

ATTACHMENT C

CEO/LWIB Agreement Template

Developing the Local Workforce Investment Board/Chief Elected Official Agreement:

On August 7, 1998, the Workforce Investment Act of 1998 (WIA) was signed into law and constituted a comprehensive reform legislation that superseded the Job Training Partnership Act (JTPA) and amended the Wagner-Peyser Act. The WIA also contains the Adult and Family Literacy Act (Title II) and the Rehabilitation Act Amendments of 1998 (Title IV).

The WIA reformed federal job training programs and created a comprehensive workforce investment system intended to be customer-focused, to help people access the tools they need to manage their careers through information and high quality services, and to help companies find skilled workers.

The governance and operation of the Local Workforce Investment System is contingent on a successful partnership between the Chief Elected Official and the LWIB related to their respective roles which are outlined in the agreement between the Chief Elected Official and the Local Workforce Investment Board. In accordance with the Workforce Investment Act and regulations, the following template is provided to ensure that the necessary regulatory and operational elements are described, included and understood by both parties. This will facilitate the delivery of optimal workforce development services for individuals and employers within the Workforce Investment Area. **The LWIB by-laws may not alter or circumvent this agreement.**

The responses to be provided within the LWIB/CEO Agreement Template describe the local workforce organizational design and the functions that each entity will assume related to its statutory and locally agreed upon responsibilities and the communication process that will be used to ensure that the goals and objectives outlined in the annual plan as well as the Workforce Investment Act are achieved.

The LWIB/CEO Agreement is not intended to serve as a detailed planning document. The Annual Local Area Plan is the document in which the LWIB and CEO will describe work plans, timelines and performance goals related to the direct delivery of workforce development services and activities within the region.

Changes to the Agreement:

The CEO/LWIB Agreement must cover the new two-year WIB certification period. In order to remain a valid document, the Agreement must be modified if any of the following conditions change:

- There is a new Chief Elected Official
- There has been a change in the entity named to assist in the administration of the grant funds, to act as the local grant sub-recipient, or local fiscal agent
- The term of the document has expired or has not been properly modified

Changes or modifications to the CEO/LWIB Agreement must be submitted to the Division of Career Services, Charles F. Hurley Building, 19 Staniford Street, 1st floor, Boston, MA 02114 to the attention of Lisa Caissie.

The document must contain a written response to each item below:

I. Joint Responsibilities of the Local Workforce Investment Board and Chief Elected Official

1. What process is used to designate and/or certify the One-Stop Career Center operators, and what are the roles of the Local Workforce Investment Board and Chief Elected Official in the selection and/or re-certification process?
2. What process is used in the development and approval of the Local Workforce Investment Board’s operating budget?
3. Describe how LWIB membership is reflective of the Workforce Investment Area’s demographics, geographic region, and industries.
(WIA, Section 117 (b), (c),(d))
4. What is the local oversight process for youth activities, employment and training activities, and the One Stop delivery system in the area? *(Activities authorized under Section 134, and the One Stop delivery system in the local area.” (WIA, Section 117 (d) (4))*
5. Who participates with the State in the negotiation of local performance measures for your area?
6. What process is used by the LWIB to appoint or reappoint the Youth Council?

II. Responsibilities of the Chief Elected Official

“The term chief elected official means—(A) the chief elected executive officer of a unit of general local government in a local area; and (B) in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in section 117(c) (1) (B).” (WIA, Section 101 (6))

1. What entities or process will the Chief Elected Official use to obtain business candidate nominations for the Local Workforce Investment Board?
2. In regions with more than one unit of local government the Chief Elected Official may execute an agreement that specifies the roles of the other individual Chief Elected Officials. Is there an agreement among the CEOs in the region? If yes, please attach. If not, how will the Chief Elected Official ensure that all units of government in the region participate in workforce development activities?
3. If the Chief Elected Official has designated an entity to act as the WIA fiscal agent and/or to act as a local grant sub recipient, please identify the organization and describe the duties it will have, including its organizational relationship with the LWIB/CEO.

III. Responsibilities of the Local Workforce Investment Board

“There shall be established in each local area of a State, and certified by the Governor of the State, a local workforce investment board, to set policy for the portion of the statewide workforce investment system within the local area.” [WIA, Section 117 (a)]

Describe how the Local Workforce Investment Board shall undertake the following activities:

1. How is the annual plan developed and/or modified in your region, and how is the “partnership” achieved with the CEO?
2. “The local board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the local board, including information regarding the annual plan, and regarding membership, the designation and certification of One-Stop Career Center operators, and the award of grants and contracts to eligible providers of youth activities, and on request, minutes of formal meetings of the local board.” [WIA, Section 117 (e)] How will the Local Workforce Investment Board ensure public access and knowledge of Workforce Investment Board activities as described above?
3. Does your Local Workforce Investment Board solicit and directly operate non-WIA/non-state-designated workforce development programs outside the One Stop Career Center system? If yes, how are these programs integrated and linked with other activities and programs provided through the Career Center system? [WIA, Section 117 (F)]

IV. Local Governance Design and Structure

WIA envisions a strong, cooperative partnership between the CEO and the LWIB which will allow each entity to act within its defined role to positively impact the local labor market and community. Through this agreement the respective roles and responsibilities will be clearly understood by each entity. This will enable the LWIB and the CEO to effectively manage and strengthen their partnership maximizing workforce development efforts in the region.

The creation of a clear governance structure at the local level should, therefore, be articulated in the responses to the following requested information related to the local organizational structure:

1. The LWIB may, in accordance with the attached CEO/LWIB Agreement, choose to employ LWIB staff directly or contract with another appropriate organization to provide staffing services, including the designated CEO, or its fiscal agent and/or sub grant recipient. Please identify: the organizational employer (including department if paid through a municipality or unit of local government); the entity whose personnel policies will be followed and the entity who has hiring/ terminating authority for all LWIB staff.
2. The fiscal agent as designated by the CEO (not the LWIB or LWIB staff) may provide services in the local area, including, the management/operation of the local One-Stop Career Center. Please describe the services that will be provided by the fiscal agent in your area.
3. Subject to funding restrictions and limitations, the LWIB may manage its funds directly or contract with another appropriate entity or agent to manage its funds, including the CEO, its fiscal agent or grant sub recipient or one-stop operator/partner. Please indicate the entity that will manage the funds for the LWIB in your area.
4. Although it is permissible for the CEO/municipality to be the employer of record for LWIB staffing purposes this staffing structure is strongly discouraged. The configuration could result in questions related to the degree of LWIB autonomy required to properly and effectively perform its critical oversight functions. Additionally, given the incorporated structure of the majority of LWIBs in the Commonwealth, the employer/employee relationship and related personnel issues have caused significant confusion in the local areas related to the employment status of these individuals.

If the CEO/municipality provides LWIB staffing services, the following conditions must be met:

- The restrictions on the provision of core, intensive and training services by the Local Board also apply to staff of the Local Board (WIA sec.

117(f)(1)and (f)(2)). LWIB staff employed or contracted through the municipality cannot provide services or participate in the operation of the local One-Stop Career Center.

- These individuals will be considered as employees of the municipality and subject to the personnel policies and organizational oversight as other employees within the municipality unless there is a specifically executed and signed agreement between the CEO and LWIB, voted on and approved by the LWIB membership which contains the personnel policies and organizational oversight that will be utilized in the management of LWIB staff.
- An appropriate governance and reporting structure must exist to safeguard the autonomy of the LWIB and its staff in order to effectively carry out its oversight function;
- Adequate distinctions must be created between LWIB staffing and direct provision of service. (*WIA, Section 134 (d)*)

IMPORTANT NOTE: If your LWIB will employ staff through the municipality please indicate which municipal department will have responsibility for the staffing services for the LWIB and how the autonomy of the LWIB staff will be maintained.