

Agreement Between the
Chief Elected Official of Northwest TN Workforce Development Area
And
Workforce Innovations, Inc. (Fiscal Agent & Staff to Board)

This agreement is entered into by and between the Chief Local Elected Official representing the Consortium of Local Elected Officials of the Northwest Local Workforce Development Area/ Northwest Tennessee Workforce Development Board, and Workforce Innovations, Inc.

Witnesseth that:

Whereas, in accordance with WIOA Section 107(d)(12)(B)(II), in order to assist in the administration of the grant funds, the Chief Local Elected Official, representing the Consortium of Local Elected Officials, may designate an entity to serve as fiscal agent/grant sub-recipient for WIOA funds. This designation, however, shall not relieve the Consortium of the liability for any misuse of grant funds; and

In accordance with WIOA Sec. 107(d){12}{B}(i){II}, the parties to this Agreement have agreed that Workforce Innovations, Inc. shall serve as Fiscal Agent for the Northwest TN Local Workforce Development Area and;

Whereas, the parties to this agreement have agreed that Workforce Innovations, Inc., in accordance with WIOA Sec. 107(f)(1), shall hire a director and other staff to assist in carrying out the functions described in subsection (d) and;

Whereas in accordance with WIOA Sec. 107(f)(2) have established a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively carrying out the functions of the local board and;

Whereas in accordance with WIOA Sec. 107(f)(3) the director and staff shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15) and;

Whereas WIOA Sec. 194(15)(A) states: None of the funds available under this title shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, whether 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 and;

Now, therefore, the parties agree as follows:

As the designated entity, Workforce Innovations, Inc. in accordance with Sec. 107(d){12}{B}{III}, shall disburse the grant funds for workforce investment activities at the direction of the local board and Chief Elected Official, pursuant to the requirements of this title and shall disburse the

funds immediately on receiving such direction from the local board. §679.420 states that the designation of a fiscal agent does not relieve the Chief Elected Official of liability for the misuse of grant funds.

In accordance with 20CFR 679.420, when the Chief Local Elected Official, representing the Consortium of Local Elected Officials, elects to appoint a fiscal agent to assist in the administration of grant funds, the Chief Local Elected Official must ensure the fiscal agent has clearly defined roles and responsibilities. Workforce Innovations, Inc. as the Fiscal Agent for the Consortium of Local Elected Officials will be responsible for the following functions:

- (1) Receive funds to expend or disburse for the purposes authorized by WIOA
- (2) Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA and the corresponding Federal Regulations and State policies
- (3) Respond to audit financial findings
- (4) Maintain an appropriate system of internal controls, proper accounting records and adequate documentation
- 5) Prepare financial reports
- (6) Provide technical assistance to sub-recipients regarding fiscal issues
- (7) Procure contracts or obtain written agreements
- (8) Conduct financial monitoring of service providers
- (9) Ensure independent audit of all employment and training programs
- (10) Comply with state and federal reporting requirements and timelines as defined by Tennessee Department of Labor and Workforce Development
- (11) Provide requested documentation to state monitors and external auditors
- (12) Other duties as required by direction of the Chief Local Elected Official or Northwest Workforce Development Board

Workforce Innovations, Inc. as fiscal agent shall have full authority, which includes signatory authority, to execute the above listed duties and responsibilities, but shall take no action that has not been authorized by the Chief Local Elected Official, if approval is required. The appropriate role of the fiscal agent is limited to accounting and funds management functions rather than policy or service delivery as per 20 CFR 679.420.

Pursuant to 20CRF679.400, should an entity be chosen to provide additional workforce functions beyond fiscal functions described at WIOA Section 107(d), such an entity is required to clarify

additional roles and responsibilities.

Further in accordance with WIOA Sec. 107(f)(1), the parties to this Agreement have agreed Workforce Innovations, Inc. will serve as Staff to the Board to provide staff to assist in carrying out the functions of the local board in accordance with the Consortium of Local Elected Officials. The functions of the Local Board include the following from § 679.370.

As provided in WIOA sec. 107(d), the Local Board must:

(a) Develop and submit a 4-year local plan for the local area, in partnership with the Chief Elected Official and consistent with WIOA sec. 108;

(b) If the local area is part of a planning region that includes other local areas, develop and submit a regional plan in collaboration with other local areas. If the local area is part of a planning region, the local plan must be submitted as a part of the regional plan;

(c) Conduct workforce research and regional labor market analysis to include:

(1) analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development (including education and training) activities to include an analysis of the strengths and weaknesses (including the capacity to provide) of such services to address the identified education and skill needs of the workforce and the employment needs of employers;

(2) Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region;

(3) 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.

(d) Convene local workforce development system stakeholders to assist in the development of the local plan under § 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the Local Board and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the Local Board;

(e) Lead efforts to engage with a diverse range of employers and other entities in the region in order to:

(1) Promote business representation (particularly representatives with optimum policymaking or hiring authority from employers whose employment opportunities reflect existing and 596 emerging employment opportunities in the region) on the Local Board;

(2) Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;

(3) 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 (4) Develop and

implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), 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 industry sectors or occupations.

(f) With representatives of secondary and post-secondary education programs, lead efforts to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

(g) Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and jobseekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.

(h) Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by:

- (1) 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;
- (2) Facilitating access to services provided through the one-stop delivery system involved, including access in remote areas;
- (3) 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
- (4) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

(i) In partnership with the chief elected official for the local area:

- (1) Conduct oversight of youth workforce investment activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA sees. 134 (c) and (d); and entire one-stop delivery system in the local area; and
- (2) 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
- (3) Ensure the appropriate use management, and investment of funds to maximize performance outcomes under WIOA sec. 116.

(j) Negotiate and reach agreement on local performance measures with the Chief Elected Official and the Governor.

(k) Negotiate with Chief Elected Official and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with § 678.715 or must notify the Governor if they fail to reach agreement at the local level and will use a State infrastructure funding

mechanism.

(l) Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:

- (1) Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established); however, if the Local Board determines there is an insufficient number of eligible providers in a local area, the Local Board may award contracts on a sole-source basis as per the provisions at WIOA sec. 123(b);
- (2) Providers of training services consistent with the criteria and information requirements established by the Governor and WIOA sec. 122;
- (3) Providers of career services through the award of contracts, if the one-stop operator does not provide such services; and
- (4) One-stop operators in accordance with §§ 678.600 through 678.635.

(m) In accordance with WIOA sec. 107(d)(10)(E) work with the State to ensure there are sufficient numbers and types of providers of career services 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.

(n) Coordinate activities with education and training providers in the local area, including:

- (1) Reviewing applications to provide adult education and literacy activities under title II 599 for the local area to determine whether such applications are consistent with the local plan;
- (2) making recommendations to the eligible agency to promote alignment with such plan; and
- (3) Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

(o) Develop a budget for the activities of the Local Board, with approval of the Chief Elected Official and consistent with the local plan and the duties of the Local Board.

(p) Assess, on an annual basis, the physical and programmatic accessibility of all one stop centers in the local area, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(q) Certification of one-stop centers in accordance with § 678.800.

In order to assist the Chief Elected Official in carrying-out the functions, as Fiscal Agent and Staff to the Board, Workforce Innovations, Inc. will:

- Recruit, hire and train staff to carry out the mission of the program
- Lead, supervise and support the staff in performance of their job responsibilities.
- Provide or arrange for Human Resource/Payroll functions related to staff.
- Provide Procurement, Purchasing and Contracting structure to include leases for American

Job Centers, equipment purchases, sub-contracts with training providers, etc.

- Provide a budgeting and accounting system for accounts payable and accounts receivable functions.
- Provide cash management.
- Provide general liability for actions of staff, board members and directors, leased space, etc. and workman's compensation for staff.
- Other duties necessary to carry out the functions of the Board and WIOA

This agreement becomes effective upon acceptance by all parties for execution of activities authorized by Workforce Innovation and Opportunity Act and shall remain in force until such time one or more parties call for a modification, amendment or alteration of the terms or conditions contained herein.

Revised 5-17-2022.

Revised 2-3-2023 legal name change from Northwest TN Workforce Board, Inc. to Workforce Innovations, Inc.

DocuSigned by:

John Penn Ridgeway

2/9/2023

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John Penn Ridgeway, Henry County Mayor
Chief Elected Official, Northwest TN Consortium of Local Elected Officials

Date

DocuSigned by:

Jimmy Williamson

2/3/2023

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Jimmy Williamson
President, Workforce Innovations, Inc.

Date