

LOCAL GOVERNANCE AGREEMENT

- THIS AGREEMENT made this 27th day of March, 2017 by and between the Council of Governments (hereinafter "Chief Elected Officials" or "CEOs"), The Workforce Development Board, Inc. (hereinafter "WDB") and the Ohio Valley Employment Resource (hereinafter "OVER") serving as the Fiscal Agent and Staff to the Board (WDB).
- WHEREAS, Monroe, Morgan, Noble and Washington counties have been designated as Ohio Area 15 (hereinafter "Area15") for purposes of the allocation of funds under the Workforce Innovation and Opportunity Act (hereinafter ("WIOA") in Ohio; and
- WHEREAS, the CEOs have been designated as the recipient of WIOA funds for Area 15; and
- WHEREAS, the WDB has been appointed by the CEOs to provide guidance and support to the WDB's Director and staff in the development and implementation of policies and programs designed to accomplish the goals of the WIOA; and
- WHEREAS, OVER has been designated by the CEOs, as the Fiscal Agent to be responsible for disbursement of the WIOA funds in Area 15; and
- WHEREAS, OVER also serves as the Staff to the Workforce Development Board to meet the objectives of the WIOA; and
- WHEREAS, the WIOA requires that a local governance agreement be entered into to delineate the roles and responsibilities of the CEOs, WDB, and OVER.
- NOW THEREFORE, in order to establish clear roles and responsibilities for each entity involved in the workforce delivery systems it is hereby agreed as follows:
- ESTABLISHMENT OF WORKFORCE DEVELOPMENT BOARD:
 - The local Workforce Development Board members will be appointed by the CEOs in compliance with WIOA section 107(c).
 - The membership of the WDB will comply with WIOA requirements as outlined in WIOA section 107(b)(2).
 - Bylaws for local WDB operations will be established and approved to ensure compliance and effectiveness of the WDB in fulfilling its duties and responsibilities.
- HIRING OR DESIGNATING A LOCAL WDB DIRECTOR AND/OR STAFF:
 - The local COG will hire a Director and staff as deemed appropriate.
 - Job descriptions for the Director and staff will be established and shall contain objective qualifications, duties, and responsibilities.

- o The WDB, in collaboration with the CEOs, will establish an appropriate and feasible method to evaluate the Director and staff.
- o The WDB, in collaboration with the CEOs, may terminate the Director and staff if it is deemed that the job performance is inadequate and efforts to resolve the issue(s) have been unsuccessful.

The role of the CEOs, WDB, WDB Director & Staff; OhioMeansJobs Center Operator; and Fiscal Agent are outlined in the Ohio Department of Job and Family Services, Workforce Innovation and Opportunity Act Office of Workforce Development WIOA Policy Letter (WIOAPL) No.15-18.1 Section IV and are included as Attachment One.

- **MULTI-FUNCTION AGREEMENT CLAUSE**

O WIOA requires that a written agreement be entered in to where one entity performs multiple functions, as will be done by OVER.

- **Definition of roles and duties per function**

- o Fiscal Agent
 - OVER serves as the fiscal agent for disbursement of WIOA funds.
- o Staff to the Board
 - OVER serves as the Staff to the Board to carry out the Boards directives.

- **Description of the separation of duties under each role**

Based on the duties of the Fiscal Agent and Staff to the Board, as identified in Attachment One, the WIOA local area is unable to determine how it would benefit the Area to separate the roles of Staff to the Board and Fiscal Agent.

The Workforce Development Board is charged with the programmatic operations of the workforce area and as such will contract and oversee programs. The Council of Governments is charged with overall management of the workforce area including designation of a fiscal agent. As such, a dual Staff to the Board/Fiscal Agent role is not in conflict with any of the roles, as identified in the WIOA legislation and/or local policy. To segregate the roles and budget of the administrative arm of such a small workforce area would be excessive and result in increased costs.

OVER shall not enter into the roles of direct service provision and/or OhioMeansJobs center operator. The area organizational chart is included as Attachment Two.

Conflict of interest can be real or apparent and both are detrimental to the operation of an organization and public perception. Therefore, in all strong internal control systems there must be separation of duties such that no organization is overseeing the same duties that it performs. The duties identified for the Staff to the Board and Fiscal Agent are complimentary and not in conflict.

This agreement shall remain in effect unless or until legislation is enacted or the operational structure of WIOA Area 15 changes.

IN WITNESS WHEREOF, the parties hereto have duly executed this LOCAL GOVERNANCE AGREEMENT on the day and year set forth above.

Virgil J. Thompson
Virgil Thompson, Council of Governments Chair

6/19/17
Date

Herman Gray Jr
Herman Gray, Jr., Workforce Development Board Chair

6/12/2017
Date

Rebecca Safko
Rebecca Safko, OVER Executive Director

6/12/17
Date

Attachment One WIOA Area Roles and Responsibilities

Chief Elected Official

Per section 3(9) of WIOA, the CEO is the chief elected executive officer of a unit of general local government in a local area and, in a case in which a local area includes more than one unit of general local government, the individual designated under the agreement that specifies the respective roles of the individual CEOs.

Responsibilities of the CEO include, but are not limited to:

- Requesting local area designation;
- Appointing members of the local WDB;
- Requesting local WDB certification;
- Providing input to establish the by-laws of the local WDB;
- Designating a fiscal agent (if not serving as grant recipient);
- Remaining liable for any misuse of WIOA grant funds by the local workforce development area;
- Negotiating local performance measures with the local WDB and the State;
- Negotiating w/WDB and required partners to maintain the one-stop system through the MOU; and
- Partnering with the local WDB and region, to develop and submit the local plan and regional plan.

Fiscal Agent

The fiscal agent is the entity designated by the CEO to serve as the grant recipient for WIOA funds and perform accounting and funds management on behalf of the CEO. The fiscal agent is responsible for the following functions:

- Receiving funds;
- Ensuring sustained fiscal integrity and accountability for expenditures of funds in accordance with OMB circulars, WIOA and corresponding federal regulations and State policies;
- Responding to financial audit findings;
- Maintaining proper accounting records and adequate documentation;
- Preparing financial reports; and
- Providing technical assistance to sub-recipients regarding fiscal issues.
- Procuring contracts or obtaining written agreements;
- Conducting financial monitoring of service providers; and
- Ensuring an independent audit is conducted of all employment and training programs.

Local Workforce Development Board

The local WDB provides strategic and operational oversight, assists in achievement of the State's strategic and operational vision and goals, and maximizes and continues to improve quality of services, customer satisfaction, and effectiveness of services provided.

Some of the roles of the local WDB are to:

- Develop and submit local and regional plans;
- Conduct workforce research and regional labor market analysis;
- Convene local workforce development system stakeholders to assist in the development of the local plan and identify non-Federal expertise and resources to leverage support for workforce development activities;
- Lead efforts to engage a diverse range of employers and other entities in the region;
- Lead efforts to develop and implement career pathways;
- Lead efforts to identify & promote proven/promising strategies and initiatives for meeting the

- needs of employers, workers, and job seekers;
- Conduct oversight of the adult, dislocated worker, and youth programs and the entire workforce delivery system, ensure the appropriate use, management and investment of WIOA funds to maximize performance outcomes;
- Negotiate and reach agreement on local performance measures with the CEO and the State;
- Negotiate with the CEO and required partners to maintain the one-stop through the MOU;
- Select providers of youth program services through competitive grants or contracts;
- Select providers of career services through award of contracts;
- Select the OhioMeansJobs center operator through competitive contracts;
- Ensure there are sufficient numbers and types of providers of career services and training services serving the local area;
- Coordinate activities with education and training providers in the local area, and review applications to provide adult and basic literacy activities to determine whether such applications are consistent with the local plan;
- Develop a budget for the activities of the WDB;
- Assess, annually, physical & programmatic accessibility of all OMJ centers using section 188 of WIOA (pertaining to nondiscrimination), if applicable, and the ADA Act of 1990;
- Certify the OhioMeansJobs centers in the local area;
- In partnership with the CEO, establish by-laws and codes of conduct, which, at minimum, must address all of the following:
 - The nomination process used by the CEO to elect the local WDB chair and members;
 - The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;
 - The process to notify the CEO of a WDB member vacancy to ensure a prompt nominee;
 - The proxy and alternative designee process that will be used when a WDB member is unable to attend a meeting and assigns a designee as per 20 C.F.R. 679.110(d)(4);
 - The use of technology, as allowable under Ohio's Sunshine Laws and Ohio's Open Meetings Act, that will be used to promote WDB member participation;
 - The process to ensure WDB 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;
 - The process to ensure that board members' participation on the board is done in a manner that does not pose a conflict of interest; and
 - A description of other conditions under which a local WDB member may continue to serve on the local WDB if such member has also been appointed to serve on the State Board, as deemed appropriate by the CEO;
- Establish additional monitoring and reporting requirements if one entity is fulfilling multiple functions to ensure the entity is compliant with WIOA, final rules and regulations, OMB circulars, and the State's conflict of interest policy.

Local Workforce Development Board Director and Staff

The local WDB may hire a qualified director, and as appropriate and feasible, staff to assist in ensuring the functions of the local board are achieved. The individual or entity must not be the OhioMeansJobs center operator or the provider of career and/or youth services. If the local WDB does not hire or designate a director, all the functions of the local WDB outlined in section 107(d) of WIOA and 20 C.F.R. 679.370 shall be carried out by the local WDB itself.

The local WDB must establish and apply a set of objective qualifications for the position of director that ensure the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively carrying out the functions of the local WDB which includes, but is not limited to:

- Coordinating with the CEOs regarding the identification and nomination of members to the

- local WDB and ensuring membership is compliant with WIOA;
- Organizing local WDB meetings and ensuring that the meetings are held according to the WDB's by-laws and the sunshine laws;
- Developing and submitting the local and regional plan;
- Conducting oversight of the adult, dislocated worker, and youth programs, including development of policies and monitoring the administration of the programs;
- Negotiating and reaching agreement on local performance measures;
- Negotiating with CEO and required partners for the Memorandum of Understanding;
- Competitively procuring or awarding contracts for providers of youth program services, providers of adult and dislocated worker career services, and the OhioMeansJobs center operator as required in paragraph (l) of 20 C.F.R. 679.370;
- Developing budget for activities of the local WDB; and
- Certifying the OhioMeansJobs centers.

The director and other staff hired by the local WDB may be employed directly by the local WDB or by another entity or organization not directly involved in the delivery of career services and/or youth program services, and/or who is not the OhioMeansJobs center operator. If an individual or entity is designated to fulfill the role of director, this individual or entity also must not be directly involved in the delivery of services or the operation of the OhioMeansJobs center. Per 20 C.F.R. 679.410(d), the general prohibitions that apply to local boards directly providing career services also apply to local WDB staff.

OhioMeansJobs Center Operator

The OhioMeansJobs center operator must be competitively procured by the local WDB. Minimally, the OhioMeansJobs center operator is the coordinator of the OhioMeansJobs partners. Therefore, the OhioMeansJobs center operator must perform the following:

- Coordinate service delivery among partners as defined in the memorandum of understanding;
- Coordinate service delivery among physical OhioMeansJobs centers and electronic sites;
- Coordinate services across the local area workforce development system;
- Implement local WDB policies; and
- Report to the local WDB on operations, performance accountability, and continuous improvements.

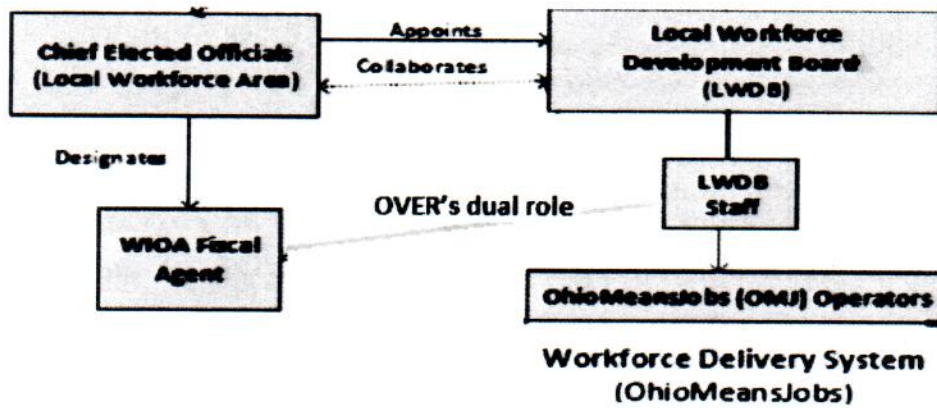
The entity selected to be the operator may also be procured to provide career services to adult and dislocated workers and/or youth program services.

The OhioMeansJobs center operator cannot assume functions that are inherently the responsibility of the local WDB and its staff.

Attachment Two
Organizational Chart of Roles

Workforce Innovation & Opportunity Act (WIOA) Area 15

Organizational Chart



Required Partner Programs Under the One-Stop System

WIOA Title I	WIOA Title II	Comm. Services Block Grant
1) Adult	9) ABL	15) E & T Programs
2) Dislocated Worker	10) Perkins Act	Housing and Urban Develop.
3) Youth	WIOA Title III	16) E & T Programs
4) Job Corps	11) Wagner-Peyser	Social Security Act Title IV
5) Native American	12) Veterans E&T (VSG)	17) TANF
6) Migrant/Seasonal Farmworker	WIOA Title IV	Other
7) Nat'l Dislocated Worker Grants (TAA/ NAFTA/Rapid Response/FEMA)	13) Rehab Services	18) Unemployment Insurance
8) Youthbuild	Other Amer. Act Title V	19) Second Chance Act
	14) SCSEP	