

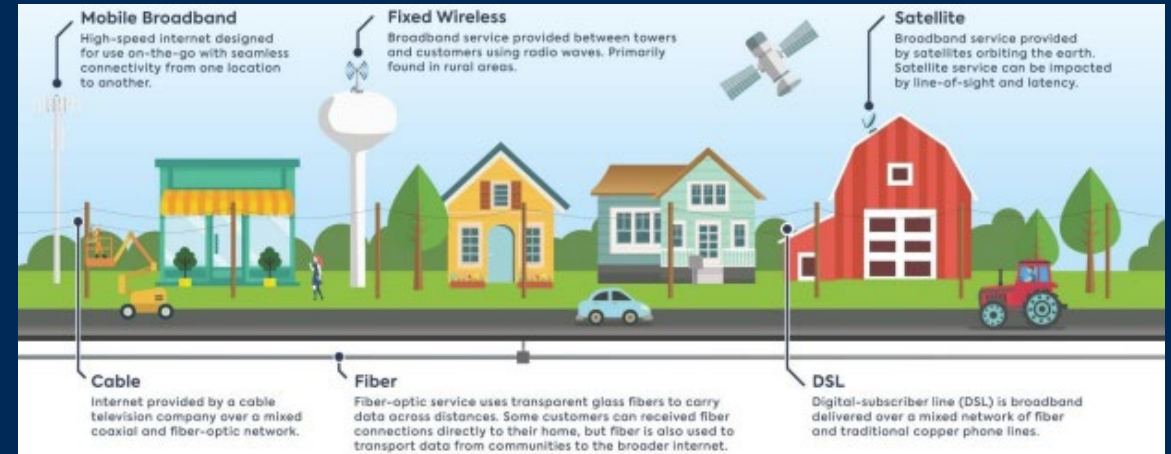


VCBB Broadband Equity Access Deployment (BEAD) Program Sub- Grantee Workforce Workshop

Key Federal Requirements for
Workforce Training and Development

WIA Background

National Leader in Broadband Workforce Development



The Wireless Infrastructure Association (WIA) represents the companies that make up the broadband infrastructure ecosystem in the United States. Our members are the businesses that develop, build, own, and operate the nation's broadband infrastructure, including wireless carriers, infrastructure providers, and professional services firms that collectively own and operate more than 140,000 telecommunications facilities around the globe



Through public affairs, advocacy efforts and workforce development training and education – on the local, state, and federal level – WIA works to support the widespread deployment of the wireless broadband infrastructure to deliver broadband access to all citizens and communities.

WIA's Commitment – WIA and our members are deeply committed to ensuring all Americans have access to broadband – fixed and mobile – wherever they live, work, or travel.

Fostering Equity in the Telecommunications Workforce

The Federal Department of Commerce (DOC) is committed to creating an economy that works for everyone in America and a workplace that is diverse, equitable, inclusive, and accessible to every employee.



National Telecommunications and Information Administration (NTIA) at DOC supports the Administration's commitment to equitable and highly skilled jobs for shaping the future of the telecommunications workforce.

The jobs created through investments in high-speed Internet must be good jobs that offer fair compensation, a safe workplace, equitable access, and opportunities for long-term advancement. These new opportunities will have lasting positive economic, social, and health benefits for years to come.

Specific Requirements for BEAD Initial and Final Proposals

Initial Proposal Requirement 12 (NOFO p. 32, § IV.B.5.b)

- *The Initial Proposal must include:*
 - Detail [as to] how the Eligible Entity will ensure an available, diverse, and highly skilled workforce consistent with Section IV.C.1.e of the BEAD NOFO.

Final Proposal Requirement 11 (NOFO p. 48, § IV.B.9.b)

- *The Final Proposal must include:*
 - Implementation status of plans described in the Initial Proposal related to:
 - Labor and workforce activities, including how the Eligible Entity implemented and applied the labor-related subgrantee selection criterion required herein;
 - Utilization of minority businesses, women-owned business enterprises, and labor surplus area firms;

Workforce Planning Guide: Guidance for BEAD Program Eligible Entities

NTIA guide lays out strategies and examples for meeting funding requirements and ensuring a skilled, competitive, and diverse workforce.

INTERNET FOR ALL

Workforce Planning
Guide

Guidance for BEAD Program Eligible
Entities



U.S. Department of Commerce
National Telecommunications and Information Administration

- ✓ **Components of a Workforce Plan:** Highlights the requirements and guidance related to workforce development and fair labor standards in the BEAD NOFO.
- ✓ **Developing a Workforce Plan:** Provides suggested planning steps and pacing for completing grant submissions and key integration points with the Digital Equity Act programs.
- ✓ **Strategies and Examples:** Offers a range of approaches to meet the workforce needs and offers examples of existing programs at the Federal, state, or local level.
- ✓ **Additional Resources:** Provides additional resources, including a list of Federal and state agencies that can help answer questions, guiding questions and resources that help conduct landscape analysis, and a checklist of best practices that eligible entities can use when evaluating different workforce programs.

The Broadband Equity and Access Deployment Notice of Funding Opportunity (BEAD NOFO)

Requirements from the NOFO

Necessary for complete and successful Five-Year Action Plans, Initial Proposals, and Final Proposals

Guidance from the NOFO

Strongly encouraged by NTIA to promote a skilled, diverse, and inclusive workforce



Federal Labor and Employment Laws

How to comply with legal requirements that apply to all employers in the United States



Skilled Workforce

How to hire, pay, and consider skills of employees, contractors, and subcontractors



Equitable Training & Workforce Development

How to support a highly skilled and diverse workforce through recruiting, retention, and professional development



Contracting

How to partner with minority-owned businesses and other socially and economically disadvantaged businesses



1. Federal Labor and Employment Laws

Eligible Entities will be held to the federal labor and employment laws that apply to all employers in the United States, such as those listed below.

Federal Labor and Employment Laws

- Fair Labor Standards Act
- Occupational Safety and Health Act
- Service Contract Act
- Title IV of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- The Americans with Disabilities Act of 1990
- Section 504 of the Rehabilitation Act of 1973
- The Age of Discrimination Act of 1975
- Parts II and III of Executive Order 11246, Equal Employment Opportunity
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
- Executive Order 13798, Promoting Free Speech and Religious Liberty

Eligible Entities must outline their approach to comply with and oversee subgrantee adherence to the following laws:

Act	Summary
Fair Labor Practices	
Fair Labor Standards Act	Establishment of minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers across private and public sectors
Occupational Safety and Health Act	Establishment of safe and healthy workplace standards
Service Contract Act	Establishment of standards for contractors and subcontractors performing services on prime contracts in excess of 2,500
Civil Rights and Nondiscrimination	
Title VI of the Civil Rights Act of 1964 (See also 15 C.F.R. Part 8)	Prohibition on discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance, including from the Department of Commerce
Title IX of the Education Amendments of 1972	Prohibition of discrimination on the basis of sex under federally assisted education programs or activities
The Americans with Disabilities Act of 1990	Prohibition of discrimination on the basis of disability under programs, activities, and services provided or made available by Eligible Entities and local governments or instrumentalities or transportation
Section 504 of the Rehabilitation Act of 1973	Prohibition of discrimination on the basis of handicap under any program or activity receiving or benefiting from federal assistance
The Age Discrimination Act of 1975	Prohibition of discrimination on the basis of age in programs or activities receiving federal financial assistance
Additional Authorities	
Parts II and III of Executive Order 11246, Equal Employment Opportunity	Requires that federally assisted construction contracts incorporate and fulfill the nondiscrimination provisions of §§ 202 and 203 of E.O. 11246 and Department of Labor regulations implementing E.O. 11246 (41 C.F.R. § 60-1.4(b))
Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency	Requires federal agencies to examine the services that they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them

For a comprehensive list, see pp. 8-9 of the NTIA Workforce Planning Guide, available at:

https://broadbandusa.ntia.doc.gov/sites/default/files/2022-10/DOC_NTIA_Workforce%20Planning%20Guide_FINAL_100722.pdf

Wage Overview

Prevailing Wage Overview & Resources



BEAD PROGRAM | PREVAILING WAGE OVERVIEW



BEAD Eligible Entities must submit an effective plan for compliance with federal labor standards, which can include, but is not required to include, a subgrantee's commitment to pay prevailing wages and benefits to workers. (BEAD NOFO Sec. IV.C.1.e)



NTIA encourages BEAD Eligible Entities to consider workforce development goals when selecting subgrantees, which may include ensuring that subgrantees offer and increase access to good jobs that exceed the local prevailing wage. (BEAD NOFO Sec. III.C.1.f.ii)



For projects over \$5,000,000, subgrantees may certify that all workers are paid at or above prevailing wage rates under federal law through the Davis-Bacon Act or under State law (commonly known as "baby Davis-Bacon Acts"). If the certification is not provided, subgrantees must provide a project employment and local impact report. (BEAD NOFO Sec. VII.E.2)

U.S. DEPARTMENT OF LABOR RESOURCES

BEAD Eligible Entities can reference resources from the Department of Labor to understand and comply with federal labor and employment laws, including:

- [The Davis-Bacon Act and Related Acts Fact Sheet](#): Overview of the Davis-Bacon Act and related acts, including basic provisions and requirements, prevailing wage determinations, penalties, typical problems regarding implementation, and relation to state, local, and other federal laws.
- [Davis-Bacon and Related Acts FAQ](#): Frequently asked questions (FAQs) on the Davis-Bacon Act and related acts, including on how to obtain wage determination and prevailing wage information.
- [Davis-Bacon Wage Determination Conformance Guidance](#): Information on how to understand and read prevailing wage determinations.
- [Worker Protections under BIL](#): Overview of protections for workers in construction for projects funded or assisted through the Bipartisan Infrastructure Law (BIL).
- [FAQs on Worker Protections under BIL](#): FAQs around protections for workers in construction for projects funded or assisted through BIL.



Reference the [NTIA Workforce Planning Guide](#) for additional workforce requirements and guidance outlined in the [BEAD NOFO](#).

This document is intended solely to assist recipients in better understanding the BEAD program and the requirements set forth in the Notice of Funding Opportunity (NOFO) for this program. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this document.



This resource provides an overview of the BEAD Program's prevailing wage-related requirements and U.S. Department of Labor Resources to support Eligible Entities in understanding and complying with federal labor and employment laws.

Program Requirements: Fair Labor Practices and Highly Skilled Workforce

**TIRAP Participants are issued a DOL Office of Apprenticeship Certification which can be used for David Bacon verification*

2. Fair Labor Practices and Highly Skilled Workforce

Eligible Entities must give priority to projects based on (among other things) a demonstrated record of and plans to be in compliance with federal labor and employment laws. Evaluation of a prospective subgrantee's demonstrated record of and plans to be in compliance with federal labor and employment laws requires focus on several components:

The prospective subgrantee's demonstrated record of and plans to be in compliance with federal labor and employment laws

- Information on the prospective subgrantee's record of compliance with federal labor and employment laws, the records of any other entities that will participate in the project, including contractors and subcontractors *at a minimum*, and information on these entities' compliance with federal labor and employment laws on broadband deployment projects.
- a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors.
- written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws. The prospective subgrantee's plans to address, at a minimum:

How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:

- information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network
- how the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

2. Fair Labor Practices and Highly Skilled Workforce

A plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce (including by the subgrantee and each of its contractors and subcontractors).

- “project workforce” includes those employees of the subgrantee, its contractors, or subcontractors directly engaged in the physical construction of the broadband network "Should include"
 - The ways in which the subgrantee will ensure the use of an appropriately skilled workforce, e.g., through **Registered Apprenticeships** or other joint labor-management training programs that serve all workers;
 - The steps that will be taken to ensure that all members of the project workforce will have **appropriate credentials**, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
 - Whether the workforce is unionized;
 - Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce
 - The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

If the project workforce or any subgrantee’s, contractor’s, or subcontractor’s workforce is not unionized, the subgrantee must also provide with respect to the non-union workforce:

- The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;
- For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
 - Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

3. Equitable Workforce Development and Job Quality Objectives

The BEAD NOFO includes requirements and guidance on equitable training and workforce development across four subsections.



Workforce Readiness

How to create an active and competitive telecommunications workforce prepared to meet the challenges of high-speed Internet implementation



Supporting a Diverse Workforce

How to attract, recruit, and retain historically underrepresented groups into the telecommunications workforce



Outreach & Engagement

How to engage local workforce partners in the planning and execution process for BEAD projects



Worker Protections

How to protect the individual worker and broader workforce to create a safe but competitive job environment

3. Equitable Workforce Development and Job Quality Objectives

*Eligible Entities and their subgrantees **should** make appropriate investments to develop a skilled, diverse workforce for the jobs that the subgrantees need to fill. Eligible Entities are required to include in their Initial and Final Proposals:*

A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective.

A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that provide relevant training (including through Registered Apprenticeships and pre-apprenticeships that are integrated with Registered Apprenticeships, or other quality work-based learning programs) and provide wrap-around services to support workers to access and complete training (such as child care, transportation, mentorship, etc.), to attract, train, retain, or transition to meet local workforce needs and increase high-quality job opportunities.

A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs (e.g., how entities plan to engage or partner with stakeholders like State, Territorial, and local workforce boards, training partners, labor and community organizations); maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process;

A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers, including by engaging in targeted outreach, and seek subgrantees with effective plans for outreach to populations that have traditionally been underrepresented in broadband and information technology jobs, including but not limited to women and people of color. Eligible Entities should be prepared to report on the demographics of each subgrantee workforce that is engaged on a project or other eligible activity utilizing BEAD grant funding (this will be aggregate workforce data only, not personally identifiable information), and should expect that this data will be made public.

3. Equitable Workforce Development and Job Quality Objectives

NTIA encourages Eligible Entities to consider workforce development goals when selecting subgrantees. This could include setting requirements applicable to all subgrantees or establishing scoring factors. Eligible Entities can accomplish this in various ways, including the following:

Ensuring that subgrantees require their contractors and subcontractors to provide **Registered Apprenticeships** and **pre-apprenticeships tied to a Registered Apprenticeship**, joint labor-management partnerships, and other high-quality, on-the-job training opportunities, which may include minimum requirements of contractor or subcontractor job hours to be performed by apprentices; and ensuring that such programs lead to employment with wages at rates not less than the rates prevailing on projects and other eligible activities of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

Ensuring that subgrantees offer “quality” jobs.* For example, an Eligible Entity should consider scoring applicants based in part on the extent to which they will deliver on the quality jobs standard.

Ensuring that subgrantees prioritize hiring local workers and have robust and specific plans to recruit historically underrepresented populations facing labor market barriers and ensure that they have reasonable access to the job opportunities created by subgrantees. Such populations may include communities of color, women, and other groups (such as persons with disabilities, LGBTQI+ people, disconnected youth, individuals in recovery, individuals with past criminal records, including justice-impacted and reentry participants, serving trainees participating in the SNAP, TANF, and WIC, and veterans and military spouses).

*A “quality job” is defined as a job that (1) exceeds the local prevailing wage for an industry in the region, includes basic benefits (e.g., paid leave, health insurance, retirement/savings plan), and/or is unionized, and (2) helps the employee develop the skills and experiences necessary to advance along a career path.

4. Contracting

NTIA encourages contracting with small and Minority Business Enterprises (MBE), Women’s Business Enterprises (WBE), and Labor Surplus Area (LSA) firms. Working with contractors and subcontractors does not excuse Eligible Entities from complying with workforce requirements of the BEAD NOFO.



Contractor Considerations

Eligible Entities must consider not only directly employed workers but also **contractors and subcontractors** in their workforce development standards and activities.



Equity in Contracting

Contracting with MBEs, WBEs, and LSAs offer opportunities for economic growth, job creation, and to improve equity in the telecommunications workforce.

BEAD NOFO Summary

Requirements from the NOFO

Necessary for complete and successful Five-Year Action Plans, Initial Proposals, and Final Proposals

Guidance from the NOFO

Strongly encouraged by NTIA to promote a skilled, diverse, and inclusive workforce



Federal Labor and Employment Laws

Complying with legal requirements that apply to all employers in the United States



Skilled Workforce

Hiring, paying, and considering skills of employees, contractors, and subcontractors



Equitable Training & Workforce Development

Supporting a highly skilled and diverse workforce through recruiting, retention, and professional development



Contracting

Partnering with minority-owned businesses and other socially and economically disadvantaged businesses





VCBB Broadband Equity Access Deployment (BEAD) Program Sub- Grantee Workforce Workshop

Overview of state labor laws, regulations, and
compliance requirements



Summary of Vermont Labor Laws, Regulations, and Compliance requirements

This list covers key aspects of Vermont labor laws, but employers should refer to the State of Vermont Department of Labor resources for comprehensive guidance

Minimum Wage: \$15.50 per hour (as of 2024)

Breaks: 30-minute unpaid meal break for shifts over 6 hours

Paid Sick Leave: Accrue 1 hour of paid sick leave per 52 hours worked for employers with 6+ employees.

Paid Family and Medical Leave: Partial wage replacement through Vermont PFMLI program.

Anti-Discrimination: Prohibits discrimination based on race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, age, disability, and marital status

Equal Pay: Requires equal pay for equal work regardless of gender

Pregnancy Accommodation: Requires reasonable accommodations for pregnancy-related conditions

Workplace Safety: Compliance with federal OSHA standards

Wage Payment: Regular paydays and detailed pay stubs required

Termination: Final wages must be paid on the next scheduled payday after termination

Unemployment Insurance: Employer contributions required; eligibility based on work history and separation circumstances

Workers' Compensation: Mandatory insurance for job-related injuries

Child Labor: Restrictions on hours and types of work for minors

Notice Requirements: Employers must post required labor law notices and provide written notice of employee rights

Overtime: 1.5 times regular pay rate for hours over 40 in a workweek



Workplace Rights & Wages

NOTICE

MINIMUM WAGE

FOR VERMONT EMPLOYERS AND WORKERS

MINIMUM WAGE RATE

Effective 01/01/24	\$13.67 per hour
Effective 01/01/23	\$13.18 per hour
Effective 01/01/22	\$12.55 per hour

BASIC WAGE RATE (TIPPED EMPLOYEES)

Effective 01/01/24	\$6.84 per hour
Effective 01/01/23	\$6.59 per hour
Effective 01/01/22	\$6.28 per hour

MAXIMUM TIP CREDIT ALLOWED

Effective 01/01/24	\$6.83 per hour
Effective 01/01/23	\$6.59 per hour
Effective 01/01/22	\$6.28 per hour

ADDITIONAL INFORMATION

Service or Tipped Employees: "A service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 a month in tips for direct and personal customer service.

Basic Wage Rate: The basic wage rate is the minimum required employer contribution towards the minimum wage for service or tipped employees. If an employee does not receive sufficient tips in the work week to at least achieve the minimum wage for all hours worked that week, the employer must make up the difference.

Federal wage and hour laws may differ from Vermont law. Contact the U.S. Department of Labor at (603) 666-7716 regarding your rights and obligations under the [Fair Labor Standards Act](#).

Vermont Department of Labor
5 Green Mountain Drive
P.O. Box 488
Montpelier, 05601-0488
(802) 828-4000

63 Pearl Street Burlington, Vermont 05401
Labor.WageHour@vermont.gov
Phone: (802) 951-4083 | Fax: (802) 865-7655



<https://labor.vermont.gov/rights-and-wages>

Minimum Wage Poster 2024

Workforce Resources



- [BEAD NOFO](#)
- [VT Initial Proposal Volume 2](#)
- [NTIA Workforce Planning Guide](#)
- [Prevailing Wage Overview and Resources](#)
- [VDOL Right and Wages](#)
- [VDOL Summary Wage & Hour Laws](#)

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<https://publicservice.vermont.gov/vt-community-broadband-board-vcbb>



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