WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Executive Committee

A G E N D A

October 27, 2016
3:00 p.m.

Meeting will be held at:

Madera County Workforce Assistance Center
Executive Conference Room
441 E. Yosemite Avenue
Madera, CA 93638
(559) 662-4589

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the Workforce Development Board of Madera County, may request assistance by contacting the Executive Assistant at Madera County Workforce Investment Corporation office, 441 E. Yosemite Avenue, Madera, CA 93638; Telephone 559/662-4589; Fax 559/673-1794.

This agenda and supporting documents relating to the items on this agenda are available through the Workforce Development Board website at http://www.maderaworkforce.org/wib/public-meetings/executive-committee-2/. These documents are also available at the Madera County Workforce Assistance Center – office of the Executive Director.

1.0 Call to Order

1.1 Pledge of Allegiance

2.0 Additions to the Agenda

Items identified after preparation of the Agenda for which there is a need to take immediate action. Two-thirds vote required for consideration (Government Code Section 54954.2(b)(2))

3.0 Public Comment

This time is made available for comment from the public on matters within the Board's jurisdiction. The comment period will be limited to 15 minutes. Each speaker will be limited to 3 minutes and only one speaker per subject matter.

4.0 Introductions and Recognitions

5.0 Adoption of Board Agenda

6.0 Consent Calendar

6.1 Approve Workforce Development Board (WDB) of Madera County Meeting Minutes – September 15, 2016

7.0 Action Items

7.1 Approve Re-Appointment of David Salter, Private Sector, to the WDB for an additional 3 year term: 11/26/16 to 11/26/19.

7.2 Approve revising the Supportive Services Policy so as to lower the allowable total cost of supportive services from $2,500 to $1,500 and fix the mileage reimbursement rate to $8 per day for anyone driving 25 miles or more to training effective November 1, 2016.

7.3 Approve revisions to the On-the-Job Training (OJT) policy to permit higher reimbursement rates only when the negotiated starting wage for the OJT participant is at least $1.00 above the current minimum wage.

7.4 Approve early termination of Out-of-Youth (OSY) services contract effective December 31, 2016.

7.5 Approve retracting the Request for Proposals (RFP) for the One Stop Procurement.

7.6 Approve researching a procurement for a local sub-regional One Stop Operator.

8.0 Information Items

8.1 MCWIC Update

8.2 Financial and Program Activity Update

8.3 Grants/Projects Update

8.4 Facilities Update

8.5 Local Workforce Area Regional and Local Plan

8.6 Memorandum of Understanding (MOU) Phase II

8.7 WDB Executive Committee Restructuring/Disbandment

8.8 Facilitated Workforce Development Board (WDB) Session – October 31, 2016

8.9 Workforce Innovation and Opportunity Act (WIOA) Board Roles and Responsibilities

9.0 Written Communication

9.1 Madera County Fall Job Fair

10.0 Open Discussion/Reports/Information

10.1 Committee Members

10.2 Staff

11.0 Next Meeting

November 24, 2016

12.0 Adjournment

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

MINUTES

September 15, 2016

CONVENED AT:

Madera County Workforce Assistance Center
Executive Conference Room
441 E. Yosemite Avenue
Madera, CA 93638
(559) 662-4589

Department of Rehabilitation via Phone Call
Conference Room
464 East Yosemite Avenue, Suite A
Merced, CA 95340
(209) 726-6527

PRESENT: Michelle Brunetti, Bridget Carpenter, John Fitzer, Brett Frazier, Mike Fursman, Gabriel Gil, Pat Gordon, Laura Gutile, David Hernandez, Sofia Morales, Nichole Mosqueda, Ivan Otamendi, Robert Poythress, Chuck Riojas, David Salter (3:07), Les Taylor, Kimberly Thomas, Elizabeth Wisener

ABSENT: Casey R. Diaz, Ernie Flores, Bobby Kahn, Mike Lopez, Oscar Neri, Terry Nichols, Jim Rodriguez, Cindy Vail, Carey R. Wilson, Kelly Woodard, Ruben Zarate

GUEST:

OTHERS: Elaine Craig, Tracie Scott-Contreras, Gail, Lopez, Jessica Roche, Maiknue Vang, Nicki Martin, Steven Gutierrez

1.0 Call to Order

Meeting called to order by Workforce Development Board (WDB) Chair Pat Gordon

1.1 Pledge of Allegiance

2.0 Additions to the Agenda

None

3.0 Public Comment

None

4.0 Introductions and Recognitions

Directors and staff introduced themselves.

5.0 Adoption of Board Agenda

Pat Gordon moved to adopt the agenda, seconded by David Hernandez.

Vote: Approved – unanimous

Yes: Michelle Brunetti, Bridget Carpenter, John Fitzer, Brett Frazier, Mike Fursman, Gabriel Gil, Pat Gordon, Laura Gutile, David Hernandez, Sofia Morales, Nichole Mosqueda, Ivan Otamendi, Robert Poythress, Chuck Riojas, Les Taylor, Kimberly Thomas, Elizabeth Wisener

6.0 Consent Calendar

6.1 Ratify the Workforce Development Board (WDB) of Madera County Meeting Minutes – June 16, 2016

6.2 Approve the Executive Committee Meeting Minutes – July 28, 2016

6.3 Ratify the Private Sector Representative Nomination of Michelle Brunetti, Director, Human Resources – Valley Children's Hospital to the WDB for an appointment of a 3 Year Term.

6.4 Approve the Private Sector Representative Nomination of Bridget Carpenter, Sales Manager – SpringHill Suites Madera to the WDB for an appointment of a 3 Year Term.

6.5 Ratify the Private Sector Representative Nomination of Cindy Vail, Owner/Broker, Vail Insurance Services LLC to the WDB for an appointment of a 3 Year Term.

6.6 Ratify the Labor Sector Representative Nomination of Mike Fursman, Representative – UFCW Local 8 to the WDB for an appointment of a 3 Year Term.

6.7 Ratify the Revision to the One-the-Job Training (OJT) Policy to clarify that only one OJT per participant is allowed, unless an exception to the policy is approved by the Executive Director.

6.8 Ratify the Revisions to the Individual Training Account (ITA) Policy to define payment options currently used with various types of training providers, including reimbursement based on hours of training completed, or modules of training completed, and to account for payment of fees/tuition for community college programs.

Mike Fursman moved to approve agenda items 6.1 to 6.8, seconded by Rob Poythress.

Vote: Approved – unanimous

Yes: Michelle Brunetti, Bridget Carpenter, John Fitzer, Brett Frazier, Mike Fursman, Gabriel Gil, Pat Gordon, Laura Gutile, David Hernandez, Sofia Morales, Nichole Mosqueda, Ivan Otamendi, Robert Poythress, Chuck Riojas, Les Taylor, Kimberly Thomas, Elizabeth Wisener

7.0 Action Items

7.1 Approve the Re-appointment of Ruben Zarate, Laborers' International Union of North America #294, to the WDB.

Mr. Zarate's re-appointment will help the WDB maintain its mandatory Labor Sector composition.

Mike Fursman moved to approve, seconded by David Hernandez.

Vote: Approved – unanimous

Yes: Michelle Brunetti, Bridget Carpenter, John Fitzer, Brett Frazier, Mike Fursman, Gabriel Gil, Pat Gordon, Laura Gutile, David Hernandez, Sofia Morales, Nichole Mosqueda, Ivan Otamendi, Robert Poythress, Chuck Riojas, Les Taylor, Kimberly Thomas, Elizabeth Wisener

7.2 Approve letting a Request for Proposals (RFP) for the One Stop Procurement.

The Executive Committee approved letting an RFP for the One Stop Procurement at their July 28, 2016 meeting. The Workforce Innovation and Opportunity Act (WIOA) requires that all One Stop Operators be competitively procured. 2/3 of local workforce boards run their own One Stops and will have to let an RFP for their One Stops. Previously, staff intended to submit a proposal for the Operator role but are unable to do so due to WIOA firewall mandates. The WDB will maintain and provide business services and lay-off aversion services. Staff will most likely be laid off except for those who will work the business and lay-off aversion programs. Staff have researched and conferred with counsel and have concluded that letting an RFP is the best course of action. An RFP will be let and staff will call for volunteers to rate the proposals. An operator must be identified and designated by July 1, 2017.

Rob Poythress moved to approve, seconded by David Hernandez.

Vote: Approved – unanimous

Yes: Michelle Brunetti, Bridget Carpenter, John Fitzer, Brett Frazier, Mike Fursman, Gabriel Gil, Pat Gordon, Laura Gutile, David Hernandez, Sofia Morales, Nichole Mosqueda, Ivan Otamendi, Robert Poythress, Chuck Riojas, David Salter (3:07), Les Taylor, Kimberly Thomas, Elizabeth Wisener

7.3 Approve staff researching Out-of-School (OSY) youth program as an in-house service.

The Executive Committee met on July 28, 2016 and approved providing youth program services as an in-house service. MCWIC would elect not to let an RFP for youth services and would start providing youth services at the end of the current youth provider's contract.

Mike Fursman moved to approve, seconded by Nichole Mosqueda.

Vote: Approved – unanimous

Yes: Michelle Brunetti, Bridget Carpenter, John Fitzer, Brett Frazier, Mike Fursman, Gabriel Gil, Pat Gordon, Laura Gutile, David Hernandez, Sofia Morales, Nichole Mosqueda, Ivan Otamendi, Robert Poythress, Chuck Riojas, David Salter, Les Taylor, Kimberly Thomas, Elizabeth Wisener

8.0 Information Items

8.1 MCWIC Update

All information provided in agenda packet.

8.2 Financial and Program Activity Update

Information provided in agenda packet.

8.3 Grants/Projects Update

Information provided in agenda packet.

8.4 Facilities Update

Information provided in agenda packet.

8.5 WIOA Transition Update

Information provided in agenda packet.

8.6 Regional Planning Update

Information provided in agenda packet.

8.7 Facilitated Board Session

Staff want to hold another John Baker facilitated Board session. Both the WDB and MCWIC board members will be invited to attend. The session will focus on the WDB role per WIOA. A survey for possible dates will sent to Directors.

8.8 Website Redesign/Social Media Update

Information provided in agenda packet.

8.9 Preliminary 2015-16 Performance and 2016-18 Performance Negotiations

Information provided in agenda packet.

8.10 WDB Executive Committee/WDB Restructuring Discussion

Staff want to structure the meetings in such a way as to keep the Board engaged. John Baker can facilitate and provide a session on Board responsibilities. WIOA sates that a non-board member sit on the WDB. It may be possible to restructure the WDB to include a non-board member and disband the Executive Committee. The WDB considered and may want to meet every other week. The Bylaws would need to be revised once a final decision has been made.

8.11 WDB Dashboard

Information provided in agenda packet.

8.12 Success Story

<u>Participant Success Story</u>: Adriana came to the One Stop and was provided services by Mike Lovell, Career Specialist. Adriana spoke of her background and struggle to gain employment once she returned to Madera. Mike encouraged her to apply for the Manager position with Planet Fitness and was the successful candidate. She has since gone to training in Florida and is getting ready to open the new Madera location. She highly recommends that people come to the Center and use their services.

<u>Employer Success Story</u>: In his role as HR Manager with Ardagh Group, Michael has worked with Jorge Espinosa, Business Specialist. Jorge has provided services such as screening and recruiting and Ardagh has been able to hire high quality employees as a result.

9.0 Written Communication

9.1 HR Hotline

9.2 2016 CA Partnership for the San Joaquin Valley Summit

10.0 Open Discussion/Reports/Information

10.1 Committee Members

None

10.2 Staff

None

11.0 Next Meeting

December 15, 2016

12.0 Adjournment

Meeting adjourned at 4:02 p.m.

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

SUPPORTIVE SERVICES POLICY

EDD Revision Date: N/A
WIB Review Date: 7/26/07; 12/20/07, 12/17/09, 4/22/10, 9/23/10, 6/21/12; 6/27/13; 5/22/14; 12/17/15; 10/27/16

EXECUTIVE SUMMARY:

Purpose:

This document establishes the Workforce Development Board of Madera County's policy regarding the provision of supportive services to individuals participating in WIOA-funded career and training services.

References:

Note: References from WIOA are from the Act, as signed into law in July 2014. References from Title 20 of the Code of Federal Regulations (CFR) are cited from the Notice of Proposed Rulemaking, and are therefore subject to change pending issuance of final Federal Regulations.

- Workforce Innovation and Opportunity Act (WIOA) Sections 129 and 134
- Title 20 CFR Section 680.120, 680.910

Policy:

The Workforce Innovation and Opportunity Act Section 134(d)(2) expressly permits the provision of supportive services to adults and dislocated workers who are participating in WIOA-funded career and training services, **if they are unable to obtain such services through other programs**, while Section 129(c)(2)(G) requires supportive services to be available to youth participants through the local system of eligible youth service providers. Section 3(59) of the Workforce Innovation and Opportunity Act defines supportive services as "services such as transportation, child care, dependent care, housing, and needs related payments, that are necessary to enable an individual to participate in" Workforce Innovation and Opportunity Act funded activities.

It is the policy of the Workforce Development Board of Madera County to facilitate the provision of supportive services to individuals who are participating in individualized career or training services, who are unable to obtain supportive services through other programs providing such services, and only when such services are necessary to enable individuals to participate in title I activities, as stipulated in 20 CFR Subpart G Section 680.910. Accurate

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information regarding the availability of supportive services in the local area, as well as referral to such services, will be provided as a basic career service to adults and dislocated workers through the local One-Stop delivery system (WIOA 134(d)(1)(B)). The Workforce Development Board of Madera County has established limits on the types of available supportive services and a limit of a maximum of $1,500 of funding available to individual participants for supportive services funded through WIOA, as allowed under 20 CFR Subpart G Section 680.120. All supportive services must be requested and approved in advance. Customers will not be reimbursed for supportive services purchases or payments that they have made directly.

The locally approved supportive services are as follows:

- Supportive Services will include, but may not be limited to: transportation assistance, mileage reimbursement, uniforms, tools, safety equipment, certification/licensing exam fees, medical services including required physicals and immunizations, drug testing, standardized work clothing or footwear, registration fees, union initiation fees, union dues (limited to one payment of not more than 3 months of dues) or instructional books, materials, and supplies. Purchase of any of these items requires written documentation that the items are required for training or employment, and verification that they are not reimbursed or provided by the employer or training provider.

- Transportation allowance – Provided for non-paid activities; may include MAX passes, Dial-a-Ride tickets, or a flat-rate daily reimbursement, only if the service is not available through some other source. Limited transportation funds may result in only partial subsidy of transportation costs, based on individual needs and the availability of other resources. ~~**Direct participant reimbursement for travel more than 25 miles round trip to attend a non-paid training activity will only be available to individuals who can provide documentation of a current California Driver's License, as well as proof of current vehicle registration and insurance for the vehicle being used for travel.**~~ A flat-rate reimbursement of $8.00 per day of travel required for training will only be provided to individuals who must travel a minimum of 25 miles round trip per day to an unpaid training activity using their own vehicle. **Travel Reimbursement will only be available to individuals who can provide documentation of a current California Driver's License, as well as proof of current vehicle registration and insurance for the vehicle being used for travel.**

These limits apply to WIOA formula-funded activities and services. Exceptions to these limits may be approved by the Executive Director (or designee) on a case-by-case basis for specific training programs or employment opportunities with higher support costs/needs. Projects funded by specific grants or from sources other than WIOA formula allocations will follow any limits established by the specific grant, proposal, or project, and may exceed the limits established here, when necessary, allowable, and appropriate for successful participation in, or retention in and completion of, training or employment. In addition, the provision of supportive services may be suspended, revoked, or reduced at any time, based on funds available, changes in program design or delivery, or at the discretion of the Executive Director.

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Action:

This policy is effective on the date approved by the Workforce Development Board of Madera County, and replaces the previous version approved by the Board on December 17, 2015. Retain this policy until further notice.

Inquiries:

If you have questions, please contact the Executive Director or designee at (559) 662-4500.

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WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

ON-THE-JOB TRAINING POLICY

EDD Revision Date: N/A
WDB Review Date: 7/26/07; 12/20/07; 4/28/11; 12/12/11; 9/18/14; 12/17/15; 2/29/16; 6/16/16; 7/28/16; 10/27/16

Purpose:

This document establishes the Workforce Development Board of Madera County's policy regarding the use of On-the-Job Training (OJT) agreements as an allowable local training activity pursuant to the Workforce Innovation and Opportunity Act.

References:

Note: References from WIOA are from the Act, as signed into law in July 2014. References from Title 20 of the Code of Federal Regulations (CFR) are cited from the Notice of Proposed Rulemaking, and are therefore subject to change pending issuance of final Federal Regulations.

- Workforce Innovation and Opportunity Act (WIOA), Section 134
- Title 20 Code of Federal Regulations (CFR) Sections 680.700 – 680.730

Background:

The Workforce Innovation and Opportunity Act (WIOA) Section 134(c)(3)(D)(ii) specifically lists on-the-job training as an allowable local employment and training activity. Section 3(44) of the Workforce Innovation and Opportunity Act defines OJT as "training by an employer that is provided to a paid participant while engaged in productive work". Additionally, any OJT should provide knowledge or skills essential to the full and adequate performance of the job. The Act allows reimbursement to the employer of **up to a maximum of 50 percent** of the wage rate to offset the extraordinary costs of the provision of the training and additional supervision required during the course of the training. WIOA Section 134(c)(H)(ii) permits a Local Workforce Development Board to increase the reimbursement rate for OJT **up to 75%** when taking into account:

- the characteristics of the participant and whether they are an individual with barriers to employment;
- the size of the employer, with an emphasis on small business;
- the quality of the employer-provided training and advancement opportunities, including whether the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential; and

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- other factors that the Board may determine to be appropriate, which may include the number of individuals participating, the wage and benefit levels of the participants both during and following the completion of the OJT, and the relation of the training to the competitiveness of the participant.

OJT agreements will be limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the individual service strategy of the participant. Consistent with Workforce Innovation and Opportunity Act Section 194(4), OJT agreements using funds under the act shall not be provided to employers who have exhibited a pattern of failing to provide participants with continued long-term employment, including the provision of wages, working conditions and employment benefits consistent with other employees with similar tenure and duties.

Policy:

The Workforce Development Board of Madera County will utilize On-the-Job Training agreements, as an appropriate and allowable training activity, consistent with the definitions and requirements of the Workforce Innovation and Opportunity Act as outlined in the previous paragraphs. In addition, it is the policy of the Workforce Development Board of Madera County to provide OJT agreements for positions that are directly linked to employment opportunities in the local area (WIOA 134(d)(4)(A)(iii)), as determined by the Board's policy regarding occupations in demand, or by specific documentation from local employers or labor market information. OJT will only be provided for positions paying no less than $0.50 above the current minimum hourly wage, and for employment providing no less than 32 hours of work per week. Reimbursement amounts to employers utilizing OJT will be based on straight time hours worked in training and will not exceed the maximum allowed under WIOA and/or Local Board policy, unless there is a current approved waiver of the cap from the U.S. Department of Labor or the terms and conditions of a special project or alternate funding source allow for a higher reimbursement rate. The ratio of OJT trainees to regular employees will typically not exceed 1:7 unless the total number of employees in the business is less than 7; ratios exceeding one trainee to seven regular employees must be approved by the Executive Director. All OJT agreements with employers of any size offering between $0.50 and $0.99 above the current minimum wage will be reimbursed at the standard 50% rate.

The Workforce Development Board of Madera County approves the use of higher reimbursement rates for certain sizes of small businesses in Madera County who are offering a starting wage of at least $1.00 above the current minimum wage as outlined below:

- 1-20 employees reimbursed at 75%

21-35 employees reimbursed at 70%

- 36-50 employees reimbursed at 60%.
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Reimbursement rates below 50% may be negotiated with businesses with more than 100 employees, or who are offering a starting wage more than $5.00 above the current minimum wage.

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Maximum training hours and total reimbursement for each OJT agreement will be negotiated individually based on the elements of training, skill and experience levels of the participant, the size of the business, and the hourly wage at entry into the position, as outlined above. The maximum allowable length for an OJT agreement will be 528 work/training hours. The maximum allowable OJT hours are typically reserved for individuals who are being trained in a new industry or sector in which they have no previous experience. In no event will training through an OJT be provided for skills in which the individual has previous experience, unless it can be documented that the specific skill is unique to the specific employer (such as specialized software or unique equipment). Extensions to OJT agreements already in place will not be provided. Only one OJT opportunity will be provided to each individual customer.

Exceptions to this policy may be approved by the Executive Director on a case-by-case basis for specific training programs or employment opportunities with higher support costs/needs. Projects funded by special grants will follow any limits established by the specific grant, proposal, or project, and may exceed the limits established here, when necessary, allowable, and appropriate for successful participation in, or completion of, training or employment programs.

Action:

This policy is effective on January 1, 2017 if approved by the Workforce Development Board of Madera County and replaces the previous version approved by the Board on July 28, 2016. Retain this policy until further notice.

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Inquiries:

If you have questions, please contact the Executive Director or designee at (559) 662-4500.

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Employment Development Department
State of California
Workforce Services

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CALIFORNIA Workforce Development Board

SELECTION OF AJCC OPERATORS AND CAREER SERVICES PROVIDERS

GENERAL INSTRUCTIONS

The attached directive is being issued in draft to give the Workforce Development Community the opportunity to review and comment prior to final issuance.

Submit any comments by email or mail no later than Friday, October 21, 2016.

All comments received within the comment period will be considered before issuing the final directive. Commenters will not be responded to individually. Rather, a summary of comments will be included with the final directive.

Comments received after the specified due date will not be considered.

Email MelissaM.Williams@edd.ca.gov
Include "Draft Directive Comments" in the e-mail subject line.

Mail Employment Development Department
Attn.: Melissa Williams/Policy Unit
P.O. Box 826880 / MIC 50
Sacramento, CA 94280-0001

If you have any questions, contact Melissa Williams at 916-654-0205.

SELECTION OF AJCC OPERATORS AND CAREER SERVICES PROVIDERS

EXECUTIVE SUMMARY

This policy provides guidance and establishes the procedures regarding the selection of America's Job Center of California[SM] (AJCC) Operators and Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker Career Services Providers. This policy applies to all Local Workforce Development Boards (Local Boards), and is effective on date of issuance.

This policy contains some state-imposed requirements. All state-imposed requirements are indicated by ***bold, italic*** type.

Retain this directive until further notice.

REFERENCES

- WIOA (Public Law 113-128)
- Title 2 Code of Federal Regulations (CFR) Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)
- Title 2 CFR Part 2900: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Department of Labor Exceptions)
- Title 20 *Code of Federal Regulations* (CFR) Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule)
- Title 34 *Code of Federal Regulations* (CFR) WIOA, Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions (WIOA Joint Final Rule)
- United States Government Accountability Office (GAO) Publication GAO-14-704G: Standards for Internal Control in the Federal Government (September 10, 2014)

BACKGROUND

America's Job Center of California[SM] (AJCC) locations are the core of California's workforce system. The AJCC Operators and Title I Adult and Dislocated Worker Career Services Providers play a critical role in ensuring that AJCCs are serving as an all-inclusive access point to education and training programs for a wide range of customers.

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

Local Boards must conduct an open and competitive process in order to select their AJCC Operators as stated in WIOA Section 121(d)(2)(A). Although not required, Local Boards are also strongly encouraged to use a competitive process to select their Adult and Dislocated Worker Career Services Providers as stated in WIOA Section 107(d)(10)(D). Undergoing a competitive process promotes efficiency and effectiveness of the AJCC Operator and Adult and Dislocated Worker Career Services Providers by regularly examining performance and costs.

POLICY AND PROCEDURES

The AJCC Operators and the Adult and Dislocated Worker Career Services Providers fulfill two distinct and separate roles within the local AJCC system. These roles may be filled by the same entity or different entities based on what the Local Board determines best for meeting the needs of its customers and demographic area, but, these must be clearly articulated as part of the competitive procurement and selection process.

In California, AJCC Operators are only responsible for coordinating service delivery among all AJCC partners and service providers within the Local Workforce Development Area (Local Area). By having the AJCC Operator act as the local service delivery coordinator, it allows Local Boards to focus on strategic planning and developing partnerships at the local and regional level.

Roles and Responsibilities

The role of the AJCC Operator is limited to:

- Coordinating the service delivery of required AJCC partners and service providers.
- Ensuring the implementation of partner responsibilities and contributions agreed upon in Memorandums of Understanding - Phase I and Phase II.

The role of the Adult and Dislocated Worker Career Services Provider includes:

- Providing basic career services including but not limited to participant intake, orientations, initial assessments, employment services, referrals to other partners and services.
- Providing individualized career services including but not limited to comprehensive and specialized assessments, case management, individual employment plans, career planning, and vocational counseling.
- Managing the daily operations in coordination with local fiscal agents for the lease, utilities, and other property activities in support of AJCC premises.
- Managing the hours of operation for AJCCs.

The responsibilities of both the AJCC Operator and Adult and Dislocated Worker Career Services Provider include:

- Reporting to Local Boards on operations, performance, and continuous improvement recommendations.
- Implementing policies established by Local Boards.
- Adhering to all applicable federal and state guidance.

To further support regional planning efforts, Local Boards may also choose to regionally select an AJCC Operator or Adult and Dislocated Worker Career Services Provider if operational conditions make it feasible. Selecting one AJCC Operator or Adult and Dislocated Worker Career Services Provider for all of the Local Boards in a Regional Planning Unit may help align, coordinate, and integrate programs and services on a regional basis. However, please note that there are certain restrictions Local Boards must adhere to when defining the AJCC Operator role. Within the defined roles and responsibilities, the AJCC Operator may not perform any of the following:

- Convene system stakeholders to assist in the development of the local plan.
- Prepare and submit local plans.
- Be responsible for oversight of itself.
- Manage or significantly participate in the competitive selection process for AJCC operators.
- Select or terminate AJCC Operators, Adult and Dislocated Worker Career Services Providers, and Youth Service Providers.
- Negotiate local performance accountability measures.
- Develop and submit budget for activities of the Local Board in the Local Area.

If the entity serving as the AJCC Operator also serves in a different capacity within the AJCC service delivery system (e.g. Local Board support), it may perform some or all of the functions listed above only when acting in its other role as long as there are clearly established firewalls and conflict of interest policies and procedures in place that conform with Title 20 CFR Section 679.430 (Title 20 CFR Section 678.620).

Definitions

For the purposes of this directive, the following definitions apply:

Conflict of Interest – An employee, officer, agent, or any member of the organization that has interest in a financial gain or tangible benefit and who participates in the selection, award, or administration of a contract supported by a federal award (Uniform Guidance Section 200.318[c][1]).

Firewall – An established policy or procedure that acts as a barrier or protection against an undesirable influence, outcome, or authority. Examples of firewalls include but are not limited to organizational arrangements that provide clear separation of duties and responsibilities, reporting hierarchy of managers and staff that provide clear separation between job duties and responsibilities, and conflict of interest/confidentiality/disclosure agreements.

Administrative entity – a unit of local government, corporation, or agency designated by a Chief Elected Official (CEO) to oversee and administer WIOA in the Local Area.

Internal Control – A process designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

- Effectiveness and efficiency of operations.
- Reliability of reporting for internal and external use.

- Compliance with applicable laws and regulations.

(Uniform Guidance Section 200.61)

Competitive Process for Selection of AJCC Operator

Local Boards must select their AJCC Operator through a competitive process at least once every four years (WIOA Section 121[d][2][A]). As part of that competitive process, Local Boards are required to clearly articulate the expected role(s) and responsibilities of the AJCC Operator (Title 20 CFR Section 678.620[a]).

AJCC Operators may be a single public, private, or non-profit entity or consortium of entities. However, if a consortium of entities consists of AJCC partners, it must include a minimum of three of the required AJCC partners listed in WIOA Section 121(b)(1).

The types of entities eligible to be an AJCC Operator include (WIOA Section 121[d][2][B]):

- An institution of higher education
- An employment service state agency established under the Wagner-Peyser Act
- A community-based organization, nonprofit organization, or workforce intermediary
- A private for-profit entity
- A government agency
- Another interested organization or entity, which may include a local chamber of commerce or other business organization, or a labor organization

Local Boards must ensure that, in carrying out WIOA programs and activities, AJCC Operators adhere to the following (Title 20 CFR Section 678.600):

- Disclose any potential conflicts of interest arising from the relations of the AJCC operator with particular training service providers or other service providers in accordance with Uniform Guidance Section 200.318.
- Do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services.
- Comply with federal regulations and procurement policies relating to the calculation and use of profits as outlined in Uniform Guidance.
- Adhere to any applicable firewalls or internal controls.

When selecting an AJCC Operator, Local Boards are required to fully adhere to the federal procurement standards outlined in Uniform Guidance Section 200.318-200.326, as well as their local procurement policies.

Although the intent of WIOA is for all Local Boards to procure their AJCC Operators through a full and open competitive process, the Uniform Guidance allows for very limited instances in which alternate procurement methods may be allowed, if substantial justification is provided.

The following are allowable procurement processes under Uniform Guidance:

1. Sealed Bid - Uniform Guidance Section 200.320(c)
2. Competitive Proposals - Uniform Guidance Section 200.320(d)
3. Sole Source - Uniform Guidance Section 200.320(f):
    a) The AJCC operator services are only available from a single source.
    b) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
    c) After solicitation from a number of sources, competition is determined to be inadequate.

Whichever procurement method is used, Local Boards must retain extensive written documentation of the procurement process from beginning to end. Local Boards must also make available to the public, through electronic means and open meetings, information regarding their selection of AJCC Operators (WIOA Section 107[e]).

If a Local Board or administrative entity wishes to participate in the competitive process then the appropriate internal control, conflict of interest, and firewall policies must be put in place and adhered to throughout the duration of the procurement process. This includes, but is not limited to, the requirement that solicitation and scoring be managed by a fair and impartial third party who is free of any conflict of interest (real or perceived). In other words, Local Board staff or the agency that employs such staff cannot in any way be involved with or connected to the development of the solicitation, the facilitation of the scoring process, or the scoring of proposals.

All AJCC Operators must be in place and operating in the AJCCs no later than July 1, 2017 (Title 20 CFR Section 678.635).

Request for Approval to be AJCC Operator

If a Local Board or administrative entity competes to serve as the AJCC Operator and is chosen through an appropriate procurement process, they may be designated as an AJCC Operator only with the agreement of the CEO and the Governor [WIOA 107(g)(2)]. In order to be considered by the Governor for designation as an AJCC Operator, the CEO must submit a Request for Approval to be AJCC Operator application (Attachment 1) along with the required supporting documentation to the State Board **by March 1, 2017**, through one of the following methods:

Mail:	California Workforce Development Board P.O. Box 826880 Sacramento, CA 94280-0001
Overnight Mail/ Hand Deliver:	California Workforce Development Board 800 Capitol Mall, Suite 1022 Sacramento, CA 95814

DRAFT

The local CEO will be notified in writing by May 1, 2017, regarding the approval or denial of the proposed Request for Approval. If approved, the designation will be effective immediately upon approval.

Title I Adult and Dislocated Worker Career Service Providers

Local Boards are responsible for identifying eligible Adult and Dislocated Worker Career Services Providers. The WIOA Section 107(d)(10)(D) states that if the AJCC Operator does not provide the Adult and Dislocated Worker Career Services described in Section 134(c)(2), the Local Board must identify eligible providers of those Adult and Dislocated Worker Career Services in the Local Area by awarding contracts. Procurement of Adult and Dislocated Worker Career Services Providers must follow the appropriate competitive selection process based on local procurement policies and the policies and principles of competitive procurement specified in Uniform Guidance Section 200.318-200.326.

All Adult and Dislocated Worker Career Services Providers must be in place and operating in the AJCCs no later than July 1, 2017.

Request for Approval to be Adult and Dislocated Worker Career Services Provider

A Local Board or administrative entity may be designated as an Adult and Dislocated Worker Career Services Provider only with the approval of the CEO and the Governor (WIOA Section 107[g][2] and Title 20 CFR 679.410[b]). Approval under this provision would serve as the agreement by the Governor and would exempt the Local Board from selecting Adult and Dislocated Worker Career Service Providers through a competitive process by allowing them to fulfill the role themselves. In line with the time period of selecting of AJCC Operators, if a Local Board receives approval to provide Adult and Dislocated Worker Career Services that approval will be valid for a maximum of four years, after which time another request must be submitted.

If a Local Board or administrative entity wants to provide Adult and Dislocated Worker Career Services, the local CEO must submit the Request for Approval to be Adult and Dislocated Worker Career Services Provider application (Attachment 2) and the required supporting documentation to the State Board by March 1, 2017, through one of the following methods:

Mail:	California Workforce Development Board P.O. Box 826880 Sacramento, CA 94280-0001
Overnight Mail/ Hand Deliver:	California Workforce Development Board 800 Capitol Mall, Suite 1022 Sacramento, CA 95814

The local CEO will be notified in writing by May 1, 2017, regarding the status his/her request. If approved, the designation will be effective immediately upon approval.

ACTION

Please bring this directive to the attention of the Local Board and other relevant parties.

INQUIRIES

If you have any questions, contact you assigned Regional Advisor at 916-654-7799.

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

Attachments are available on the internet:

1. Request for Approval to be America's Job Center of California℠ Operator
2. Request for Approval to be Adult and Dislocated Worker Career Services Provider

DRAFT

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Executive Committee

Agenda Item 8.1

☐ **Consent** ☐ **Action** ☒ **Information**

To: **Workforce Development Board of Madera County**

From: **Elaine Craig, Executive Director**

Date: **October 27, 2016**

Subject: **MCWIC Update**

Information:

Staff have contracted with John Baker, Core Factors for a facilitated Board session scheduled for Monday, October 31, 2016. Breakfast will be available beginning at 7:30 and the session will begin at 8:00 am until 12:30 pm. Lunch will be served. John facilitated the strategic goals session a year ago. The purpose of the session is to review the WIOA required roles and responsibilities and to review the strategic goals to determine alignment both with WIOA and the current environment. Staff invited both the Workforce Development Board and the Madera County Workforce Investment Corporation Board members.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Executive Committee

Agenda Item 8.2

☐ **Consent** ☐ **Action** ☒ **Information**

To: **Workforce Development Board of Madera County**

From: **Elaine Craig, Executive Director**

Date: **October 27, 2016**

Subject: **Financial and Program Activity Update**

Information:

Staff will provide the most recent financial and program activities data through September 30, 2016

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Executive Committee

Agenda Item 8.3

☐ **Consent** ☐ **Action** ☒ **Information**

To: **Workforce Development Board of Madera County**

From: **Elaine Craig, Executive Director**

Date: **October 27, 2016**

Subject: **Grants/Projects Update**

Information:

- CCP/AB109: This contract was renewed for 2016-2017 with a decrease in funding from the Department of Corrections. We continue to provide in custody job readiness workshops at the Madera County Department of Corrections facility however the staffing has been reduced and is only available to conduct the workshops. Evaluations from the participants, and DOC staff, have been excellent, and some of the participants have started to come into the Center after they are released from the facility and are ready to begin training or job search. We are also conducting specialized, 3 hour orientation sessions four times per month for individuals referred from County Corrections and Probation. The sessions assist these customers to access the services they need to become employed.

- Dislocated Worker – Additional Assistance Grant: This funding expired May 31, 2016 and we were successful in expending the entire amount. We are also continuing to assist Chukchansi since they have reopened with their workforce needs.

- Wells Fargo Grants: We continue to provide resources and assistance to veterans in the community with the second round of funds from Wells Fargo in the amount of $10,000. The intent for use of this second round of funding is to continue with the work started last year. We will continue to recruit Veteran Mentors, increase advertising and outreach to the Veteran community, participate in all Veteran-oriented community events, and continue to add resources and options to improve our web-based Veteran Resource Center, including the addition of an on-line interest form. We were provided with a showcase window at the County Government Center and provided a veteran display specific to veterans with a sign that thanked Wells Fargo for the opportunity to serve veterans with their funding. We have also received $15,000 to assist single parent female households, now extended to single parent male households, with a staff navigator and mentor to identify community resources and navigate barriers and challenges faced by this particular population. We have mentors assisting us with focus groups and surveys as well as outreach into the community to better determine the needs of this particular population. We were again invited to submit a letter of interest and subsequently an application for a rural workforce development $75,000 grant (this is invitation only) and though we were a finalist, ultimately we were not one of the successful

applicants. We were recently contacted by Wells Fargo and asked to submit a proposal for up to $20,000. A discussion ensued about the scope of work that would be considered and we have submitted a proposal to fund a dedicated HiSET class, with instructor and clerical support and flexible hours for customers and we were recently notified that we were successful for that amount and project and will be receiving funds in the near future.

- Staff have also reached out to PG&E in order to apply for grant monies for their 2016 award period and received a positive response for us to be an applicant for community education and training. We have subsequently held a conference call with PG&E and have identified an area where there is mutual interest for an application and project working with Individuals with a Disability. We are waiting for PG&E to post their application online to complete and submit our project for consideration. We continue to check the PG&E website for open applications but have recently been advised that they are in the process of re-vamping their grant program and that applications would most likely not be available until 2017. However, because we have worked with PG&E on a number of very successful projects, we were asked about any other projects we would like to fund and we have suggested a Veterans Resource Center in the new facility and that is being considered with the potential for up to $20,000 funding.

- Disability Employment Initiative: We have successfully completed this project and continue to increase our Ticket to Work assignments and revenue. We received funding to provide Technical Assistance to Merced County, as they are a recent DEI grant recipient. We have since been awarded another round of Disability Employment Accelerator funds, while these funds will continue to assist customers with disabilities the focus is employer/business services to include an HR Hotline and a new website for the local system.

- Disability Employment Accelerator Grant: We have been awarded funds through this grant of approximately $166,000 to assist individuals with a disability gain employment and/or receive upgrade skills training for retention or advancement and to educate, inform and engage employers. We are currently completing the application for 2016-2017 funds for submission to EDD. We have been awarded these funds as indicated in the DEI.

- Community Development Block Grant: We received $13,000 from the City of Madera for 2015-16 to serve adult low-income City of Madera residents. We are to enroll at least ten (10) participants. This is third year we have been awarded these funds. We have submitted a 2016-17 application and presented at both the Review Advisory Committee and the City Council and have tentatively been awarded $10,000. Final approval is scheduled on August 2, 2016. These funds will assist with the dedicated HiSET class with Madera Adult School. The City is still pending receipt of these funds from HUD.

- We are constantly searching for funding opportunities through various Foundations and other institutions due to our non-profit status. We are building a system in that we are notified of grant opportunities and the deadline dates so we do not miss appropriate and viable opportunities.

- The Central California Workforce Collaborative, with Madera as the lead, received $20,000 for the Governor's Office Slingshot Initiative which is being administered by the State Board for the planning phase of this project, which has been successfully developed. Fresno will be the lead for the $1m implementation phase. This initiative is to regionalize and enhance collaboration and partnerships with stakeholders for training and employment of valley residents. While the Valley is known for its collaboration and regional efforts around workforce development, the approach of this initiative is unique in that it encourages and allows for out of the box and risk taking projects to enhance access to career pathways and self-sufficiency. The planning phase brought numerous partners together such as EDC, Community Colleges and manufacturing employers to determine the need of the workforce

specific to manufacturing, advanced manufacturing, value added manufacturing with the intent to utilize the $1m funds to implement and/or resolve the challenges and needs identified by the Compact with strategies such as prior learning assessment and reciprocity for demand curriculum across community college campuses. Fresno WIB is the lead on the $1m project.

- National Emergency Jobs Driven Grant: The Central California Workforce Collaborative have been successfully implementing this grant for long-term unemployed customers across the region, with Madera as the lead. This project requires 30% of the total funds, which is approximately $3m for the region, to be spent on work-based learning activities such as OJT, Intern/Extern, PWEX, Job Shadow. This grant will also fund a regional economic and skills gap analysis with local data also being provided. This will assist in the local and regional plans that are required but also will benefit employers and partners to determine needs and gaps in the local communities. We have recently requested an extension of six months and a modification to the eligibility criteria in order to expend the dollars associated with this grant and to increase the number of participants regionally. The request for six months was ultimately denied by DoL but EDD provided us with a three month extension to September 31, 2016 and has now provided an extension through March 31, 2017.

- The California Workforce Investment Board has approved our application to be designated a High Performing Workforce Board. We were required to reapply for Board Certification by March 31, 2016. We believe at this time that we have received a conditional certification due to not meeting the required percentage for labor representation. Since then, we have received a nomination from the local labor council, along with additional private sector members, which will bring us compliant with membership and will receive full certification.

- The California Workforce Investment Board has also approved our application for designation as a local workforce investment area under WIOA as well as certification of the Workforce Development Board under WIOA. This is a requirement of WIOA and will be for a two year period for the local area and we will be required to reapply in March 2016 for continued certification of the WDB. We have recently received the Directive to begin the process for recertification of the WDB with the application due to EDD by March 31, 2016. The recertification application was approved by the Board of Supervisors at their meeting on March 15, 2016 and has been submitted to EDD and the State Board. We received conditional certification due to a lack of the required labor representative percentage. This was due to a misunderstanding/interpretation of the law. This has since been resolved and we recently received notification from the state board that the WDB will be fully certified.

- Under the auspices and umbrella of the WDB, staff will be facilitating and hosting employer resource events. In October staff will be facilitating an employer event sponsored by PGE and SBDC/Fresno State with a number of partner agencies such as EDC and GoBiz, where in information and resources will be provided to local employers. This was a very successful event with over 30 employers attending. We have since collaborated with the Madera Chamber of Commerce and the California Employer Association to co-host/co-sponsor employer training events. We have also successfully contracted for an HR Hotline made available to Madera County employers at no cost. This was made possible from the DEA funds.

- We have submitted a grant application to the Department of Labor under the Strengthening Working Families Initiative solicitation. The grant application was developed in partnership with SCCCD/Madera Community College Center, the Community Action Partnership of Madera County, and the Greater Madera County Industry Association via the Economic Development Commission. The program, if funded, will serve unemployed and

underemployed residents of Madera County who are parents, and for whom child care creates a barrier to training and employment. The grant will focus on the provision of training in the Advanced Manufacturing sector and provides resources for child care costs. A portion of the grant will also be provided to SCCCD/Madera Community College Center to increase student capacity in the Advanced Manufacturing programs through the addition of faculty, counseling time, and the provision of updated equipment and tools for the program. We have been notified that we were not a successful award for these funds. Only one workforce development area in California received these funds and it was in San Diego.

- We have also submitted a grant application for Veterans Employment Assistance Program (VEAP) funds in partnership with Merced County WIB. We have received these funds in the past and have identified manufacturing as the sector for training. We have been notified that we have indeed been awarded these funds and we will be the lead on this project. We are currently enrolling eligible veterans under this grant focused in Manufacturing.

- We have applied for America's Promise Grant as a region with Fresno as the lead. This is a four year, $6 million application with manufacturing training identified as the targeted industry. This grant, if received, will build capacity at the community colleges and allow for more advanced training in manufacturing related trades.

- We will also be submitting an application to the State Board for the Workforce Accelerator Grant with the intent to serve individuals who are limited English proficiency by providing, through contract ed, a customized and dedicated class for the participants. Potentially we would target incumbent workers and provide the class at the worksites or at a central location with flexible days and times to accommodate the participants. We are still pending notification of awards for these funds.

- Staff submitted an application for a technology grant in which only non-profit organizations could apply. This was due to a court settlement with the Attorney Generals office related to technology infractions by a private company. We collaborated with the Library and submitted the grant application to replace and provide technology equipment and software to the main library branch and the outlying branches. We still have not received notification of the status of awarded funds.

- Staff continue to work on WIOA Transitional activities such as Regional Planning. The Central California Workforce Collaborative, which comprises the eight local workforce development areas and Boards, will be contracting for a consultant to provide a one day facilitation on beginning the planning and logistics of regional planning. Ultimately, the CCWC will also consult for assistance and facilitation through the development of the required regional plan. The Central Valley Region participated in a full day facilitated regional planning process two weeks ago and will begin the process with bi-weekly webex, conference calls, and when possible, in person meetings.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Executive Committee

Agenda Item 8.4

☐ **Consent** ☐ **Action** ☒ **Information**

To: **Workforce Development Board of Madera County**

From: **Elaine Craig, Executive Director**

Date: **October 27, 2016**

Subject: **Facilities Update**

Information:

There has been some significant movement on the possibility of leasing a portion of the old RMA facility near Walmart. Madera Unified School District (MUSD) presented the proposed facility relocation for their programs to the school board at their regularly scheduled meeting on March 22, 2016. Their Board approved the concept and the ability to hire an architect to provide a schematic and costs associated with the move. Their Board meets on Tuesday, April 26, 2016 to decide on the relocation based on the submitted costs from the architect and their staff. The MUSD Board approved the Adult School relocation at their May 24, 2016 meeting. MUSD will be requesting bids for construction of ten classrooms for the Adult School in the new building. Bids will be received through June 13, 2016 with the intent to request an award at the MUSD Board Meeting on June 14, 2016. Bids that were ultimately received were well over budget. MUSD has since reduced the number of classrooms and construction materials have been changed to reduce costs. The owner of the property will be accomplishing the tenant improvements to further reduce costs. A contractor has since been selected by the owner and MUSD with a meeting scheduled for Monday, September 19th to determine costs and timelines. MUSD has since been in the building and has begun construction.

MCWIC staff have also been working on preparing a project plan in preparation for the possible relocation of facilities. This plan will include costs, timeframes, procurement of services, partner agency location/relocation, etc.

Current leaseholder for the 441 E. Yosemite facility has also been contacted regarding the potential move and is not only very understanding, but very flexible and willing work with us in regards to the timeline of the move. A Special meeting of the MCWIC Board of Directors was held on June 14, 2016 to approve the lease and relocation of the Job Center. We were hoping to relocate in August/September timeframe but it is now currently January 2017. It will depend on the construction progress and completion. We have yet to sign a lease until we have a level of certainty that we are, and when, moving into the facility along with issues specific to ADA compliance and completion of those items as well as financial constraints if partners are not moving in with us at the same time and paying their portion. We do not have the financial means to cover other partners costs without potentially laying off staff, freezing training and/or supportive services and/or closing the Job Center for some period of time. As of this date, the projected move – in is January 2017. We believe we have the partners to fully occupy our side of the building but still have the concern about timing of their occupancy and our ability to pay for them pending sub-leases and payments.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Executive Committee

Agenda Item 8.5

☐ **Consent** ☐ **Action** ☒ **Information**

To: **Workforce Development Board of Madera County**

From: **Elaine Craig, Executive Director**

Date: **October 27, 2016**

Subject: **Local Workforce Area Regional and Local Plan**

Information:

The Central Valley, which consists of eight WDBs and local workforce development areas, has been designated a Regional Planning Unit by the State. WIOA requires that regional plans be developed and submitted by March 15, 2017. The Central Valley Region participated in a full day facilitated regional planning process on July 15, 2016 and has begun the process with bi-weekly webex meetings, conference calls, and when possible, in person meetings to develop the regional plan. A consultant has been procured by the region to assist with the development of the regional plan. The regional Economic and Skills Gap analysis is currently being completed by Applied Development Economics, as well as other strategic plan documents available from system partners will also be used to inform the development of the regional plan. At the same time, staff must still develop a local plan, but one that is in alignment with the regional plan when necessary and appropriate. We are required to provide the opportunity for public comment to both plans and we will update the Board and seek input. The consultants have begun scheduling local forums around very specific topics from the State Plan that must be addressed in our Regional Plan. All areas have met with the consultants as well. The goal is to have a draft plan available for review the first part of January 2017.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Executive Committee

Agenda Item 8.6

☐ **Consent** ☐ **Action** ☒ **Information**

To: **Workforce Development Board of Madera County**

From: **Elaine Craig, Executive Director**

Date: **October 27, 2016**

Subject: **MOU Phase II**

Information:

Staff recently participated in a training session held in Sacramento provided by both CWA and CWDB in regard to the requirement of Phase II, which is the financial and resource sharing agreement with all mandatory partners. Initially this process was to have been completed by December 2017 but has been moved up to June 30, 2016. WIOA is very specific about all partners participating financially in the system, whether they are co-located in the One Stop or not. We will have a local MOU Phase II session, as was done with the MOU Phase I, in the near future with all mandatory partners. The Information Notice from EDD has also been provided to all partners.

Financing:

Workforce Innovation and Opportunity Act

Employment Development Department
State of California
Workforce Services

DIRECTIVE

Date: October 14, 2016 Number: WSDD16-09

CALIFORNIA Workforce Development Board

WIOA PHASE II MEMORANDUMS OF UNDERSTANDING

EXECUTIVE SUMMARY

This policy provides guidance and establishes the procedures regarding *Workforce Innovation and Opportunity Act* (WIOA) Phase II Memorandums of Understanding (MOU). This policy applies to all Local Workforce Development Boards (Local Board) and America's Job Center of California [SM] (AJCC) required partners, and is effective immediately.

This policy contains some state-imposed requirements. All state-imposed requirements are indicated by ***bold, italic*** type.

This directive finalizes Workforce Services Draft Directive *WIOA Phase II Memorandums of Understanding* (WSDD-151), issued for comment on September 16, 2016. The Workforce Development Community submitted 15 comments during the draft comment period. A summary of comments, including all changes, is provided as Attachment 4.

Retain this directive until further notice.

REFERENCES

- WIOA (Public Law 113-128) Section 121
- Title 2 *Code of Federal Regulations* (CFR) Part 200: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Uniform Guidance)
- Title 34 CFR "WIOA, Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions" (WIOA Joint Final Rule)
- Workforce Services Directive WSD15-12, Subject: *WIOA Phase I Memorandums of Understanding* (January 20, 2016)

BACKGROUND

In order to establish a high quality One-Stop delivery system and enhance collaboration amongst partner programs, WIOA requires Local Boards to develop MOUs with all AJCC required partners present in their Local Workforce Development Area (Local Area). The expectation is that these MOUs serve as a functional tool as well as visionary plan for how the

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

Local Board and AJCC partners will work together to create a unified service delivery system that best meets the needs of their shared customers.

The state chose to separate the MOU development process into two distinct phases. Phase I addressed service coordination and collaboration amongst the partners and was intended to be completed by June 30, 2016. Phase II will address how to sustain the unified system described in Phase I through the use of resource sharing and joint infrastructure cost funding and must be in place by June 30, 2017.

Please note, Phase I MOU guidance issued in WSD15-12 previously indicated that the deadline for Phase II was December 31, 2017. Upon release of the WIOA Joint Final Rule, the deadline has been changed to June 30, 2017, in order to align with the final federal regulations. This guidance was developed using the WIOA Joint Final Rule and is subject to change based upon further guidance from the U.S. Departments of Labor and Education.

POLICY AND PROCEDURES

Definitions

For purposes of this directive, the following definitions apply:

America's Job Center of California [SM] *(AJCC)* – The common identifier used within California for One-Stop centers and the One-Stop system.

Applicable Career Services – Services identified in WIOA Section 134(c)(2), that are delivered by the AJCC required partners as authorized under their programs. They consist of three categories: basic career services, individualized career services, and follow up services (WIOA Joint Final Rule Section 678.425).

Infrastructure Costs – Non-personnel costs that are necessary for the general operation of each comprehensive AJCC, including: rental of the facilities, utilities and maintenance, equipment (including assessment-related products and assistive technology for individuals with disabilities), technology to facilitate access to the AJCC (including technology used for the center's planning and outreach activities), and common identifier costs if decided on by the Local Board and AJCC partners (WIOA Joint Final Rule Section 678.700).

Network of Comprehensive AJCCs – A collection of comprehensive AJCCs located within a Local Area. As an alternative to developing separate budgets for each comprehensive AJCC, Local Areas with more than one comprehensive AJCC may instead develop a cross-center infrastructure budget that details the infrastructure costs aggregated across the network of comprehensive AJCCs and across co-located partners.

Other System Costs – Other costs that are agreed upon by the Local Board and all AJCC partners. The other system costs budget must include a line item for applicable career services.

The budget may also include the cost of other shared services commonly provided by AJCC partners to any individual such as initial intake, assessment of needs, appraisal of basic skills, identification of appropriate services to meet needs, referrals to other AJCC partners, and business services. Shared operating costs may also include shared costs related to the Local Board's functions. This could include costs associated with the AJCC operator, policy and oversight of AJCC partnerships and effectiveness, etc. (WIOA Joint Final Rule Section 678.760).

Proportionate Share – The share of each partner program's infrastructure costs based upon its proportionate use of the AJCC, if benefit is received from that use (WIOA Joint Final Rule Preamble page 55907).

Colocated Partners – AJCC partners who have a physical presence within the center, either full time, part time, or intermittent.

Non-Colocated Partners – AJCC partners who do not have a physical presence within the center.

Cash Contributions – Cash funds used to cover a partner's proportionate share of the AJCC. Can be paid either directly from the partner or through an interagency transfer on behalf of the partner (WIOA Joint Final Rule Section 678.720).

Non-Cash Contributions – Expenditures made by one partner on behalf of the AJCC or contributions of goods or services contributed by a partner for the center's use. Contributions must be valued consistent with Uniform Guidance (WIOA Joint Final Rule Section 678.720).

Third Party In-Kind Contributions – Contributions by a non-AJCC partner to support the AJCC in general, not a specific partner; or contributions by a non-AJCC partner to an AJCC partner to support its proportionate share of the infrastructure costs. Unrestricted contributions that support the AJCC in general would lower the total amount of infrastructure costs prior to proportionate division whereas restricted contributions can be used by the intended partner(s) to lower their share of the infrastructure costs (WIOA Joint Final Rule Section 678.720).

Local Funding Mechanism – An infrastructure funding agreement (IFA) negotiated by the Local Boards with all AJCC partners for each comprehensive AJCC (WIOA Joint Final Rule Section 678.715).

State Funding Mechanism – An IFA established by the Governor and the Superintendent of Public Instruction (SPI) that is triggered if a Local Board is unable to secure completed Phase II MOUs from all AJCC required partners by the deadline (WIOA Joint Final Rule Section 678.730).

Phase II MOU Required Content

All AJCC partners who completed and signed Phase I MOUs must also complete and sign a Phase II MOU with the Local Board by June 30, 2017. Guidance outlining what information

needs to be included in the Phase I MOU was provided in WSD15-12. The information that needs to be included in the Phase II MOU is outlined in the table below.

Phase II MOU June 30, 2017	
Key Components	**Required Information**
Infrastructure Costs	• A budget outlining the infrastructure costs for each comprehensive AJCC in the Local Area with a detailed description of what specific costs are included in each line item. Please note, if the Local Board chooses to negotiate infrastructure costs based on their network of comprehensive AJCCs, rather than center by center, then the budgets for all the comprehensive AJCCs can be consolidated into one system budget. • The cost allocation methodology chosen to charge each partner in proportion to its use of the AJCC(s) and benefit received, in accordance with Uniform Guidance. • The initial proportionate share of infrastructure costs allocated to each partner based on the agreed upon cost allocation methodology, each partner's estimated total contribution amount, and whether it will be provided through cash, non-cash (in-kind), and/or third-party in-kind contributions. This initial determination must be periodically reconciled against actual costs incurred and adjusted accordingly. • For any identified non-cash or in-kind contributions, the method by which the value of the contribution was or will be fairly evaluated, in accordance with Uniform Guidance Section 200.306.

Other System Costs	• A budget outlining other system costs for each comprehensive AJCC in the local One-Stop delivery system and a detailed description of what specific costs are included in each line item. The budget must include "applicable career services" as well as any other shared costs agreed upon by the AJCC partners. • The cost allocation methodology agreed to by all partners to charge other system costs according to if benefit is received and their proportionate use in accordance with Uniform Guidance. • The initial proportionate share of other system costs allocated to each partner based on the agreed upon cost allocation methodology, each partner's estimated total contribution amount, and whether it will be provided through cash, non-cash (in-kind), and/or third-party in-kind contributions. This initial determination must be periodically reconciled against actual costs incurred and adjusted accordingly. • For any identified non-cash or in-kind contributions, the method by which the value of the contribution was or will be fairly evaluated, in accordance with Uniform Guidance.
Process and Development	• The period of time in which the infrastructure and other shared costs agreement is effective. • Identification of all AJCC partners, Chief Elected Official(s) (CEO), and Local Boards participating in the infrastructure and other system costs funding arrangements. • Steps the Local Board, CEO, and AJCC partners used to reach consensus and/or an assurance that the Local Area followed guidance for the state infrastructure funding mechanism.

	• A description of the process to be used among partners to resolve issues during the MOU duration period when consensus cannot be reached. • A description of the periodic modification and review process that will be used to ensure all AJCC partners continue to contribute their fair and equitable fair share of infrastructure and other system costs, including the identification of who will fulfill this responsibility. • ***An assurance from all non-colocated partners that they agree to pay their proportionate share of infrastructure costs as soon as sufficient data are available to make such a determination.*** • Signatures of authorized representative(s) of the Local Board, the CEO, and all AJCC partners who signed the Phase I MOU (Attachment 1).

Infrastructure Costs

Under WIOA, each AJCC partner that carries out a program or activities within a comprehensive AJCC must use a portion of the funds available for their program and activities to help maintain the One-Stop delivery system, including proportional payment of the infrastructure costs of the AJCCs (WIOA Joint Final Rule Section 678.700).

If it has been determined that a partner is receiving benefit from the AJCC, the amount of funds each AJCC partner is required to contribute must be based on their proportionate use of the AJCC(s). When determining each partner's proportionate share, Local Boards must remain in compliance with the federal statute authorizing each partner's program as well as Uniform Guidance.

The only exception is that Native American programs are not required to contribute to infrastructure funding but, as a required One-Stop partner, they are encouraged to contribute. Any agreement regarding the contribution or non-contribution to infrastructure costs by Native American programs must still be recorded in the signed MOU (WIOA Section 121[h][2][D][iv]).

It is important to note, that if the Native American program partner chooses not to contribute to infrastructure costs and an AJCC identifies infrastructure costs that are allocable solely to the Native American program, those costs cannot be allocated to the remaining partners and therefore must either be removed from the center budget or paid for by an alternate source of funding.

Establishing IFA Budgets

The IFA cost sharing requirement only applies to the comprehensive AJCCs identified in Phase I and does not apply to affiliate AJCCs located within the Local Area. All comprehensive and affiliate AJCCs should have been identified in the Phase I MOUs.

When establishing the IFA budgets, Local Boards have two options:

Option 1: Develop a separate budget for each comprehensive AJCC.

Option 2: Develop a consolidated system-wide budget for the network of comprehensive AJCCs.

If a Local Area has more than one comprehensive AJCC, developing a consolidated budget based on the network of comprehensive AJCCs may make financing infrastructure costs amongst partners easier since it does not require each partner to contribute to each comprehensive AJCC, so long as each partner's total contribution is still equal to their overall proportionate share. The consolidation of budgets cannot change the distribution of costs in any way, costs must be still attributable to each partner equally and in accordance with the agreed upon cost sharing methodology.

Whichever option is selected, all partners must agree to the budget and cost allocation methodology. They must also meet the standards of proportionate use and relative benefit and comply with federal cost principles.

Although federal guidance requires that the entire MOU be reviewed and updated a minimum of every three years, the IFA budgets must be reviewed annually and updated if there are substantial changes.

The IFA budgets include, but are not limited to, all non-personnel costs that are necessary for the physical operation of the AJCC such as: rent, utilities and maintenance, equipment, technology, and non-marketing common identifier expenses. ***Every AJCC infrastructure budget must also have an "Access and Accommodation" line item for ensuring physical and programmatic access to the AJCC by individuals with disabilities.***

The budgets must contain descriptions of the specific costs grouped under each line item. Local Boards may consolidate and/or break out line items as best fits with their individual area budgets and cost allocation methodology. Examples of costs that may fall under the above mentioned line items include, but are not limited to, the following:

- Rental of the Facilities

- Utilities and Maintenance Costs
    - Electric
    - Gas

- Water
- Sewer connections
- High-speed internet connectivity
- Telephones (landline for the center, not cell phones)
- Facility maintenance contracts

- Equipment Costs
  - Assessment-related products
  - Assistive technology for individuals with disabilities
  - Copiers
  - Fax machines
  - Computers
  - Other tangible equipment used to serve all center customers (not specific to an individual program partner)

- Technology to Facilitate Access to the AJCC Costs
  - Technology used for the center's planning and outreach activities
  - Cost of creation and maintenance of a center website (not specific to an individual program partner) that provides outreach to customers by providing information on AJCC services and/or provides direct service access to AJCC services

  Please note, this does not include data systems or case management systems specific to individual program partners.

- Common Identifier Costs (Local option)
  - Creating new signage
  - Updating templates and materials
  - Updating electronic resources

  Note: If a Local Board decides to include common identifier costs as part of the IFA, they cannot include costs associated with any sort of advertising campaign promoting the AJCC under the new common identifier (WIOA Joint Final Rule Preamble page 55904).

Determining Benefit Received by Partners

Local Boards must first determine whether an AJCC partner is receiving benefit from the AJCC or system. If benefit is being received, the AJCC partner's proportionate share of infrastructure costs must be calculated in accordance with Uniform Guidance and based on a reasonable cost allocation methodology, whereby infrastructure costs are charged to each partner in proportion to their use of the AJCC(s). All costs must be allowable, reasonable, necessary, and allocable (WIOA Joint Final Rule Section 678.715).

Partners who are physically colocated in the AJCC(s) (full-time or part-time) are considered to receive a direct benefit that is allocable, therefore, they must contribute their proportionate share towards infrastructure costs. Partners who are not physically colocated in the AJCC may also be receiving benefit from the AJCC system. However, that benefit still has to be clearly allocable by way of reliable data and a cost methodology that demonstrates the partner's usage of and benefit from the center and its services.

Currently, there isn't a statewide data tracking system that can provide accurate and reliable data for allocating the benefit received by non-colocated partners, such as the number of referrals to and from the AJCC and/or usage of AJCC based services and usage of the comprehensive AJCCs. ***In order to remain in compliance with Uniform Guidance cost allocability rules, the requirement to contribute to infrastructure costs at this time only applies to those partners who are physically colocated in the job centers.***

The state is in the process of implementing the requisite statewide data tracking system, and once such data are available, all non-colocated partners who are receiving benefit from the job centers will also be required to contribute their proportionate share towards infrastructure costs. ***Consequently, the Phase II MOU must include an assurance from all non-colocated partners that they agree to pay their proportionate share of infrastructure costs once sufficient data are available.***

However, it is important to note that non-colocated partners are still required to contribute to other system costs based on their proportionate share of applicable career services as identified in the Phase I MOU, as well as any additional line items the Local Boards and AJCC partners agree to include in the other system costs budget.

The table below outlines the above referenced requirements. Once again, this will change once a state wide system for collecting the necessary data has been established.

	Must sign both budget agreements	Must contribute to infrastructure costs	Must contribute to other system costs, including applicable career services
Partner who is colocated	Yes	Yes	Yes
Partner who is non-colocated	Yes	No	Yes

Cost Allocation Methodology

After creating an IFA for each comprehensive AJCC, or optionally, for the local network of comprehensive AJCCs as a whole, and determining if benefit is received by each partner, the Local Board must select a cost allocation methodology to identify the proportionate share of

infrastructure costs each partner will be expected to contribute. Any cost allocation methodology selected must adhere to the following:

- Be consistent with the federal laws authorizing each partner's program (including any local administrative cost requirements).
- Comply with federal cost principles in the Uniform Guidance.
- Include only costs that are allowable, reasonable, necessary, and allocable to each program partner.
- Be based on the proportionate use and if benefit is received by each partner.

Examples of cost allocation methods that may be used include, but are not limited to, the following:

- The proportion of a partner program's occupancy percentage of the AJCC (square footage).
- The proportion of a partner program's customers compared to all customers served by the AJCC.
- The proportion of partner program's staff among all staff at the AJCC.
- The percentage of a partner program's use of equipment at the AJCC.

Although issued under the Workforce Investment Act, the U.S. Department of Labor Financial Management Technical Assistance Guide (TAG) Parts I and II still serve as useful tools for an overview of appropriate cost allocation methodologies.

- DOL Financial TAG Part I
- DOL Financial TAG Part II

Cash, In-Kind, or Third-Party In-Kind Contributions

AJCC partners (or their respective state entity) may provide cash, non-cash, and third-party in-kind contributions to cover their proportionate share of infrastructure costs. If non-cash or in-kind contributions are used, they cannot include non-infrastructure costs (such as personnel), and they must be valued consistent with Uniform Guidance Section 200.306 to ensure they are fairly evaluated and meet the partner's proportionate share (WIOA Joint Final Rule Section 678.720).

If third-party in-kind contributions are made that support the AJCC(s) as a whole (such as space), that contribution will not count toward a specific partner's proportionate share of infrastructure. Rather, the value of the contribution will be applied to the overall infrastructure costs and thereby reduce the contribution required for all partners. When determining the use of non-cash and in-kind contributions, overall costs must be kept in mind as there must first be enough cash contributions to cover those.

Determining the Source of Funds to Pay Infrastructure Costs

When determining which funds can be used to pay infrastructure costs, AJCC partners must

remain in compliance with their authorizing federal statute as well as WIOA Joint Rule Section 678.720, which provides stipulations on the types of funds certain partners are allowed to use towards their proportionate share under the local funding mechanism. These limitations include the following:

- WIOA Title I – Infrastructure costs can be paid as program and/or administrative costs.

- WIOA Title II – Infrastructure costs can only be paid from funds available for local administrative expenses or from non-federal resources that are cash, in-kind, or third-party contributions.

- WIOA Title III – As the regulations did not specify a funding source for Title III, any available funds may be utilized for infrastructure costs.

- WIOA Title IV – Infrastructure costs are paid from administrative costs.

- Career and Technical Education – Infrastructure costs must be paid from funds available for local administrative of postsecondary level programs and activities to eligible recipients, or a consortia of eligible recipients, and may be paid from funds made available by the state or non-federal resources that are cash, in-kind, or third-party contributions.

- TANF/CalWORKs – Infrastructure costs are paid only from those funds used for the provision or administration of employment and training programs.

There are no set caps on the amount or percent of overall funding an AJCC partner is responsible for contributing to fund infrastructure costs under the local funding mechanism, except that contributions from administrative costs may not exceed the amount available for administrative costs under the authorizing statute of the partner program.

Reconciliation of AJCC Partner Contributions

The Local Board is responsible for ensuring that all of the AJCC infrastructure costs are paid according to the provisions of their signed Phase II MOUs. The estimated proportionate share of costs for each partner are based on budgeted expectations. Until the actual costs are known, and the usage and benefits are calculated, each partner's true proportionate share of cost will be unknown. Therefore, all AJCC partner contributions, regardless of the type, must be reconciled on a regular basis (e.g., monthly or quarterly), comparing expenses incurred to relative benefits received. The reconciliation process is necessary in order to ensure that the proportionate share each partner program is contributing remains consistent with the cost methodology, is up to date, and in compliance with the terms of the MOU. The Phase II MOU must also identify who will be responsible for this regular reconciliation.

Other One-Stop Delivery System Costs

In addition to jointly funding infrastructure costs, AJCC partners must use a portion of funds made available under their authorizing federal statute (or fairly evaluated in-kind contributions) to pay the additional costs relating to the operation of the One-Stop delivery system. These costs may be shared through cash, non-cash, or third-party in-kind contributions (WIOA Joint Rule Section 678.760).

The other system costs budget must include applicable career services, and may include any other shared services that are authorized for and commonly provided through the AJCC partner programs to any individual, such as initial intake, assessment of needs, appraisal of basic skills, identification of appropriate services to meet such needs, referrals to other One-Stop partners, and business services. Shared operating costs may also include shared costs related to the Local Board's functions.

As with infrastructure costs, other system costs must be allocable according to the proportion of benefit received by each of the AJCC partner programs, consistent with the partner's authorizing federal statute and Uniform Guidance. The MOU Phase II must also include an agreed upon budget for these other costs along with the agreed upon cost sharing methodology.

Unlike the IFA, other system costs are not limited to the non-personnel costs of operating a comprehensive AJCC. They can include shared personnel costs such as a center receptionist or staff who are cross trained in and deliver services for multiple partner programs. Everything in the other system costs budget must be agreed to by all partners locally. There is no state funding mechanism for other system costs that will be triggered due to lack of agreement at the local level.

Establishing Other System Costs Budgets

The agreed upon budget for other system costs must align with the Phase I MOU agreement that outlined shared customers and services. If it does not, then the Phase I MOU must be amended to justify the budgeted system costs and align with Phase II. Therefore, Local Boards and AJCC partners should start by reviewing their signed Phase I MOUs in order to determine what each partner previously agreed to.

The other system costs budget must be a consolidated budget that includes a line item for applicable career services. The signed Phase I MOU required identification of the career services that were applicable to each partner program. Accordingly, this budget must include each of the partner's costs for the service delivery of each applicable career service and a consolidated system budget for career services applicable to more than one partner.

The budget may also include shared services, which have been agreed upon by all partners, which are authorized for and may be commonly provided through the One-Stop system. Examples of these types of services include, but not limited to, the following:

- Initial intake, assessment of needs, appraisal of basic skills, identification of appropriate services to meet such needs, and referrals to other AJCC partners.

  This may include costs such as technology and tools that increase integrated service delivery through the sharing of information and service delivery processes.

- Business services.

  This may include costs related to a local or regional system business services team that has one or more partners on the team or has delegated a specific partner to provide business services on behalf of the system.

- AJCC partner staff cross training.

  This may include any staff cross training on partner programs and eligibility identified in the Phase I MOU.

- One-Stop operator.

  This may include the system role of the One-Stop operator (e.g., coordinating service providers across the One-Stop delivery system) when the role is not specific to the operation of the AJCC and/or specific partner programs, so long as the role was defined by the Local Board in the procurement process and agreed to by all AJCC partners in the MOU.

- Shared personnel (and other non-infrastructure costs) for colocated partners.

  This may include center receptionists and/or center managers.

Phase II MOU Timeline

While developing the Phase II MOUs, Local Boards must remain aware of key deadlines included below:

- *January 4, 2017*
  Local Boards submit progress report/timeline to Regional Advisors.

- *March 1, 2017*
  Local Boards that do not anticipate reaching consensus on infrastructure costs alert

State Board if state funding mechanism needs to be triggered and submit supporting documentation.

- *May 1, 2017*
  Governor and SPI notifies Local Boards of AJCC partner contributions under state funding mechanism (if triggered).

- *June 30, 2017*
  Local Boards submit hard copies of completed Phase II MOUs to Regional Advisors.

Local Infrastructure Funding Mechanism and State Infrastructure Funding Mechanism

Local Infrastructure Funding Mechanism

One of the hallmarks of WIOA is an increased emphasis on local control. By initiating negotiations via a local funding mechanism it allows for decision making to be kept at the local level. However, if a Local Board is unable complete Phase II MOUs with all of its AJCC partners, then the state funding mechanism will be triggered and the Governor and SPI must then determine the required contributions of each AJCC partner. The advantages of Local Boards establishing self-negotiated, successful Phase II MOUs under the local funding mechanism include the following:

- Local autonomy – Under the local funding mechanism, decisions remain at the local level which ensures the Phase II MOUs will be tailored to each Local Area's unique needs.

- Stronger regional partnerships – The more each partner can have a direct say in the local negotiations, the stronger the partnerships will be.

- No caps on partner contributions – Under the state funding mechanism, specific caps are set on the amount and percent of each partner's funds that may be contributed. However, under the local funding mechanism there are no caps.

- Flexibility on funds used – Title I programs are allowed to use program funds to pay their proportionate share of the infrastructure costs when negotiating under the local funding mechanism. If the state funding mechanism is triggered, Title I programs may be required to pay their proportionate share only out of administrative costs.

California's goal is to provide the support and guidance necessary to help all Local Areas reach agreement under the local mechanism rather than under the state funding mechanism. Local Boards are urged to seek guidance and support from the state throughout the negotiation process to help prevent the triggering of the state funding mechanism.

State Infrastructure Funding Mechanism

If a Local Board does not believe they will be able to come to an agreement regarding joint infrastructure costs with any of their AJCC partners by June 30, 2017, they must notify the State Board no later than March 1, 2017. Once the notification has been received, the Governor will initiate a process to determine each AJCC partner's contributions to infrastructure costs in the Local Area for that program year under the state funding mechanism.

As part of their formal notification, Local Boards will be required to submit information including, but not limited to, the following:

- IFA budget details (If a budget has been approved and accepted by Local Board and all partners, the Governor and the SPI may accept this budget).
- Local Workforce Development Plan (Local Plan).
- The cost allocation method or methods proposed by the partners
- The amount of total partner funds included.
- The type of each partner funds (cash, non-cash, third-party in-kind).
- Any agreed upon or proposed MOUs.
- Summary of the meetings held to discuss Phase II MOU (including dates, materials, and a list of participating partners).
- Identification of which partners have and have not agreed upon the budget and cost allocation methodology.
- A summary of technical assistance requested and received from the state.

If the Local Board does not have a completed Local Plan they can submit their most recent draft and re-submit the final upon completion. The state will release supplementary guidance with further information on the state funding mechanism, the appeal process, and AJCC certification at a later date.

Mid-Point Update and Final Submission

Local Boards should begin meeting with all AJCC partners involved in the Phase I MOUs immediately in order to start developing their Phase II MOUs. Any questions or concerns that arise throughout the negotiation process should be submitted to their Regional Advisor immediately so that the state can provide technical assistance and support where needed. A sample template (Attachment 2) has been created to help Local Boards develop their Phase II MOUs.

Mid-Point Update

To ensure progress is being made towards the Phase II June 30, 2017, deadline, each Local Board must submit a progress report/timeline outlining all completed and upcoming Phase II

MOU development activities to their Regional Advisor by January 4, 2017.

The purpose of the mid-point update is to help Local Boards chart out their MOU Phase II development process, as well as to notify the state of any outstanding technical assistance needs. Similar to the Phase I MOU mid-point update, the state has developed a Sample Timeline (Attachment 3) which Local Boards can use as a tool for developing their own schedule of activities.

Final Submission

Upon completion, the Phase II MOUs must be signed by an authorized representative of the Local Board, CEO, and all AJCC partners who signed the Phase I MOUs. An electronic copy must then be submitted to their Regional Advisor no later than 5:00 p.m. on June 30, 2017.

Some Local Boards may be unable to obtain signature(s) of accepted Phase II MOUs by this deadline (e.g. due to the scheduling of the respective board meetings). If so, the Local Board may submit an unsigned copy of the MOUs with an explanation for the absent signature(s) and the date by which the signed original will be sent.

ACTION

Bring this directive to the attention of staff and other relevant parties including colocated AJCC partners.

INQUIRIES

If you have any questions, contact please contact your Regional Advisor.

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

Attachments are available on the internet:

1. AJCC Required Partners Matrix
2. Phase II MOU Sample Template
3. Phase II MOU Sample Timeline
4. Summary of Comments

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Executive Committee

Agenda Item 8.7

☐ **Consent** ☐ **Action** ☒ **Information**

To: **Workforce Development Board of Madera County**

From: **Elaine Craig, Executive Director**

Date: **October 27, 2016**

Subject: **WDB Executive Committee Restructuring/Disbandment**

Information:

The concept of disbanding the Executive Committee of the WDB was brought to the WDB at their last regularly scheduled meeting and while, not an official Action or Information item, there was consensus from the WDB that they were willing and able to meet for two additional meetings a year thus having every other month meetings rather than just quarterly. This was brought by staff as a means to fully and better engage the WDB in the process of local workforce development. The Executive Committee meets and handles, in accordance with the by-laws all business, policy, program issues and the WDB is simply asked to ratify these items rather than being able to engage in the initial process. There was agreement from WDB members that they felt they were coming to quarterly meetings and because critical items had already been handled by the Executive Committee, their input was after the fact and simply a rubber stamping. There was also the discussion about WIOA's requirement that all standing committees of the WDB MUST have a non-WDB member. The Executive Committee is indeed a standing committee, as indicated in the current by-laws. Another option, discussed after the WDB meeting, was having a Corporate Board member as the non-WDB member on the Executive Committee which was vetted by legal counsel. This would potentially create better alignment of the WIOA roles and responsibilities. Staff would like to further discuss this option with the Executive Committee and the WDB.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Executive Committee

Agenda Item 8.8

☐ **Consent** ☐ **Action** ☒ **Information**

To: **Workforce Development Board of Madera County**

From: **Elaine Craig, Executive Director**

Date: **October 27, 2016**

Subject: **Facilitated WDB Session – October 31, 2016**

Information:

Staff have contracted with John Baker, Core Factors for a facilitated Board session scheduled for Monday, October 31, 2016. Breakfast will be available beginning at 7:30 and the session will begin at 8:00 am until 12:30 pm. Lunch will be served. John facilitated the strategic goals session a year ago. The purpose of the session is to review the WIOA required roles and responsibilities and to review the strategic goals to determine alignment both with WIOA and the current environment. Staff invited both the Workforce Development Board and the Madera County Workforce Investment Corporation Board members.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Executive Committee

Agenda Item 8.9

☐ **Consent** ☐ **Action** ☒ **Information**

To: **Workforce Development Board of Madera County**

From: **Elaine Craig, Executive Director**

Date: **October 27, 2016**

Subject: **WIOA Board Roles and Responsibilities**

Information:

With the implementation of WIOA, the final regulations and continued direction and guidance from EDD and the CWDB, the roles and responsibilities of the WDB are very specific and have been more clearly defined, as noted in the back-up documentation to this agenda item. The required contract with the Chief Local Elected Official (CLEO), also attached as back-up documentation to this agenda item, further clarifies and enumerates the roles and responsibilities of the CLEO, MCWIC and WDB. The facilitated session scheduled for Monday, October 31, 2016 was scheduled and developed with these new roles and responsibilities, and the expectations of WIOA on the WDB, in mind. Legal counsel has reviewed, vetted and intends to provide a legal memo further clarifying these roles and responsibilities for each Board.

Financing:

Workforce Innovation and Opportunity Act

Required Functions of the Board

- Enter into an agreement with the Madera County Board of Supervisors establishing the respective roles and responsibilities of the Board and the Local WDB, for implementation of the WIOA at the local level.
- Develop and submit, in conjunction with the Madera County Board of Supervisors, the 4-year local plan for the local workforce development area, as required by Section 108 of the WIOA and collaborate with other local areas in the planning region designated by the State of California to submit the local plan as part of the regional plan (20 CFR 679.370(b)).

Required Functions (cont.)

Conduct workforce research and regional labor market analysis, including:

- Analyses and regular updates of economic conditions, needed knowledge and skills, workforce and workforce development activities including an analysis of the strengths and weaknesses of such services to address the identified education and skill needs of the workforce and the employment needs of employers;
- Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and
- Other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions (20 CFR 679.370(c)).

Required Functions (cont.)

- Convene, through the local board and standing committees, workforce development system stakeholders to assist in the development of the local plan under Section 108 of the WIOA and in identifying non-Federal expertise and resources to leverage support for workforce development activities (20 CFR 679.370(d)).

- Lead efforts to engage with a diverse range of employers and other entities in the region to promote business representation on the local board, develop effective linkages with employers to support employer utilization and support of the local workforce development system and activities, and ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination and collaboration among employers, economic development and services providers (20 CFR 679.370(e)) .

Required Functions (cont.)

- Lead efforts, in collaboration with secondary and post-secondary education program representatives, to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services needed by adult and youth, particularly those with barriers to employment (20 CFR 679.370(f)).

- Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and job seekers, and identify and disseminate information about such practices used in other areas for meeting such needs (20 CFR 679.370(g)).

Required Functions (cont.)

- Use technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and job seekers by facilitating connections among the information systems of the one-stop partners, facilitating access to services including in rural areas, identifying strategies for better meeting the needs of individuals with barriers to employment, and leveraging resources and capacity within the local system (20 CFR 679.370(h)).
- Conduct oversight of Adult, Dislocated Worker, and Youth services and of the entire one-stop delivery system in the local area (20 CFR 679.370(i)(1)).

Required Functions (cont.)

- Ensure the appropriate use and management of the funds provided under WIOA Subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area, and ensure that these investments maximize the performance outcomes under WIOA Section 108 (20 CFR 679.370(i)(2-3)).
- Negotiate and reach agreement on local performance measures with the chief local elected official and the Governor (20 CFR 679.370(j)).
- Select providers for youth services, training services, career services, and the one-stop operator; terminate such providers in accordance with 2 CFR 200, if appropriate (20 CFR 679.370(l)).

Required Functions (cont.)

- Work with the State in accordance with WIOA Section 107(d)(10(E) to ensure that there are sufficient numbers and types of providers of career and training services serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities (20 CRF 679.370(m)).
- Develop a budget for the activities of the Local Board, with the approval of the chief elected official and consistent with the local plan and the duties of the Local Board (20 CFR 679.370(o)).

Required Functions (cont.)

- Coordinate activities with education and training providers in the local area, including reviewing applications to provide adult education and literacy activities under Title II to determine whether such applications are consistent with the local plan, making recommendations to the eligible agency to promote alignment with such plan, and replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals (20 CFR 679.370(n)).

Required Functions (cont.)

- Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area in accordance with WIOA Section 188 and applicable provisions of the Americans with Disabilities Act of 1990 (20 CFR 679.370(p)).
- Certify one-stop centers in the local area in accordance with 20 CFR 678.800 (20 CFR 679.370(q)).

MADERA COUNTY CONTRACT NO. 10561-C-2016
(Agreement for Administration of the Workforce Innovation and Opportunity Act)

This agreement for administration of WORKFORCE INNOVATION AND OPPORTUNITY ACT (this "Agreement") is made and entered into this 26 day of January, 2016, by and between the **COUNTY OF MADERA**, a political subdivision of the State of California, hereinafter referred to as "COUNTY," the **MADERA COUNTY WORKFORCE INVESTMENT CORPORATION**, a California public benefit corporation, hereinafter referred to as "MCWIC," and the **WORKFORCE DEVELOPMENT BOARD OF MADERA COUNTY**, hereinafter referred to as "WDB" for the purpose of defining roles and responsibilities for the administration and operation of the WORKFORCE INNOVATION AND OPPORTUNITY ACT of July 2014 (Public Law 133-128) and its regulations, hereinafter also referred to as the "WIOA"; and any and all directives as may be prescribed by the Governor of the State of California regarding administration of the WIOA of 2014.

The purpose of this Agreement is to establish the administrative and fiscal roles and responsibilities between the COUNTY and MCWIC.

RECITALS

WHEREAS, WIOA H.R. 803, was signed into law on July 22, 2014. The Act takes effect on July 1, 2015 and supersedes titles I and II of the Workforce Investment Act of 1998. As stated within Employment and Training Administration (ETA) Training and Employment Guidance Letter (TEGL) 38-14, "a series of WIOA Operating Guidance documents will be provided to inform the workforce system how to begin the important

planning and reorganization necessary to comply with new WIOA statutory requirements for the upcoming Program Year 2015 (beginning July 1, 2015). The Operating Guidance TEGLs will provide a framework for program activities until the regulations are finalized"; and

WHEREAS, Madera County has met the eligibility requirements for designation of a Local Workforce Delivery Area, hereinafter referred to as "LWDA", for the two (2) year period of July 1, 2015, through June 30, 2017; and

WHEREAS, under this agreement the Chief Local Elected Official (CLEO) of Madera County shall be the Chairperson of the Board of Supervisors; and

WHEREAS, Madera County Board of Supervisors, by Resolution No. 2000.178, dated August 22, 2000, designated the Madera County Private Industry Council as the INVESTMENT BOARD, carried into the Workforce Investment Act of 1998, and now per the requirements of the new WIOA, the word Investment is to be stricken and replaced with the word Development, and Employment Development Department (EDD) directive WSD14-10 states "The existing local board will be automatically initially certified through PY 2015-16 upon approval of initial designation of local area"; and

WHEREAS, the WIOA amends the Workforce Investment Act of 1998, to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the

United States, and to promote individual and national economic growth, and for other purposes; and

WHEREAS, the WIOA requires COUNTY and WDB to establish standing committees as deemed appropriate and necessary, develop a Local Workforce Development Plan, and define a local one-stop delivery system for the LWDA; and

WHEREAS, the WIOA requires the local board, in partnership with the CLEO, shall develop and submit a local plan to the State that meets the requirements in WIOA Section 108. If the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and CLEO's from such other areas in the preparation and submission of a regional plan as described in WIOA Section 106(c)(2); and

WHEREAS, the WDB has been designated by the COUNTY to provide policy guidance for administration and operations, while exercising oversight with respect to activities under the Local Workforce Investment Plan for the LWDA; and

WHEREAS, the WIOA requires that the scope and specific nature of the partnership in the LWDA be defined and determined by local agreement between the CLEO, and WDB; and

WHEREAS, the parties, including the MCWIC as the administrator of the WDB, have previously entered into an agreement, Madera County Contract No. 9716-C-2012,

dated October 2, 2012, for the purposes described herein and said Contract is hereby superseded in full by this Contract

AGREEMENT

NOW THEREFORE, in consideration of the recitals set forth above, which are incorporated herein by reference, and the mutual covenants and undertaking set forth herein, the mutual receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Roles and Responsibilities of County**: The CLEO, on behalf of the COUNTY, shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under WIOA sections 128 and 133, unless the CLEO reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability. As grant recipient, COUNTY shall fulfill, or cause to be fulfilled, the following responsibilities:

1.01 COUNTY shall designate MCWIC to serve as the local fiscal agent/local grant recipient. Such designation shall not relieve the County of any misuse of grant funds as described in WIOA Section 107 (d)(12)(B)(i)(1); COUNTY shall confirm adequate accounting, auditing, management information and reporting systems are in place to comply with the WIOA, and any and all regulations and/or those directives as may be prescribed by the Governor, and all other applicable, associated federal and state laws and regulations; COUNTY will provide a point of contact from the COUNTY Auditor/Controllers

office for submission of administrative and fiscal related compliance and oversight documentation from MCWIC. COUNTY will maintain oversight documentation and record keeping for COUNTY audit purposes.

1.02 COUNTY shall in partnership with the WDB, approve a local plan that meets the requirements in WIOA section 108.

1.03 COUNTY shall designate one of the Board of Supervisors members as a liaison with the WDB, which will enhance COUNTY Board of Supervisors' familiarity with WIOA, programmatic oversight, and commitment to the WIOA, WDB activities, and encourage communication between the parties to this Agreement. This WDB member shall have the same rights as any other member. This member shall be responsible for keeping the COUNTY Board of Supervisors apprised on the programs/systems operating under the direction/administration of the WDB and report out to the COUNTY Board of Supervisors meeting following each WDB meeting.

1.04 COUNTY shall comply with the provisions of the California Unemployment Insurance Code 14000-14004.5, fiscal controls established by the State as outlined in the WIOA section 184, and any and all regulations and/or directives that may be prescribed by the Governor, without compromise of its remedies against the WDB AND MCWIC, including but not necessarily limited to indemnification and contribution.

1.05 COUNTY shall, consistent with the WIOA, appoint a chairperson for the WDB every two (2) years following the WDB's biennial certification by the Governor. The CLEO shall be responsible for appointing all members of the WDB.

1.06 COUNTY's obligations under this Agreement shall be limited to making available to the MCWIC the funding that COUNTY receives from other agencies, entities, or jurisdictions, including federal and state funding sources, and which funds are intended for use in carrying out the intent and purpose of this Agreement. Under no circumstances shall COUNTY be responsible for providing funding under this Agreement that is unrelated to the WIOA purposes.

2. **Roles and Responsibilities of MCWIC**: MCWIC shall be designated herein as the administrative and fiscal agent and local grant recipient for programs and systems initiated pursuant to the WIOA and any and all regulations and/or those directives as may be prescribed by the Governor during the term of this Agreement. As the administrative and fiscal agent, MCWIC is hereby granted the authority to:

2.01 To carry out the functions and direction as determined by MCWIC and the WDB.

2.02 Negotiate and enter into separate agreements related to the provision of WIOA related services and other professional services consistent with, and deemed by MCWIC to be necessary to carry out its responsibilities and contained in the approved Local Workforce Development Plan for the LWDA without further approval of COUNTY, except as provided in this Agreement.

2.03 Expend funds sub-vented to MCWIC by COUNTY under the WIOA for the purpose of carrying out the approved Local Workforce Development Plan for the LWDA, as well as such other funds as may, from time to time, be

made available to MCWIC, without further approval of COUNTY, except as provided for in this Agreement.

2.04 Take responsibility for the day-to-day planning, management, and evaluation of the WIOA programs and the Local Workforce Development Plan for the LWDA. In carrying out these responsibilities, MCWIC hereby agrees to:

2.04.1 Establish and maintain an adequate fund accounting, auditing, and management information and reporting system on operations and expenditures.

2.04.2 Provide written reports to COUNTY, pursuant to its request, regarding program operations, performance, and expenditures, as well as other activities being conducted in furtherance of the approved Local Workforce Development Plan; Reports shall include program performance reports, monthly MCWIC financial reports approved by the MCWIC Board, quarterly expenditure reports submitted to EDD, annual monitoring guide and reports (completed by EDD and/or all other agencies as applicable to the WIOA), annual Schedule of Expenditures of Federal Awards, annual MCWIC Single Audit Report, and annual MCWIC 990 Financial report. Additional year end reports may be requested by the COUNTY auditor and will be provided upon request.

2.04.3 Carry out its responsibilities in administering local programs/system and implementing the Local Workforce Development Plan for the LWDA in full compliance with both the WIOA, as amended, and any

and all regulations and/or directives prescribed by the Governor, and all other applicable, associated federal and state laws and regulations.

2.04.4 Procure audits of funds and program activities as required by the WIOA and work to resolve any questions or irregularities identified through such audits.

2.04.5 Develop and manage a system to hear and resolve grievances, which may be brought by participants, contract service providers, vendors/training providers, and interested parties, as required by the WIOA.

2.05 Develop a Local Workforce Plan for the LWDA as required by the WIOA, in accordance with the following conditions:

2.05.1 MCWIC shall identify the employment needs of the LWDA's unemployed, the labor force needs of area employers and economic development activities in the area while conducting such other analyses as are required by the WIOA, which MCWIC determines to be appropriate and necessary in order to discharge its responsibilities that qualify for funds made available under the WIOA.

2.05.2 MCWIC shall solicit the input and participation of the local business community regarding the provision of activities and workforce development system services to customers of the LWDA.

2.05.3 MCWIC shall develop and maintain a process to secure public input and comment on the Local Workforce Development Plan and programs to be funded and provided under the WIOA, which shall be

submitted to COUNTY for review sufficiently in advance of the required date of submission to the Governor, to enable meaningful COUNTY input regarding form and content. The local plans for the LWDA shall be approved by COUNTY Board of Supervisors prior to such plans being submitted to the Governor by MCWIC.

2.05.4 MCWIC shall, upon approval and signature of the WDB and COUNTY, be responsible for submittal of the Local Plan to the Governor for approval.

3. **Purpose of the WDB**: The WDB shall be organized to serve as Workforce Development Board of Madera County as established by the WIOA sec. 107 (d). It shall function in accordance with the provisions of the WIOA and any and all associated enabling legislation, regulations, and/or executive orders, to carry out the primary purposes of the WDB as follows:

3.01 Increase the involvement of the business community, educational institutions, organized labor, government agencies, community-based organizations and economic development agencies in WIOA activities authorized by the WDB.

3.02 Identify, implement and administer effective approaches to increase employment opportunities for job seekers or anyone who wants to advance his or her career, including targeted populations.

3.03 Operate as the primary agency for implementation of various transitional needs as mandated by the WIOA prior to local designation by the State of California as a LWDA.

3.04 Provide WIOA activities, through statewide and local workforce development systems, that increase the employment, retention, and earnings of participants, while increasing occupational skills of participants, resulting in the improvement of the quality of the workforce, reduction of welfare dependency, and enhancement of the productivity and competitiveness of COUNTY.

3.05 Act as a catalyst for workforce retention and expansion, while a forum for all workforce policy.

4. **Roles and Responsibilities of the WDB**: In partnership with COUNTY in the implementation of the WIOA, WDB, in conjunction with MCWIC, shall assume the following responsibilities:

4.01 To establish the respective roles and responsibilities of the COUNTY and the WDB, for implementation of the WIOA at the local level.

4.02 To develop, in partnership with the CLEO, a local plan to the Governor that meets the requirements in section 108. If the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and CLEO's from such other areas in the preparation and submission of a regional plan as described in section 106(c)(2).

4.03 Carry out workforce research and regional labor market analysis to assist in the development of analyses of economic conditions in the region, assist in the developing of statewide workforce and labor market information, and assist in conducting research, data collection and analysis related to the workforce needs of the regional economy as the board.

4.04 The local board shall convene local workforce development system stakeholders to assist in the development of the local plan under section 108 and in identifying non-Federal expertise and resources to leverage support for workforce development activities.

4.05 The local board shall lead efforts to engage with a diverse range of employers and with entities in the region involved to promote business representation on the local board, develop effective linkages with employers in the region to support employer utilization of the local workforce development system, ensure local workforce activities meet the needs of the employers and support economic growth, and to develop and implement proven or promising strategies for meeting the employment and skill needs of the workers and employers, that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industries and sectors or occupations.

4.06 The local board shall identify and promote proven and promising strategies and initiative for meeting the needs of employers, workers, and job seekers, such as physical and programmatic accessibility, in accordance with section 188.

4.07 The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and job seekers.

4.08 The local board, in partnership with the CLEO, shall conduct oversight for local youth workforce development activities, and ensure appropriate use and management of funds for the activities and system.

4.09 The local board, the CLEO and the Governor shall negotiate and reach agreement on the local performance accountability measures as described in section 116(c).

4.010 The local board, with the agreement of the CLEO shall designate and certify one-stop operators as described in section 121(d)(2)(A).

4.011 The local board shall identify eligible providers of youth workforce development activities in the local area by awarding grants or contracts on a competitive basis, and identify eligible training providers in the local area that provide the individuals with consumer choice options for training.

4.012 The local board shall develop a budget for the activities in the area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the CLEO. The CLEO shall assist in the designation of the administration of grant funds and disbursal of grant funds.

4.013 The local board shall access the physical and programmatic accessibility, in accordance with section 188, if applicable and applicable provisions of the Americans with Disabilities Act of 1990, of all one-stop centers in the local area.

4.014 The local board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan, regular membership, designation and certification of one-stop operators,

and award of grants or contracts to eligible providers of youth workforce development activities.

4.015 The local board may hire a director and other staff to assist in carrying out the functions using funds available under sections 128(b) and 133(b) as described in section 128(b)(4). The board shall ensure the individuals selected as the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist ineffectively carrying out the functions of the local board. The director and staff shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

4.016 A local board may provide career services described in section 134(c)(2) through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the CLEO in the area and the Governor.

5. **Resolution of Disagreements**: It is the joint authority and responsibility of all parties to this Agreement to ensure effective delivery of WIOA activities to employers and job seekers. In the event the MCWIC and COUNTY cannot reach a mutually satisfactory agreement on approval of the Local Workforce Development Plan, WDB, MCWIC, and COUNTY shall meet and attempt to resolve such disagreement. When one or more parties to this Agreement concludes that consensus between MCWIC, WDB, and COUNTY cannot be reached, any and all unresolved issues pertaining to the plans shall be submitted for a binding determination made by a four-member panel consisting of one representative of the MCWIC, one representative of COUNTY, one representative of the

WDB, and one impartial representative of the Governor's office, or a designee, who is acceptable to the parties.

6. **Receipt of Other Funds**: This Agreement does not preclude or limit the receipt by MCWIC of other governmental or non-governmental funds, either directly or indirectly. Any funds received directly by MCWIC shall be accounted for in the same manner as, and subject to the same financial procedures and control as the WIOA funds expended by MCWIC, except that private funds may be accounted for separately by using accepted accounting procedures.

7. **Term of Agreement**: This Agreement, and its force and effect on the activities, responsibilities and relationships defined herein, shall be effective commencing with its execution by the parties and shall continue until terminated as provided for herein.

8. **Termination**: COUNTY, MCWIC or the WDB may terminate this Agreement upon one hundred-eighty (180) calendars day's prior written notice to all parties specifying the date of termination. Any party may terminate this Agreement for cause by giving all parties five (5) calendar day's prior written notice of its intent to so terminate. Cause shall include, but not be limited to, the material breach of this Agreement by any party hereto or the immediate loss of significant governmental or grant funding (greater than 50% of the total WDB budget) by any party hereto. The breaching party shall have five (5) days from receipt of written notice by the non-breaching party to cure all material breaches of this Agreement.

9. **Amendments**: COUNTY, MCWIC, or the WDB may propose amendments to this Agreement at any time. Any amendment to this Agreement shall be in writing and require the written consent of each party hereto.

10. **Notices**: All notices hereunder shall be in writing served either by personal delivery or by first class mail (postage pre-paid) as follows:

County of Madera
Chairman, Board of Supervisors
200 West 4th Street
Madera, CA 93637

Madera County Workforce Investment Corporation
Executive Director
441 East Yosemite Avenue
Madera, CA 93638

Workforce Development Board of Madera County
Board Chair
441 East Yosemite Avenue.
Madera, CA 93638

11. **Indemnification/Hold Harmless**: To the fullest extent permitted by law, each party shall indemnify, defend (at the indemnifying party's sole cost and expense), protect and hold harmless the other parties and each of their officers, employees, agents, and volunteers, and all representatives, successors, and assigns, from and against any and all claims (including, without limitation, claims for bodily injury, death or damage to property), demands, obligations, damages, actions, causes of action, suits, losses, judgment fines, penalties, forfeitures, liabilities, costs and expenses (including, without limitation, attorneys' fees, disbursements and court costs, and any and all other professional, expert or consultants' fees and costs and general and administrative expenses) of every kind and nature whatsoever (individually, a "claim;" collectively, "claims"), which may arise from or in any manner relate (directly or indirectly) to, and only to the extent of, the negligent and/or willful acts, errors and/or omissions of the indemnifying party, its officers, officials, agents, employees, person(s) under the

supervision of the indemnifying party, vendors, suppliers, contractors, subcontractors, consultants, anyone employed directly or indirectly by any of them or for whose acts they may be liable, or any or all of them, in performing any work or services to be provided under this Agreement.

12. **Governing Law**. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of California. Venue for the purposes of the filing of any action regarding the enforcement or interpretation of this Agreement and any rights and duties hereunder shall be Madera County, California.

13. **Severability**: Should any part, term, portion, or provision of this Agreement be in conflict with any law of the United States or of the State of California, or otherwise unenforceable or ineffectual, the validity of the remaining parts, terms, portions or provisions shall be deemed severable, enforceable and in effect, provided that such remaining portions or provisions can be construed in substance to constitute the intended Agreement of the parties.

* * * * * * * * * * * * * *

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written:

Attest

By: _____
Clerk, Board of Supervisors

County of Madera

By: _____
Chairman, Board of Supervisors

Approved as to Legal Form:

By: _____
County Counsel

Madera County Workforce Investment Corporation

By: _____
Elaine M. Craig, Executive Director

Workforce Development Board of Madera County

By: _____
Chair

Pan American Center holds fall job fair

By Donald A. Promnitz
THE MADERA TRIBUNE

Employers and jobseekers alike came out in force for a Fall Job Fair at the Pan American Community Center.

The fair, held Thursday by the Madera County Workforce Investment Corporation, was a chance for Madera County residents to see what job opportunities are available, with nearly 30 employers, ranging from county jobs to casinos.

"That's really the purpose of the job

SEE JOB FAIR, PAGE A3

Madera, California MADERA TRIBUNE

Job fair

Continued from Page A2

fair," said Maiknue Vang of the Investment Corporation. "It is to get jobseekers connected to employers, and help the employers fill that employment need at their local place of employment."

According to Vang, another fair is scheduled for April.

DONALD A. PROMNITZ/ THE MADERA TRIBUNE
Elaine Lopes of the California Conservation Corps. describes her organization's work to David Legaria. Lopes' booth was one of almost 30 at the Fall Job Fair held at the Pan American Community Center on Thursday.