

**LOCAL ELECTED OFFICIALS AND
LOCAL WORKFORCE DEVELOPMENT BOARD
PARTNERSHIP AGREEMENT**

**Northwest Tennessee Local Elected Officials
Northwest Tennessee Workforce Board, Inc.**

In accordance with Workforce Innovation and Opportunity Act (WIOA) of 2014, Section 107(b)(1), the Governor, in partnership with the State Workforce Board shall establish criteria for the appointment of Local Workforce Development Board members by the Local Elected Officials. The Tennessee Department of Labor and Workforce Development (TDLWD), as the designated representative of the Governor, provides guidance on the required inclusions of such an agreement. For Northwest TN Workforce Development Area (NWTN WDA), the Local Elected Officials (LEOs) include the county mayors/executives from the following counties in Tennessee: Benton County, Carroll County, Crockett County, Dyer County, Gibson County, Henry County, Lake County, Obion County, and Weakley County.

Whereas, the local elected officials, within the meaning of the Workforce Development Act, are the County Mayors/Executives of each county referenced above; and,

Whereas, the WIOA requires the establishment of a Local Workforce Development Board (LWDB) to provide policy guidance for, and exercise oversight with respect to, activities under the job training program for its workforce development region in partnership with the general local governments within its LWDA; and,

Whereas, per WIOA Section 107(c)(1)(A), it is the responsibility of the Chief Local Elected in the LWDA to appoint members of the Local Workforce Development Board in accordance with the WIOA and an Agreement entered into by the County Mayor of each county.

The following provisions, as included in the Local Elected Official Interlocal Agreement, the Northwest TN Workforce Board Inc. By-laws, Tennessee Department of Labor and Workforce Development Services Policy - Interlocal and Partnership Agreements and Local Workforce Development Board Nomination Process, are agreed upon by all parties to this agreement:

1. Local Board Membership

WIOA Section (107)(c)(1)(A) authorizes the CLEO to appoint the members of the LWDB in accordance with the criteria established under Section 107(b) of the WIOA. Authority to appoint members to the LWDB lies solely with the Chief Local Elected Official. As ex-officio members of the Board, the local elected officials have all rights and privileges stated within the by-laws of the Northwest TN Workforce Board, Inc.

Membership: The number of the members of the Board shall be not less than the minimum number required under the Act as set forth in the Workforce Innovation and Opportunity Act of 2014, as amended from time to time. The number of members may be increased or decreased from time to time by the chief elected officials of the counties within the LWDA, but no decrease shall have the effect of shortening the term of an incumbent officer or member or reducing the number of members below the minimum number required under the Act.

The Local Elected Official of each of the counties encompassed within the LWDA may solicit nominations of members of the Board in accordance with the criteria established by the Governor of the State of Tennessee as described in Workforce Services Policy – Local Governance, as amended from time to time, and in accordance with the requirements of LWDB composition as described below.

A majority of the members of the local board shall be representatives of the private sector as described in paragraph (2)(A) in the WIOA, Section 107. The local elected officials within the

LWDA may execute an agreement that specifies the respective roles of the individual local elected officials (a) in the appointment of the members in accordance with the criteria established as provided below; and (b) in carrying out any other responsibilities assigned to such officials under the Workforce Innovation and Opportunity Act of 2014.

The Governor, in partnership with the State board, shall establish criteria for use by chief local elected official in LWDA 12 for appointment of members of the Board. Such criteria shall require that, at a minimum—

- (a) **Representatives of Business** - a minimum of 51% of the members of each local board shall be representatives of business in the local area, who—
 - (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
 - (ii) represent businesses, including small businesses (at minimum 2 members), or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and
 - (iii) are appointed from among individuals nominated by local business organizations and business trade associations;
- (b) **Labor Organization Representatives** - A minimum of 20% of the membership shall be representatives of the workforce within the local area, who—
 - (i) shall include two (2) or more representatives of labor organizations nominated by local labor federations in local areas where employers are represented by labor organizations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;
 - (ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;
 - (iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
 - (iv) may include (optional) representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of WIOA eligible youth, including representatives of organizations that serve out of school youth;
- (c) **Representatives of Education & Training** - each local board shall include representatives of entities administering education and training activities in the local area, who—
 - (i) shall include a representative of eligible providers administering adult education and literacy activities under WIOA title II;
 - (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);
 - (iii) may include (optional) representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;
- (d) **Representatives of Government, Economic and Community Development** - each local board shall include representatives of governmental and economic and community development entities serving the local area, who—
 - (i) shall include a representative of economic and community development entities;
 - (ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
 - (iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;

- (iv) may include (optional) representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and
- (v) may include (optional) representatives of philanthropic organizations serving the local area; and
- (e) **Discretionary Representatives** - each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

SPECIAL RULE.—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (c), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

Terms: The terms of the Board membership shall be four (4) years. Member terms will be staggered so all terms do not expire at the same time. Members in good standing will automatically renew for an additional four (4) year term until the Board member properly notifies the Chairman of the Board of the intent to no longer serve. The CLEO will make all reappointments of LWDB members by one full quarter of the term of expiration.

Nomination: Nominations shall be solicited by the Chief Local Elected Official from entities of business, government or community development. Nominations must come from the heads of organizations—specifically those representing businesses, labor, education, and economic and community development—to align the workforce and education needs within the State. The CLEO acts as the signatory on behalf of the other LEOs and has final authority to select members to serve on the LWDB. To approve the nomination of each individual selected to serve on the LWDB, the following documentation is required:

- A Nomination Form signed by the CLEO; and
- A Conflict of Interest Form signed by the nominee to the LWDB; and
- A recommendation letter from the head of the organization the nominee represents, a Chamber of Commerce within the LWDA, or the LEO for the nominee’s county. This letter must identify the individual being nominated and must also acknowledge the nominee’s optimum policymaking authority.

Additionally, the LWDB officers and CLEO shall ensure that the composition of the LWDB reflects the demographics of the LWDA in accordance with the most recent US Census and represents diverse geographic areas within the local area, as much as possible, by requiring at least one (1) nomination per county.

Prohibition: Staff to the Board, Fiscal Agent staff, staff employed by One-Stop Operators, and contracted service providers shall be prohibited from both nominating members to the board or serving on the board to avoid conflicts of interest.

Appointment and Certification: LWDB member appointments must be signed by the appointing CLEO and submitted to the Staff to the Board using the appropriate Workforce Development Board Nomination Form. Completed nomination forms and required documents as listed above must be submitted to the Tennessee Department of Labor and Workforce Development at Workforce.Board@tn.gov for review. Once the form has been reviewed the Local Board will receive a follow-up letter of certification or denial within five (5) ~~seven (7)~~ business days; the letter will also make a request for additional information when submitted documentation is insufficient to make a determination. The member must not be seated on to the Local Board until a certification letter from TDLWD has been received to affirm the nomination.

Change in Status: A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Official immediately as a representative of that entity. Documentation of Board member violation and subsequent removal will be

maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary.

Mid-Term Appointment: LWDB members replacing out-going individuals at mid-term will serve the remainder of the out-going member term.

Vacancies: Any vacancy occurring on the Board will be filled in a reasonable time period, as defined as the period between the date of resignation and the date of the second subsequent regularly scheduled Board meeting, no later than the subsequent calendar quarter from the last official day that the member served on the LWDB. The CLEO in a LWDA is authorized to make all reappointments of members. Any action taken by the Board, with a vacancy or term expiration beyond the time period described in the by-laws must be approved through a waiver from the TDLWD prior to the Board meeting of such action. Waivers are to be requested in writing to the Assistant Commissioner of Workforce Services with an explanation of why a vacancy was not filled in the defined timeframe and a description of the process underway to fill the vacancy.

Removal: Any member of the Workforce Development Board will be removed for cause by the Chief Local Elected Official (CLEO), if any of the following occurs: (a) documented violation of conflict of interest; (b) failure or refusal to work cooperatively with the Board and to abide by the By-Laws as stated in 5.4; (c) documented proof of fraud and/or abuse; (d) failure to meet Board member representation requirements as defined in WIOA; and (e) other causes as determined by the Board. Removal of a member shall also constitute removal as an officer of the Board and as a member of all committees of the Board. Intent to remove a member must be stated in the call of the meeting and be provided to all voting members at least five (5) days prior to the meeting.

Any board member missing three (3) consecutive meetings may be replaced at the sole discretion of the Chief Local Elected Official.

A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Official immediately as a representative of that entity. Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary.

A Board member subject to removal may appeal by submitting a letter in writing within 30 days of notice of removal to the CLEO stating reasons to remain as an active member of the Board. A committee of LEOs will review the appeal and make a decision prior to the next scheduled date of the Board.

2. Relationship Between Chief Elected Officials and the Local Workforce Development Board

Local Plan Requirements: Consistent with Section 108, NWTN WDA, in partnership with the local elected officials for the local area involved, shall develop and submit a local plan to the Governor that is consistent with the State's Plan. Upon issuance of guidance from the Tennessee Department of Labor and Workforce Development, the Administrative Entity, in conjunction with the LWDB and LEOs, shall develop all Agreements, Memorandums of Understanding, Assurances and other documents required by Workforce Innovation and Opportunity Act legislation and Tennessee Department of Labor and Workforce Development Workforce Services Division policies. Additionally, the local strategic plan will be published for public comment for a minimum of fifteen days upon approval by the LWDB and prior to submission to the State Workforce Board. If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2).

Budget and Approval: Annually, in accordance with WIOA Section 107(12)(A), the LWDB will develop the LWDA budget upon notification of allocations from the Tennessee Department of Labor and

Workforce Development. The LWDB will approve the budget by majority vote and present to the LEOs for approval by a 65% supermajority vote. The Executive Director will advise the Board Chairman and CLEO of additional funding opportunities and special projects between regular meetings and report opportunities and projects to the standing committees for presentation to the full board, including LEO at regular meetings.

Workforce System Operator and Service Provider(s): Consistent with WIOA Section 107(d)(10) and the Workforce Services Policy regarding One-Stop Delivery and Design System, paragraph (D) of the Local Board Responsibilities section, LWDBs, in consultation with the LEOs, are responsible for the oversight and selection of the Operator and Career Service Provider(s) of the local Workforce System. In accordance with the Regional Planning Council, LWDBs must designate an Operator for their LWDA that will ensure seamless service delivery within each center. Consistent with section 121(d), the local board, with the agreement of a 65% supermajority vote of local elected officials for the local area—

- (i) shall designate or certify one-stop operators and service providers as described in section 121(d)(2)(A); and
- (ii) may terminate for cause the eligibility of such operators and services providers as documented through regular monitoring and oversight, and reporting to the Board, as outlined in the Board's policies.

In order to conduct a competitive process for the selection of a one-stop operator and service providers in accordance with 121(d)(2)(A), the Board, with the agreement of the LEOs, shall issue a Request for Proposals for a designated time period, with public notice being provided through print media and / or electronic means. Proposals received shall be reviewed by a committee approved by the Board and LEOs. The review committee shall make a recommendation to the Board and CLEO for selection of the Operator and service provider(s). The selected Operator and service provider(s) shall enter into a contract with the Board as developed by the fiscal agent.

In the event the Board is selected as a One-Stop Operator, through a competitive process conducted by a third party, the Board shall establish sufficient “firewalls” and conflict of interest policies and procedures consistent with the Workforce Services Policy - WIOA (Conflict of Interest Policy). The Board shall also ensure that all new staff members and providers are informed about this policy, and that appropriate staff members are familiar with it and its requirements in order to prepare state or local plans and the conflict of interest policy.

Standing Committees: In accordance with WIOA Section 107(b)(4)(A), the Board may designate and direct the activities of standing committees to provide information and to assist the Board in carrying out activities authorized in this section. The primary purpose of standing committees shall be to consider and recommend actions—and propose policies—in the functional areas under their jurisdictions, subject to final approval by the LWDB. Such standing committees shall have a Chair and Vice-Chair representing private business; may include other members of the Board; and shall include other individuals appointed by the Board who are not members and who are determined to have appropriate experience and expertise. At a minimum, the Board may designate each of the following:

- (i) The American Job Center Services Committee;
- (ii) The Outreach and Opportunities Committee;
- (iii) The Executive Committee; and
- (iv) When deemed necessary or appropriate the chairperson of the Board shall have the authority to appoint temporary or ad hoc committees, including the chairperson of said committee, for the purpose of special projects.

Board of Directors: The Board of Directors includes the Chief Local Elected Official, the Vice Chief Local Elected Official, the Board Chairperson, the Vice Board Chairperson and one private sector representative selected by the other Directors from the membership at large. The Board Chairperson will serve as the President, the Vice Board Chairperson as Vice President and the private sector representative as Secretary of the Northwest TN Workforce Board, Inc. The Board of Directors will serve as the administrative authority in oversight of day-to-day operations in conducting the functions of the board

and fiscal agent. The Board of Directors shall have the authority to supervise and manage the employees of the Northwest Tennessee Workforce Board, Inc. serving in the capacity of staff to the Board and Fiscal Agent as described in Article VIII. The Board of Directors shall be subject to the order of the Board, and none of its acts shall conflict with these By-laws or stated policies of the Board. The Board of Directors shall be responsible for ensuring board actions comply with federal, state and local laws, regulations and policies.

Local Board Policy: As the Staff to the Board finds the need to adopt, amend or discard local policy regarding services and functions for consumers of training and educational services allowed by the Workforce Innovation and Opportunity Act, the Staff to the Board will either consult with the Board of Directors, the Executive Committee of the LWDB or present directly to the LWDB on the need for policy implementation or amendment. At such point where it is appropriate, the Executive Committee will make a recommendation to the LWDB, which includes the LEOs of all counties in NWTN WDA, to respond to the policy consideration. The LWDB, with the ability and flexibility to make decisions regarding local and regional workforce development needs, will adopt or disallow the policy consideration by a majority of its voting members. All policies will reflect the signature of the LWDB Chair to demonstrate that they have been formally reviewed and approved by the LWDB.

3. Local Board Roles and Responsibilities

In partnership with the Local Elected Officials and the Local Workforce Development Board, consistent with WIOA Section 107(d)8, the following roles and responsibilities will be:

- (a) LOCAL PLAN – Develop and submit a Strategic Plan in partnership with the Local Elected Officials (LEOs) (as defined in 29 - 29 USC 3123) within the LWDA for submission to the Governor of the State of Tennessee. If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2);
- (b) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS – In order to assist in the development and implementation of the local plan, the Board shall:
 - (i) Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) and regularly update such information; and
 - (ii) Assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act, specifically in the collection, analysis, and utilization of workforce and labor market information; and
 - (iii) Conduct 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.
- (c) CONVENING, BROKERING, LEVERAGING – The Board shall convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources.
- (d) EMPLOYER ENGAGEMENT – The Board shall lead efforts to engage with a diverse range of employers:
 - (i) To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Board; and
 - (ii) To develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities; and
 - (iii) To ensure that workforce development 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) To 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).

- (e) **CAREER PATHWAYS DEVELOPMENT** – The Board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area 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.
- (f) **PROVEN AND PROMISING PRACTICES** – The Board shall lead efforts to:
 - (i) Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and
 - (ii) Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
 - (i) **TECHNOLOGY** – The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—
 - (ii) 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;
 - (iii) Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
 - (iv) 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
 - (v) 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 local board, in partnership with the local elected officials for the local area, shall conduct oversight of the One-Stop System, including all WIOA activities and —
 - (i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and
 - (ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and
 - (iii) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.
- (h) **NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.**—The local board, the local elected officials, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).
- (i) **SELECTION OF ONE-STOP OPERATORS.**—Consistent with section 121(d), the local board and the LEOs, with the agreement of the chief elected official for the local area—
 - (i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and
 - (ii) may terminate for cause the eligibility of such operators.
- (j) **SELECTION OF YOUTH PROVIDERS.**—Consistent with section 123, the local board—
 - (i) shall identify eligible providers of youth workforce investment activities in the local 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 (b)(4); and
 - (ii) may terminate for cause the eligibility of such providers.
- (k) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.**—Consistent with section 122, the local board shall identify and include eligible providers of training services in the local area on the Statewide Eligible Training Provider List which includes cost and performance data.

- (l) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.**—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.
- (m) **CONSUMER CHOICE REQUIREMENTS.**—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.
- (n) **COORDINATION WITH EDUCATION PROVIDERS.**—
- (i) **IN GENERAL.**—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).
- (ii) **APPLICATIONS AND AGREEMENTS.**—The coordination described in subparagraph (A) shall include—
- consistent with section 232— reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and making recommendations to the eligible agency to promote alignment with such plan; and
 - replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will 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.
- COOPERATIVE AGREEMENT.**—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.
- (o) **BUDGET AND ADMINISTRATION.**—
- A. **BUDGET.**—The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of a 65% supermajority of the local elected officials and submitted to the Tennessee Department of Labor and Workforce Development (TDLWD) prior to each program year in accordance with Workforce Services Policy – Local Governance.
- (i) **ADMINISTRATION.**—
- GRANT RECIPIENT.**—
- **IN GENERAL.**—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

- **DESIGNATION.**—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).
- **DISBURSAL.**—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

TAX-EXEMPT STATUS.—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

- (p) **ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.**— The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.), of all one stop centers in the local area. Assessments will be formally conducted through the certification process, to include an ADA review from Vocational Rehabilitation. Continued compliance will be ensured through monitoring and oversight of the One-Stop Operator and service provider(s), which may include periodic site visits.

Note: Except as provided in sec. 107(g)(1)(B), pursuant to a request from the local board, the Governor may grant a written waiver of training prohibition, no local board may provide training services.

Other LWDB roles and responsibilities include:

- (a) Elect a private-sector business representative as LWDB Chair; and
- (b) In accordance with WIOA Section 107(f) the Board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).

QUALIFICATIONS.— The local board shall establish and apply 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.

LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

APPOINTMENT.—Pursuant to the above, the Board of Directors are authorized to appoint an Executive Director of the Northwest Tennessee Workforce Board, Inc. and additional staff to carryout the functions of the Board and Fiscal Agent.

- (c) Create an annual report that must be submitted to the State Office as per guidelines established by the TDLWD; and
- (d) Promote American Job Center programs and activities; and
- (e) Assist the State Office in developing the statewide employment statistics system under the Wagner-Peyser Act; and
- (f) Coordinate with economic development strategies and establish employer linkages with workforce development activities; and
- (g) Carry out regional planning responsibilities as required by the TDLWD; and
- (h) Conduct business in an open manner by making available to the public information about the activities of the LWDB, including the local Strategic Plan before submission, membership, designation of the local Workforce System Operator, the awards of grants or contracts, and minutes of LWDB meetings.

4. **Communication**

Whenever a party desires to give notice unto the other, notice must be given in writing or electronic communication. Notices of quarterly meetings of the LWDB will be sent to all LEOs as an invitation to meet jointly with the LWDB. These notices will be sent through electronic means by a designated member of the staff to the Board. There will be one meeting designated as the annual meeting for the purpose of receiving annual reports from the Administrative Entity, electing officers of the Board and transacting any other Board business. Called meetings will be held as deemed necessary and will be coordinated by the Board Chair or CLEO with assistance from staff to the Board. Meeting Agendas are set in consultation with the Board Chair and CLEO and will include Board Committee Reports, as well as, an "Other" agenda item to promote membership contribution. The LEOs serve as ex-officio members of the Northwest TN Workforce Board and are encouraged to attend all meetings to communicate shared goals and assure that the vision and needs of their communities are addressed. Detailed reports are provided to the American Job Center Committee and Outreach and Opportunity Committee to assure resources are utilized for workforce development across the LWDA. The committees report to the full board at quarterly meetings.

5. **Oversight and Performance Review**

A primary function of the LWDB and LEOs is to provide oversight. The Staff to the Board, including the Executive Director, Director of Finance & Administrative Services, and the Director of Performance & Compliance, provide detailed fiscal, monitoring, and performance reports for the LWDA and One-Stop Operator to the appropriate Standing Committee of the LWDB throughout the year. Each standing committee provides a report to the full LWDB. The Executive Committee, which includes members of the LEOs, reviews the fiscal, monitoring, and performance reports to assure the One-Stop system maintains an efficient and effective capacity to serve the LWDA, and to ensure each county's workforce goals and needs are addresses according to the local plan. A Financial Status report including budget and expenditures is included on the agenda for each workforce board meeting. In addition to local instruments, the Staff to the Board includes oversight information provided by the State such as Report Cards, Dashboards, Score Cards, etc. to communicate performance related to fiscal, monitoring and oversight of the programs.

6. **Amendments, Changes, Term, Disputes and Election**

Modification, Amendment or Alteration: It is agreed that no modification, amendment or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith. Any amendment or change to the Partnership Agreement, notice of an election of a new CLEO/LEO or notice of an election of a new LWDB Chair shall be maintained by the LWDA Staff to the Board and be available for review by the Tennessee Department of Labor and Workforce Development.

Effective/Termination/Duration of Agreement: This Agreement and any amendments hereto shall be effective between and among each county adopting this Agreement as of the date of the signing by the CLEO and Board Chair, pursuant to the Governor's designation of the aforementioned 11 counties, for execution of activities authorized by the Workforce Innovation and Opportunity Act. This Agreement becomes effective upon acceptance by all parties for execution of activities authorized by the Workforce Innovation and Opportunity Act and shall remain in force until such time as the Chief Local Elected Official or Board Chairman calls for a modification, amendment, alteration of the terms or conditions contained herein or a maximum of two (2) years from the latest fully executed agreement.

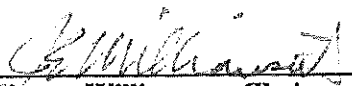
Dispute Resolution: In the event that an impasse should arise between the LEOs regarding the terms and conditions, the performance, or administration of this Agreement, the parties agree to attempt to resolve disputes by mutually satisfactory negotiations in lieu of litigation. To this effect, they shall consult and negotiate with each other in good faith, and recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to all parties. If a committee is formed from members of the body to

resolve the dispute, the committee shall be the final adjudicator and report the resolution to the full LEO. Continued performance during disputes is assured.


Election: A newly elected Board Chair or CLEO, either participating as a signatory on the Agreement or as a participating LEO, shall submit an addendum acknowledging that he or she has read, understands, and will comply with this Agreement, and reserves the option to request negotiations to amend the Partnership Agreement at any time during the official's tenure as a LEO.

7. **Authorized Signatures**

This Agreement shall be effective July 1, 2020–June 30, 2022, and is entered into by and on the behalf of:



Jimmy Williamson, Chairman, Northwest TN Workforce Board, Inc. **6/10/2020**
1230 S Main **Date**
Dyersburg, TN 38024
(731) 288-6001
jimmy_williamson@att.net



Gary Reasons, Chief Elected Official, Northwest TN Consortium of LEO **6-10-2020**
Crocket County Mayor **Date**
1 South Bells, Suite 3
Alamo, TN 38001
(731) 696-5460
crockettcountymayor@gmail.com