

Oklahoma Employment Security Commission

Jon Brock, Executive Director



Frank Keating, Governor

Representing Employers

George Ollie, Jr., Commissioner
Ted Weber, Commissioner

Representing the Public
Rev. W. B. Parker, Chairman

Representing Employees

Mary Lowe, Commissioner
DeWayne Goodman, Commissioner

Oklahoma Employment and Training Issuance #18-2000

TO: WIA Board Staff

FROM: Eddie Foreman, Director

DATE: May 17, 2000

SUBJECT: Oklahoma's Interim Final Policy on the WIA Construction Prohibition

MESSAGE: To transmit Oklahoma's Interim Final Policy on the WIA Construction Prohibition. Comments must be submitted by June 16, 2000. Please send comments to me electronically using my e-mail address.

WIA Title I funds must not be spent on construction or purchase of facilities or buildings except:

- (a) To meet a recipient's, as the term is defined in *29 CFR 31.2(h), obligation to provide physical and programmatic accessibility and reasonable accommodation, as required by section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended;
- (b) To fund repairs, alterations and capital improvements of:
 - (1) SESA real property, identified at **WIA section 193, using a formula that assesses costs proportionate to space utilized;
 - (2) JTPA owned property which is transferred to WIA Title I programs;
- (c) For Job Corps facilities, as authorized by WIA section 160(3)(B); and
- (d) To fund disaster relief employment on projects for demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within a disaster area. [***WIA sec. 173(d)].

***29 CFR 31.2(h)**

The term recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or any other entity, or any individual in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program

****WIA Section 193. USE OF CERTAIN REAL PROPERTY.**

- (a) In General.- Notwithstanding any other provision of law, the Governor may authorize a public agency to make available, for the use of a one-stop service delivery system within the State which is carried out by a consortium of entities that includes the public agency, real property in which, as of the date of the enactment of the Workforce Investment Act of 1998, the Federal Government has acquired equity through the use of funds provided under title 111 of the Social Security Act (42 U.S.C. 501 et seq.), section 903(c) of such Act [42 U.S.C. 1103(c)], or the Wagner-Peyser Act (29 U.S.C. 49 et seq.).
- (b) Use of Funds – Subsequent to the commencement of the use of the property described in subsection (a) for the functions of a one-stop service delivery system, funds provided under the provisions of law described in subsection (a) may only be used to acquire further equity in such property, or to pay operating and maintenance expenses relating to such property in proportion to the extent of the use of such property attributable to the activities authorized under such provisions of law.

*****WIA, Section 173(d) Disaster Relief Employment Assistance Requirements.**

- (1) In General - Funds made available under subsection *(a)(2) —
 - (A) shall be used to provide disaster relief employment on projects that provide food, clothing, shelter, and other humanitarian assistance for disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area;
 - (B) may be expended through public and private agencies and organizations engaged in such projects; and
 - (C) may be expended to provide employment and training activities.
- (2) ELIGIBILITY – An individual shall be eligible to be offered disaster relief employment under subsection (a)(2) if such individual is a dislocated worker, is a long-term unemployed individual, or is temporarily or permanently laid off as a consequence of the disaster.

(3) **LIMITATIONS ON DISASTER RELIEF EMPLOYMENT** – No individual shall be employed under subsection (a)(2) for more than 6 months for work related to recovery from a single natural disaster.

*WIA Section 173 (a)(2) — to provide assistance to the Governor of any State within the boundaries of which is an area that has suffered an emergency or a major disaster as defined in paragraphs (1) and (2) respectively, of section 102 of the The Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5122 (1) and (2)] (referred to in this section as the “disaster area”) to provide disaster relief employment in the area;

ACTION: Please distribute this issuance to appropriate staff and include it as part of your permanent records.

INQUIRIES: Questions and comments may be directed to your Planning Coordinator or Mike Clark at 405/557-5339.

MF/jyg