

**NOTICE OF AVAILABILITY OF FUNDS AND FUNDING OPPORTUNITY
ANNOUNCEMENT FOR:
STATE OCCUPATIONAL LICENSING REVIEW AND REFORM**

ANNOUNCEMENT TYPE: *Initial*

FUNDING OPPORTUNITY NUMBER: *FOA-ETA-18-06*

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER: *17.207*

KEY DATES: *The closing date for receipt of applications under this Announcement is May 14, 2018. We must receive applications no later than 4:00:00 p.m. Eastern Time.*

ADDRESSES: *Address mailed applications to:*

***The U.S. Department of Labor
Employment and Training Administration, Office of Grants Management
Attention: Ms. Melissa Abdullah, Grant Officer
Reference FOA-ETA-18-06
200 Constitution Avenue, NW, Room N4716
Washington, DC 20210***

For complete application and submission information, including online application instructions, please refer to Section IV.

TABLE OF CONTENTS

- I. Funding Opportunity Description
 - A. Background
 - B. Program Purpose
 - C. Program Authority
- II. AWARD INFORMATION
 - A. Award Type and Amount
 - B. Period of Performance
- III. ELIGIBILITY INFORMATION
 - A. Eligible Applicants
 - B. Cost Sharing or Matching
 - C. Other Information
 - 1. Application Screening Criteria
 - 2. Number of Applications Applicants May Submit
- IV. Application and Submission Information
 - A. How to Obtain an Application Package
 - B. Content and Form of Application Submission
 - 1. SF-424, "Application for Federal Assistance"
 - 2. Project Budget
 - 3. Project Narrative
 - A. Preparing the Project Narrative
 - (1) Statement of Need
 - (2) Project Design
 - (3) Expected Outputs and Outcomes
 - (4) Organizational, Administrative and Fiscal Capacity
 - (5) Budget and Budget Justification
 - 4. Attachments to the Project Narrative
 - C. Submission Date, Time, Process and Address
 - 1. Hardcopy Submission
 - 2. Electronic Submission through Grants.gov
 - D. Intergovernmental Review
 - E. Funding Restrictions
 - 1. Indirect Costs
 - 2. Salary and Bonus Limitations
 - 3. Intellectual Property Rights
 - F. Other Submission Requirements

- V. Application Review Information
 - A. Criteria
 - B. Review and Selection Process
 - 1. Merit Review and Selection Process
 - 2. Risk Review Process
- VI. Award Administration Information
 - A. Award Notices
 - B. Administrative and National Policy Requirements
 - 1. Administrative Program Requirements
 - 2. Other Legal Requirements
 - 3. Other Administrative Standards and Provisions
 - 4. Special Program Requirements
 - C. Reporting
 - 1. Quarterly Financial Reports
 - 2. Quarterly Performance Reports
- VII. Agency Contacts
- VIII. Other Information
 - A. Web-Based Resources
 - B. Industry Competency Models and Career Clusters
 - C. WorkforceGPS Resources
 - D. SkillsCommons Resources
- IX. OMB Information Collection

EXECUTIVE SUMMARY:

Over the past several decades, the share of U.S. workers holding an occupational license has grown. Available evidence suggests that the share of the U.S. workforce covered by licensing laws grew fivefold in the second half of the 20th century, from less than 5 percent in the early 1950s to over 25 percent today. When designed and implemented carefully, licensing can benefit consumers through higher quality services and improved health and safety standards. However, licensing can also reduce employment opportunities.

Because most occupations are licensed at the state level, licensed practitioners must typically acquire a new license when they move across state lines. This can entail various procedural hurdles, such as paying fees, filling out administrative paperwork, and submitting an application and waiting for it to be processed. Moreover, because each state sets its own licensing requirements, these often vary from state to state, and licensed individuals seeking to move from one state to another often discover that they must meet new qualifications (such as education, experience, training, and testing) to continue to work in their occupation. In many cases, there may be no documented procedures or provisions for recognition of licenses from other states. The resulting costs in both time and money can discourage people from moving, or, for those who must relocate, may compel them to leave the career.

Finally, licensing requirements may have disproportionate impacts on certain populations. For example, transitioning servicemembers and veterans may not receive maximum credit for education and training received while in the military or may experience difficulties in filling gaps between military training and training required for a civilian license. Military spouses often must relocate to a different state, but may not be permitted to use their previous license to practice in a new state, despite having relevant qualifications and work experience (such as in teaching or nursing). As another example, in some states, individuals with criminal records may face blanket barriers to working in licensed occupations, with little consideration of whether the conviction is related or relevant to the nature or conditions of the work performed.

In response to these challenges, the U.S. Department of Labor (“DOL” or “the Department”) Employment and Training Administration (ETA), announces the availability of approximately \$4.5 million in grant funds authorized by the FY 2017 Consolidated Appropriations Act, as clarified by language and instructions set forth in House Report 114-699 and Senate Report 114-274, for the State Occupational Licensing Review and Reform grant program. Individual states can apply for between \$100,000 and \$450,000 for a three-year grant. An association of states can apply for up to \$1,000,000 for a three-year grant. The Department intends to fund approximately 10-20 states, and may also fund one to two associations of states.

The overarching goal of this grant program is to provide states with the means to review and streamline occupational licensing requirements in state-identified occupations and to promote portability of state licenses to and from other states, which is of particular concern to dislocated workers and military families. States will objectively analyze the relevant licensing criteria, potential portability issues, and

determine whether licensing requirements are overly broad or burdensome in presenting barriers to specific populations, such as those with criminal records or convicted offenders. States may consider the potential of alternative approaches that would be adequate to protect public health and safety.

Each applicant is required to explain and justify their planned use of the funds in the grant application. Successful applicants will use the grant funds to pay for staff support and subject matter expert consultation to review both existing and pending licensing regulations and requirements to achieve the grant's goal to support review and reform of occupational licensure and regulation to increase access to employment, as well as worker mobility and portability of qualifications. The project may include staff and research support for an existing, new, or expanded state task force or commission on occupational licensing.

I. FUNDING OPPORTUNITY DESCRIPTION

A. BACKGROUND

This grant program builds on work that the Department of Labor began in FY 2016, with an appropriation of \$7.5 million to fund an occupational licensing project. Through a limited competition, the Department awarded a single cooperative agreement, described below. In FY 2017, Congress appropriated the same amount for the Department "to address ways in which harmonizing licensing requirements across States can reduce barriers to labor market entry and mobility including for dislocated workers, transitioning servicemembers, and veterans," as stated in H. Rept. 114-699 and similar language in S. Rept. 114-274.

With the first appropriation in FY 2016, DOL awarded a three-year cooperative agreement to the National Conference of State Legislatures (NCSL) and its partners, the National Governors Association (NGA) and the Council of State Governments (CSG). Through an application process, NCSL selected 11 states¹ to participate in a consortium to receive targeted technical assistance and begin work to review and streamline occupational licensing requirements for certain occupations. That Occupational Licensing Policy Learning Consortium ("the Consortium") will improve the understanding of occupational licensure issues among the participating states by: 1) providing a forum for the selected state team members and the expanded stakeholder group to learn about occupational licensing best practices; 2) becoming familiar with and discussing the existing licensing policies in their state; 3) identifying current policies that create unnecessary barriers to labor market entry; and 4) creating an action plan that focuses on removing barriers to labor market entry and improves portability and reciprocity for select occupations.

In addition, the NCSL project is producing research and technical assistance products on a variety of relevant occupational licensing issues and promising practices. The project is

¹ The eleven states participating in the Occupational Licensing Policy Learning Consortium are Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Nevada, Utah, and Wisconsin.

focusing on 34 commonly licensed occupations that require less than a baccalaureate or graduate degree. These technical assistance resources, which will be available and applicable to all states, will include educational materials and guidance on interstate licensing compacts and briefing papers on the particular licensing barriers faced by four different populations: low-income and unemployed or dislocated workers; transitioning servicemembers/veterans and military spouses; persons with criminal records; and immigrants with work authorization. One product from that project that may be a useful resource is a report titled, “The State of Occupational Licensing: Research, State Policies and Trends.” The report is available at: http://www.ncsl.org/Portals/1/HTML_LargeReports/occupationallicensing_final.htm. For a brief description of this project and its planned deliverables, see [Appendix A](#).

B. PROGRAM PURPOSE

This Announcement solicits applications for the State Occupational Licensing Review and Reform grant program. The purpose of this program is to provide states with the means to review and streamline occupational licensing requirements in state-identified occupations and to promote portability of state licenses to other states, which is of particular concern to dislocated workers and military families. States will objectively analyze the relevant licensing criteria, potential portability issues, and whether licensing requirements are overly broad or burdensome.

This grant program will fund states or association(s) of states to: 1) review and streamline occupational licensing requirements in state identified occupations over the three-year grant period and, 2) promote portability of state licenses to and from other states. States will objectively analyze the relevant licensing criteria, potential portability issues, and whether licensing requirements are overly broad or burdensome. States are encouraged to consider the potential of alternative approaches to licensing that would be adequate to protect public health and safety (such as professional certification). See [Appendix B](#) for examples of other regulatory alternatives to licensing.

Achieving improvements in licensure requires a collaborative approach across state government, including the governor, state legislature, and relevant agencies and oversight bodies. To reflect this reality, applicants for this State Occupational Licensing Review and Reform project will need to assemble diverse teams that reflect these executive, legislative, and other organizational entities that play a key role in occupational licensing policy considerations. The entities will form a partnership that will work together to review their state’s approach to occupational regulation and existing licensing requirements and develop recommendations for reform. (See [Appendix C](#) for examples of policy questions to ask when considering occupational licensing proposals.)

Each participating state will be required to undertake the following activities throughout the grant period of performance that will help them achieve the project objectives in reviewing and reforming their state licensing requirements (additional activities also may be proposed):

- i. Select licensed sectors and/or occupations in the state that will be the focus of the project, with the goal of streamlining occupational licensing requirements in state-identified occupations and promoting portability of state licenses to other states.
- ii. Conduct an analysis of existing state licensing requirements for the selected occupations which includes:
 - a. Reviewing the extent of alignment with similar requirements in other states—for example, are the number of hours of training required reasonable and comparable to other states. See [The National Occupational Licensing Database](#) for 34 occupations across all 50 states.
 - b. Exploring and identifying the extent of and which changes might be needed to permit a state to join one or more existing or emerging interstate licensing compacts. (See Appendix D for list of and links to some existing interstate licensing compacts.)
 - c. Considering intended purpose, how well the requirements achieve that purpose and any potential unintended consequences.
 - d. Identifying potential *unjustified* barriers to entry or mobility (including provisions regarding the treatment of persons with criminal records or convicted offenders).
 - e. Identifying sub-specialties that might be excepted from full licensing. For example, some sub-specialties do not present the same safety concerns as others (for example, in cosmetology, providers of limited services that do not involve the use of harsh chemicals do not incur the same safety concerns as full-service providers).
 - f. Identifying ways to align with national industry-recognized certifications that would permit a certification to be adopted as a multi-state standard, either as part of state licensing requirements or in lieu of licensing.
 - g. Exploring factors involved in balancing possible beneficial aspects of existing occupational licensing frameworks, such as protecting the health and safety of consumers and adequate training of practitioners, with possible negative aspects of current frameworks such as barriers to labor market entry and worker relocation.
 - h. Determining how best to regulate particular occupations. Evaluate possible alternatives to the current licensing framework, as well as other regulatory alternatives to licensing such as, state or private industry-recognized certification, mandatory or voluntary bonding or insurance, and government registration. (See [Appendix B](#))
 - i. Examining particular labor market licensing barriers for veterans, and transitioning servicemembers and persons with criminal records/convicted offenders, as well as low-income, unemployed, and dislocated workers.
- iii. Engage and consult with stakeholders, such as representatives of industry, small businesses, and other affected individuals.
- iv. Develop recommendations and implementation plans to join one or more existing or emerging interstate licensing compacts. If the state is already part of several licensing compacts and does not anticipate joining additional compacts, the state needs to describe how its current level of participation supports the goals of this project to increase licensing portability. If an interstate licensing compact under consideration requires additional qualifications or new admission requirements for

- entrants that are not generally required by most states, describe how participation in the compact would support the goals of increasing access and portability.
- v. Develop approaches to better publicize the availability of military spouse licensing solutions already authorized, such as licensure by endorsement, temporary licensing, or expedited processing.
 - vi. Develop recommendations to remove unnecessary licensing barriers preventing former convicted offenders from gaining meaningful employment and reintegration to society. Where barriers are not eliminated, work to limit denials based on criminal history to those situations where conviction is relevant to the occupational license sought, and public health and safety would be potentially at risk by granting license.
 - vii. Develop recommendations, document rationale, and propose revisions to state occupational regulation and licensure requirements based on the state's review and analysis, and stakeholder input.

To lead these broad-based state-level efforts, the Department of Labor is inviting state governments and existing associations of states to apply for the grant funding. Applicants will be required to explain and justify their planned use of the funds in the grant application.

Each applicant will develop a plan of action that describes the scope and detail of how the project will accomplish the proposed work and include timelines for completion of work over the three-year period. Work plans must include all of the required activities listed in the Project Narrative Section IV.B.3. Allowable costs include: hiring staff support, engaging subject matter experts as consultants, and convening meetings or providing meeting facilitation for in-state meetings (virtual or in-person) with key stakeholders. Staff support and consultation with subject matter experts may also be used to support an existing or new state task force or commission, including representatives from industry, to review both existing and pending licensing regulations and requirements, sometimes referred to as either sunrise or sunset commissions. Because grant funds may not be used for lobbying (see section VI.B.1.b., New Restrictions on Lobbying, and Section VI.B.2.b, Lobbying or Fundraising the U.S. Government with Federal Funds), awardee activities related to potential legislative changes must be limited to review and analysis.

The states participating through this grant program will have an opportunity to strengthen relationships among key policymakers across the state; develop and implement a state action plan that focuses on improving portability and reciprocity for select occupations, and on removing barriers to labor market entry to improve the economic viability of the state.

C. PROGRAM AUTHORITY

This program is authorized by the FY 2017 Consolidated Appropriations Act, as clarified by language and instructions set forth in House Report 114-699 and Senate Report 114-274.

II. AWARD INFORMATION

A. AWARD TYPE AND AMOUNT

Funding will be provided in the form of a grant.

We expect availability of approximately \$4,500,000 to fund approximately 10-20 grants. An individual state government may apply for an amount between \$100,000 and \$450,000 and an association of states may apply for an amount up to \$1,000,000.

Note: if the applicant is one of the 11 states in the Occupational Licensing Policy Learning Consortium (“Consortium”) formed under the Department’s grant to the National Conference of State Legislatures (NCSL) and partners in 2017, the Department will consider the benefits the state already receives through the Consortium when evaluating the state’s application for this new award and the appropriate award amount (if selected). See Eligible Applicants, Section III.A. for more information.

Awards made under this Announcement are subject to the availability of Federal funds. In the event that additional funds become available, the Department reserves the right to use such funds to select additional grantees from applications submitted in response to this Announcement.

B. PERIOD OF PERFORMANCE

The period of performance is 36 months with an anticipated start date of July 1, 2018. This performance period includes all necessary implementation and start-up activities.

III. ELIGIBILITY INFORMATION

A. ELIGIBLE APPLICANTS

The following organizations are eligible to apply:

- State Government entities or an existing association of states.

State government entities may include, but are not limited to, those responsible for workforce development, regulatory oversight agencies, postsecondary education, or occupational licensing entities. Eligible entities may also include an existing national or regional association of state governments, representing multiple states and/or tribal areas, such as an association of state governors, state legislatures, state workforce agencies or other similar organizations that are already in existence, rather than a consortium or partnership of states formed for the purpose of applying for this funding opportunity. Each state is limited to one individual application for this FOA but may also be a member of one or more associations that submits an application.

The applicant must also be able to issue contracts to any entity for which a contracting relationship is critical to the success of the grant.

State applicants are required to demonstrate partnerships with or support from 1 and 2 below, and at least one of the state agencies listed in 3 and 4:

1. Governor's office;
2. Legislative leadership;
3. State agency responsible for workforce development;
4. State agency(ies) responsible for occupational licensing.

Associations of states also must demonstrate commitments from elected officials (governors and/or legislative leadership) representing the states participating in the project.

The 11 states in the current NCSL project (listed in [Appendix A](#)) are eligible to apply for funding through this funding opportunity announcement. However, because these states are already receiving extensive technical assistance, facilitated meetings, and consultations with subject matter experts, we anticipate that they will require minimal funding, and these states must explain and justify how they will use the funds in a way that avoids duplication of and augments what they are already doing through the NCSL project. This explanation must be provided in the Project Narrative and Project Budget. Additionally, these states will need to address the assistance they have already received through the NCSL project in the Statement of Need required at Section IV.B.3.A.1.

See Section IV.B.3.A for further details.

B. COST SHARING OR MATCHING

This program does not require cost sharing or matching funds. Including such funds is not one of the application screening criteria and applications that include any form of cost sharing or match will not receive additional consideration during the review process. Instead, the agency considers any resources contributed to the project beyond the funds provided by the agency as leveraged resources. Section IV.B.2 provides more information on leveraged resources.

C. OTHER INFORMATION

1. Application Screening Criteria

You should use the checklist below as a guide when preparing your application package to ensure that the application has met all of the screening criteria. Note that this checklist is only an aid for applicants and should not be included in the application package. We urge you to use this checklist to ensure that your application contains all required items. If your application does not meet all of the screening criteria, it will not move forward through the merit review process.

Application Requirement	Instructions	Complete?
The deadline submission requirements are met	Section IV.C	
Eligibility	Section III.A	
If submitted through Grants.gov, the components of the application are saved in any of the specified formats and are not corrupt. <i>(The Department will attempt to open the document, but will not take any additional measures in the event of problems with opening.)</i>	Section IV.C.2	
Application for Federal funds request is at least \$100,000 but does not exceed \$450,000 for an individual states, or does not exceed \$1,000,000 for an association of states.	Section II.A	
SAM Registration	Section IV.B.1	
SF-424, Application for Federal Assistance	Section IV.B.1	
SF-424 includes a DUNS Number	Section IV.B.1	
SF-424A, Budget Information Form	Section IV.B.2	
Budget Narrative	Section IV.B.2	
Project Narrative	Section IV.B.3	

2. Number of Applications Applicants May Submit

Each applicant may only submit one application to represent a state or an association. The Department will not consider multiple applications from the same state government or U.S. territory or possession. However, as noted above, a state that submits one individual application may also be a member of one or more existing associations that submits an application. If an applicant submits multiple applications, the Department will only consider the most recently received application that met the deadline. If the most recent application is disqualified for any reason, the Department will not replace it with an earlier application.

IV. APPLICATION AND SUBMISSION INFORMATION

A. HOW TO OBTAIN AN APPLICATION PACKAGE

This FOA, found at www.grants.gov and https://www.doleta.gov/grants/find_grants.cfm, contains all of the information and links to forms needed to apply for grant funding.

B. CONTENT AND FORM OF APPLICATION SUBMISSION

Applications submitted in response to this FOA must consist of four separate and distinct parts:

1. The SF-424 "Application for Federal Assistance:"
2. Project Budget;
3. Project Narrative; **and**
4. Attachments to the Project Narrative.

You must ensure that the funding amount requested is consistent across all parts and sub-parts of the application.

1. SF-424, "Application for Federal Assistance"

- You must complete the SF-424, "Application for Federal Assistance" (available at <https://www.grants.gov/web/grants/forms/sf-424-family.html#sortby=1>)
- In the address field, fill out the nine-digit (plus hyphen) zip code. Nine-digit zip codes can be found on the USPS website at <https://tools.usps.com/go/ZipLookupAction!input.action>.
- The SF-424 must clearly identify the applicant and must be signed by an individual with authority to enter into a grant agreement. Upon confirmation of an award, the individual signing the SF-424 on behalf of the applicant is considered the Authorized Representative of the applicant. As stated in block 21 of the SF-424 form, the signature of the Authorized Representative on the SF-424 certifies that the organization is in compliance with the Assurances and Certifications form SF-424B (available at <https://www.grants.gov/web/grants/forms/sf-424-family.html#sortby=1>). You do not need to submit the SF-424B with the application.

Requirement for DUNS Number

All applicants for Federal grant and funding opportunities must have a DUNS number, and must supply their DUNS Number on the SF-424. The DUNS Number is a nine-digit identification number that uniquely identifies business entities. If you do not have a DUNS Number, you can get one for free through the D&B website:

<https://fedgov.dnb.com/webform/displayHomePage.do>.

Grant recipients authorized to make subawards must meet these requirements related to DUNS Numbers:

- Grant recipients must notify potential subawardees that no entity may receive a subaward from you unless the entity has provided its DUNS number to you.
- Grant recipients may not make a subaward to an entity unless the entity has provided its DUNS number to you.

(See, Appendix A to 2 CFR section 25.)

Requirement for Registration with SAM

Applicants must register with the System for Award Management (SAM) before submitting an application. Find instructions for registering with SAM can at <https://www.sam.gov>.

A recipient must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration. To remain registered in the SAM database after the initial registration, the applicant is required to review and update the registration at least every 12 months from the date of initial registration or subsequently update its information in the SAM database to ensure it is current, accurate, and complete. For purposes of this paragraph, the applicant is the entity that meets the eligibility criteria and has the legal authority to apply and to receive the award. If an applicant has not fully complied with these requirements by the time the Grant Officer is ready to make a Federal award, the Grant Officer may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

2. Project Budget

You must complete the SF-424A Budget Information Form (available at: <https://www.grants.gov/web/grants/forms/sf-424-family.html#sortby=1>). In preparing the Budget Information Form, you must provide a concise narrative explanation to support the budget request, explained in detail below.

Budget Narrative: The budget narrative must provide a description of costs associated with each line item on the SF-424A. The Budget Narrative should also include a section describing any leveraged resources provided (as applicable) to support grant activities. Leveraged resources are all resources, both cash and in-kind, in excess of this award. Valuation of leveraged resources follows the same requirements as match. Applicants are encouraged to leverage resources to increase stakeholder investment in the project and broaden the impact of the project itself.

Use the following guidance for preparing the Budget Narrative:

Personnel: List all staff positions by title (both current and proposed) including the roles and responsibilities. For each position give the annual salary, the percentage of time devoted to the project and the amount of each position's salary funded by the grant.

Fringe Benefits: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement, etc.

Travel: For grantee staff only, specify the purpose, number of staff traveling, mileage, per diem, estimated number of in-state and out-of-state trips, and other costs for each type of travel.

Equipment: Identify each item of equipment you expect to purchase which has an estimated acquisition cost of \$5,000 or more per unit (or if your capitalization level is less than \$5,000, use your capitalization level) and a useful lifetime of more than one year (see 2 CFR 200.33 for the definition of Equipment). List the quantity and unit cost per item.

Items with a unit cost of less than \$5,000 are supplies, not “equipment”. In general, we do not permit the purchase of equipment during the last funded year of the grant.

Supplies: Identify categories of supplies (e.g. office supplies) in the detailed budget and list the item, quantity, and the unit cost per item. Supplies include all tangible personal property other than “equipment” (see 2 CFR 200.94 for the definition of Supplies).

Contractual: Under the Contractual line item, delineate contracts and subawards separately. Contracts are defined according to 2 CFR 200.22 as a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. A subaward, defined by 2 CFR 200.92, means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program.

For each proposed contract and subaward, specify the purpose and activities to be provided, and the estimated cost.

Construction: Construction costs are not allowed and this line must be left as zero. Minor alterations to adjust an existing space for grant activities (such as a classroom alteration) may be allowable. We do not consider this as construction and you must show the costs on other appropriate lines such as Contractual.

Other: Provide clear and specific detail, including costs, for each item so that we are able to determine whether the costs are necessary, reasonable and allocable. List any item, such as stipends or incentives, not covered elsewhere here.

Indirect Costs: If you include an amount for indirect costs (through a Negotiated Indirect Cost Rate Agreement or De Minimis) on the SF-424A budget form, then include one of the following:

a) If you have a Negotiated Indirect Cost Rate Agreement (NICRA), provide an explanation of how the indirect costs are calculated. This explanation should include

which portion of each line item, along with the associated costs, are included in your cost allocation base. Also, provide a current version of the NICRA.

or

b) If you intend to claim indirect costs using the 10 percent de minimis rate, please confirm that your organization meets the requirements as described in 2 CFR 200.414(f). Clearly state that your organization has never received a Negotiated Indirect Cost Rate Agreement (NICRA), and your organization is not one described in Appendix VII of 2 CFR 200, paragraph (D)(1)(b).

Applicants choosing to claim indirect costs using the de minimis rate must use Modified Total Direct Costs (see 2 CFR 200.68 below for definition) as their cost allocation base. Provide an explanation of which portion of each line item, along with the associated costs, are included in your cost allocation base. Note that there are various items not included in the calculation of Modified Total Direct Costs. See below the definitions to assist you in your calculation.

2 CFR 200.68 Modified Total Direct Cost (MTDC) means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

The definition of MTDC in 2 CFR 200.68 no longer allows for any sub-contracts to be included in the calculation. You will also note that participant support costs are not included in modified total direct cost. Participant support costs are defined below.

2 CFR 200.75 Participant Support Cost means direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training projects.

See Section IV.E.1 for more information. Additionally, the following link contains information regarding the negotiation of Indirect Cost Rates at DOL:
<https://www.dol.gov/oasam/boc/dcd/index.htm>.

Note that the SF-424, SF-424A, and Budget Narrative must include the entire Federal grant amount requested (not just one year).

Do not show leveraged resources on the SF-424 and SF-424A. You should describe leveraged resources in the Budget Narrative.

Applicants should list the same requested Federal grant amount on the SF-424, SF-424A, and Budget Narrative. If minor inconsistencies are found between the budget

amounts specified on the SF-424, SF-424A, and the Budget Narrative, ETA will consider the SF-424 the official funding amount requested. However, if the amount specified on the SF-424 would render the application nonresponsive, the Grant Officer will use his or her discretion to determine whether the intended funding request (and match if applicable) is within the responsive range.

3. Project Narrative

A. Preparing the Project Narrative

The Project Narrative must demonstrate your capability to implement the grant project in accordance with the provisions of this Announcement. It provides a comprehensive framework and description of all aspects of the proposed project. It must be succinct, self-explanatory, and well organized so that reviewers can understand the proposed project.

For an individual state applicant, the Project Narrative is limited to 15 double-spaced single-sided 8.5 x 11 inch pages with Times New Roman 12 point text font and 1-inch margins. For an applicant that is an association of states, the Project Narrative is limited to 20 double-spaced single-sided 8.5 x 11 inch pages with Times New Roman 12 point text font and 1-inch margins. You must number the Project Narrative beginning with page number 1.

We will not read or consider any materials beyond the specified page limit in the application review process.

Note, however, that an applicant may choose to use charts to provide some of its information and provide the charts as attachments. These attachments will not be counted against the page limit for the Project Narrative.

The following instructions provide all of the information needed to complete the Project Narrative. Carefully read and consider each section, and include all required information in your Project Narrative. The agency will evaluate the Project Narrative using the evaluation criteria and rating factors identified below. You must use the same section headers identified below for each section of the Project Narrative.

If the applicant is one of the 11 states in the Occupational Licensing Policy Learning Consortium, the applicant must acknowledge the assistance currently being received and describe what the state expects to do with the additional resources requested through this grant application to augment that effort as appropriate throughout the Project Narrative.

(1) Statement of Need (20 points)

Scoring under this heading will be based on the extent to which the discussion of the following criteria is clear, logical, and an accurate interpretation of available data. All data must include citations of sources. The applicant must provide:

- a) General Statement of Need. (4 points) Clearly describe in both quantitative and qualitative terms the need for the project in the applicant's state or states, including:
 - i. The nature and scope of the problem. (2 points)
 - ii. The general consequences of not addressing the need. (2 points)

- b) Current Licensing Framework. (4 points) Provide a comprehensive and clear description of the regulatory environment of occupational licensing in the state or states, that includes the following:
 - i. A brief overview of the regulatory environment that describes how it is structured, including a list of the state agencies that regulate occupations or have oversight over occupational licensing entities (e.g., licensing boards) and the total number types and names of the licensing entities within each umbrella or oversight agency, as well as a list of any interstate occupational licensing compacts of which states in the application are current members. (2 points)
 - ii. A clear description of the composition and responsibilities of any sunrise and/or sunset commissions or other similar entities that review new proposals for licensure (sunrise) or reviews the continued need for existing licensing requirements on a periodic basis (sunset) if they currently exist in the state related to occupational licensing. (2 points)

- c) Prior Involvement in Licensing Review and Reform. (4 points) Clearly describe involvement in any previous occupational licensing review or reform efforts.
 - i. Describe previous strategies or activities to address occupational licensing barriers to entry or mobility and any lessons learned or takeaways. (2 points)
 - ii. Provide an overview of any recent (in the past year or two) or pending legislation regarding occupational licensing. (2 points)

- d) Focus Areas. (8 points) A clear description of the specific licensed occupations and associated challenges you will focus on and the rationale for focusing on them. The description must include:
 - i. A clear identification of the occupation(s) or categories of occupation you will target for this effort. Include a rationale for each occupation selected indicating the statewide impact of choosing the occupation(s), such as the percent of workers in the state or region in that occupation, the expected future growth in the state or region, wages, and citing sources for the data. Other relevant occupational data may also be included. Applicants are required to focus on at least four target occupations, a majority of which must be included among the list of licensed occupations requiring less than a four-year degree listed in Appendix E. Applicants are welcome to include one or more other occupations that are particularly relevant to the occupational licensing landscape and unique needs in their proposed project work. (2 points)

- ii. A clear description of the applicant’s proposed approach to exploring options and developing recommended actions for joining additional interstate licensing compacts or a justification for why this requirement does not apply. (2 points)
- iii. A clear description of how the applicant will address labor market licensing barriers for one or more of the following populations: veterans, military spouses, and transitioning servicemembers, as well as low-income, unemployed, and dislocated workers. The description must include what strategies will be employed to meet these populations’ unique needs. (2 points)
- iv. A clear description of how the applicant will address unnecessary licensing barriers preventing former convicted offenders or person with a criminal record from gaining meaningful employment and reintegration to society. (2 points)

(2) Project Design (52 points)

The project design must present a detailed set of activities that demonstrate a cohesive, well-designed, and feasible approach to implement the project. All proposed project designs must incorporate the following components geared toward achieving the objectives described in Section I.B Program Purpose.

- a) Approach for Review and Analysis. (8 points) The applicant must include a description of how it plans to conduct the occupational licensing review through research and analysis. The applicant’s research approach will be evaluated by how comprehensive, responsive, and feasible the activities are within the period of performance. A complete description will include the following:
 - i. The extent to which the proposed review addresses the occupations and licensing barriers identified within the statement of need. (2 points)
 - ii. The full range of comparative analyses of the licensing requirements in the states or states, against relevant considerations, including those listed in Section I.B.ii. of Program Purpose. (2 points)
 - iii. A clear description of how the applicant will explore options and alternatives for determining how best to regulate particular occupations to remove or reduce barriers to entry and promote interstate labor mobility. (2 points)
 - iv. A full review of licensing requirements against the requirements of an existing or emerging interstate occupational licensure compact for one or more occupations. (2 points)
- b) Stakeholder Engagement and Outreach. (4 points) Applicants must describe the strategy for engaging all stakeholders–industry; employers, including small business and entrepreneurs; and workers. A complete description will include the following:
 - i. Effective and comprehensive strategies for outreach to potential stakeholders to solicit input and feedback. (2 points)

- ii. Thoroughly-described methods the applicant will deploy for consultation with stakeholders. (2 points)
- c) Development of Recommendations for Reform. (20 points) The applicant must describe its approach to develop recommendations that support the portability of licenses and reduce unnecessary barriers to labor market entry. A complete description will include the following:
- i. A well-conceived approach for developing recommendations that take into account the review and analysis and stakeholder input. (4 points)
 - ii. A clear description of their approach for developing a thorough implementation plan that will provide justification for the proposed recommendations. (4 points)
 - iii. Evidence of a plan for joining one or more existing or emerging interstate occupational licensing compacts. Or, if the state is already part of several licensing compacts and does not anticipate joining additional compacts, the applicant needs to describe how the state's current level of participation supports the goals of this project to promote licensing portability. If an interstate licensing compact under consideration requires additional qualifications or new admission requirements for entrants that are not generally required by most states, describe how participation in the compact would support the goals of increasing access and portability. (4 points)
 - iv. A clear description of approaches to better publicize the availability of military spouse licensing solutions already authorized, such as licensure by endorsement, temporary licensing, or expedited processing. (4 points)
 - v. A complete explanation of how the project design will incorporate one or more best practices with regard to occupational licensing. The applicant must provide citations for the source(s) used to identify best practice(s). A primary resource—though others may be used—is the report, “The State of Occupational Licensing: Research, State Policies and Trends” found at: http://www.ncsl.org/Portals/1/Documents/employ/Licensing/State_Occupational_Licensing.pdf. This report includes a list of best practices on page 12. For convenience, this material can also be found at [Appendix F](#). (4 points)
- d) Partnership Strategy. (8 points) Applicants will be rated based on the demonstrated strength of their partnerships. This section must include:
- i. A list of partner agencies and a description of those partnerships (including their roles and contributions, and how each partner supports the overall partnership). (4 points);
 - ii. A description of any relevant partners that will be assembled to work on various aspects of this project and the extent to which these proposed partners represent the issues involved. As stated in Section III.A., these proposed partners must include the governor's office; legislative leadership; and the state workforce agency or other state

agencies that either contain licensing agencies or oversee licensing boards or requirements, such as state departments of health, transportation, or education; relevant licensing entities; or postsecondary education institutions, as applicable. Partnerships also may include representatives of industry, businesses, or professions or of associations of state licensing boards or interstate licensure compacts. (4 points)

- e) Support Letters. (6 points) Each applicant must demonstrate commitment through letters of support. The requirements for individual state applicants differ from those for an association of states.

For Individual State Applicants:

Each applicant must include a letter of support on official letterhead from each state government entity below, indicating support for the state's grant application. Each letter should briefly outline the entity's goals and identify the entity's representative for the project and that person's expertise related to the project. For example, the governor's letter should describe the role of the governor's office, name the lead person who will represent the governor's office on the project, and describe the person's relevant expertise. These letters do not count against the project narrative page limit. Each state must have one or more signed agency support letters from:

- i. The governor or the governor's designee as per applicable state law. (2 points)
- ii. Legislative leadership (State Senate President, Speaker of the House/Assembly or chair of a relevant state legislative committee). (2 points)
- iii. The leader of the state's workforce agency, and/or other state agency(ies) responsible for occupational licensing. (2 points)

For Applicants that are an Association of States:

Each applicant must include a letter of support on official letterhead from an elected official that serves as the chair or other leadership position for the association. In addition, applicants must demonstrate support from the participating states in the proposed project, indicating support for the association's grant application. These letters can include commitments from governors, legislative leaders or state agencies involved in licensing. Each letter should briefly outline the entity's goals and identify the entity's representative for the project and that person's expertise related to the project. For example, the letter from the association chair should describe the commitment of the association and of the member states that will be participating in the project. These letters do not count against the project narrative page limit. Each applicant must have signed support letters from:

- i. The chair or leadership of the association. (2 points)
- ii. Participating member state entities, such as governors, legislative leadership (State Senate President, Speaker of the House/Assembly or

chair of a relevant state legislative committee) or the leader of the state's workforce agency, and/or other state agency(ies) responsible for occupational licensing. (4 points)

- f) Work Plan. (6 points) Provide a Work Plan that explains how you will implement the activities described in the Project Design. Please see attached suggested template in [Appendix G](#). This work plan does not count against the project narrative page limit. Scoring under this heading will be based on the extent to which the discussion of the following criteria is clear, logical, and comprehensive. The applicant must include:
- i. A detailed project work plan that demonstrates a cohesive, well-designed, and feasible approach to implement the project. (2 points)
 - ii. A comprehensive description of the activities, timeframes, deliverables, and key implementers required to implement the strategies described in this Project Design section within the grant period of performance. Include timeframes for accomplishing all start-up activities immediately following the start of the grant period of performance. (2 points)
 - iii. Clear explanation of which partners will contribute to the project activities and timeline. (2 points)

(3) Expected Outputs and Outcomes (10 points)

Clearly identify the output(s) that will result from the project.² Scoring under this criterion will be based on the extent to which the applicant proposes outputs and outcomes that are consistent with their Statement of Need and that support the FOA Program Purpose. Responses must be clear, logical, and complete. The applicant must include:

- i. Proposed Outputs. List and describe proposed outputs. (4 points)
- ii. Relation of Outputs to Statement of Need. Describe how each proposed output relates to your Statement of Need. (4 points)
- iii. Vision for Success. Describe what success would look like for the state in one year, three years, and five years. (2 points)

For a list of potential options for outputs and outcomes, see [Appendix H](#).

(4) Organizational, Administrative, and Fiscal Capacity (12 points)

Applicants must describe and demonstrate their capacity to effectively manage the programmatic, fiscal, and administrative aspects of the project, as well as demonstrate experience and/or capacity to engage stakeholders and partners that will support the project's goals. Scoring under this criterion will be based upon how well applicants address the following factors:

- a) Organizational Capacity. (4 points) This includes:

² Outcomes are the measurable results of the project. They are the positive benefits or negative changes that occur as a result of project activities or outputs. Outputs are tangible products or services that result from the project.

- i. A detailed description of how the applicant will form a leadership structure and process to direct the efforts to improve occupational licensing. (2 points)
 - ii. A detailed description of how the applicant will assemble diverse teams of staff that reflect the executive, legislative, and other organizational entities that play a key role in occupational licensing policy considerations. (2 points)
- b) Administrative Capacity. (4 points) This includes:
- i. A detailed description that demonstrates the applicant's capacity to manage the project and a plan for efficient and effective communication between staff at all levels of the project, including partners. (2 points)
 - ii. A description of the capacity of all entities involved in the project to effectively implement the components of the program approach for which they are responsible and a full description of the effectiveness of the applicant's procurement processes, systems and procedures, and, if applicable, those of partners. (2 points)
- c) Financial and Performance Reporting Systems. (4 points) This includes:
- i. A comprehensive description of the effective systems and processes that the applicant will use to provide timely and accurate financial and performance reporting. (2 points)
 - ii. Evidence that identifies whether reports (program and financial) for the most recent grant(s) from ETA or other sources have been submitted on time. Describe the grants management practices used to complete grant activities within the period of performance. (2 points)

(5) Budget and Budget Justification (6 points)

Please see [Section IV.B.2](#) for information on requirements related to the budget and budget justification. The Budget and Budget Justification do not count against the page limit requirements for the Project Narrative.

- a) Budget Justification. (4 points)
 - i. Clearly and logically describe how your proposed expenditures will support the activities that you have described in the project narrative.
- b) Description of Line Item Costs. (2 points)
 - i. Provide a clear description of costs associated with each line item on the SF-424A and ensure that **the totals on the SF-424A and Budget Narrative are the same.**

Note: If an applicant is one of the 11 states in the current NCSL project (listed in [Appendix A](#)) already receiving extensive technical assistance, facilitated meetings, and consultations with subject matter experts, we anticipate that they will require minimal funding and these states must explain and justify how they will use the funds in a way that avoids duplication and augments what they are already doing through the NCSL project.

4. Attachments to the Project Narrative

In addition to the Project Narrative, you must submit attachments. All attachments must be clearly labeled as Attachments. We will only exclude those attachments listed below from the page limit.

You must not include additional materials such as résumés or general letters of support. You must submit your application in one package because documents received separately will be tracked separately and will not be attached to the application for review.

Save all files with descriptive file names of 50 characters or less and only use standard characters in file names: A-Z, a-z, 0-9, and underscore (_). File names may not include special characters (e.g. &, -, *, %, /, #), periods (.), blank spaces or accent marks, and must be unique (i.e., no other attachment may have the same file name). You may use an underscore (example: my_Attached_File.pdf) to separate a file name.

Requested Attachments

a. Abstract

You must submit an up to two-page abstract summarizing the proposed project. Omission of the abstract will not result in your application being screened out, however the lack of the required information in the abstract may impact scoring. See III.C.1 for a list of items that will result in the screening out of your application. The abstract must include:

1. the applicant's name,
2. the project title,
3. the funding level requested, and
4. a brief summarization of the proposed project, including, but not limited to, the scope of the project and proposed outcomes.

The Abstract is limited to two-page double-spaced single sided 8.5x11 inch pages with 12 point text font and one-inch margins. When submitting in www.Grants.gov, this document should be uploaded as an attachment to the application package and specifically labeled "Abstract." This attachment does not impact scoring of the application.

- b. Agency Support Letters. As described in Section IV. B.3.(2)e. Omission of this attachment will impact scoring.
- c. Project Work Plan. As described in Section IV.B.3.A(2)f. See Template in [Appendix G](#). Omission of this attachment will impact scoring.
- d. Indirect Cost Rate Agreement: If you are requesting indirect costs based on a Negotiated Indirect Cost Rate Agreement approved by your Federal Cognizant Agency, then attach the most recently approved Agreement. (For more

information, see Section IV.B.2. and Section IV.E.1.) This attachment does not impact scoring of the application.

C. SUBMISSION DATE, TIMES, PROCESS AND ADDRESSES

We will accept applications under this Announcement until **May 14, 2018**. We must receive your application either electronically on <https://www.grants.gov> or in hard copy by mail or in hard copy by hand delivery (*including overnight delivery*) **no later than 4:00:00 p.m. Eastern Time on the closing date.**

Applicants are encouraged to submit their application before the closing date to ensure that the risk of late receipt of the application is minimized. We will not review applications received after 4:00:00 p.m. Eastern Time on the closing date. We will not accept applications sent by e-mail, telegram, or facsimile (FAX).

1. Hardcopy Submission

All applications submitted by mail or overnight delivery submissions must be received at the designated place by the specified closing date and time. Applicants submitting applications in hard copy by mail or overnight delivery must submit a “copy-ready” version free of bindings, staples or protruding tabs to ease in the reproduction of the application by DOL. Applicants submitting applications in hard copy must also include in the hard copy submission an identical electronic copy of the application on compact disc (CD) or flash drive. If we identify discrepancies between the hard copy submission and CD/flash drive copy, we will consider the application on the CD/flash drive as the official submission for evaluation purposes. Failure to provide identical applications in hardcopy and CD/flash drive format may have an impact on the overall evaluation.

If an application is physically submitted by both hard copy and through <https://www.grants.gov>, a letter must accompany the hard-copy application stating which application to review. If no letter accompanies the hard copy, we will review the copy submitted through <https://www.grants.gov>.

We will grant no exceptions to the mailing and delivery requirements set forth in this notice. Further, we will not accept documents submitted separately from the application, before or after the deadline, as part of the application.

Address mailed applications to the:

U.S. Department of Labor
Employment and Training Administration
Office of Grants Management
Attention: Melissa Abdullah, Grant Officer
Reference FOA-ETA-18-06
200 Constitution Avenue, NW, Room N4716
Washington, DC 20210

Please note that mail decontamination procedures may delay mail delivery in the Washington DC area. We will receive hand-delivered applications at the above address at the **3rd Street Visitor Entrance**. All overnight delivery submissions will be considered to be hand-delivered and must be received at the designated place by the specified closing date and time.

2. Electronic Submission through Grants.gov

Applicants submitting applications through Grants.gov must ensure successful submission **no later than 4:00:00 p.m. Eastern Time on the closing date.** Grants.gov will subsequently validate the application.

The process can be complicated and time-consuming. You are strongly advised to initiate the process as soon as possible and to plan for time to resolve technical problems. Note that validation does not mean that your application has been accepted as complete or has been accepted for review by the agency. Rather, Grants.gov only verifies the submission of certain parts of an application.

a. How to Register to Apply through Grants.gov

Read through the registration process carefully before registering. These steps may take as much as **four weeks** to complete, and this time should be factored into plans for timely electronic submission in order to avoid unexpected delays that could result in the rejection of an application.

Applicants must follow the online instructions for registration at <https://www.grants.gov/web/grants/applicants/organization-registration.html>. We recommend that you prepare the information requested before beginning the registration process. Reviewing and assembling required information before beginning the registration process will alleviate last minute searches for required information and save time.

An application submitted through Grants.gov constitutes a submission as an electronically signed application. The registration and account creation with Grants.gov, with E-Biz Point of Contact (POC) approval, establishes an Authorized Organization Representative (AOR). When an application is submitted through Grants.gov, the name of the AOR that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The E-Biz POC must authorize the individual who is able to make legally binding commitments on behalf of your organization as the AOR; this step is often missed and it is crucial for valid submissions.

b. How to Submit an Application to DOL via Grants.gov

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. For a complete workspace overview, refer to: <https://www.grants.gov/web/grants/applicants/workspace-overview.html>.

For access to complete instructions on how to apply for opportunities, refer to: <https://www.grants.gov/web/grants/applicants/apply-for-grants.html>.

When a registered applicant submits an application with Grants.gov, an electronic time stamp is generated within the system when the application is successfully received by Grants.gov. Grants.gov will send the applicant AOR an email acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) with the successful transmission of the application, serving as proof of their timely submission. The applicant will receive two email messages to provide the status of the application's progress through the system:

- The first email will contain a tracking number and will confirm receipt of the application by Grants.gov.
- The second email will indicate the application has either been successfully validated or has been rejected due to errors.

Grants.gov will **reject applications if the applicant's registration in SAM is expired. Only applications that have been successfully submitted by the deadline and later successfully validated will be considered.** It is your sole responsibility to ensure a timely submission. While it is not required that an application be successfully validated before the deadline for submission, it is prudent to reserve time before the deadline in case it is necessary to resubmit an application that has not been successfully validated. Therefore, enough time should be allotted for submission (24-48 hours) and, if applicable, additional time to address errors and receive validation upon resubmission (an additional two business days for each ensuing submission). It is important to note that if enough time is not allotted and a rejection notice is received after the due date and time, DOL will not consider the application.

To ensure consideration, the components of the application must be saved as .doc, .docx, .xls, .xlsx, .rtf, or .pdf files. If submitted in any other format, the applicant bears the risk that compatibility or other issues will prevent DOL from considering the application. We will attempt to open the document, but will not take any additional measures in the event of problems with opening.

We strongly advise applicants to use the various tools and documents, including FAQs, which are available on the "Applicant Resources" page at <https://www.grants.gov/web/grants/applicants/applicant-faqs.html>.

We encourage new prospective applicants to view the online tutorial, "Grant Applications 101: A Plain English Guide to ETA Competitive Grants," available through WorkforceGPS at: <https://strategies.workforcegps.org/resources/2014/08/11/16/32/applying-for-eta-competitive-grants-a-web-based-toolkit-for-prospective-applicants-438?p=1>.

To receive updated information about critical issues, new tips for users and other time sensitive updates as information is available, you may subscribe to

“Grants.gov Updates” at <https://www.grants.gov/web/grants/manage-subscriptions.html>.

If you encounter a problem with Grants.gov and do not find an answer in any of the other resources,

- **call** 1-800-518-4726 or 606-545-5035 to speak to a Customer Support Representative or
- **email** support@grants.gov.

The Grants.gov Contact Center is open 24 hours a day, seven days a week. However, it is closed on Federal holidays. If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number.

Late Applications

For applications submitted on Grants.gov, we will consider only applications successfully submitted no later than 4:00:00 p.m. Eastern Time on the closing date and then successfully validated. You take a significant risk by waiting to the last day to submit through Grants.gov.

We will not consider any hard copy application received after the exact date and time specified for receipt at the office designated in this notice, unless we receive it before awards are made, it was properly addressed, and it was: (a) sent by U.S. Postal Service mail, postmarked not later than the fifth calendar day before the date specified for receipt of applications (e.g., an application required to be received by the 20th of the month must be postmarked by the 15th of that month); or (b) sent by professional overnight delivery service to the addressee not later than one working day before the date specified for receipt of applications. “Postmarked” means a printed, stamped or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable, without further action, as having been supplied or affixed on the date of mailing by an employee of the U.S. Postal Service. Therefore, you should request the postal clerk to place a legible hand cancellation “bull’s eye” postmark on both the receipt and the package. Failure to adhere to these instructions will be a basis for a determination that the application was not filed timely and will not be considered. Evidence of timely submission by a professional overnight delivery service must be demonstrated by equally reliable evidence created by the delivery service provider indicating the time and place of receipt.

D. INTERGOVERNMENTAL REVIEW

This funding opportunity is not subject to Executive Order 12372, “Intergovernmental Review of Federal Programs.”

E. FUNDING RESTRICTIONS

All proposed project costs must be necessary and reasonable and in accordance with Federal guidelines. Determinations of allowable costs will be made in accordance with the Cost Principles, now found in the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), codified at 2 CFR Part 200 and at 2 CFR Part 2900 (Uniform Guidance-DOL specific). Disallowed costs are those charges to a grant that the grantor agency or its representative determines not to be allowed in accordance with the Cost Principles or other conditions contained in the grant. Applicants, whether successful or not, will not be entitled to reimbursement of pre-award costs.

1. Indirect Costs

As specified in the Uniform Guidance Cost Principles, indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective. An indirect cost rate is required when an organization operates under more than one grant or other activity, whether Federally-assisted or not. You have two options to claim reimbursement of indirect costs.

Option 1: You may use a NICRA or Cost Allocation Plan (CAP) supplied by the Federal Cognizant Agency. If you do not have a NICRA/CAP or have a pending NICRA/CAP, and in either case choose to include estimated indirect costs in your budget, at the time of award the Grant Officer will release funds in the amount of 10% of salaries and wages to support indirect costs. Within 90 days of award, you are required to submit an acceptable indirect cost proposal or CAP to your Federal Cognizant Agency to obtain a provisional indirect cost rate. (See Section IV.B.4. for more information on NICRA submission requirements.)

Option 2: Any organization that has never received a negotiated indirect cost rate, with the exceptions noted at 2 CFR 200.414(f) in the Cost Principles, may elect to charge a de minimis rate of 10% of modified total direct costs (see 2 CFR 200.68 for definition) which may be used indefinitely. If you choose this option, this methodology must be used consistently for all Federal awards until such time as you choose to negotiate for an indirect cost rate, which you may apply to do at any time. (See 2 CFR 200.414(f) for more information on use of the de minimis rate.)

2. Salary and Bonus Limitations

None of the funds appropriated under the heading "Employment and Training" in the appropriation statute(s) may be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation does not apply to contractors providing goods and services as defined in the Audit Requirements of the OMB Uniform Guidance (see 2 CFR 200 Subpart F). Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for

comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. See Public Law 113-235, Division G, Title I, section 105, and Training and Employment Guidance Letter number 05-06 for further clarification: https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262.

3. Intellectual Property Rights

Pursuant to 2 CFR 2900.13, to ensure that the Federal investment of DOL funds has as broad an impact as possible and to encourage innovation in the development of new learning materials, the grantee will be required to license to the public all work created with the support of the grant under a Creative Commons Attribution 4.0 (CC BY) license. Work that must be licensed under the CC BY includes both new content created with the grant funds and modifications made to pre-existing, grantee-owned content using grant funds.

This license allows subsequent users to copy, distribute, transmit and adapt the copyrighted Work and requires such users to attribute the Work in the manner specified by the grantee. Notice of the license shall be affixed to the Work. For general information on CC BY, please visit <https://creativecommons.org/licenses/by/4.0>.

Instructions for marking your work with CC BY can be found at: https://wiki.creativecommons.org/Marking_your_work_with_a_CC_license.

Questions about CC BY as it applies to this specific funding opportunity should be submitted to the ETA Grants Management Specialist specified in Section VII.

Only work that is developed by the recipient in whole or in part with grant funds is required to be licensed under the CC BY license. Pre-existing copyrighted materials licensed to, or purchased by the grantee from third parties, including modifications of such materials, remain subject to the intellectual property rights the grantee receives under the terms of the particular license or purchase. In addition, works created by the grantee without grant funds do not fall under the CC BY license requirement.

The purpose of the CC BY licensing requirement is to ensure that materials developed with funds provided by these grants result in work that can be freely reused and improved by others. When purchasing or licensing consumable or reusable materials, the grantee is expected to respect all applicable Federal laws and regulations, including those pertaining to the copyright and accessibility provisions of the Federal Rehabilitation Act.

Separate from the CC BY license to the public, the Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for Federal purposes: i) the copyright in all products developed under the grant, including a subaward or contract under the grant or subaward; and ii) any rights of copyright to which the recipient,

subrecipient or a contractor purchases ownership under an award (including, but not limited to, curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. The grantee may not use Federal funds to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work. If revenues are generated through selling products developed with grant funds, including intellectual property, DOL treats such revenues as program income. Such program income is added to the grant and must be expended for allowable grant activities.

If applicable, the following needs to be on all products developed in whole or in part with grant funds:

“This workforce product was funded by a grant awarded by the U.S. Department of Labor’s Employment and Training Administration. The product was created by the grantee and does not necessarily reflect the official position of the U.S. Department of Labor. The U.S. Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it.”

F. OTHER SUBMISSION REQUIREMENTS

Withdrawal of Applications: You may withdraw an application by written notice to the Grant Officer at any time before an award is made.

V. APPLICATION REVIEW INFORMATION

A. CRITERIA

We have instituted procedures for assessing the technical merit of applications to provide for an objective review of applications and to assist you in understanding the standards against which your application will be judged. The evaluation criteria are based on the information required in the application as described in Sections IV.B.2. (Project Budget) and IV.B.3. (Project Narrative). Reviewers will award points based on the evaluation criteria described below.

Section IV.B.3 (Project Narrative) of this FOA has several “section headers” (i.e. IV.B.3.A.(1), Statement of Need). Each of these “section headers” of the Project Narrative include one or more “criterion,” and each “criterion” includes one or more “rating factors,” which provide detailed specifications for the content and quality of the response to that criterion. Each of the rating factors have specific point values assigned.

These point values are the number of points possible for the application to earn for the rating factor.

Standards for Evaluating the Applicant’s Response to each Requirement

Section IV.B.3, Project Narrative provides a detailed explanation of the information an application must include (i.e. a comprehensive work plan for the whole period of performance with feasible and realistic dates). Reviewers will rate each “rating factor” based on how fully and convincingly the applicant responds. For each “rating factor” under each “criterion,” panelists will determine whether the applicant thoroughly meets, partially meets, or fails to meet the “rating factor,” based on the definitions below:

TABLE 1:

Standard Rating	Definition	Standard for Calculating Points
Thoroughly Meets	The application thoroughly responds to the rating factor and fully and convincingly satisfies all of the stated specifications.	Full Points
Partially Meets	The application responds incompletely to the rating factor or the application convincingly satisfies some, but not all, of the stated specifications.	Half Points
Fails to Meet	The application does not respond to the rating factor or the application does respond to the rating factor but does not convincingly satisfy any of the stated specifications.	Zero Points

In order to receive the maximum points for each rating factor, applicants must provide a response to the requirement that fully describes the proposed program design and demonstrates the quality of approach, rather than simply re-stating a commitment to perform prescribed activities. In other words, applicants must describe *why* their proposal is the best strategy and *how* they will implement it, *rather than* that the strategy contains elements that conform to the requirements of this FOA.

TABLE 2:

Criterion	Points (maximum)
1. Statement of Need (See Section IV.B.3.A.(1) Statement of Need)	20 total
(a) General Statement of Need	4
(b) Current State Licensing Framework	4
(c) Prior Involvement in Licensing Review and Reform	4

(d) Focus Areas	8
2. Project Design (See Section IV.B.3.A.(2) Project Design)	52 total
(a) Approach for Review and Analysis	8
(b) Stakeholder Engagement and Outreach	4
(c) Development of Recommendations for Reform	20
(d) Partnership Strategy	8
(e) Support Letters	6
(f) Work Plan	6
3. Expected Outputs and Outcomes (See Section IV.B.3.A.(3) Expected Outputs and Outcomes)	10 total
(a) Proposed outputs	4
(b) Relation of outputs to statement of need	4
(c) Vision for success	2
4. Organizational, Administrative, and Fiscal Capacity (See Section IV.B.3.A.(4) Organizational, Administrative, and Fiscal Capacity)	12 total
(a) Organizational Capacity	4
(b) Administrative Capacity	4
(c) Financial and Performance Reporting Systems	4
5. Budget and Budget Justification (See Section IV.B.3.A. (5) Budget and Budget Justification)	6 total
(a) Budget Justification	4
(b) Description of Line Item Costs	2
TOTAL	100

B. REVIEW AND SELECTION PROCESS

1. Merit Review and Selection Process

A technical merit review panel will carefully evaluate applications against the selection criteria to determine the merit of applications. These criteria are based on the policy goals, priorities, and emphases set forth in this FOA. Up to 100 points may be awarded to an applicant, depending on the quality of the responses provided. The final scores (which may include the mathematical normalization of review panels) will serve as the primary basis for selection of applications for funding. The panel results are advisory in nature and not binding on the Grant Officer. The Grant Officer reserves the right to make selections based solely on the final scores or to take into consideration other relevant factors when applicable. Such factors may include the geographic distribution of funds and/or other relevant

factors. The Grant Officer may consider any information that comes to his/her attention.

The government may elect to award the grant(s) with or without discussions with the applicant. Should a grant be awarded without discussions, the award will be based on the applicant's signature on the SF-424, including electronic signature via E-Authentication on <https://www.grants.gov>, which constitutes a binding offer by the applicant.

2. Risk Review Process

Prior to making an award, ETA will review information available through its own records and any OMB-designated repository of government-wide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), Dun and Bradstreet, and "Do Not Pay." Additionally, ETA will comply with the requirements of 2 CFR Part 180 codified by DOL at 29 CFR Part 98 [Government-wide Debarment and Suspension (Non-procurement)]. This risk evaluation may incorporate results of the evaluation of the applicant's eligibility (application screening) or the quality of its application (merit review). If ETA determines that an award will be made, special conditions that correspond to the degree of risk assessed may be applied to the award. Criteria to be evaluated include:

- (1) Financial stability;
- (2) Quality of management systems and ability to meet the management standards prescribed in the Uniform Grant Guidance;
- (3) History of performance. The applicant's record in managing awards, cooperative agreements, or procurement awards, if it is a prior recipient of such Federal awards, including timeliness of compliance with applicable reporting requirements and, if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- (4) Reports and findings from audits performed under Subpart F–Audit Requirements of the Uniform Grant Guidance or the reports and findings of any other available audits and monitoring reports containing findings, issues of non-compliance or questioned costs;
- (5) The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on recipients.

NOTE: As part of the Employment and Training Administration's Risk Review process, The Grant Officer will determine:

- If the applicant had any restriction on spending for any ETA grant due to adverse monitoring findings ; or
- If the applicant received a High Risk determination in accordance with Training and Employment Guidance Letter (TEGL) 23-15.

Depending on the severity of the findings and whether the findings were resolved, the Grant Officer may, at his/her discretion, elect to not fund the applicant for a grant award regardless of the applicant's score in the competition.

VI. AWARD ADMINISTRATION INFORMATION

A. AWARD NOTICES

All award notifications will be posted on the ETA Homepage (<https://www.doleta.gov>). Applicants selected for award will be contacted directly before the grant's execution. Non-selected applicants will be notified by mail or email and may request a written debriefing on the significant weaknesses of their application.

Selection of an organization as a recipient does not constitute approval of the grant application as submitted. Before the actual grant is awarded, we may enter into negotiations about such items as program components, staffing and funding levels, and administrative systems in place to support grant implementation. If the negotiations do not result in a mutually acceptable submission, the Grant Officer reserves the right to terminate the negotiations and decline to fund the application. We reserve the right to not fund any application related to this FOA.

B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. Administrative Program Requirements

All grantees will be subject to all applicable Federal laws, regulations—including the OMB Uniform Guidance, and the terms and conditions of the award. The grant(s) awarded under this FOA will be subject to the following administrative standards and provisions:

- a. Non-Profit Organizations, Educational Institutions, For-profit entities and State, Local and Indian Tribal Governments—2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and 2 CFR 2900 (DOL's Supplement to 2 CFR Part 200).
- b. All entities must comply with 29 CFR Part 93 (New Restrictions on Lobbying), 29 CFR Part 94 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)), 29 CFR Part 98 (Governmentwide Debarment and Suspension, and drug-free workplace requirements), and, where applicable, 2 CFR Part 200 (Audit Requirements).
- c. 29 CFR Part 2, subpart D—Equal Treatment in Department of Labor Programs for Religious Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries.
- d. 29 CFR Part 31—Nondiscrimination in Federally Assisted Programs of the Department of Labor—Effectuation of Title VI of the Civil Rights Act of 1964.
- e. 29 CFR Part 32—Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance.
- f. 29 CFR Part 35— Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor.
- g. 29 CFR Part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.
- h. 29 CFR Part 38 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act.

- i. 29 CFR Parts 29 and 30—Labor Standards for the Registration of Apprenticeship Programs, and Equal Employment Opportunity in Apprenticeship and Training, as applicable.
- j. Department of Labor will follow the procedures outlined in the Department’s Freedom of Information ACT (FOIA) regulations (29 CFR Part 70). If DOL receives a FOIA request for your application, the procedures in DOL’s FOIA regulations for responding to requests for commercial/business information submitted to the government will be followed (see 29 CFR § 70.26) as well as all FOIA exemptions and Procedures. See generally 5 U.S.C. § 552, 29 CFR Part 70.
- k. Standard Grant Terms and Conditions of Award—See the following link:
<https://www.doleta.gov/grants/pdf/17StandTermsConds.pdf>.

2. Other Legal Requirements:

a) Religious Activities

The Department notes that the Religious Freedom Restoration Act (RFRA), 42 U.S.C. Section 2000bb, applies to all Federal law and its implementation. If an applicant organization is a faith-based organization that makes hiring decisions on the basis of religious belief, it may be entitled to receive Federal financial assistance under this grant solicitation and maintain that hiring practice. If a faith-based organization is awarded a grant, the organization will be provided with more information.

b) Lobbying or Fundraising the U.S. Government with Federal Funds

In accordance with Section 18 of the Lobbying Disclosure Act of 1995 (Public Law 104-65) (2 U.S.C. 1611), non-profit entities incorporated under Internal Revenue Service Code Section 501(c) (4) that engage in lobbying activities are not eligible to receive Federal funds and grants. No activity, including awareness-raising and advocacy activities, may include fundraising for, or lobbying of, U.S. Federal, State or Local Governments (see 2 CFR 200.450 for more information).

c) Transparency Act Requirements

You must ensure that you have the necessary processes and systems in place to comply with the reporting requirements of the Federal Funding Accountability and Transparency Act of 2006 (Pub. Law 109-282, as amended by section 6202 of Pub. Law 110-252) (Transparency Act), as follows:

- Except for those excepted from the Transparency Act under sub-paragraphs 1, 2, and 3 below, you must ensure that you have the necessary processes and systems in place to comply with the subaward and executive total compensation reporting requirements of the Transparency Act, should they receive funding.
- Upon award, you will receive detailed information on the reporting requirements of the Transparency Act, as described in 2 CFR Part 170, Appendix A, which can be found at the following website:
<https://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>.

The following types of awards are not subject to the Federal Funding Accountability and Transparency Act:

- (1) Federal awards to individuals who apply for or receive Federal awards as natural persons (i.e., unrelated to any business or non-profit organization he or she may own or operate in his or her name);
- (2) Federal awards to entities that had a gross income, from all sources, of less than \$300,000 in the entities' previous tax year; and
- (3) Federal awards, if the required reporting would disclose classified information.

d) Safeguarding Data Including Personally Identifiable Information (PII)

Applicants submitting applications in response to this FOA must recognize that confidentiality of PII and other sensitive data is of paramount importance to the Department of Labor and must be observed except where disclosure is allowed by the prior written approval of the Grant Officer or by court order. By submitting an application, you are assuring that all data exchanges conducted through or during the course of performance of this grant will be conducted in a manner consistent with applicable Federal law and TEGL NO. 39-11 (issued June 28, 2012). All such activity conducted by ETA and/or recipient/s will be performed in a manner consistent with applicable state and Federal laws.

By submitting a grant application, you agree to take all necessary steps to protect such confidentiality by complying with the following provisions that are applicable in governing their handling of confidential information:

1. You must ensure that PII and sensitive data developed, obtained, or otherwise associated with DOL/ETA funded grants is securely transmitted.
2. To ensure that such PII is not transmitted to unauthorized users, all PII and other sensitive data transmitted via e-mail or stored on CDs, DVDs, thumb drives, etc., must be encrypted using a Federal Information Processing Standards (FIPS) 140-2 compliant and National Institute of Standards and Technology (NIST) validated cryptographic module. You must not e-mail unencrypted sensitive PII to any entity, including ETA or contractors.
3. You must take the steps necessary to ensure the privacy of all PII obtained from participants and/or other individuals and to protect such information from unauthorized disclosure. You must maintain such PII in accordance with the ETA standards for information security described in TEGL NO. 39-11 and any updates to such standards we provide to you. Grantees who wish to obtain more information on data security should contact their Federal Project Officer.
4. You must ensure that any PII used during the performance of your grant has been obtained in conformity with applicable Federal and state laws governing the confidentiality of information.
5. You further acknowledge that all PII data obtained through your ETA grant must be stored in an area that is physically safe from access by unauthorized persons at all times and the data will be processed using recipient issued equipment, managed information technology (IT) services, and designated locations approved by ETA. Accessing, processing, and storing of ETA grant PII data on personally owned equipment, at off-site locations e.g., employee's

home, and non-recipient managed IT services, e.g., Yahoo mail, is strictly prohibited unless approved by ETA.

6. Your employees and other personnel who will have access to sensitive/confidential/proprietary/private data must be advised of the confidential nature of the information, the safeguards required to protect the information, and that there are civil and criminal sanctions for noncompliance with such safeguards that are contained in Federal and state laws.
7. You must have policies and procedures in place under which your employees and other personnel, before being granted access to PII, acknowledge their understanding of the confidential nature of the data and the safeguards with which they must comply in their handling of such data as well as the fact that they may be liable to civil and criminal sanctions for improper disclosure.
8. You must not extract information from data supplied by ETA for any purpose not stated in the grant agreement.
9. Access to any PII created by the ETA grant must be restricted to only those employees of the grant recipient who need it in their official capacity to perform duties in connection with the scope of work in the grant agreement.
10. All PII data must be processed in a manner that will protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal or any other means. Data may be downloaded to, or maintained on, mobile or portable devices only if the data are encrypted using NIST validated software products based on FIPS 140-2 encryption. In addition, wage data may only be accessed from secure locations.
11. PII data obtained by the recipient through a request from ETA must not be disclosed to anyone but the individual requestor except as permitted by the Grant Officer or by court order.
12. You must permit ETA to make onsite inspections during regular business hours for the purpose of conducting audits and/or conducting other investigations to assure that you are complying with the confidentiality requirements described above. In accordance with this responsibility, you must make records applicable to this Agreement available to authorized persons for the purpose of inspection, review, and/or audit.
13. You must retain data received from ETA only for the period of time required to use it for assessment and other purposes, or to satisfy applicable Federal records retention requirements, if any. Thereafter, you agree that all data will be destroyed, including the degaussing of magnetic tape files and deletion of electronic data.

e) Record Retention

You must follow Federal guidelines on record retention, which require you to maintain all records pertaining to grant activities for a period of at least three years from the date of submission of the final expenditure report. See 2 CFR 200.333-.337 for more specific information, including information about the start of the record retention period for awards that are renewed quarterly or annually, and when the records must be retained for more than three years.

f) Use of Contracts and Subawards

You must abide by the following definitions of contract, contractor, subaward, and subrecipient:

Contract: Contract means a legal instrument by which a non-Federal entity (defined as a state, local government, Indian tribe, institution of higher education (IHE), nonprofit organization, for-profit entity, foreign public entity, or a foreign organization that carries out a Federal award as a recipient or subrecipient) purchases property or services needed to carry out the project or program under a Federal award. The term as used in this FOA does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward (see definition of Subaward below).

Contractor: Contractor means an entity that receives a contract as defined above in Contract.

Subaward: Subaward means an award provided by a pass-through entity (defined as a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program) to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient: Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. You must follow the provisions at 2 CFR 200.330-.332 regarding subrecipient monitoring and management. Also see 2 CFR 200.308(c)(6) regarding prior approval requirements for subawards. When awarding subawards, you are required to comply with provisions on governmentwide suspension and debarment found at 2 CFR Part 180 and codified by DOL at 29 CFR Part 98.

g) Closeout of Grant Award

Any entity that receives an award under this Announcement must close its grant with ETA at the end of the final year of the grant. Information about this process may be found in ETA's Grant Closeout FAQ located at:
<https://www.doleta.gov/grants/docs/GCFAQ.pdf>.

3. Other Administrative Standards and Provisions

Except as specifically provided in this FOA, our acceptance of an application and an award of Federal funds to sponsor any programs(s) does not provide a waiver of any grant requirements and/or procedures. For example, the OMB Uniform Guidance requires that an entity's procurement procedures ensure that all procurement transactions are conducted, as much as practical, to provide full and open competition.

If an application identifies a specific entity to provide goods or services, the award does not provide the justification or basis to sole source the procurement, i.e., avoid competition.

4. Special Program Requirements

a) ETA Evaluation

As a condition of grant award, grantees are required to participate in an evaluation if undertaken by DOL. The evaluation may include an implementation assessment across grantees, an impact and/or outcomes analysis of all or selected sites within or across grantees, and a benefit/cost analysis or assessment of return on investment. Conducting an impact analysis could involve random assignment (which involves random assignment of eligible participants into a treatment group that would receive program services or enhanced program services, or into control group(s) that would receive no program services or program services that are not enhanced). We may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grantees must agree to: (1) make records available to the evaluation contractor on: participants, employers, and funding; (2) provide access to program operating personnel, participants, and operational and financial records, and any other pertaining documents to calculate program costs and benefits; and (3) in the case of an impact analysis, facilitate the assignment by lottery of participants to program services (including the possible increased recruitment of potential participants); and (4) follow evaluation procedures as specified by the evaluation contractor under the direction of DOL.

b) Performance Goals

Please note that applicants will be held to outcomes provided and failure to meet those outcomes may result in technical assistance or other intervention by ETA, and may also have a significant impact on decisions about future grants with ETA.

C. REPORTING

You must meet DOL reporting requirements. Specifically, you must submit the reports and documents listed below to DOL electronically:

1. Quarterly Financial Reports

A Quarterly Financial Status Report (ETA 9130) is required until such time as all funds have been expended or the grant period has expired. Quarterly reports are due 45 days after the end of each calendar year quarter. On the final Financial Status Report, you must include any subaward amounts so we can calculate final indirect costs, if applicable. You must use DOL's Online Electronic Reporting System and information and instructions will be provided to grantees. For other guidance on ETA's financial reporting, reference Training and Employment Guidance Letter (TEGL) 02-16 and on our webpage at: https://www.doleta.gov/grants/financial_reporting.cfm.

2. Quarterly Performance Reports

You must submit a quarterly progress report within 45 days after the end of each calendar year quarter. The report must include quarterly information on grant activities, performance goals, and milestones. The last quarterly progress report will serve as the grant's Final Performance Report. This report must provide both quarterly and cumulative information on the grant activities. It must summarize project activities, and other deliverables, and related results of the project. Submission requirements will be provided to grantees upon award. We will also provide you with guidance about the data and other information that is required to be collected and reported on either a regular basis or special request basis.

VII. AGENCY CONTACTS

For further information about this FOA, please contact Samantha Stowers, Grants Management Specialist, Office of Grants Management, at (202) 693-3432. Applicants should e-mail all technical questions to stowers.samantha.a@dol.gov and must specifically reference FOA-ETA-18-06, and along with question(s), include a contact name, fax and phone number. This Announcement is available on the ETA Web site at <https://www.doleta.gov/grants> and at <https://www.grants.gov>.

VIII. OTHER INFORMATION

A. WEB-BASED RESOURCES

DOL maintains a number of web-based resources that may be of assistance to applicants. For example, 1) the CareerOneStop portal (<https://www.careeronestop.org>), which provides national and state career information on occupations including a License Finder tool at <https://www.careeronestop.org/Toolkit/Training/find-licenses.aspx> and a Certification Finder tool at: <https://www.careeronestop.org/Toolkit/Training/find-certifications.aspx>; 2) the Occupational Information Network (O*NET) Online (<https://online.onetcenter.org>) which provides occupational competency profiles; and 3) America's Service Locator (<https://www.servicelocator.org>), which provides a directory of our nation's American Job Centers (formerly known as One-Stop Career Centers).

B. INDUSTRY COMPETENCY MODELS AND CAREER CLUSTERS

ETA supports an Industry Competency Model initiative to promote an understanding of the skill sets and competencies that are essential to an educated and skilled workforce. A competency model is a collection of competencies that, taken together, define successful performance in a particular work setting. Competency models serve as a starting point for the design and implementation of workforce and talent development programs. To learn about the industry-validated models visit the Competency Model Clearinghouse (CMC) at <https://www.careeronestop.org/CompetencyModel>. The CMC site also provides tools to build or customize industry models, as well as tools to build career ladders and career lattices for specific regional economies.

C. WORKFORCEGPS RESOURCES

We encourage you to view information on workforce resources gathered through consultations with Federal agency partners, industry stakeholders, educators, and local practitioners, which are made available on WorkforceGPS at: <https://workforcegps.org>.

We encourage you to view the online tutorial, “Grant Applications 101: A Plain English Guide to ETA Competitive Grants,” available through WorkforceGPS at: <https://strategies.workforcegps.org/resources/2014/08/11/16/32/applying-for-eta-competitive-grants-a-web-based-toolkit-for-prospective-applicants-438?p=1>.

We created Workforce System Strategies to make it easier for the public workforce system and its partners to identify effective strategies and support improved customer outcomes. The collection highlights strategies informed by a wide range of evidence such as experimental studies and implementation evaluations, as well as supporting resources such as toolkits. We encourage you to review these resources by visiting <https://strategies.workforcegps.org>.

We created a technical assistance portal at <https://www.workforcegps.org/resources/browse?id=b8dd0aa1ecfb4b2282d6cd30c7248790> that contains online training and resources for fiscal and administrative issues. Online trainings available include, but are not limited to, Introduction to Grant Applications and Forms, Indirect Costs, Cost Principles, and Accrual Accounting.

D. SKILLSCOMMONS RESOURCES

SkillsCommons (<https://www.skillscommons.org>) offers an online library of curriculum and related training resources to obtain industry-recognized credentials in manufacturing, IT, healthcare, energy, and other industries. The website contains thousands of Open Educational Resources (OER) for job-driven workforce development which were produced by grantees funded through the US Department of Labor’s Trade Adjustment Assistance Community College and Career Training (TAACCCT) program. Community colleges and other training providers across the nation can reuse, revise, redistribute, and reorganize the OER on SkillsCommons for institutional, industry, and individual use.

IX. OMB INFORMATION COLLECTION

OMB Information Collection No 1225-0086, Expires May 31, 2019.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 20 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments about the burden estimated or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, to the attention of the Departmental Clearance Officer, 200 Constitution Avenue NW, Room N1301, Washington, DC 20210. Comments may also be emailed to DOL_PRA_PUBLIC@dol.gov.

PLEASE DO NOT RETURN YOUR GRANT APPLICATION TO THIS ADDRESS. ONLY SEND COMMENTS ABOUT THE BURDEN CAUSED BY THE COLLECTION OF INFORMATION TO THIS ADDRESS. SEND YOUR GRANT APPLICATION TO THE SPONSORING AGENCY AS SPECIFIED EARLIER IN THIS ANNOUNCEMENT.

This information is being collected for the purpose of awarding a grant. DOL will use the information collected through this "Funding Opportunity Announcement" to ensure that grants are awarded to the applicants best suited to perform the functions of the grant. This information is required to be considered for this grant.

Signed April 12, 2018, in Washington, D.C. by:
Melissa Abdullah
Grant Officer, Employment and Training Administration

Appendix A: National Conference of State Legislatures (NCSL) Licensing Project Description, Deliverables, and Consortium States

Project Description: To begin looking for solutions to [the challenges described in this FOA], the National Conference of State Legislatures, or NCSL, National Governors Association Center for Best Practices, NGA Center, and The Council of State Governments, or CSG, launched a three-year project entitled *Occupational Licensing: Assessing State Policy and Practice*, with the goal of enhancing the portability of occupational licenses. This work is made possible through a grant from the U. S. Department of Labor’s Employment and Training Administration.

Primary Objectives of the Project:

1. Identify licensing criteria to ensure that existing and new licensing requirements are not overly broad, burdensome or restrictive, and that they do not create unnecessary barriers to labor market entry;
2. Improve the portability and reciprocity provisions for selected occupations across state lines.

The Occupational Licensing project includes the following major activities:

Research Database on the Current State Occupational Licensing Landscape: This project will identify and evaluate the licensing requirements for 34 occupations across all 50 states and the District of Columbia. A comparison database will look at the criteria—including work experience requirements, fees and applications, personal background documentation, licensure portability and other requirements—for each of the 34 occupations.

- **Deliverable:** This research will result in the National Occupational Licensing Database, which will help inform the work of the project and broaden the understanding of the barriers, challenges and opportunities related to occupational licensing. Additional reports on special populations—military spouses and veterans, unemployed or dislocated workers, immigrants with work authorization and individuals with criminal records—will also be made available.

Engage States through Occupational Licensing Policy Consortium: The Occupational Licensing project will engage a select group of states in a structured peer learning consortium with technical assistance support from the partner organizations. Through a competitive application process, 11 states were selected to join the consortium.

- **Deliverable:** The participating states will become familiar with occupational licensing policy in their own state, learn about occupational licensing best practices in other states, and begin implementing actions to remove barriers to labor market entry and improve portability and reciprocity.

Each state has formed a project team to include representation from relevant stakeholders involved in occupational licensing, including: state legislators, the governor’s office, state workforce agencies, state regulatory or licensing boards, and state administrative agencies involved in occupational licensing.

States in the Occupational Licensing Policy Learning Consortium

The following 11 states are receiving technical assistance as part of the Occupational Licensing Policy Learning Consortium (“Consortium”) formed under the Department’s grant to the NCSL and partners in 2017.

1. Arkansas
2. Colorado
3. Connecticut
4. Delaware
5. Illinois
6. Indiana
7. Kentucky
8. Maryland
9. Nevada
10. Utah
11. Wisconsin

For a full description of the NCSL project see:

http://www.ncsl.org/portals/1/documents/labor/licensing/occupational_licensing.pdf

Appendix B: Hierarchy of Occupational Regulation Options

Tailoring State Responses: Tools and Resources

Institute for Justice legal counsel Lee McGrath developed a hierarchy of regulatory options, which Thomas A. Hemphill and Dick M. Carpenter, also with the Institute for Justice, later expanded upon, to show a comprehensive continuum ranging from no government intervention all the way to occupational licensure, the most restrictive form of regulation.⁶³ As shown in Figure 4, the hierarchy offers a process for policymakers and other stakeholders to begin with the least restrictive method and move down the pyramid to identify an approach that meets public needs without hampering employment and economic growth.

Figure 4. Hierarchy of Occupational Regulation Options



Source: Hemphill, T. A., & Carpenter, D. M. (2016). Occupations: A hierarchy of regulatory options. Regulation, 39(3), 20–24.

The hierarchy provides a menu of options that policymakers can use to develop regulations that are “proportionate to demonstrable need,” wrote Hemphill and Carpenter in a 2016 article. They went on to note that the process “would identify the problem before the solution, quantify the risks, seek solutions that get as close to the problem as possible, focus on the outcome (with a specific focus on prioritizing public safety), use regulation only when necessary, keep things simple, and check for unintended consequences.”⁶⁴

Source: The State of Occupational Licensing, page 11, National Conference of State Legislatures

Appendix C

Policymaker Questions to Ask When Considering Occupational Licensing Proposals

What is the problem?

Has the public been harmed because the occupation has not been regulated?
Has the public's health, safety or economic well-being been endangered?
Can proponents' claims be documented?

Why should the occupation be regulated?

Who uses the services offered by the occupation? Does the public lack knowledge or information to evaluate the providers' qualifications?
What is the extent of the autonomy of the providers? Do they work independently or under supervision? If supervised, is the supervisor covered under regulatory statute?

What efforts have been made to address the problems?

Has the occupation established a code of conduct or complaint-handling procedures for resolving disputes between practitioners and consumers?
Has a non-governmental certification program been established to assist the public in identifying qualified practitioners?
Could use of applicable laws or existing standards (e.g., civil laws or unfair and deceptive trade practice laws) solve problems?
Would strengthening existing laws help to deal with the problem?

Have alternatives to licensure been considered?

Could an existing agency be used to regulate the occupation?
Would regulation of the employer versus the individual practitioner (e.g., licensing a restaurant instead of its employees) provide the necessary public protection?
Could registration or certification be an acceptable alternative?
Why would use of less stringent alternatives adequately protect the public? Why would licensing be more effective?

Will the public benefit from regulating the occupation?

How will regulation help the public identify qualified practitioners?
How will regulation assure that practitioners are competent?
Are all standards job-related?
How do the standards, training and experience requirements compare with other states? Can differences be justified?
Are alternative routes of entry recognized—for example, for individuals licensed in another state?

Will regulation harm the public?

Will competition be restricted by the regulated group?
Will the regulated group control the supply of practitioners? Are standards more restrictive than necessary?
Will regulation increase the cost of goods and services to consumers?
Will regulation decrease the availability of practitioners?

How will the regulatory activity be administered?

Who will administer the regulation?
What power will the entity have, and will its actions be subject to review?
How would the cost of administering the regulatory entity be financed?

Who is sponsoring the regulatory program?

Are members of the public sponsoring the legislation?
What provider associations or organizations are sponsoring the regulatory approach?

Why is regulation being sought?

Is the profession seeking to enhance its status by having its own regulatory law?
Is the occupation seeking licensure to facilitate reimbursement?
Is the public seeking greater accountability of the occupation?

Source: Appendix C, *The State of Occupational Licensing: Research, State Policies and Trends*; National Conference of State Legislatures, National Governors Association, Council of State Governments, 2017.

Appendix D: Interstate Occupational Licensure Compacts

- Emergency Management Assistance Compact, <https://www.emacweb.org/>
- Agreement on Qualifications of Educational Personnel, <http://apps.csg.org/ncic/Compact.aspx?id=2>
- Enhanced Nurse Licensure Compact, <https://www.ncsbn.org/enhanced-nlc-implementation.htm>
- Nurse Licensure Compact, <https://www.ncsbn.org/nurse-licensure-compact.htm>
- Advanced Practice Nurse Compact, <https://www.ncsbn.org/aprn-compact.htm>
- EMS Personnel Licensure Interstate Compact, <https://www.nremt.org/rwd/public/document/replica>
- Interstate Medical Licensure Compact, <http://www.imlcc.org/>
- Physical Therapy State Licensure Compact, <http://www.fsbpt.org/FreeResources/PhysicalTherapyLicensurecompact.aspx>
- Compact on Mental Health, <http://apps.csg.org/ncic/Compact.aspx?id=42>
- Psychology Interjurisdictional Compact (PSYPACT), <http://www.asppb.net/page/PSYPACT>
- Multi-state Educator Lookup System (MELS), <http://www.nasdtec.net/?page=EducatorLookupSystem>
- CPA Mobility (Certified Public Accountants), <https://cpamobility.org/>
- See also: the Defense State Liaison Office USA4MilitaryFamilies page for Issue 7: Interstate Compacts to Support License Portability at: http://usa4families.militaryonesource.mil/MOS/f?p=USA4:ISSUE:0::::P2_ISSUE:7

Appendix E: Target Occupations

The below list offers 34 target sub-baccalaureate licensed occupations. This list is taken from the NCSL report titled, “The State of Occupational Licensing: Research, State Policies and Trends.” The report provides an overview of occupational licensing trends and policy issues, summarizes best practices and recommendations for licensing policies, and highlights state legislative and executive actions that aim to protect consumers, foster employment growth and remove barriers to work.

1. Barbers
2. Bus Driver (City/Transit)
3. Bus Drivers, School or Special Client
4. Construction Managers
5. Construction and Building Inspectors
6. Dental Hygienists
7. Electricians
8. Emergency Medical Technicians and Paramedics
9. Hairdressers, Hairstylists and Cosmetologists
10. Heating, Air Conditioning, and Refrigeration Mechanics and Installers
11. Heavy and Tractor-Trailer Truck Drivers
12. Insurance Sales Agents
13. Licensed Practical and Licensed Vocational Nurses
14. Manicurists and Pedicurists
15. Massage Therapists
16. Nursing Assistants
17. Occupational Therapy Assistants
18. Pharmacy Technicians
19. Physical Therapy Assistants
20. Pipefitters and Steamfitters
21. Plumbers
22. Preschool Teachers, Except Special Education
23. Private Detectives and Investigators
24. Radiologic Technologists
25. Real Estate Appraisers
26. Real Estate Sales Agents
27. Respiratory Therapists
28. Security and Fire Alarm Systems Installers
29. Security Guards
30. Skin care Specialists
31. Teacher Assistants
32. Veterinary Technologists and Technicians
33. Vocational Education Teachers, Postsecondary
34. Water and Wastewater Treatment Plant and System Operators

Applicants may choose to address occupations that are similar to these or part of the career pathway (for example Registered Nurse as a pathway goal from Certified Nursing Assistant or Licensed Practical Nurse) but may not be a licensed occupation that requires a graduate

or professional degree (such as lawyer, doctor, etc.) as that is outside the scope of the workforce development activities typically supported by the Department.

Appendix F: Examples of Licensing Best Practices and State Approaches

Featured Licensing Best Practices

Ensure that licensing restrictions are closely targeted to protecting public health and safety, and are not overly broad or burdensome.

1. When public health and safety concerns are mild, consider using alternative systems that are less restrictive than licensing, such as voluntary state certification (“right-to-title”) or registration (filing basic information with a state registry).
2. Make sure that substantive requirements of licensing (e.g., education and experience requirements) are closely tied to public health and safety concerns.
3. Minimize procedural burdens of acquiring a license, in terms of fees, complexity of requirements, processing time, and paperwork.
4. Where licensure is deemed appropriate, allow all licensed professionals to provide services to the full extent of their current competency, even if multiple professions provide overlapping services.
5. Review licensing requirements for the formerly incarcerated, immigrants and veterans to ensure that licensing laws do not prevent qualified individuals from securing employment opportunities, while still providing appropriate protection for consumers.

Facilitate careful consideration of licensure’s costs and benefits.

1. Carry out comprehensive cost-benefit assessments of licensing laws through both sunrise and regular sunset reviews, incorporating criteria like: The presence of legitimate public health and safety concerns or substantial fiduciary responsibilities.
 - Whether existing legal remedies, consumer rating and reputation mechanisms, and less-burdensome regulatory approaches are adequate to protect consumers.
 - The effect that the license would have on practitioner supply.
 - The effect that the license would have on the price of goods and services.
 - Administrative costs of enforcing the license.
2. Evidence suggests that removing licenses is much more difficult than enacting them, so sunset reviews in particular may be ineffective without certain protections. To strengthen both sunset and sunrise reviews, consider taking such measures as:
 - Providing adequate resources to the agencies or sunrise and sunset commissions responsible for conducting the cost-benefit analysis.
 - Ensuring that the cost-benefit review process is insulated against political interference.
 - Legislating that a minimum number of votes be required to overrule the sunrise or sunset agency’s recommendation.
 - Appointing specialized committees within state legislatures that are responsible for all licensing issues, and that will work with the state agency in charge of conducting the review.
3. Promote the appointment of public representatives to licensing boards, alongside professional members.

Work to reduce licensing's barriers to mobility.

1. Synchronize licensing requirements to the maximum extent possible across states.
2. Form interstate compacts that make it easier for licensed workers to practice and relocate across state lines, while also enabling state regulators to share practitioners' performance histories.
3. When forming an interstate arrangement, avoid categorically excluding individuals with a criminal record or adopting the licensing requirements of the most stringent participating states.
4. If agreeing on common standards for interstate licenses is difficult, consider a "two-tiered" structure that allows states with more flexible requirements to retain their rules while restricting interstate reciprocity to workers who satisfy a higher bar.

Occupational Licensing Frameworks and State Approaches

As states grapple with licensure issues and reforms, many are incorporating the available evidence, described in the previous section, on best practices and policy options for occupational licensing. Routes for occupational licensing reform are summarized below.

ALTER SPECIFIC LICENSING REQUIREMENTS FOR A PROFESSION

States have adopted new licensing requirements, changed existing ones or eliminated licensing rules altogether. A 2015 U.S. Bureau of Labor Statistics analysis found that state legislatures de-licensed an occupation just eight times over the prior 40 years. For example, the Alabama Legislature de-licensed barbers in 1983, a decision that was later reversed when the Legislature licensed barbers in 2013. Colorado and Virginia eliminated mandatory licensing for private investigators and naturopaths, respectively. A subsequent 2017 analysis by the Wisconsin Institute for Law and Liberty identified additional states—Arizona, Michigan and Rhode Island—that deregulated occupations after formal reviews found that licensure did not serve a compelling state interest.

During the 2012–2013 legislative sessions, Kleiner found that at least seven new occupations were licensed, including scrap metal recyclers in Louisiana, therapeutic shoe fitters in Alabama, and body artists in the District of Columbia. During the same period, governors in Idaho, Indiana and Iowa vetoed legislation that would have licensed several new occupations.

Policymakers have increasingly proposed and enacted legislation to lessen requirements, shift to a less restrictive approach (such as voluntary certification), or restrict the scope of an existing license requirement as it applies to a specific type of worker. The 2015 Occupational Licensing Framework found that since 2012, many states have passed legislation to promote licensing reciprocity for spouses of active military service members. In recent years, several states, including those listed below, proposed legislation that would remove or lessen occupational requirements that were believed to stifle employment growth.

- Florida legislators proposed legislation in 2011, 2013 and 2017 that, if passed, would have deregulated specific licensed occupations, such as hair braiders, interior designers and professional fundraising consultants.

- Arizona Governor Doug Ducey signed HB 2613 into law in May 2016, eliminating licensure requirement for citrus fruit packers, cremationists, assayers and yoga instructors.

ALTER SPECIFIC LICENSING REQUIREMENTS FOR A POPULATION GROUP

Several states have taken steps to exempt certain types of workers from a licensure requirement, sometimes in response to a federal court ruling that found it unconstitutional. Following court cases that deemed licensure as unconstitutional for hair braiders, for example, several states have revised their cosmetology licensure laws to exempt hair braiders. The Utah Legislature passed a revised cosmetology and hair braiding law in 2013 that exempted hair braiders from licensing requirements and reduced the cosmetologist training requirements from 2,000 hours to 1,600 hours. Other states, including California, Oregon and Mississippi, also exempted hair braiders from licensure. Maryland’s 2016 SB 830 created a limited cosmetology license for blow-dry-only salons, reducing the required training hours from 1,500 to 350 hours.

- In 2016, Tennessee lawmakers enacted Public Chapter No. 1053—the Right to Earn a Living Act—declaring that the “burden of excessive regulation is borne most heavily by individuals outside the economic mainstream, for whom opportunities for economic advancement are curtailed.” The law requires state agencies to limit licensing requirements to those needed to protect public health, safety and welfare.
- In 2016, Georgia’s governor and Illinois lawmakers prohibited state agencies from barring ex-offenders from working in certain occupations unless their criminal record related to the applicant’s work.

ANALYZE COSTS AND BENEFITS

States have adopted sunrise and sunset reviews, audits, active supervision and other procedures to weigh the costs and benefits of existing and proposed occupational licensure. According to the Council on Licensure, Enforcement and Regulation (CLEAR), and 36 states had some form of sunset process for existing occupational licensing laws.

A sunrise process includes a cost-benefit analysis as part of any proposal to regulate a previously unlicensed profession. For example, in Colorado, the Department of Regulatory Agencies must examine any new proposals to license a previously unlicensed occupation and submit recommendations to the state’s General Assembly. According to economist Jason Furman’s 2016 congressional testimony, under Maine’s sunrise process—in which the Department of Professional and Financial Regulation reviews any legislative proposals to establish a licensing board or expand a current provider’s scope of practice—just one occupation has been licensed since 1995.

The sunset review process involves periodic reviews or legislative audits of licensing and licensing boards, and their potential elimination unless the legislature acts to continue them. Texas’ 2013 HB 86 identified criteria for the state’s Sunset Advisory Commission to use when de-licensing an occupation, such as examining whether licensing serves a “meaningful, defined public interest and provides the least restrictive form of regulation

that will adequately protect the public interest.” In 2014, the commission recommended de-licensing several occupations, prompting the 2015 passage of HB 202, which carried out many of the commission’s recommendations, such as eliminating licensure for opticians, contact lens dispensers, personal emergency response providers and other providers. In 2016, Tennessee’s General Assembly passed the Right to Earn a Living Act, HB 2201, directing the legislature’s government operations committees to conduct a thorough review of the state’s licensing laws and make recommendations for eliminating or loosening requirements that do not protect consumer health and safety.

In 2016, Governor Jack Markell signed an executive order establishing and tasking the Delaware Professional License Review Committee with examining state licenses and recommending legislative or regulatory actions that would remove “unnecessary or overly burdensome” requirements.

INCREASE LICENSING AND REGULATORY OVERSIGHT

To prevent the potential conflict of interest rising from industry insiders writing the licensing rules that regulate their own industry, lawmakers can extend executive and legislative review powers over industry board actions. Further, the Supreme Court ruling in *North Carolina Board of Dental Examiners v. Federal Trade Commission* has forced a re-examination of the legal structure of licensing boards to maintain compliance with the federal Sherman Anti-Trust Act.

- Mississippi Governor Phil Bryant signed HB 1442, in April 2017. It authorizes the governor, secretary of state and attorney general to approve any new regulation passed by a state licensing board before the rules take effect, and to review all current regulations to ensure they comply with state law. The law aims to avoid liability under federal anti-trust laws through a clearly defined state policy that increases economic opportunities for all citizens and uses the “least restrictive regulation necessary to protect consumers from present, significant and substantiated harms that threaten public health and safety.” The law offers alternative methods for protecting the public.
- Utah U.S. Senator Mike Lee introduced the Alternatives to Licensing that Lower Obstacles to Work (ALLOW) Act to reform occupational licensing laws in Washington, D.C. This legislation would create a dedicated office under the District Attorney General to provide “active supervision” of D.C. licensing boards, aiming to prevent the creation or expansion of licensing requirements that do not serve the public interest.

ENACT BROAD LICENSING REFORMS

In recent years, some states have considered or enacted broad changes to the state’s overall occupational regulatory approach. Despite the overall growth in occupational licensure described above, Kleiner notes that “several proposals have been made to slow the growth of occupational licensing in favor of certification.” Indiana’s approach, for example, represents a shift in the direction of voluntary certification. As described below, policymakers have enacted executive orders and legislation to examine existing

requirements and impacts, consider less-restrictive options and develop recommendations to improve the state's licensing approach.

Indiana lawmakers passed Senate Enrolled Act No. 421 in 2013, requiring the Indiana Professional Licensing Agency to establish a process for allowing workers in certain occupations to certify that they met specified qualifications. Pursuant to the law, in 2014 the agency submitted a report to the Legislative Council establishing a voluntary process for self-certification registration, in which individuals who choose to complete a certification process list their names in a state registry. Registered individuals can use the title "state-certified" while others who choose not to register can still work in the occupation without using the state-certified designation. The report concluded that by moving away from licensure and towards certification, "Indiana will realize significant economic benefits including lower unemployment, fewer administrative costs, and greater competition in its labor markets. Residents will realize lower prices, more job opportunities, and the ability to make better choices about the services they buy and professionals they hire."

- Arizona Governor Doug Ducey issued an executive order to all state licensing boards in March 2017 mandating a full review of all existing licensing requirements. It also requires the licensing boards to provide economic justifications for any standard that is more burdensome than the national average and for any license that is not required by at least 25 other states. The Arizona State Legislature followed suit by passing SB 1437, or the Right to Earn a Living Act, which bars licensing boards from writing regulations that restrict entry into a profession if a public health or safety benefit cannot be proven. The new law also empowers individuals to petition a board for further review of a licensing requirement.

Source: The State of Occupational Licensing: Research, State Policies, and Trends; National Conference of State Legislatures, National Governors Association, the Council of State Governments, 2017, pages 12-15.

Appendix G: Suggested Work Plan Template

Activity					
		Implementer(s)	Costs		Time
Activity #1			Strategy Total: Year 1: Year 2: Year3:		Start Date: End Date” Milestones”
Deliverable #1			Strategy Total: Year 1: Year 2: Year3:		Start Date: End Date” Milestones
Activity #2			Strategy Total: Year 1: Year 2: Year3:		Start Date: End Date” Milestones
Deliverable #2			Strategy Total: Year 1: Year 2: Year3:		Start Date: End Date” Milestones

Please Note:

- Applicants may replicate this chart in order to submit information on all activities and deliverables proposed during the period of performance.
- Applicants should provide the name of the institution engaged in each activity or producing each deliverable, including any partner organizations, if applicable.

Appendix H: Options for Outputs and Outcomes

Applicants may propose the following types of outputs and outcomes. Applicants do not need to do all of these, and may adapt those listed below based on their needs, or add others. Because lobbying is not an allowable use of grant funding (see Section VI.B.2b, Lobbying or Fundraising the U.S. Government with Federal Funds), any outcomes or outputs that require legislative change should be limited to review and analysis. Outputs may include:

- Recommendations for revisions to existing licensing requirements for the selected occupations.
- Draft or model legislation.
- Report for review by a sunrise commission or other entity with recommendations regarding new proposals for occupational regulation.
- Report for review by a sunset commission or other entity with recommendations regarding existing occupational regulation.
- Minutes or summary reports of Stakeholder meetings or public hearings, if held.