

Mass Workforce Issuance

100 DCS 08.110

Policy Information

To: Chief Elected Officials
Workforce Development Board Chairs
Workforce Development Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: February 6, 2018

Subject: **Functional Guidance by Non-State Management / Supervisory Personnel of DCS Employees Assigned to One-Stop Centers**

Purpose: To provide policy guidance to Local Workforce Development Boards, One-Stop Career Center Operators and other local workforce partners with regard to the relationship of non-state management and supervisory personnel to on-site state merit-staff employees assigned to a career center location to carry out employment related services under the terms of the required Memorandum of Understanding (MOU) with the Department of Career Services (DCS).

Background: In partnership with the Local Workforce Development Boards (LWDBs), the designated local operator and other state and local organizations, the Department of Career Services assigns state merit-staff personnel to perform duties and carry out responsibilities associated with the provision business and jobseeker services as described in the executed Local Umbrella MOU required under the Workforce Innovation and Opportunity Act (WIOA). While the seamless integration of both staff and functionality has been successfully implemented throughout the Massachusetts One-Stop Career Center System, the Commonwealth is re-emphasizing its policy with regard to the appropriate level of authority that may be exercised over its personnel assigned to One-Stop Career sites.

Policy: In carrying out their responsibilities as management and/or supervisory employees of the designated One-Stop Career Center Operator, non-state

managers and supervisors may provide *functional guidance* to those DCS state merit-staff assigned to provide services at a career center site in order to carry out the vision and implementation of services to the shared OSCC customers as delineated in the Local Umbrella MOU.

Functional guidance allows for a level of advisement and assistance with regard to how a DCS merit-staff employee carries out his or her assigned responsibilities that must be construed to be at a lower level of authority than the level of direction and oversight engendered in the term, *supervision*.

The Commonwealth's policy is based on the regulatory requirements of the Workforce Innovation and Opportunity Act as described in the Code of Federal Regulation at 20 CFR §652.216 which states in part:

“As part of the local Memorandum of Understanding described in §678.500 of this chapter, the SWA, as a One-Stop partner, may agree to have staff receive guidance from the One-Stop operator regarding the provision of labor exchange services. Personnel matters, including compensation, personnel actions, terms and conditions of employment, performance appraisals, and accountability of State merit-staff employees funded under the Wagner-Peyser Act, remain under the authority of the SWA. The guidance given to employees must be consistent with the provisions of the Wagner-Peyser Act, the local Memorandum of Understanding, and applicable collective bargaining agreements.”

For added clarity, “terms and conditions of employment” include (but are not limited to):

- the number of hours in the individual's work schedule, the individual's daily/weekly work schedule,
- compensation level and range,
- benefit package and schedule,
- job description,
- job responsibilities,
- sign off on specified EOLWD policies,
- tuition remission,
- travel expense reimbursement,
- overtime and any relevant items negotiated as part of a collective bargaining agreement such as vacation / personal / holiday / sick / military/ court / bereavement leave, lunch breaks, and work breaks.

To assure compliance with the regulatory requirements, each DCS merit-staff employee will have a direct reporting relationship with a designated DCS supervisor/manager for all “Personnel” matters as described in the regulations.

Notwithstanding the requirements of this policy, supervision and guidance of DCS staff assigned to the One-Stop Career Center(s) will be carried out by the respective parties with an expectation of mutual cooperation and consideration by the Operator, DCS and all partner organizations and with a focus on assuring the

full and continued delivery of customer services without undue disruption and achieving the performance goals established for the One-Stop Career Center system.

Action

Required: Please assure that each One-Stop Career Center Operator and its management and supervisory personnel are informed of the content of this issuance. Additionally, please assure that no local policy or procedure is implemented that may be construed to be inconsistent with the requirements of this policy.

Effective: Immediately

Inquiries: Please email all questions to PolicyQA@MassMail.State.MA.US. Also, indicate Issuance number and description.