

APPROVAL DATE: 7/14/10
APPROVED BY: Betty Baker, WIB Chair



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF SOCIAL SERVICES**

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**POLICY NO:** 33-08  
**TO:** Service Providers  
**FROM:** Department of Social Services  
**EFFECTIVE:** July 15, 2010  
**SUBJECT:** American Recovery and Reinvestment Act of 2009

**REFERENCES:**

- Workforce Investment Act (WIA) of 1998
- American Recovery and Reinvestment Act (ARRA) of 2009

**PURPOSE:**

This policy summarizes the provisions and requirements under ARRA for all service providers. Additionally, all policies for the Workforce Investment Act are extended to the ARRA unless exempted by ARRA.

**BACKGROUND**

On February 13, 2009, Congress passed the American Recovery and Reinvestment Act (ARRA) of 2009 at the urging of President Obama, who signed it into law four days later. The San Luis Obispo Local Workforce Investment Area has received formula and competitive funds under ARRA in support of various workforce development strategies. In an effort to ensure that accountability and transparency requirements are met, all service providers are required to implement the following ARRA provisions:

**American Recovery and Reinvestment Act (ARRA) Provisions**

**Limit on Funds:**

None of the funds appropriated or otherwise made available in the ARRA may be used by any subgrantee, local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

**Veterans' Priority Provisions:**

ARRA funds, as with the WIA funds that they supplement, funded by the U.S. Department of Labor, are subject to the provisions of the "Jobs for Veterans Act" (JVA), Public Law 107-288 (38 USC 4215), as implemented by the Final Rule published on December 19, 2008 at 73 Fed. Reg. 78132. The JVA provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services. In addition, in accepting these ARRA funds, subgrantees and subrecipients assure that they will comply with the Veterans' Priority Provisions established by the Jobs for Veterans Act (38 USC 4215).

**General Provisions of ARRA, as applicable:**

The following clauses are specific to usage of ARRA funds and are intended to supplement, not replace any existing terms and conditions.

**Wage Rate Requirements:**

Subject to any further clarification issued by the Office of Management and Budget and notwithstanding any other provision of law and in a manner consistent with other provisions of the ARRA, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the subgrantor pursuant to this award shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code. (ARRA Sec. 1553).

**Whistleblower Protection:**

Each Subgrantee and their subrecipients awarded funds made available under the ARRA shall promptly refer to the Grantor Office of Inspector General any credible evidence that a principal, employee, agent, contractor, subrecipient, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds. (ARRA Sec.1553).

**Buy American – Use of American Iron, Steel, and Manufactured Goods:**

None of the funds appropriated or otherwise made available by the ARRA may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. See ARRA Section 1605 – Buy American Requirements.

**Note:** WIA Title I prohibition on construction, in accordance with 20 CFR 667.260, remains applicable to subgrantees and their subrecipients.

**ACTION:**

The Administrative Entity for the WIB and its service providers shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

**INQUIRIES:**

Inquiries should be addressed to WIB Admin at [wibadmin@co.slo.ca.us](mailto:wibadmin@co.slo.ca.us).

**REVISION HISTORY:**

<i>DATE</i>	<i>DETAILS</i>
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