

RESOLUTION NO. 2009-222

First Reading Passage Requested
(S. Zimmerman)

SPONSOR Mr. Pry

DATE June 1, 2009

COMMITTEE Human Services

A Resolution authorizing the County Executive to execute Amendment 1 to the subgrant agreement with the Ohio Department of Job and Family Services for all Workforce Investment Act ("WIA") grants received by the County of Summit Department of Job and Family Services during State Fiscal Year 2010 (7/1/09 through 6/30/10) and State Fiscal Year 2011 (7/1/10 through 6/30/11), for the Executive's Department of Job and Family Services, and declaring an emergency.

WHEREAS, the Workforce Investment Act ("WIA") of 1998 requires the Ohio Department of Job and Family Services make grants to counties through subgrant agreements; and

WHEREAS, the State of Ohio developed a new WIA subgrant agreement that is modeled after the subgrant agreement used pursuant to Section 5101.21 of the Ohio Revised Code for other funds granted to the County by the Ohio Department of Job and Family Services; and

WHEREAS, County Council previously adopted Resolution No. 2008-305, which authorized the County Executive to execute the subgrant agreement; and

WHEREAS, the Executive executed the subgrant agreement on 7/15/08; and

WHEREAS, the County of Summit Department of Job and Family Services has received from the Ohio Department of Job and Family Services Amendment 1 to the WIA subgrant agreement for State Fiscal Year ("SFY") 2010 (7/1/09 through 6/30/10) and SFY 2011 (7/1/10 through 6/30/11) that, along with the subgrant agreement, sets forth the rights and responsibilities of both the Ohio Department of Job and Family Services and the County of Summit Department of Job and Family Services in relation to any WIA grant funds that are awarded for SFY 2010 and SFY 2011; and

WHEREAS, the County of Summit Department of Job and Family Services anticipates receiving WIA grant funds from the Ohio Department of Job and Family Services for SFY 2010 and SFY 2011; and

WHEREAS, this Council has determined by reviewing all pertinent information that it is necessary and in the best interest of the County of Summit to authorize the County Executive to execute said Amendment 1 to the WIA subgrant agreement for SFY 2010 and SFY 2011;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

The County Executive is hereby authorized to execute Amendment 1 to the WIA subgrant agreement with the Ohio Department of Job and Family Services for WIA grant funds received by the County of Summit Department of Job and Family Services for State Fiscal Year ("SFY") 2010 (7/1/09 through 6/30/10) and SFY 2011 (7/1/10 through 6/30/11). A copy of said Amendment 1 is attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety, and welfare of the citizens of the County of Summit, and for the further reason that it is necessary to immediately execute said WIA subgrant agreement so that the County of Summit Department of Job and Family Services is eligible to awarded WIA grant funds from the Ohio Department of Job and Family Services for SFY 2010 and SFY 2011.

SECTION 3

Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and shall be in force at the earliest time provided by law.

SECTION 4

It is found and determined that all formal action of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED June 1, 2009

ADOPTED June 1, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED June 1, 2009


EXECUTIVE

ENACTED EFFECTIVE June 1, 2009

Voice Vote: 9-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Poda, Prentice, Schmidt, Shapiro, ABSENT: Rodgers & Smith

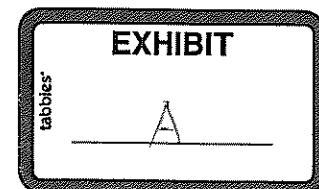
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
SUBGRANT AGREEMENT AMENDMENT 1**

G-89-15-1270

1. This is Amendment 1 to the Subgrant Agreement between the State of Ohio, Department of Job and Family Services (hereinafter referred to as "ODJFS") and Summit County Department of Job and Family Services (hereinafter referred to as SUBGRANTEE) signed by ODJFS on July 15, 2008.
2. This Amendment is created pursuant to additional appropriations SUBGRANTEE will receive from the United States Department of Labor for WIA programs under the American Recovery and Reinvestment Act of 2009. The following Sections will reflect the added or amended responsibilities of SUBGRANTEE with respect to the additional funds.
3. The second paragraph of the RECITALS is hereby amended to read as follows:

This Subgrant Agreement is made pursuant to the following federal awards: WIA Youth/Adult/Dislocated Workers Formula Combined Funds, apportioned among Catalog of Federal Domestic Assistance (CFDA) Numbers 17.258, entitled WIA Adult Program, 17.259, entitled WIA Youth Activities, 17.260, entitled WIA Dislocated Workers. All of these funds are included in award numbers AA-16048-07-55-A-39 for Program Year 2007 and Federal Fiscal Year 2008; Trade Adjustment Assistance, CFDA Number 17.245, Grant Number TA-15908-07-55-A-38 for Federal Fiscal Year 2007; Employment Service/Wagner-Peyser Funded Activities, CFDA Number 17.207, and Grant Number ES-16238-07-55-A-39 for Program Year 2007. Additional funds were appropriated in March, 2009, from the American Recovery and Reinvestment Act of 2009 (ARRA). These grant awards were awarded to the State of Ohio by the United States Department of Labor (DOL) and are not for research and development purposes.
4. SUBGRANTEE must submit an amended Local Workforce Development Plan that details how SUBGRANTEE will administer and expend the allotted WIA/ARRA funds. Therefore, ARTICLE I, Section B of the Subgrant Agreement is hereby amended to read as follows:
 - B. Funds provided under this Subgrant Agreement must be expended for workforce development activities in accordance with all applicable state and federal statutes, regulations, and policies, including those of WIA and any amendments to WIA; the approved Local Workforce Development Plan, as amended; the negotiated performance levels; policies established pursuant to the Secretary's authority under the transition provisions at WIA Section 506(a); specifically approved statutory waivers for WIA funds; and the applicable provisions in the appropriations act P. L. 107-116, the Trade Act of 1974 as amended in 2002 and 20 CFR Part 617, and the WIA Program PY 2008 Annual Funding Agreement Addendum located in Attachment A to this Amendment and the Training and Employment Guidance Letter 14-08 from the federal Employment and Training Administration Advisory System of the DOL, both of which are incorporated by reference.
5. ARTICLE III, Section A of the Subgrant Agreement is hereby amended to read as follows:
 - A. Ensure that the funds included in this Subgrant Agreement are used, and that the workforce development duties included in the agreement are performed, in accordance with (1) the conditions, requirements and restrictions established by ODJFS, (2) state and federal laws and regulations, (3) the state plan for receipt of federal financial participation, (4) the terms and conditions of the grant award, (5) any applicable grant agreements between ODJFS and federal agencies, (6) any applicable executive orders, (7) any written Department of Labor guidelines, including the provisions of the WIA Program PY 2008 Annual Funding Agreement Addendum located in Attachment A to this Amendment and the Training and Employment Guidance Letter 14-08 from the federal Employment and Training Administration Advisory System of the DOL, and (8) the approved Local Workforce Development Plan, as amended.
6. All other terms of the Subgrant Agreement are hereby affirmed.

SIGNATURE PAGE FOLLOWS



**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
SUBGRANT AGREEMENT AMENDMENT 1**

SIGNATURE PAGE

G-89-15-1270

09 - 222

IN WITNESS WHEREOF, the parties have executed this Amendment 1 to the Subgrant Agreement as of the date of the signature of the Director of the Ohio Department of Job and Family Services.

Summit County
Department of Job and Family Services

Ohio Department of Job and Family Services

Signature (Blue Ink Please)

Douglas E. Lumpkin, Director Date

Printed Name, Title

Date

47 North Main Street

Address

Akron, Ohio 44308

City, State, Zip

**WORKFORCE INVESTMENT ACT (WIA) PROGRAM
ADDENDUM
for
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) PROVISIONS**

**CFDA # 17.258 WIA Adult Program
CFDA #17.259 WIA Youth Activities
CFDA #17.260 WIA Dislocated Workers**

- A. Limit on Funds:** None of the funds appropriated or otherwise made available in the ARRA may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.
- B. Applicable Authority:** Funds provided under this grant agreement addendum must be expended in accordance with all applicable federal statutes, regulations, policies, and guidance, including those of the ARRA of 2009 and the Workforce Investment Act of 1998 (*as presently in effect and as may become effective during the terms of this Agreement*). In addition, ARRA funds must be spent in accordance with the applicable approved WIA State plan including approved modifications and amendments to the plan.
- C. Veterans' Priority Provisions:** NOTE: this provision applies to all PY 2008 funds in place of the version of the Veterans' Priority Provisions clause in the original agreement. This program, funded by the U.S. Department of Labor is subject to the provisions of the "Jobs for Veterans Act" (JVA), Public Law 107-288 (38 USC 4215), as implemented by the Final Rule published on December 19, 2008 at 73 Fed. Reg. 78132. The JVA provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services. The Planning Guidance (either the Stand-Alone Planning Guidance at 73 FR 72853 (December 1, 2008)) or the Unified Planning Guidance at 73 FR 73730 (December 3, 2008 requires states to describe the policies and strategies in place to ensure, pursuant to the Jobs for Veterans Act and the regulations, that priority of service is provided to veterans (and certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded by the U.S. Department of Labor. In addition, the states are required to provide assurances that they will comply with the Veterans' Priority Provisions established by the Jobs for Veterans Act (38 USC 4215).
- D. General Provisions of ARRA, as applicable:** The following clauses are specific to usage of ARRA funds and are intended to supplement, not replace any existing terms and conditions.
- Wage Rate Requirements:** Subject to further clarification issued by the Office of Management and Budget and notwithstanding any other provision of law and in a manner consistent with other provisions of ARRA, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Grantor pursuant to this award shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code. (ARRA Sec. 1606)

Whistleblower Protection: Each Grantee or sub-recipient awarded funds made available under the ARRA shall promptly refer to the Grantor Office of Inspector General any credible evidence that a principal, employee, agent, contractor, sub-recipient, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds. (ARRA Sec. 1553)

Buy American – Use of American Iron, Steel, and Manufactured Goods: None of the funds appropriated or otherwise made available by the ARRA may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. See ARRA Section 1605 – Buy American Requirements. **NOTE:** WIA Title I prohibition on construction, in accordance with 20 CFR 667.260, remains applicable to Grantees.

09 - 222