



POLICY ISSUANCE 2017-08

Maryland Business Works | September 11, 2017

TO: DLLR - Division of Workforce Development and Adult Learning staff;
Commerce - Division of Business and Industry Sector Development staff;
Local Workforce Development Area directors

FROM: Division of Workforce Development and Adult Learning (DWDAL)
Maryland Department of Labor, Licensing and Regulation (DLLR);

Division of Business and Industry Sector Development
Maryland Department of Commerce

SUBJECT: Maryland Business Works

PURPOSE: To provide policy guidance on the Maryland Business Works Program.

ACTION: Local Workforce Development Area directors, American Job Center labor exchange administrators, and central office managers will ensure all employees are aware of and receive copies of this policy. DWDAL policies are available [on the DLLR website](#).

EXPIRATION: Until cancelled or replaced

QUESTIONS:

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CANCELLATIONS

The following are hereby **cancelled, replaced, and archived** by this policy issuance:

- Policy Issuance 2016-08, “Maryland Business Works,” dated August 4, 2016.

Archived policies are available at: <http://www.dllr.state.md.us/employment/>.

GENERAL INFORMATION

WORKFORCE INNOVATION & OPPORTUNITY ACT

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014, and went into effect July 1, 2015. WIOA supersedes the Workforce Investment Act of 1998 (WIA) and amends the Adult Education and Family Literacy Act, the Wagner Peyser Act, and the Rehabilitation Act of 1973. To help both businesses and job seekers meet their needs, the workforce system established under WIOA is integrated by design. WIOA envisions connecting businesses with job seekers through meaningful partnerships among workforce, education, human services, and economic development entities to ensure optimum results and leveraging of resources. The law addresses the needs of job seekers through establishing a workforce system that helps them access employment, education, training and support services to succeed in the labor market. WIOA works to address employer needs by matching them to the skilled workers they need to compete in the global economy.

Section 128(a) of WIOA provides for a 15 percent set-aside for the Governor to fund innovative, state-led job training initiatives. Maryland has dedicated a portion of this funding to the Maryland Business Works program, recognizing the need for incumbent worker¹ training throughout the State. Incumbent worker training provides businesses with the opportunity to build and maintain a quality workforce. It can be used to help avert potential layoffs of employees or to increase the skill levels of employees, so they can be promoted within the company and create backfill opportunities for the employers.

MARYLAND BUSINESS WORKS

Maryland Business Works is an incumbent worker training program administered by the Maryland Department of Labor, Licensing and Regulation (DLLR)'s Division of Workforce Development and Adult Learning, in consultation with the Maryland Department of Commerce. The program was established in an effort to support employer strategies for retention, growth expansion, and layoff aversion through upgrading the skills of currently employed workers of Maryland's businesses. The program's training funds are available to businesses serious about increasing employee productivity, upgrading the skills of current employees, and creating opportunities for expanding the existing workforce. Projects funded through Maryland Business Works are focused on in-demand occupations and skillsets, as defined by business, and are intended to lead to potential career growth and increased wages for participating workers. Participating companies are required to match the funds provided by the Maryland Business Works program for the actual training costs on a dollar-to-dollar basis. Companies pay for 100 percent of total training costs and then receive a 50 percent reimbursement by DLLR upon successful completion of the trainee.

¹ To qualify as an incumbent worker, the incumbent worker must be: employed; meet the Fair Labor Standards Act requirements for an employer-employee relationship; and have an established employment history with the employer for 6 months or more. Youth Apprentices are not required to be full-time workers to participate as incumbent workers.

ELIGIBILITY & OUTREACH

ELIGIBILITY

The Division of Workforce Development and Adult Learning, in consultation with the Department of Commerce, must target funds to businesses:

- With 500 Maryland employees² or fewer; and,
- Providing in-demand³ products or services.

To be eligible for participation in the Maryland Business Works program, a business must be a for-profit or non-profit private sector employer that is committed to providing a dollar-for-dollar match⁴ to the Maryland Business Works funds invested by the Division of Workforce Development and Adult Learning. Funds awarded to business applicants must be spent on employees working at the applicant's Maryland facilities⁵. The State will not reimburse an employer via Maryland Business Works if the business requires the employee to pay for training costs.

Staff are eligible to participate in training provided through Maryland Business Works only if they are full-time⁶ employees who are eligible to receive benefits, and have worked for the employer for a minimum of six months. Employment will be verified using Maryland wage records.

Training providers are not eligible to apply for Maryland Business Works funding on behalf of a business.

EMPLOYER OUTREACH METHODS

DLLR and Commerce jointly encourage business services staff from the DLLR Division of Workforce Development and Adult Learning, the Commerce Division of Business and Industry Sector Development, and the twelve local workforce areas to conduct outreach to ensure Maryland's businesses are aware of the opportunities available to them via this program.

Business services staff are encouraged to use the Maryland Business Works Fact Sheet, provided as *Attachment A – Maryland Business Works Fact Sheet*, when introducing Maryland Business Works. Once an interested business has been identified, business services staff are encouraged to assist in the completion and submission of the application. This assistance may include a discussion of the applicant's business plan, training needs, and other business services that may be available. Staff may also refer the business to the Director of Workforce Development for additional questions as needed.

² Employees cannot be independent contractors.

³ The Maryland WIOA State Plan identifies target industry sectors that are in-demand: <http://www.dllr.maryland.gov/wdplan/wdstateplan.pdf>. Additionally, the Local WIOA Plans identify target industries that are in-demand specific to the local areas.

⁴ Businesses must be responsible for 50 percent of the training costs to be eligible for Maryland Business Works. Businesses who wish to be reimbursed through Maryland Business Works may not leverage other grants to pay for their portion of training costs.

⁵ To be eligible for Maryland Business Works, the business must also pay unemployment insurance taxes for the trainee in Maryland.

⁶ Full-time is defined as working 35 or more hours per week of regularly scheduled work. Working a combined 35 or more hours per week with multiple employers is not considered full-time. On occasion, full-time employment may be less than 35 hours per week **if it can be verified** that this is the norm for a particular occupation or industry. Youth Apprentices are exempt from this restriction. Employers participating in the Youth Apprenticeship pilot may utilize time worked by Youth Apprentices towards the 6 month incumbency needed for eligibility even if hours do not constitute "full-time".

TRAINING REQUIREMENTS & FUNDING

Participating businesses must take the necessary steps to provide incumbent worker training in specific, job-related skills from which workers will gain transferable skills or an industry-recognized certification or credential. The training needs and costs must be reasonable, necessary, and clearly related to the purpose and activities of the project, as described in the business' submitted application. Training activities must be specific to the occupation, increase the occupational skill levels of existing workers, and relate to the strategic goals of the company. In addition, the State expects that training funded through Maryland Business Works will lead to increases in trainees' salaries and/or the creation of new entry-level positions.

The following types of activities and items are examples of allowable training costs:

- Classroom-based training, including training that is designed to meet the specific requirements of a business;
- In-house staff training;
- Registered Apprenticeships;⁷
- Instruction provided by consultants;
- Books and training materials;
- Initial proficiency testing (for approved curriculum);
- GED® preparation; and,
- English Language Acquisition.

College courses that are specific to the individual's job duties are allowable, but they must not exceed a total of six months of duration. Businesses with training programs that offer work-based learning (example: Registered Apprenticeship), workplace literacy, and/or courses in English Language Acquisition are encouraged to apply. Businesses awarded funds through the program are also strongly encouraged to work with the State's American Job Center system to fill recruitment and retention needs.

PROHIBITED USE OF FUNDS

Funds cannot be used for capital costs, the purchase of equipment, the payment of employee wages and/or benefits while in training, wage subsidies, or support services such as child care, transportation costs, lodging costs and meals for trainees or trainers/vendors. Training costs that are part of a system or software purchase are not allowable. Other prohibited uses include introductory classes, safety and first aid courses, leadership skills training, conferences, sales training (unless an industry-recognized credential is obtained), software based training (e.g. Microsoft Excel, Microsoft Word, etc.), credit classes towards completing a degree, and other training that does not directly result in enhancement of job related, occupational skills. Funds cannot be utilized for continuing education to maintain current certification unless an occupation skill certification is obtained or it results in a salary increase from the business for the trainee.

TRAINING CAPS

DLLR has established maximum thresholds for training costs ("training caps") for businesses participating in Maryland Business Works. For each program year, which runs from July 1st through June 30th, DLLR has established the following training caps:

- Up to \$4,500 for a project or series of projects per participating trainee;
- Up to \$40,000 for awards to a specific employer for a project or series of projects.

⁷ Related Instruction for Registered Apprenticeship training is allowed to exceed 6 months in duration.

DLLR, in consultation with the Department of Commerce, may consider training proposals that exceed these caps if extenuating circumstances warrant. Consideration will require strong documentation to be submitted by the applicant, evidencing substantial wage growth and job creation as an outcome of participation in the program.

APPLYING TO MARYLAND BUSINESS WORKS

APPLICATION SUBMISSION

To apply for Maryland Business Works funding, a business must first complete the application provided in *Attachment B – Maryland Business Works Application*. Applications must contain only one program of study per certification. Multiple trainings leading to certifications should be made on individual applications. At a minimum, a completed application must provide:

- The amount of funds requested;
- The number of employees to be involved in the training;
- A profile of the business;
- A training plan that includes a description of the training, skills, equipment and/or processes that are subject to the proposed training;
- Details on training costs (instruction/tuition fees, books, training materials, etc.);
- A description on how the training will enhance company production and effectiveness; and,
- Information on employee(s) to be involved in the training.

Eligible businesses should submit completed applications electronically to DLWDALbusinessservices-dllr@maryland.gov for consideration by the State Review Team. To be considered for Maryland Business Works funding, applications must be submitted at least three (3) weeks prior to training. Applications will be accepted and reviewed on a rolling, first-come, first-served basis.

APPLICATION REVIEW

Submitted applications must be reviewed in a timely manner by a Review Team comprised of:

1. The DLLR Director of the Office of Workforce Development (or designee);
2. The DLLR Business Services Program Manager (or designee); and,
3. The Commerce Director of Regional Growth and Retention (or designee).

The Review Team must ensure that approved applications meet program requirements. The Review Team's recommendations must be provided to the DLLR Division of Workforce Development and Adult Learning to make the final decision of whether an application shall be approved or denied.

The Review Team must not consider training proposals that seek retroactive funding.

The Review Team must not consider training proposals unless the business is ready to begin training activities within 45 calendar days of application approval.

To ensure that funds are expended in a timely manner, the Review Team must not award training contracts for programs that exceed six months. Exceptions with proper justification may be approved based on the need to exceed six-month training period on a case by case basis. The Review Team may approve such requests if the justification is reasonable and if the training will be completed and funds expended in a timely manner.

APPLICATION APPROVAL/DENIAL

DLLR must inform applicants via email of whether Maryland Business Works funding requests have been approved or denied within 14 calendar days of application receipt.

If approved, the DLLR Office of Workforce Development will provide the business with a Maryland Business Works Grant Award Notification to be executed by the business. A sample of this notification is provided through ***Attachment C – Sample Maryland Business Works Grant Award Notification.***

Approved businesses must be prepared to enter into contract negotiations, and should immediately begin training upon execution of a grant agreement with DLLR. Approved businesses must submit completed grant agreements to DLLR for review within 14 calendar days of notification by email at DLWDALbusinessservices-dllr@maryland.gov.

The grant award must be signed and returned prior to training. Once signed, the grant award is considered executed. After a grant agreement has been formally executed, DLLR will provide funds to the approved business on a cost reimbursement basis as detailed on page 9.

If denied, within 14 calendar days from the notice of denial, the applicant may appeal the decision. The appeal must be emailed to DLWDALbusinessservices-dllr@maryland.gov and: (1) be in writing and state the grounds for the appeal; and, (2) state the reasons why the appellant should be approved. The DLLR-DWDAL Assistant Secretary will consider all appeals and provide written response to the applicant within 14 calendar days of appeal receipt.

REPORTING

Participating businesses must submit timely fiscal and administrative reports to DWDAL or no payment will be issued.⁸ If reporting requirements are not met by a participating business, the Review Team shall not approve subsequent Maryland Business Works applications for that business.

FISCAL REPORTING: PAYMENTS TO PARTICIPATING BUSINESSES

To receive reimbursement for 50 percent of the training costs, participating businesses must provide the Office of Workforce Development with the following documentation no later than 30 days after the training completion date:

- Proof of successful completion of the approved training;
- Proof of full payment by the employer for the approved training costs; and,
- Return invoice, documenting payment in full, on company letterhead for billing showing the costs that DLLR and the participating business agreed upon.

ADMINISTRATIVE REPORTING

Performance Outcome Reporting⁹ & the Maryland Workforce Exchange

For each participating trainee, within seven calendar days of completing the grant award notification, the Office of Workforce Development requires participating businesses to provide the following information regarding Maryland Business Works training activities:

- Full name;
- Social Security Number;
- Address;
- Phone number;
- Date of Birth;
- Gender;
- Race/Ethnicity;
- Identification of whether individual is considered to have a disability;
- Identification of veteran status;
- Level of educational attainment; and,
- Form I-9 verifying employment eligibility.

Upon project completion, additional information must be provided to DLLR on each participating trainee, including:

- Programs and/or courses successfully completed;
- Certifications and/or credentials acquired;
- Promotions received; and,
- Wage information pre- and post-training.

⁸ The reporting stipulations contained herein are federal operating requirements that are necessary for USDOL to fund Maryland Business Works through WIOA funding.

⁹ Participating businesses must ensure that Personally Identifiable Information (PII) is protected in accordance with the standards set forth by the U.S. Department of Labor, Employment and Training Administration provided in Training and Employment Guidance Letter (TEGL) 39-11. Page 12 of this Policy Issuance provides details on all references. Businesses with concerns about maintaining PII in accordance with these standards should contact a DLLR contact (identified on page 1 of this Policy Issuance) for technical assistance.

Once a participating business has submitted the required information to the Office of Workforce Development, it is the responsibility of Office of Workforce Development staff to ensure that all required data are entered into the Maryland Workforce Exchange within 14 calendar days of receipt.

MONITORING & RECORD RETENTION

MONITORING

As Maryland Business Works is funded federally through WIOA, the State acknowledges that the U.S. Department of Labor may conduct fiscal and/or programmatic monitoring.

RECORD RETENTION

In accordance with the Code of Federal Regulations, Maryland requires participating businesses to retain Maryland Business Works records for at least three years from the date of submission of the final expenditure report.

REFERENCES

LAW

- [Workforce Innovation and Opportunity Act \(Pub. L 113-128\) Title I, Section 128 \(a\) and Section 181](#), dated July 22, 2014

REGULATION

- 29 CFR 97.42, "[Retention and access requirements for records](#);"
- 29 CFR 95.53, "[Retention and access requirements for records](#);"
- 2 CFR 200.332, "[Subrecipient Monitoring and Management](#);"
- [WIOA Final Rule - Department of Labor Only](#), pages 314-323.

U.S. DEPARTMENT OF LABOR GUIDANCE

- Training and Employment Guidance Letter (TEGL) 19-16, "[Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act \(WIOA\) and the Wagner-Peyser Act Employment Service \(ES\), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules](#)", dated March 1, 2017;
- TEGL 10-16-Change 1, "[Performance Accountability Guidance for the Workforce Innovation and Opportunity Act \(WIOA\) Title I, Title II, Title III and Title IV Core Programs](#)", dated August 23, 2017;
- TEGL 39-11, "[Guidance on the Handling and Protection of Personally Identifiable Information \(PII\)](#)," dated June 28, 2012;
- TEGL 13-07, "[Use of Workforce Investment Act \(WIA\) Funds for Workforce Development Activities in Support of Economic Development](#)," dated December 11, 2007.

ATTACHMENTS

Attachment A – Maryland Business Works Fact Sheet

Attachment B – Maryland Business Works Application

Attachment C – Sample Maryland Business Works Grant Award Notification



The Maryland Department of Labor, in consultation with the Maryland Department of Commerce, is excited to announce the continuation of *Maryland Business Works*, a highly successful incumbent worker training program.

With a substantial initial investment of \$500,000 in business engagement funds, the Maryland Department of Labor is eager to partner with Maryland's businesses to support employer strategies for retention, growth expansion, and layoff aversion.

Training funds are provided to businesses serious about increasing employee productivity, upgrading the skills of current employees, and creating opportunities for expanding your existing workforce.

The Maryland Business Works Program...

- Invests in Maryland Private Sector Businesses -- Private sector businesses with 500 employees or fewer that provide in-demand products or services are eligible to apply.
- Provides True Partnership with Businesses -- There is a dollar-to-dollar match requirement, and a \$4,500 training cap funding level that may be awarded to a specific trainee for a project or series of projects. The maximum request per year cannot exceed \$40,000.
- Meets your Business's Training Needs -- The Program funds classroom-based training, in-house staff training, apprenticeships, and other opportunities for Maryland's businesses as they create and foster their talent pipeline.

For More Information...

Visit the Maryland Department of Labor's website at dllr.maryland.gov/employment/mbw.shtml, or contact the Division of Workforce Development and Adult Learning at dlwdalbusinessservices-dllr@maryland.gov.

Total Training Costs

(Company pays for 100% of total training costs initially and then receives 50% reimbursement)

A.	Tuition and Fees (Training Vendors) List and cost of individual courses/program offerings	\$ _____	

B.	In-house Staff Training/Consultant Training Identify the instructor(s), hourly wage and number of training hours	\$ _____	

C.	Books and Training Materials List and cost of books/training materials	\$ _____	

	Total training costs (A+B+C)	\$ _____	-
	Company share of training costs	\$ _____	-
	Requested amount of training costs	\$ _____	-
			(to be entered on page one)

Economic Impact of Training

Briefly describe how training will enhance company production and competitiveness:

Will other jobs be created as a result of the training? Yes No

If yes, how many? _____

How did you learn about the Maryland Business Works?

Is there any other economic impact from the training?

Yes

No

If yes, describe? _____

Information Concerning Employee(s) Involved in Training

(List all employees who will be involved in the training. Attach additional sheets if necessary. Additional demographic data, including Social Security Number per participating employee, will be requested upon award. Data is collected for federal performance reporting required under the funding award.)

Employee Name _____
First Day of Work

Present Position \$ _____ _____
Present Wage Present Benefits

New position and /or wages immediately after completion of training

Future Wage _____
Future Benefits

Employee Name _____
First Day of Work

Present Position \$ _____ _____
Present Wage Present Benefits

New position and /or wages immediately after completion of training

Future Wage _____
Future Benefits

Employee Name _____
First Day of Work

Present Position \$ _____ _____
Present Wage Present Benefits

New position and /or wages immediately after completion of training

Future Wage _____
Future Benefits

Employee Name _____
First Day of Work

Present Position \$ _____ _____
Present Wage Present Benefits

New position and /or wages immediately after completion of training

Future Wage _____
Future Benefits

FOR OFFICE USE ONLY

**Approval of Training by Department of Labor, Licensing and Regulation
Division of Workforce Development and Adult Learning**

Name and Title of DLLR Representative

Telephone Number

Email Address

Date Submitted to DLLR

Date Approved by DLLR



DIVISION OF WORKFORCE DEVELOPMENT
AND ADULT LEARNING
1100 North Eutaw Street, Room 108
Baltimore, MD 21201
James E. Rzepkowski, Assistant Secretary

DATE

**SALUTATION FIRST LAST
BUSINESS
STREET ADDRESS
CITY, STATE ZIP**

Dear **SALUTATION LAST NAME:**

On behalf of the Maryland Department of Labor, Licensing and Regulation, I would like to thank you for your interest in the Maryland Business Works grant program. Staff from the Department of Labor, Licensing and Regulation and the Department of Commerce have reviewed your proposal and agreed to fund your incumbent worker training in the amount of \$ **AWARD**.

By accepting the grant award you, as the Grantee, are agreeing to the following terms:

- 1) The funds provided by the Department of Labor, Licensing and Regulation (“DLLR”) will be used solely for the purposes of providing training as outlined in the Maryland Business Works Application.
- 2) The funds awarded to you will only be spent on employees working at facilities physically located in the State of Maryland. The approved training will only be offered to employees in full-time positions that offer benefits.
- 3) You acknowledge that grant funds must be expended in conformity with the requirements and provisions of this Agreement, those outlined in the Maryland Business Works Policy Issuance, the submitted Application, and any amendments thereto. You further acknowledge that you will comply with any programmatic, financial, or other implementation policies determined by DLLR, as may be required by DLLR to comply with any existing or future State regulations, directives, policies, procedures, and other requirements, or to further the general purposes of this Agreement.
- 4) DLLR reserves the right to amend or revise the requirements if necessary for the effective administration of the Maryland Business Works Program.
- 5) All grant funds shall be expended on or before June 30, **YEAR**.
- 6) You acknowledge that grant funds are subject to the availability of federal funds.
- 7) You agree to provide DLLR with the following information as a prerequisite to payment of grant funds:
 - a) Proof of matching funds in the amount of the grant award;
 - b) Copies of any certifications obtained from the training;
 - c) Proof of completion of the training outlined in the Application;
 - d) Proof of payment for the training outlined in the Application.

- 8) You agree to provide DLLR with information regarding employees who participated in the training for the express purpose of allowing the Department to report performance information to the United States Department of Labor.
- 9) You agree to establish and maintain records related to the training for a period of no less than three (3) years from the completion of the training. You further agree to allow DLLR and/or the United States Department of Labor, if requested, access to these records for the purpose of monitoring.
- 10) DLLR, as it deems necessary, may supervise, evaluate and provide guidance in the conduct of training activities performed under this grant. However failure of DLLR to supervise, evaluate, or provide guidance and direction shall not relieve Grantee of any liability for failure to comply with the terms of the grant award.
- 11) You certify that you possess and maintain any and all necessary licenses and approvals, certifications, and are in compliance with all applicable State and federal laws and regulations. Such approvals, licensing, certifications, and compliance include, but are not limited to the laws, regulations and policies of:
 - i) Maryland Unemployment Insurance
 - ii) Maryland Occupational Safety and Health (*MOSH*)
 - iii) The Comptroller of Maryland
- 12) You certify that all necessary approvals for the commencement of the training have been obtained, including all applicable certificates, permits and licenses. You also maintain all certifications, licenses, permits, and approvals necessary to operate the training, and shall otherwise satisfy all requirements necessary to operate the training throughout its duration.
- 13) You further certify that:
 - a) You have all requisite power and authority to enter into and carry out the transactions contemplated by this Agreement.
 - b) The acceptance of the grant and the entering into of the Agreement serves as the valid and legally binding acts and agreements of Grantee.
 - c) The representations, statements, and other matters contained in the approved Application and any amendments thereto are and remain true and complete in all material respects.
 - d) You have not been, nor currently are, the subject of an investigation by any federal, State, or local governmental entity for alleged criminal or civil violations of laws or regulations enforced by these entities.
 - e) You will operate this Project in compliance with State and federal laws and regulations.
 - f) You certify that you prohibit, and covenant that you will continue to prohibit, discrimination on the basis of: (a) political or religious opinion or affiliation, marital status, sexual orientation, gender identification or expression, race, color, creed, national origin, veteran's status or genetic information; (b) sex or age, or except when age or sex constitutes a bona fide occupational qualification; or (c) the physical or mental disability of a qualified individual with a disability.

- g) You will comply with applicable federal, State, and local laws regarding discrimination and equal opportunity in employment, and credit practices, including:
 - i) Titles VI and VII of the Civil Rights Act of 1964;
 - ii) Title VIII of the Civil Rights Act of 1968, as amended;
 - iii) The Americans with Disabilities Act of 1990;
 - iv) Maryland Annotated Code, State Government Article, § 20-601 *et seq.*
 - h) You will comply with the State of Maryland's policy concerning drug and alcohol free workplaces, as set forth in the Governor's Executive Order 01.01.1989.18 and COMAR 21.11.08 and the Drug-Free Workplace Act of 1988, and its implementing regulations codified at 29 CFR 98, Subpart F.I. The Grantee must remain in compliance with these policies throughout the term of this Agreement.
 - i) You agree to maintain confidentiality of records as required by applicable laws and regulations, including but not limited to Md. Code. Ann., State Gov't Art. 10-613, Lab & Empl. Art. 8-625, COMAR 09.01.01, 09.33.01, and 42 U.S.C. 503.
 - j) You certify that no part of the grant funds, no part of the project, and no part of the Property, shall be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination, including (but not limited to) religious services, religious instruction, or other activities that have an explicitly religious content.
- 14) Liability and Indemnification. Subject to the limitations contained in the Maryland Tort Claims Act, Grantee shall hold harmless and indemnify the Department and the State of Maryland (State) from and against any and all losses, damages, claims, suits, actions, liabilities, and/or expenses, including, without limitation, attorneys' fees and disbursements of any character that arise from, are in connection with or are attributable to the performance or nonperformance of the Grantee or its Subgrantees or subcontractors under this Grant. This indemnification clause shall not be construed to mean that the Grantee shall indemnify the Department or the State against liability for any losses, damages, claims, suits, actions, liabilities, and/or expenses that are attributable to the sole negligence of the Department or the State or the State's employees. The Department and the State have no obligation to provide legal counsel or defense or to the Grantee or its Subgrantees or subcontractors in the event that a suit, claim, or action of any character is brought by any person as a result of or relating to the Grantees performance under this Grant. The State has no obligation for the payment of any judgments or the settlement of any claims against the Grantee or its Subgrantees or subcontractors as a result of or relating to the Grantees performance under this Grant. Grantee agrees that all costs incurred by the Department or State as a result of such liabilities, suits, actions, claims, demands, losses, expenses, or costs, including reasonable attorney's fees, shall be immediately, and without notice, due and payable by Grantee to the Department. The Department and State are not deemed to have waived any immunity that may exist in law, regulation or otherwise. This Section shall survive the term of this Agreement.
- 15) All notices, requests, approvals, and consents of any kind made pursuant to this Agreement shall be in writing. Any such communication, unless otherwise specified, may be delivered:
- a) Via electronic mail to the Grantee's assigned Grant Advisor, or

b) By mail to:

Department of Labor, Licensing and Regulation
Division of Workforce Development and Adult Learning
Attn: Lloyd Day, Director of the Office of Workforce Development
1100 North Eutaw Street, Room 209
Baltimore, MD 21201

c) Communications to Grantee shall be directed to the party identified in the Proposal as the Lead Applicant.

16) This Agreement shall be governed by, subject to, and construed according to the laws of the State of Maryland. The Grantee shall comply with all applicable federal, State, and local laws.

17) DLLR intends to make available to the public certain information regarding the Project and the Grantee. In addition, the Department is required to disclose information about the Project to the Maryland General Assembly and may desire to disclose such information to other State officials or their staff, local government officials or their staff, and other lenders and funding sources. Such information that may be disclosed to any of the foregoing, including the public, may include the name of the Grantee; the name, location, and description of the Project; the date and amount of financial assistance awarded by the Department; the terms of the financial assistance; use of funds; information contained in the Application, and the sources, amounts and terms of other funding used to complete the Project, including capital contributions from the Grantee. This information may be confidential under Maryland's Public Information Act, State Government Article, Section 10-611 *et seq.* of the Annotated Code of Maryland (the "**Public Information Act**"). If Grantee does not want this information made available to the above referenced parties, Grantee must attach a written objection to this Agreement.

Should you or any member of your staff have any questions regarding this grant, please contact Mr. Lloyd Day, Director of the Office of Workforce Development at (410) 767-2995 or Lloyd.Day@Maryland.gov.

Sincerely,

Assistant Secretary
Division of Workforce Development and Adult Learning

Enclosure – Approved Maryland Business Works Application

Grant Information

Grantee Name	
Grantee DUNS Number	
Federal Award Identification	WIOA PY15/FY16 Formula funds
Federal Award Identification Number	AA-26784-15-55-A-24
Federal Award Date	April 1, 2015
Grantee Period of Performance	From _____ to _____
Amount of Funds Obligated by this Action	Total PY15/FY16 MBW funds: \$500,000
Total Amount Obligated to the Grantee	\$
Total Amount of Federal Award	Total PY15/FY16 MBW funds: \$500,000
Federal Award Project Description	Maryland Business Works, funded through the Governor's Set Aside from PY15/FY16 WIOA Formula Funds
Federal Awarding Agency	U.S. Department of Labor, ETA Division of Federal Assistance
Pass-Through Entity	Maryland Department of Labor, Licensing and Regulation, Division of Workforce Development and Adult Learning
Awarding Official	
CFDA Number and Name	
Grantee's Approved Indirect Cost Rate	N/A

IN WITNESS WHEREOF, the undersigned have executed this to the Grant Agreement on or before the date first set forth herein.

Witness/Attest:

FOR GRANTEE:

By: _____ (SEAL)

Name:

Title:

Date

DEPARTMENT OF LABOR, LICENSING AND REGULATION, a principal department of the State of Maryland

By: _____ (SEAL)

Assistant Secretary

Date Executed on behalf of Department