

Critical Documents and Agreements for Local WIOA Management



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Document and Agreement Categories

- a. Three Broad Categories will be covered
 - i. Governance
 - ii. Operations
 - iii. Oversight
- b. Governance
 - i. Bylaws (LEO Board & LWDB)
 - ii. State Plan & Regional/Local Plan
 - iii. Roles and Responsibilities Agreement
- c. Operations
 - i. Policies & Procedures Manual
 - ii. One-Stop MOU
 - iii. Service Delivery
- d. Oversight
 - i. Monitoring
 - ii. Performance

Governance – LEO Bylaws

a. Local Elected Official Board

- i. In LWDBAs with multiple units of local government, there must exist a LEO Board
- ii. The LEO Board Bylaws govern the Board and must address:
 1. The LWDB member appointment process; and,
 2. Such other duties and responsibilities as the Local Elected Officials agree to perform.
- iii. LEO Board should also outline a process for electing or designating a Chief Local Elected Official
- iv. LEO Board will want to address sharing liability for misspent funds

b. Chief Local Elected Official

- i. In cooperation with LWDB, tasked with developing and implementing LWDB Bylaws

Governance – LWDB Bylaws

- a. Local Workforce Development Board
 - i. Key LWDA Administrative Entity, tasked with overseeing implementation of WIOA programs in LWDA
 - ii. LWDB Bylaws are a critical document that must include:
 1. The nomination process used by the CLEO to select the LWDB chair and members;
 2. The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire each year;
 3. The process to notify the CLEO of a LWDB member vacancy to ensure a prompt nominee;
 4. The proxy and alternative designee process that will be used when a LWDB member is unable to attend a meeting and assigns a designee;
 5. The use of technology, such as phone and Web-based meetings, that will be used to promote LWDB member participation;

Governance – LWDB Bylaws Continued

6. The process to ensure LWDB members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities; and
 7. A description of any other conditions governing appointment or membership on the LWDB as deemed appropriate by the CLEO.
- iii. LWDB Bylaws should also address:
1. Committees
 2. Meeting Rules
 3. Sunshine Requirements
 4. Local Director Requirements

Governance – State Plan

- a. State Workforce Development Boards assist Governors in developing a statewide vision for the Workforce System which is memorialized in the 4-Year State Plan. Current State Plans cover PY2020 – PY 2023 (*July 1, 2020 – June 30, 2024*)
- b. The State Plan includes:
 - i. The state’s strategic vision and goals for preparing an educated and skilled workforce; and,
 - ii. The operational planning elements to support the strategy to reach those goals
- c. Once approved by the U.S. Department of Labor, the State Plan serves as the controlling document for each of a states LWDAs as they develop their own Regional & Local Plan
- d. Per WIOA, “a local plan shall support the strategy described in the State Plan and be consistent with the State Plan”

Governance – Regional & Local Plan

- a. Regions – 3 Types:
 - i. 1 LWDA;
 - ii. 2 or more LWDA; and,
 - iii. Interstate LWDA containing 2 or more LWDA
- b. Regional Plan – Essentially combines and syncs the Local Plans of the LWDA in the Region
- c. Local Plan - 4-year action plan to develop, align, and integrate service delivery strategies and support the State's vision and strategic and operational goals as set forth in the State Plan
- d. Local Plan Modification – Deadline June 30, 2022. At the end of the first 2-year period of the 4- year local plan, each local board shall review the local plan and the local board, in partnership with the chief elected official, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

Governance - Local Plan Content Requirements

- a. Local/Regional analysis of economic conditions, employment needs
- b. Assessment of knowledge and skills needed for in-demand industries and sectors
- c. Labor force data
- d. Analysis of workforce activities
- e. LWDB vision to support local/regional growth
- f. Strategy for coordinating service delivery with core partners in LWDA
- g. Description of the local workforce system, local programs, core program coordination strategy
- h. One-Stop Delivery System description
- i. Description of Adult/DW Employment and Training Activities
- j. Description of Youth Workforce Activities
- k. Description of Supportive Services available in LWDA
- l. Identify local grant recipient
- m. Describe competitive grant and contract processes
- n. Description of ITA-funded Training Service Program
- o. Other requirements as set forth by Governor

Governance - Roles and Responsibilities Agreement

- a. When one entity performs multiple functions in a LWDA, a Roles and Responsibilities' Agreement must be executed detailing Internal Controls and Conflict of Interest procedures
 - i. Local Functions:
 1. **Fiscal Agent** - Assist in administration of the grant funds
 2. **LWDB** - Sets policy for the portion of the statewide workforce development system within the local area and consistent with State policies
 3. **LWDB Staff** - Assist in carrying out the functions of the Local WDB
 4. **Service Providers** - Career, Training & Youth Services Providers
 5. **One-Stop Operator**- Manage and Direct One-Stop Operations in the LWDA
- b. Requirements of Agreement
 - i. Define Entities and their respective roles and responsibilities in the LWDA
 - ii. Detail Staff duties and responsibilities, ensure separateness
 - iii. Detail Budget process for entities involved, ensure conflicts are eliminated and create firewalls
 - iv. Financial Management (200.302)
 - v. Internal Controls (200.303)
 - vi. Payment (200.305)
 - vii. Detail Oversight practices
 - viii. Pass-through Entity Requirements (200.332)

Super Circular Detour

- a. Part 200—Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards
 - i. Updated in mid- and late- 2020
- b. Updates and Changes
 - i. Termination, in whole or part - By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities
 - ii. Section 200.320 was redrafted to enhance its clarity. The revised language is clearer with respect to methods of procurement and their relationships to each other, as well as in clarifying that micro-purchases require no competitive process.
 - iii. The revisions also adopt the increased micro-purchase threshold (“MPT”) of \$10,000 and simplified acquisition threshold (“SAT”) of up to \$250,000.
- c. Part 2900—Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards (Labor Specific)
 - i. Payment requirements
 - ii. Cost Principles
 - iii. Updated April, 2021

Operations – Policies & Procedures Manual

- a. Mandatory operational document that provides guidance regarding the operation and service delivery of WIOA programs while maintaining compliance with applicable state and federal laws and regulations. Generally, it is not intended to provide comprehensive step-by-step procedure.
- b. Sample Sections
 - i. Governance and Structure
 - ii. EO Provisions and Enforcement
 - iii. Monitoring and Oversight
 - i. Not tools and detailed methodology, but general requirements and process information
 - iv. LWDB – Governance, Designation, Certification, Code of Conduct
 - v. Grant Administration and Financial Management
 - vi. Programs – Eligibility, Career Services, Training Services, ETPL, Supportive Services
 - vii. Data and Performance
 - viii. Rapid Response

Operations – One-Stop MOU

- a. The One-Stop delivery system is a system under which entities responsible for administering separate workforce investment, educational, and other human resource programs and funding streams (referred to as One-Stop partners) collaborate to create a seamless system of service delivery
- b. The System must include at least one comprehensive physical center in each LWDA
- c. The design of the LWDA's One-Stop delivery system must be described in the Memorandum of Understanding (MOU) executed with the one-stop partners
- d. The MOU is the product of local discussion and negotiation, and is an agreement developed and executed between the LWDB and the One-Stop partners, with the agreement of the chief elected official, relating to the operation of the One-Stop delivery system in the LWDA

Operations – One-Stop MOU Continued

- a. Requirements of MOU:
 - i. A description of services to be provided through the one-stop delivery system, including the manner in which the services will be coordinated and delivered through the system;
 - ii. Agreement on funding the costs of the services and the operating costs of the system, including:
 - 1. Infrastructure costs of one-stop centers and
 - 2. Shared services and operating costs
 - iii. Methods for referring individuals between the One-Stop operators and One-Stop partners for appropriate services and activities;
 - iv. Methods to ensure that the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the one-stop delivery system
 - v. The duration of the MOU and procedures for amending it; and
 - vi. Assurances that each MOU will be reviewed, and if substantial changes have occurred, renewed, not less than once every 3-year period to ensure appropriate funding and delivery of services
- b. Since funds are generally appropriated annually, the LWDB may negotiate financial agreements with each One-Stop partner annually to update funding of services and operating costs of the system under the MOU

Operations – One-Stop Operating Costs

- a. Infrastructure costs of one-stop centers are non-personnel costs necessary for the general operation of the one-stop center, including:
 - i. Rental of the facilities;
 - ii. Utilities and maintenance;
 - iii. Equipment (including assessment-related products and assistive technology for individuals with disabilities); and
 - iv. Technology to facilitate access to the one-stop center, including technology used for the center's planning and outreach activities.
- b. LWDBs **may** consider common identifier costs as costs of one-stop infrastructure.
- c. Each entity that carries out a program or activities in a local one-stop center **must** use a portion of the funds available for the program and activities to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers.
 - i. These payments must be allowable, reasonable, necessary, and allocable to the program
- d. Mandatory State guidance addresses:
 - i. Guidelines for State-administered one-stop partner programs for determining such programs' contributions to a one-stop delivery system, based on such programs' proportionate use of such system, and relative benefit received
 - ii. Guidance to assist in determining equitable and stable methods of funding the costs of infrastructure at one-stop centers based on proportionate use and relative benefit received

Operations – One-Stop Operating Costs Continued

- a. The Local Funding Mechanism is the preferred method
- b. The local funding mechanism must meet all of the following requirements:
 - i. The infrastructure costs are funded through cash and fairly evaluated non-cash and third-party in-kind partner contributions and include any funding from philanthropic organizations or other private entities, to provide a stable and equitable funding stream for ongoing one-stop delivery system operations;
 - ii. Contributions must be negotiated between one-stop partners, chief elected officials, and the LWDB and the amount to be contributed must be included in the MOU;
 - iii. The one-stop partner program's proportionate share of funding must be calculated in accordance with Part 200 based upon a reasonable cost allocation methodology whereby infrastructure costs are charged to each partner in proportion to its use of the one-stop center, relative to benefits received;
 - 1. Such costs must also be allowable, reasonable, necessary, and allocable;
 - iv. Partner shares must be periodically reviewed and reconciled against actual costs incurred, and adjusted to ensure that actual costs charged to any one-stop partners are proportionate to the use of the one-stop center and relative to the benefit received by the one-stop partners and their respective programs or activities.

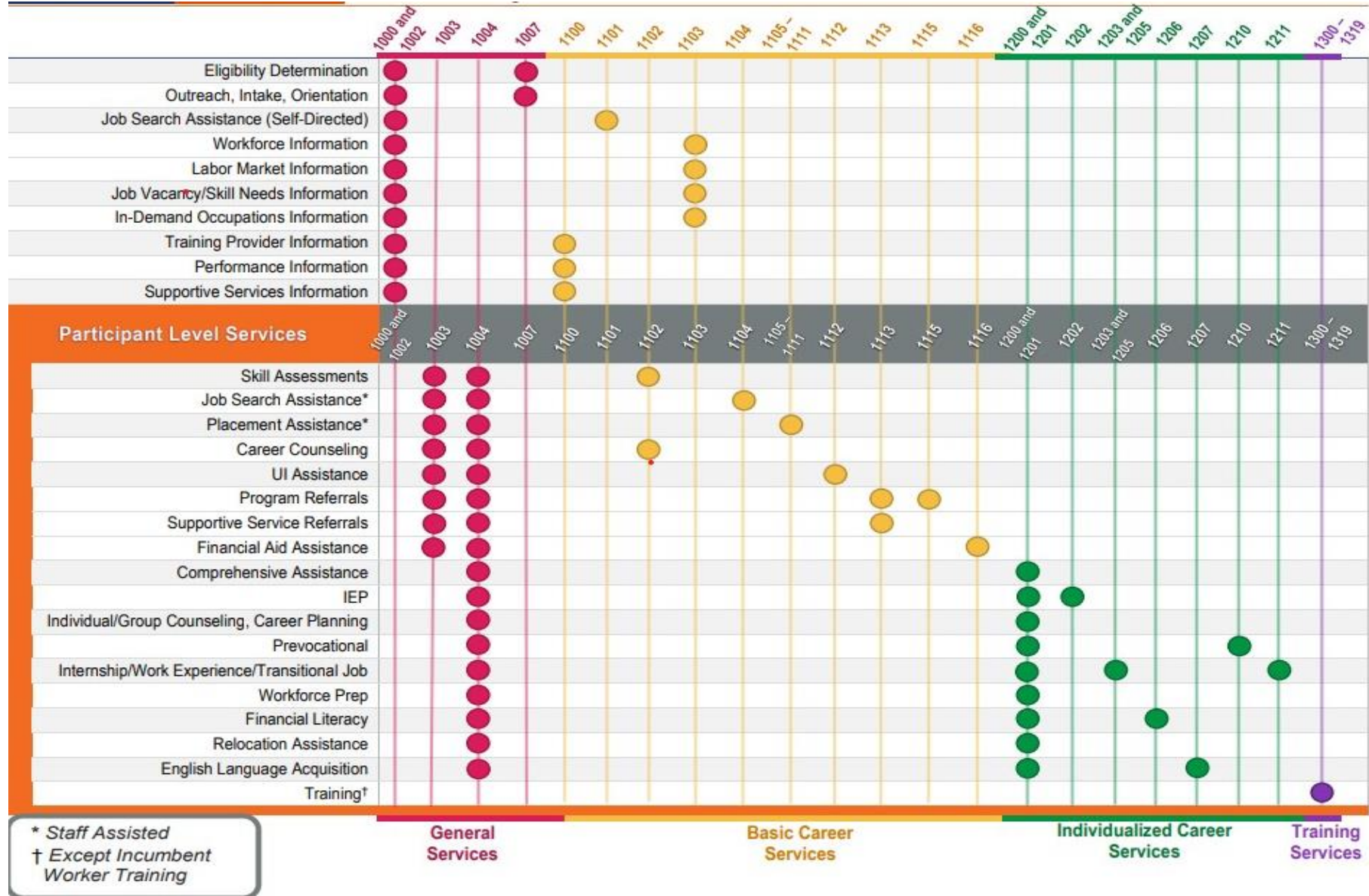
Operations – One-Stop Operating Costs Continued

- a. The MOU must contain the following information whether the LWDA uses the Local or the State funding method?
 - i. The period of time in which this infrastructure funding agreement is effective. This may be a different time period than the duration of the MOU;
 - ii. Identification of an infrastructure and shared services budget that will be periodically reconciled against actual costs incurred and adjusted accordingly to ensure that it reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to its use of the one-stop center and relative benefit received;
 - iii. Identification of all one-stop partners, chief elected officials, and LWDB participating in the infrastructure funding arrangement;
 - iv. Steps the LWDB, chief elected officials, and one-stop partners used to reach consensus or an assurance that the LWDA followed the guidance for the State funding process.
 - v. Description of the process to be used among partners to resolve issues during the MOU duration period when consensus cannot be reached.
 - vi. Description of the periodic modification and review process to ensure equitable benefit among one-stop partners.

Operations – Service Delivery

- a. Four Primary Types of Agreements govern service delivery
 - i. One-Stop Operator Agreement
 - 1. The one-stop operator coordinates the service delivery of required one-stop partners and service providers
 - 2. The one-stop operator may be the primary provider of services within the center, provide some of the services within the center, or coordinate service delivery in a multi-center LWDA, which may include affiliated sites
 - 3. An entity serving as a one-stop operator, that also serves a different role within the one-stop delivery system, may perform some or all of these functions when it is acting in its other role, if it has established sufficient firewalls and conflict of interest policies and procedures
 - ii. Career Services Contracts/Awards
 - 1. If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts
 - a. Basic (Eligibility Determination, Outreach/Intake, Labor Market Information)
 - b. Individualized (Comprehensive and specialized assessments, Career Planning, Internship, Work Experience)

Reportable Individual vs Participant



Operations – Service Delivery Continued

Four Primary Types of Agreements govern service delivery

a. Training Services Contracts/Awards

- i. Must be provided through one of the following:
 1. Individual Training Account - A payment agreement established on behalf of a participant with a training provider
 2. Contracts for services may be used instead of ITAs **only** when 1 or more of the following 5 exceptions apply:
 - a. Services provided are on-the-job-training (OJT), customized training, incumbent worker training, or transitional jobs
 - b. LWDB determines that there are an insufficient number of eligible training providers
 - c. LWDB identifies CBO or private entity with record of training those with barriers to employment (14 groups)
 - d. LWDB authorizes contract with institution of higher education to facilitate training multiple individuals in high-demand industry
 - e. LWDB authorizes Pay-For-Performance Contract

Operations – Service Delivery Continued

Four Primary Types of Agreements govern service delivery

a. Youth Services Contracts/Awards

- i. The grant recipient/fiscal agent has the option to provide directly some or all of the youth workforce investment activities
- ii. If a LWDB chooses to award grants or contracts to youth service providers to carry out some or all of the youth workforce investment activities, the LWDB **must** award such grants or contracts on a competitive basis
 1. LWDB must identify youth service providers based on criteria established in the State Plan and take into consideration the ability of the provider to meet performance accountability measures based on the primary indicators of performance for youth programs.
 2. LWDB must procure the youth service providers in accordance with the Parts 200 and 2900, **in addition to** applicable State and local procurement laws.
 3. If the LWDB establishes a standing youth committee, it may assign the committee the function of selecting of grants or contracts.
- iii. LWDA must provide 14 required services through Youth programs

Operations – Service Delivery Continued

a. Training Services Agreements

i. ITAs

1. Adult and Dislocated Workers purchase training services from State eligible training providers they select in consultation with the career planner, which includes discussion of program quality and performance information on the available eligible training providers
2. Payments from ITAs may be made in a variety of ways, including the electronic transfer of funds through financial institutions, vouchers, or other appropriate methods
3. Payments also may be made incrementally, for example, through payment of a portion of the costs at different points in the training course
4. Local and State policies may cap amount and duration of ITA training

ii. OJTs

1. Training to be provided in public, private non-profit, or private sector
2. Occupational training is provided for the Participant in exchange for the reimbursement, typically up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and supervision related to the training
 - a. In limited circumstances, the reimbursement may be up to 75 percent of the wage rate of the participant
3. Training duration limited to time required to gain proficiency

Operations – Service Delivery Continued

iii. Customized Training

1. Specially designed training for an employer or group of employers
2. Employer(s) commits to hire Participant upon successful completion
3. Employer pays for a significant cost of the training

iv. Incumbent Worker Training

1. Designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.
2. Employer(s) commits to retain trained employees
3. Focused on Employer eligibility

Oversight – Monitoring

- a. Best Resource: USDOL-ETA 2018 Core Monitoring Guide (235 - page walkthrough)
- b. Each recipient and subrecipient of funds under WIOA must conduct regular oversight and monitoring of its WIOA program(s) and those of its subrecipients and contractors in order to:
 - i. Determine that expenditures have been made against the proper cost categories and within the cost limitations specified in WIOA and the regulations in this part;
 - ii. Determine whether there is compliance with other provisions of WIOA and the WIOA regulations and other applicable laws and regulations;
 - iii. Assure compliance with Part 200; and,
 - iv. Determine compliance with the nondiscrimination, disability, and equal opportunity requirements of sec. 188 of WIOA
- c. A grant recipient that is a pass-through entity, in turn, is required to conduct its own oversight and monitoring of Federally-funded programs when it issues monies to subrecipients to ensure compliance with the requirements applicable to its grant.
 - i. A grant recipient that provides a subaward to an entity (subrecipient) to carry out a part of the Federal program/grant is defined as a pass-through entity (PTE).

Oversight – Monitoring Continued

- a. Core Activities separated into Service Delivery & Design, Grant Operations and Financial Management
 - i. Service Delivery & Design Topics:
 - 1. Program and Service Design Review
 - 2. Implementation
 - 3. Business Services: Sector Strategies, Career Pathways
 - 4. Participant Services: Priority of Services, Assessments, Eligibility
 - ii. Grant Operations Topics:
 - 1. Review Award Conditions
 - 2. Review Budget and Any Modifications
 - 3. Property Management: Inventory, Equipment, Rental/Lease Agreement
 - 4. Subrecipient Management
 - 5. Procurements and Contracts under Award
 - iii. Financial Management
 - 1. Internal Controls:
 - 2. Payment and Cash Management
 - 3. Program Income
 - 4. Cost Classification and Allowability



**Open for Questions and
Discussion**

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