

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. Grantees 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:

- (1) The recruitment of personnel required by the non-Federal entity for performance of a Federal award (See also [§ 200.463](#));
- (2) The procurement of goods and services for the performance of a Federal award;
- (3) 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
- (4) 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:

- (1) Costs specifically required by the Federal award;
- (2) 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
- (3) 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:

- (1) All advertising and public relations costs other than as specified in [paragraphs \(b\)](#) and [\(d\)](#) of this section;

- (2) 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;
- (3) Costs of promotional items and memorabilia, including models, gifts, and souvenirs;
- (4) 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 grantees 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.