
WIOA Title III W-P Colocation Requirements

Executive Summary

This policy provides the guidance and establishes the procedures regarding the *Workforce Innovation and Opportunity Act* (WIOA) Title III Wagner-Peyser (W-P) colocation requirements. This policy applies to the Employment Development Department (EDD) and core partners in the America's Job Center of CaliforniaSM (AJCC) system and is effective on the date of issuance.

This policy contains only state-imposed requirements.

This Directive finalizes Workforce Services Draft Directive *WIOA Title III W-P Colocation Requirements* (WSDD-232), issued for comment on May 27, 2022. The Workforce Development Community submitted 27 comments during the draft comment period. A summary of comments, including all changes, is provided as an attachment.

This policy supersedes Workforce Services Information Notice (WSIN) 13-72, *ADA Survey Reimbursement for AJCC Partner Sites* dated June 13, 2014, and WSIN 16-16, *WIOA Title III W-P Colocation Requirements* dated October 17, 2016.

This Directive remains active until further notice.

References

- WIOA (Public Law 113-128)
- *Americans With Disabilities Act* (ADA) (Public Law 101-336 and 110-325)
- Title 20 *Code of Federal Regulations* (CFR) Part 652: "Establishment and Functioning of State Employment Service"
- Title 20 CFR Part 678, Subpart C: "Memorandum of Understanding for the One-Stop Delivery System"
- Title 24 *California Code of Regulations* (CCR) Part 2: "Building Standards Code", Section 11B-202.4, *Path of Travel Requirements in Alterations, Additions and Structural Repairs*
- California Government Code (GOV) Sections 4450-4461, *Access to Public Buildings by Physically Handicapped Persons*
- Training and Employment Guidance Letter (TEGL) 16-16, *One-Stop Operations Guidance for the American Job Center Network* (January 18, 2017)

- Department of General Services (DGS), State Administrative Manual (SAM) Section 5365, *Physical Security*
- Workforce Services Directive (WSD) 18-12, *WIOA Memorandums of Understanding* (April 30, 2019)

Background

As one of the six core programs of the WIOA, and one of the central components of the AJCC system, the role of the WIOA Title III W-P program is to facilitate the match between job seekers and employers. Section 121(e)(3) of the WIOA requires Title III W-P program services, which are administered by the EDD, to be colocated in comprehensive and/or affiliate AJCCs. In accordance with Title 20 CFR Section 652.202, standalone offices are prohibited for W-P program services.

The WIOA places a strong emphasis on AJCC partner collaboration and the provision of comprehensive job centers that connect customers to the full range of WIOA services available within their communities. This approach is essential to establishing a quality-focused, employer-driven, and customer-centered system. Colocation with one or more of the other AJCC required partners will enhance the coordination of services, improve service delivery, and ensure that job seekers and employers can access the programs, services, and activities of all AJCC required partners, in accordance with the WIOA. While Local Workforce Development Areas (Local Area) may make virtual options available to serve customers, this Directive provides guidance on the requirements for physical colocation.

To establish a high quality AJCC delivery system and enhance collaboration among partner programs, WIOA Section 121 requires Local Workforce Development Boards (Local Board) to develop Memorandums of Understanding (MOU) with all AJCC required partners within their Local Area. As the convener of MOU negotiations, as well as the overseer of how services are delivered within their Local Areas, Local Boards are responsible for supporting and ensuring compliance with colocation requirements. When structuring MOUs, Local Boards must ensure that AJCC partners are made aware of state-mandated facilities requirements that must be met for EDD W-P staff to be present in the AJCC. This must be done prior to planning an AJCC relocation to ensure safety and access for employees as well as the public.

Local Boards are responsible for ensuring they work collaboratively with their state partners and review all state premises requirements prior to conducting a site search for a new location.

Policy and Procedures

State Employee Space Sharing Agreements

Executed written agreements must be in place for AJCCs where EDD W-P staff or other state partners provide services on a workforce partner's premises. Therefore, when preparing for

colocation, a space sharing agreement must be 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 (SUP).

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's processes for leases and subleases are identical. When negotiating a lease or a sublease it is also important to consider the AJCC partner's funding stream (e.g., EDD cannot enter a four-year lease with an AJCC partner whose funding expires in two years).

The SUP is an agreement that allows EDD staff to occupy office space free of charge for the purpose of housing temporary, part-time, or seasonal staff, or other very small operations where entering a lease is not practical. Locations that the EDD occupies under a SUP must also comply with the ADA and seismic requirements outlined below.

For questions regarding space sharing agreements or to obtain forms, please contact your local EDD W-P management.

State Employee Facility Requirements

Before colocation can occur, federal and state laws mandate that the facility must follow several key requirements for a state employee to occupy space in the facility. Verification and validation of compliance with all the elements listed below is required before entering a new lease or prior to the renewal of an existing lease. The EDD is available to provide technical assistance as needed to help Local Boards with meeting these requirements.

Americans with Disabilities Act Accessibility Survey Requirements

Under the federal ADA, individuals with disabilities are provided comprehensive rights and protections in the areas of employment, public accommodations, state and local government services, and telecommunications. The goal of the ADA is to assure equality of opportunity, full participation, independent living, and economic self-sufficiency.

The DGS represents the EDD in lease negotiations. Under federal and state law, the EDD cannot enter into an official 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 ADA and California Building Code requirements.

To verify compliance, the AJCC partner holding the master lease must request and submit a completed [DGS Accessibility Survey Checklist](#) (ADA Checklist) ensuring 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](#)

Any ADA Checklist deficiencies must be corrected prior to occupancy. 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 ADA compliant.

Due to the high cost associated with conducting an ADA survey, AJCC partners may have difficulties getting the survey completed. As a result, AJCC partners who are required to complete an ADA survey for an EDD sublease agreement may receive a 50 percent reimbursement from the EDD for the ADA survey up to a maximum of \$4999 contingent upon availability of funds.

For additional questions regarding ADA requirements or to inquire about ADA survey funding, please contact your local EDD W-P management.

Seismic Requirements

All facilities occupied by the state 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](#) be completed and signed by an independent state licensed structural or civil engineer, or a California licensed architect.

For questions regarding seismic requirements or to obtain forms, please contact your local EDD W-P management.

Asbestos Requirements

Buildings constructed before 1979 must be certified in writing that they are 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 after 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, Division of Occupational Safety and Health - Asbestos and Carcinogen Unit](#)
- [CCR Section 1529, 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 [California Department of Public Health \(CDPH\) Lead Certified Project Designer](#) for laboratory analysis to determine lead content.

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

Security Requirements

In accordance with the [DGS SAM Section 5365](#), the EDD must adhere to state level physical security requirements. EDD partners are required to provide a safe and secure work environment for all employees present at a given facility. In addition, the EDD requires that all its sites meet certain security requirements. These requirements pertain to EDD owned, leased, subleased, SUPs, and other colocated facilities. The security requirements outlined in this Directive pertain to the EDD's designated open access facilities in which access is open to the public within designated work areas. The EDD can contribute towards shared security costs either through the sublease operating expenses or within the infrastructure cost sharing agreements. To meet the EDD's security requirements, AJCCs will be required to adhere to site-specific security measures, subject to final lease negotiations. Examples of security measures that may be required include:

- Unarmed Security Guards
- Controlled access within the work area
- Panic hardware and panic buttons
- Security camera systems with Digital Video Recorders (DVR)/Network Video Recorders (NVR)
- Security window tinting

For questions regarding security specifications and requirements or for site-specific concerns, please contact your local EDD W-P management.

Process

To begin the colocation process, the Local Board and lead partner agency will contact their local EDD W-P management staff to discuss the request to colocate, including the scope and requirements of the project.

It is critical that details such as state facility requirements, staffing, security, furniture procurement, timeframes, and many other factors are understood by all parties. Failure by all

participants in the AJCC to clearly identify how these requirements will be met prior to a site search taking place can result in delays, change orders, and discrepancies in lease terms, which may prevent the EDD from executing a space sharing agreement. Should delays in executing an agreement result in unfunded costs, the EDD will pay retroactively for use of space once a lease has been executed, where appropriate and with agreed-upon backdated terms.

Questions or concerns regarding the need for retroactive payments can be elevated to your local EDD W-P management.

Once the project has been thoughtfully scoped, W-P staff will complete and submit the standard request package to the EDD, Office of Facilities Planning and Management (OFPM). The OFPM will work with the DGS Real Estate Services Division to coordinate meetings with stakeholders to obtain the necessary approvals and documentation, negotiate lease terms, and ultimately execute a sublease. During this time, all parties will be expected to attend regular project meetings, provide timely responses to requests for information, and negotiate in good faith.

W-P staff cannot occupy a site without an executed space sharing agreement. Timeframes to execute space sharing agreements are estimated at five to ten weeks for SUPs, 18 months for lease and sublease renewals, and 24 months for new leases and subleases. Therefore, it is critical that Local Boards maintain a proactive and holistic approach to establishing AJCCs.

Action

Bring this Directive to the attention of all affected parties.

Inquiries

If you have any questions, contact your assigned [Regional Advisor](#).

/s/ JAVIER ROMERO, Deputy Director
Workforce Services Branch

Attachment:

[Summary of Comments \(DOCX\)](#)

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
