

**Local Governance Agreement  
For Local Workforce Development Area Two**

16-328

This Local Governance Agreement is entered into this \_\_\_ day of \_\_\_\_, 2016 by and between the Summit and Medina Workforce Area Council of Governments (“SAMWA COG”), the Summit County Department of Job and Family Services (“CSDJFS”), and the Area 2 Workforce Development Board (“WDB”), collectively known hereinafter as the “Parties”.

**WHEREAS**, The Workforce Innovation and Opportunity Act (WIOA) envisions a workforce development system that is focused on job seekers, businesses, and the needs of regional economies, and requires workforce development boards and chief elected officials to design and govern the system regionally, aligning workforce policies and services with regional economies and supporting service delivery strategies tailored to those needs; and

**WHEREAS**, Local Workforce Area 2 (“Area 2”) administers Summit and Medina County workforce development activities and requires an agreement between the chief elected officials, the Workforce Development Board, and the Fiscal Agent which will address the logistics of how the local area will function and how administrative tasks will be carried out within the local area; and

**WHEREAS**, Summit and Medina Counties have established the SAMWA COG as the organizational vehicle through which the county elected officials will exercise local oversight of Area 2 and the board of the SAMWA COG consists of the chief elected officials; and

**WHEREAS**, the Summit County Department of Job and Family Services has been appointed pursuant to the organizational documents of the SAMWA COG as the WIOA Fiscal Agent for Area 2; and

**WHEREAS**, the purpose of this local governance agreement is to delineate the roles and responsibilities between the chief elected officials, local WDB (and its director and/or staff), and the fiscal agent;

**NOW THEREFORE**, in consideration of the covenants and promises set forth below, the Parties agree as follows:

**Section 1. Definitions**

1. “WIOA.” The Workforce Innovation and Opportunity Act of 2014, as amended.
2. “Local Workforce Development Area 2.” Ohio Counties of Summit and Medina.
3. “Chief Elected Officials” (“CEOs”). In Summit County the Chief Elected Official is the County Executive. In Medina County, the Chief Elected Officials are the County Commissioners. For the purposes of this Regional Council of Governments (“COG”) the

Medina County Commissioners will elect or appoint one of their members to serve as their representative.

4. “COG Fiscal Agent.” The person or entity designated to receive, process and account for administrative funds used for the administration and staffing of the SAMWA COG, including the administrative support of the WDB.

5. “WIOA Fiscal Agent.” The person or entity designated to the receive, process and account for WIOA funds allocated to Workforce Area 2.

6. “Workforce Development Board” (“WDB”). The body defined under 20 CFR 679.310 to perform planning, implementation and assessment of workforce development programs in Summit and Medina Counties.

7. “One-stop Operator.” An entity that oversees and provides centralized and coordinated management of an array of employment services and connections to work-related training and education of the core and other required WIOA One Stop partners to achieve results for jobseekers, workers, and businesses.

## **Section 2. Governance Structure and Duties of the WDB**

2.1 Governance Structure and Bylaws. Members of the WDB shall adopt a new set of by-laws at its first duly noticed public meeting after a majority of its members are in place. The by-laws shall at a minimum address the following:

- a. Officers. Establish the positions of Chairperson, Vice-Chairperson, Secretary and Treasurer; defined their duties; and provide for the elections of officers from the ranks of the WDB Membership to be conducted annually at the first meeting of the fiscal year.
- b. Standing Committees. At a minimum provide for the following standing committees:
  - i) One-Stop Operations - This committee will provide information and assistance with operational and other issues relating to the one-stop delivery system and may include one-stop partners.
  - ii) Youth Services - This committee will provide information and assistance with planning, operational, and other issues relating to youth services and may include community based organizations that serve eligible youth.
  - iii) Disabled Participants – This committee will provide information and assistance with planning, operational and other issues relating to individuals with disabilities, including compliance with section 188 of the Act, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports and accommodations to individuals with disabilities.

- iv) Performance - This committee will evaluate the performance of the one-stop providers against the performance measures established with the State.
- v) Executive – This committee will provide direct oversight of day to day operations of the staff, carry out directives already approve by the full WDB and coordinate with the CEOs.
- vi) Finance – This committee will monitor WIOA allocations, prepare budgets for WDB/SAMW COG operations and WIOA programs, report to the full WDB for budget approvals, and oversee audits and budget compliance.
- vii) Committee assignments and their tenure shall be made by the WDB Executive Committee and may consist of both members of the WDB and outside experts on the subject matter before that standing committee with the provision that all Chairs of the Standing Committee are WDB Members.
- viii) The WDB shall have the authority to create and terminate ad-hoc committees.

2.2 Duties of the WDB. The WDB will be responsible for the development of a regional plan for workforce development, for the implementation of that plan through competitive bidding for workforce development services, and the evaluation of the efficacy of plans put into place. To fulfill these responsibilities the WDB shall do the following:

- a. Local Plan. The WDB, in partnership with the SAMWA COG Board, shall develop and submit a local plan to the Governor that meets the requirements of section 108 of the Act. In so doing, the WDB shall:
  - i) Collaborate with the other local boards and chief elected officials from the planning region to prepare a regional plan as described in section 106(c)(2) of the Act.
  - ii) Convene and engage local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources to leverage support for workforce development activities.
  - iii) Incorporate performance measures negotiated with the state. (CFR 679.560(b)(16))
- b. Workforce Research and Regional Labor Market Analysis. The WDB shall:
  - i) Analyze economic conditions and workforce in the area, as described in section 108(b)(1)(D) of the Act, and shall regularly update such information;
  - ii) Assist in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491-2(e)), including the collection, analysis, and utilization of workforce and labor market information for the region; and
  - iii) Conduct such other research, data collection, and analysis related to the workforce needs of the regional economy.
- c. Employer Engagement. The WDB shall lead efforts to:
  - i) Promote business representation on the local board;

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- ii) Develop linkages to employers to support employer utilization of the workforce development system and to support workforce investment activities;
  - iii) 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 entities, and service providers; and
  - iv) Develop and implement strategies for meeting the employment and skill needs of workers and employers that provide the skilled workforce needed by employers, and that expand employment and career advancement opportunities for system participants in in-demand industry sectors or occupations.
- d. Career Pathways Development.—The WDB, with representatives of secondary and postsecondary education programs, shall work to develop and implement career pathways by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
- e. Proven and Promising Practices.—The WDB shall lead efforts in the area to:
- i) Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job-seekers in the local workforce development system, including providing physical and programmatic accessibility to the one-stop delivery system, in accordance with section 188 of the Act, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) to those with barriers to employment; and
  - ii) Identify and disseminate information on proven and promising practices carried out in other local areas.
- f. Technology.—The WDB shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers and jobseekers, by:
- i) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
  - ii) Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
  - iii) Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
  - iv) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
- g. Program Oversight. The WDB, in partnership with the COG, shall:

- i) Conduct oversight for local youth workforce investment activities authorized under section 129(c) of the Act, local employment and training activities authorized under subsections (c) and (d) of section 134 of the Act, and the one-stop delivery system in the local area; and ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described above; and
- ii) Ensure the appropriate use, management, and investment of funds to maximize performance outcomes under Chapter 4, section 116 of the Act.
- h. Negotiation of Local Performance Accountability Measures. The WDB, the COG, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).
- i. Selection of Operators and Providers.
  - i) Operators.—Consistent with section 121(d) of the Act, the WDB, with the agreement of the COG, shall designate or certify one-stop operators as described in section 121(d)(2)(A); and may terminate for cause the eligibility of such operators.
  - ii) Providers.—Consistent with section 123 of the Act, the WDB shall identify eligible providers of youth workforce investment activities in the area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection 2.2(D) above; and may terminate for cause the eligibility of such providers.

### Section 3. WDB Director and Staff

3.1 Staff Employed by SAMWA COG. It is recognized the WDB will need the assistance of staff to carry out its duties. The SAMWA COG will be the employer of the staff, but the staff will function principally at the direction of the WDB in carrying out the planning, contracting and evaluation function for which the WDB is responsible. The staff will also manage communications between the WDB and the SAMWA COG Board and will facilitate the oversight functions of the Chief Local Elected Officials in their role of responsibility for the work of the WDB.

3.2 Hiring of Executive Director and Staff. The WDB will establish a budget for staff and administration, within the limitations of WIOA funding, and may within the limits of said budget hire a director and other staff to assist in carrying out the functions described above using funds available under sections 128(b) and 133(b) of the Act. Staff shall assist the WDB in carrying out the functions set forth in Section 3.

3.3 Qualifications of the Director. The local board shall establish objective qualifications for the position of director including but not limited to:

- a. Coordinating with the COG regarding the identification and nomination of members to the local WDB in compliance with WIOA;
- b. Organizing local WDB meetings and ensuring that the meetings are held according to the WDB's by-laws and the sunshine laws;
- c. Developing and submitting the local and regional plan;
- d. Conducting oversight of the adult, dislocated worker, and youth programs, including development of policies and monitoring the administration of the programs;
- e. Negotiating and reaching agreement on local performance measures;
- f. Negotiating with chief elected official and required partners for the Memorandum of Understanding;
- g. Competitively procuring providers of youth program services, providers of adult and dislocated worker career services, and the OhioMeansJobs center operator;
- h. Developing the budget for activities of the board; and
- i. Certifying the OhioMeansJobs centers.

3.4 Limitation on Rate. The director and staff described above shall be subject to the following limitations pursuant to section 194(15) of WIOA, and none of the funds available under this title shall be used by a recipient or sub-recipient to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

3.5 Performance Evaluation. The WDB shall establish policies and procedures for the employment, evaluation, compensation, discipline and termination of employees, including the Director.

#### **Section 4. WIOA Fiscal Agent**

4.1 Appointment. The WIOA Fiscal Agent shall be the County of Summit Department of Job and Family Services ("SCDJFS").

- 4.2 Duties of the WIOA Fiscal Agent: As Fiscal Agent, SCDJFS shall:
- a. Receive and disburse WIOA funds;
  - b. Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget (OMB) circulars, WIOA and corresponding federal regulations and State policies;
  - c. Be subject to an annual audit by the Auditor of State or other independent audit agency as well as periodic financial monitoring by ODJFS.
  - d. Cooperate in any audit procedure, respond to financial audit findings and provide corrective actions when necessary;
  - e. Maintain proper accounting records and adequate documentation;

- f. Prepare financial reports;
- g. Monitor the fiscal activities of sub-recipients and contractors.
- h. Provide technical assistance to sub-recipients regarding fiscal issues.
- i. Provide WDB with data regarding its compliance with the performance measures set for it in the local plan.
- j. All requirements set forth in Ohio Administrative Code Section 5101:9-7-05 applicable to the WIOA Fiscal Agent.
- k. Comply with federal and state requirements, including but not limited to, processing of vendor and sub-recipient invoices, drawing and receipt of funds, assignment of proper state financial codes to expenditures and receipts, and monthly upload of financials into the state financial system.
- l. Track and monitor Area 2 workforce receipts and expenditures in a separate Fund in their financial system.
- m. Appoint personnel to carry out the duties outlined above who will not be permitted to engage in:
  - i) policy or service delivery issues or activities; or
  - ii) procurement of contracts or negotiation of written agreements to provide workforce development services.

### **Section 5. One-stop Operator**

5.1 Appointment. The SCDJFS shall also act as the Summit County one-stop operator for the 2016 fiscal year. The designation of one-stop operator for the 2017 fiscal year and thereafter will be achieved through a competitive bidding process defined and administered by the WDB.

5.2 Duties of One-stop Operator. The One-stop Operator shall:

- a. ;
- b. Develop MOUs based on forms provided by State and coordinate service delivery among partners as defined in the MOU;
- c. Coordinate service delivery among physical OhioMeansJobs centers and electronic sites;
- d. Coordinate services across the local area workforce development system;
- e. Implement local WDB policies; and
- f. Report to the local WDB on operations, performance accountability, and continuous improvements.
- g. Appoint SCDJFS personnel to fulfill the responsibilities outlined above who will not be responsible for the duties of the WIOA Fiscal Agent as set forth in Section 1 above.

5.3 Conflicts of Interest. There will be a need for SCDJFS to separate duties internally among its staff to avoid conflicts as it carries out its roles of One-stop Operator and WIOA Fiscal Agent. Rules and guidelines to address these conflicts of interest will be set forth in a multi-function agreement between the SAMWA COG and SCDJFS.

**Section 6. Miscellaneous**

6.1 Dispute Resolution. Any dispute between the COG and the WDB regarding any matters they are required to perform together (e.g. sections 3.1, 3.7, 3.8 and 3.9) shall be determined by discussion between the COG and the Executive Committee of the WDB. In the event the parties cannot reach an agreement the decision of the COG shall prevail.

6.2 Term of the Agreement. This agreement shall become effective on the date last signed below and shall continue until terminated by the parties as set forth below.

6.3 Termination. This agreement can only be terminated upon notice to, and agreement of the COG and ODJFS. The party wishing to terminate this agreement must give a 60 day notice.

In Witness Whereof, the Parties hereto have executed this Intergovernmental Agreement on the day and year first set forth above.

WDB Chair

CSDJFS Director

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Patricia L. Divoky

SAMWA COG

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Adam Friedrich  
Medina County Commissioner

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Ilene Shapiro  
Summit County Executive

Approved as to form:

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Michael Lyons, Assistant Prosecutor  
Medina County Prosecutor's Office

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Deborah S. Matz, Director Department of  
Law, Insurance and Risk Management