compete for Board contracts. To apply for HUB certification, go to <https://comptroller.texas.gov/purchasing/vendor/hub/>.
- V. **PROGRAM INCOME** means income received by Subrecipient directly generated by a grant or subgrant supported activity, or earned only as a result of the grant or subgrant (Reference: 20 CFR, 627.450). Such earnings include, but may not be limited to, income from fees for services, rental of property, or sale of commodities; interest earned on advances; and in the case of public or private non-profit agencies, revenues earned from a contract in excess of actual costs incurred in providing the contracted services. Program Income earned under Board funded programs must be reported to the Board, and must be used only for Board purposes and for the program in which it was earned.
- W. **RAPID RESPONSE** provides early intervention assistance designed to transition workers to their next employment as soon as possible.
- X. **REGS or REGULATIONS** mean those rules, regulations, and their amendments, promulgated by the United States Departments of Labor (DOL), Health and Human Services Commission (HHSC) and U. S. Department of Agriculture (USDA) or the Texas Workforce Commission (TWC) and other specific funding sources made available to the Board through TWC.
- Y. **STATE** means Texas Workforce Commission (also called "TWC") and/or the Governor of the State of Texas.
- Z. **SUBCONTRACTOR** means an entity that delivers property or services under a contract from a contractor or from another subcontractor (not a subrecipient).
- AA. **SUBGRANT** refers to grant funds provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal or state award received by the pass-through entity. It does not include payments to a Subrecipient or payments to an individual that is a beneficiary of a federal or state program.
- BB. **SUBRECIPIENT** refers to an entity that receives a subgrant to carry out part of a federal or state program.

The Board is a subrecipient of the Agency for purpose of grant awards that the Agency makes to the Board. An entity that receives a subgrant from the Board is a subrecipient of the Board. An individual who is a beneficiary of a program is not a subrecipient. Characteristics which support the classification of an entity as a subrecipient include when the entity:

- (1) determines who is eligible to receive federal assistance;
- (2) has its performance measured in relation to whether objectives of a federal or state program were met;
- (3) has responsibility to make programmatic decisions;
- (4) is responsible for adherence to applicable federal or state program requirements specified in the federal or state award; and
- (5) in accordance with its agreement, uses the federal or state funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

This definition is consistent with 2 C.F.R. §§ 200.1 and 200.331, UGMS, Part III, §__3 and Part IV, §__.210, Appendix 2 of TxGMS, and TxGMS “Sub-grantee and Contractor Determination” provisions (as applicable).

- CC. **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EMPLOYMENT AND TRAINING (SNAP E&T)** – is a program to assist SNAP recipients to enter employment and training activities that promote long-term self-sufficiency, authorized under the Food Stamp Act of 1997, as amended by the Person Responsibility and Work Opportunity Reconciliation Act of 1996.
- DD. **SUPPORTIVE SERVICES** refers to services following an individual's assessment which are determined to be necessary to enable an individual eligible for program services under WIOA, but who cannot afford to pay for such services. Supportive services may include but not limited to transportation, child care, counseling, and other reasonable expenses required for participation.
- EE. **TARGETED OCCUPATIONS LIST** Occupations and Industries that have been targeted as in Demand in Dallas County. The current list can be found on our website at www.wfsdallas.com.
- FF. **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)** A program provided through the Texas Department of Human Services to persons meeting certain residency, income and resource criteria as provided for under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and the Temporary Assistance for Needy Families block grant.
- GG. **TEXAS WORKFORCE COMMISSION (TWC)** is the state agency that operates an integrated workforce development system through the consolidation of job training, employment and employment related education programs, including Choices, Supplemental Nutrition Assistance Program Employment and Training, WIOA, Employment Services, and Child Care Management System. TWC continues to administer the state employment compensation insurance system and the state employment service.
- HH. **TERMINATION** means (a) any cessation of this CONTRACT including, but not limited to, termination and cancellation of the Contract (See Part V, Section 1); and (b) For customers in WIOA or other specifically funded programs, termination means official completion from all Subrecipient program activities and services with no further services to be provided (See Part II, Section 2, L.).
- II. **TRADE ADJUSTMENT ASSISTANCE (TAA)** a program that provides reemployment services which may include training and job search/relocation assistance to individuals who lose their manufacturing jobs due to foreign imports or shift in production to foreign countries.
- JJ. **THE WORKFORCE INFORMATION SYSTEM FOR TEXAS (TWIST)** is the automated Management Information System; also called Client Management System.
- KK. **WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) SERVICES** means the Workforce Innovation and Opportunity Act, Public Law 113-128, workforce services for adults, dislocated workers and older youth

which include but are not limited to outreach and recruitment, pre-screening, intake and objective assessment, referral, orientation, youth competencies training, basic skills, remedial education, occupational skills training, on-the-job training, counseling, pre-employment skills training, job development, job search assistance, job placement, and follow-up.

LL. **WORK IN TEXAS (WIT)** is the Texas Workforce Commission internet based job matching and referral system for Employer and Job Seeker customers.

MM. **YOUTH** means an individual between the ages of 14 and 24 and applies to both in-school and out-of-school persons. Concurrent enrollment is also available for those youth between the ages of 16-24 who are out-of-school and who may be served with both youth and adult services. A menu of activities from which to select will facilitate services to the youth's specific needs.

TERMS NOT PARTICULARLY DEFINED above or elsewhere in this document shall be construed as defined: in the WIOA; the Regulations, and any amendments pursuant thereto; TWC Financial Manual For Grants and Contracts, TWIST Manual; state policy/issuances; other applicable laws; or such usage as is commonly accepted by funding agencies and Board.