



## WIOA TITLE III W-P COLOCATION REQUIREMENTS

The *Workforce Innovation and Opportunity Act* (WIOA) emphasizes the importance of providing customers access to comprehensive job centers that connect them with the full range of WIOA services available in their communities. Collaboration among the America's Job Center of California<sup>SM</sup> (AJCC) partners is essential to establishing a quality-focused, employer-driven, and customer-centered system.

Consistent with this direction to enhance the coordination of services and improve service delivery, the WIOA Section 121(e)(3) requires that Employment Development Department (EDD) Wagner-Peyser (W-P) staff colocate with their Title I counterparts and/or other AJCC required partners within the AJCCs. In order to meet this provision, move towards a fully integrated service delivery model, and strengthen local partnerships, the EDD will be doing everything possible to physically colocate W-P staff with their respective Title I partners. If state colocation requirements can't be met by the Title I partner, then the EDD will colocate with one or more of the other AJCC required partners, and ensure that job seekers and employers can access the programs, services, and activities of all AJCC required partners in accordance with WIOA.

As the convener of the Memorandum of Understanding negotiations, as well as the overseer of how services are delivered within their Local Workforce Development Area (Local Area), Local Workforce Development Boards (Local Boards) are responsible for supporting and ensuring compliance with this provision. Local Boards are responsible for ensuring they work collaboratively with their state partners and keep state employee premises requirements in mind as they develop their local infrastructure.

### State Employee Space Sharing Arrangements

Executed written agreements must be in place for all locations where EDD W-P staff or other state partners provide services on a workforce partner's premises. Therefore, a colocation must have a space sharing agreement in place **prior** to occupancy. The most commonly used types of space sharing agreements are a Standard Lease, a Standard Sublease, or a Space Use Permit.

A [State Standard Lease](#) is used to document occupancy and rent exchange when state staff occupies space in a privately owned or partner owned facility. Similarly, a [State Standard](#)

[Sublease](#) is used to document occupancy and rent exchange when W-P staff occupies space in a privately leased or partner leased facility. However, a sublease is subject to the authority of an executed master lease, therefore, the sublease duration cannot exceed eight years or the duration of the master lease, whichever is shorter.

In either case, the EDD processes for leases and subleases are identical. When this information notice refers to leases it also applies to subleases. When negotiating leases and subleases it is also important to consider the funding stream of the partners (e.g., EDD cannot enter into a four-year lease with a partner who's funding expires in two years).

## **State Employee Facility Requirements**

Before a colocation can occur, federal and state law mandate that the facility must be in compliance with several key requirements in order for a state employee to occupy space in the facility. This is to ensure safety and access for employees as well as the public. Verification and validation of compliance with all of the elements listed below is required before entering into a new lease or prior to the renewal of an existing lease. The state realizes that some Local Areas may have comprehensive AJCCs that are not currently in compliance with these state employee facility requirements, and will be providing technical assistance and funding, where allowable and appropriate, to assist with efforts to bring AJCCs into compliance with these requirements.

### *Americans with Disabilities Act Requirements*

State partners cannot enter into a lease agreement with an AJCC partner until all leased space, (including the path of travel to/from public transportation and public rights-of-way, parking, and restroom areas), meets the Americans with Disabilities Act (ADA) and California Building Code requirements. To verify compliance, the AJCC operator holding the master lease must submit a completed [DGS Accessibility Survey Checklist](#) (ADA Checklist) and ensure that any identified ADA deficiencies are corrected before colocation occurs. The ADA Checklist can be completed by any of the following:

- [State of California Licensed Architect](#)
- [Certified Access Specialist \(CASp\)](#)
- [International Code Council \(ICC\) Accessibility Inspector or Plans Examiner](#)

Some AJCC operators holding the master lease may have difficulty securing an ADA Checklist due to the additional costs associated with getting it completed. Therefore, to support compliance with the WIOA colocation provision, the state is willing to assist with the cost. AJCC partners who are required to complete an ADA Checklist for an EDD lease agreement can request a 50 percent reimbursement, up to \$4,999, from the EDD (Attachment 1).

If the ADA Checklist identifies any deficiencies, the deficiencies must be corrected prior to occupancy by state employees. A California licensed architect is required to complete and sign a State Leased Buildings and Facilities Verified Report - [Form G](#) to verify the space is 100

percent ADA compliant. The signed Form G must be submitted to the California Department of General Services (DGS) prior to colocation and payment of rent by the state partner.

Please note that, California licensed architects are the only parties authorized to complete the Form G. Since state licensed architects will not complete a Form G for an ADA Checklist they did not perform, the EDD will only financially contribute towards an ADA Checklist completed by a California licensed architect, and cannot financially contribute towards an ADA Checklist completed by a CASp, ICC Accessibility Inspector, or Plans Examiner.

### *Seismic Requirements*

All facilities the state occupies must be evaluated for the ability to meet a seismic performance standard identified as “substantial life safety.” To verify whether a building meets this standard, the DGS state space planner will complete an initial DGS Seismic Screening Checklist of the property. The screening will be completed as expeditiously as possible upon receipt of the request for colocation. If required, the state may request that a DGS Seismic Certificate of Applicable Code (Attachment 2) be completed by an independent state licensed structural or civil engineer, or California licensed architect. The certification must be completed and signed using the DGS Seismic Certificate if Applicable Code.

### *Asbestos Requirements*

Buildings constructed before 1979 must be certified in writing to be free of hazards from asbestos containing material. The certification must be provided by an industrial hygienist certified by the American Board of Industrial Hygiene or an Environmental Protection Agency Asbestos Hazard Emergency Response Act Certified Inspector.

If the building was constructed subsequent to 1979, a photocopy of the Occupancy Certificate issued by the city or county building department is all that is required prior to the execution of the lease. For more information, visit the links below:

- [Department of Industrial Relations - Asbestos and Carcinogen Unit](#)
- [California Code of Regulations - Handling and Removal of Asbestos Containing Material](#)

### *Lead Requirements*

Buildings built before 1980 must be certified as free of hazard from Lead Containing Materials. Paint chip samples must be collected by a Department of Public Health Lead Certified Project Designer for laboratory analysis to determine lead content.

For more information, visit the [Occupational Lead Poisoning Prevention Program](#).

## Process

To begin the colocation process with the EDD partner, Local Boards need to reach out to and work with their local EDD W-P staff to prepare a standard colocation package. The W-P staff will complete and submit the standard package to the EDD Office of Facilities, Planning and Management (OFPM) to request services and written agreements for all new colocations. A standard package contains the following:

- DE 16 Memorandum (Attachment 3)
- Space/Lease Action Request (Attachment 4)
- Space Planning Data Form (Attachment 5)

Once the completed package has received the necessary EDD Workforce Services Division (WSD) approvals, it is forwarded to the OFPM. The OFPM then works with the DGS Real Estate Services Division (DGS RESD) to ensure the colocation site complies with the relevant state employee requirements (ADA, Seismic, Asbestos, and Lead Paint, etc.) and then submits the required documents to DGS RESD to obtain approval. Once the OFPM receives the RESD approval, the Lease Coordinator schedules a kick-off meeting with WSD, DGS RESD, and all applicable partners. After negotiations are complete and an agreement has been reached with all applicable partners, the OFPM Lease Coordinator oversees the resolution of any issues that need to be addressed in order to allow for the colocation of state employees. Finally, DGS RESD prepares the lease which needs to be signed by all applicable parties prior to the colocation or sublease. \*

\* This is a very high level overview of the process which typically takes 18 – 24 months. The actual steps and duration vary with each colocation or sublease project. The DGS lease requirements apply to all colocation and subleasing projects.

For further information regarding this information notice, please contact your [Regional Advisor](#).

/S/ JOSÉ LUIS MÁRQUEZ, Chief  
Central Office Workforce Services Division

Attachments are available on the internet:

1. [ADA Checklist Reimbursement Policy](#)
2. [DGS Seismic Certificate of Applicable Code](#)
3. [DE 16 Memorandum](#)
4. [Space/Lease Action Request](#)
5. [Space Planning Data Form](#)