

# Administration and Governance

## Contents

<b>1.4.3.3 Local Planning</b> .....	2
<b>1.4.4.3 Reorganization Plan</b> .....	9
<b>1.4.9.0 Characteristics of the One-Stop Delivery System</b> .....	10
<b>1.4.10.1 Memorandum of Understanding</b> .....	15

DRAFT

### 1.4.3.3 Local Planning

**Effective date:** TBD

Local plans provide the framework for local workforce development areas to define how their workforce development systems will achieve the purposes of the Workforce Innovation and Opportunity Act (WIOA). They serve as plans to develop, align, and integrate the local area's job-driven workforce development systems, and provide the platform to achieve the local area's vision and strategic and operational goals. The local plan must support the strategy described in the state plan and represents a comprehensive, customer-focused, and actionable service delivery strategy.

The state plan sets the state's strategic direction for these plans, and serves as a conceptual map for Local Workforce Development Boards (WDBs) and their partners as they jointly develop the local plans required by WIOA. The narrative content of local plans should be tailored to address how Local WDBs and their planning partners will help Iowa reach its policy objectives and goals as defined in the state plan.

Since the local plan is only as effective as the partnerships that operationalize it, it must represent a collaborative process among Chief Elected Officials, Local WDBs and required and other partners.

#### **Local Plan Requirements and Contents**

Local WDBs must, in partnership with the Chief Lead Elected Official (CLEO), develop and submit a comprehensive four-year local plan to the State. The plan must identify and describe the policies, procedures, and local activities that are carried out in the local area, aligned with the state plan.

The local area shall collaborate with core, required, and non-required partners to create a shared understanding of the local area's workforce development needs; a shared vision of how the local area can be designed to meet those needs; and agreement on the key strategies to realize this vision.

The local plan must describe strategic planning elements, including, but not limited to:

1. An analysis of local area:
  - a. Economic conditions including existing and emerging in-demand industry sectors and occupations.
    - i. As appropriate, a local area may use an existing analysis, given it includes a current description of the regional economy.
  - b. Employment needs of employers in existing and emerging in-demand industry sectors and occupations.
    - i. As appropriate, a local area may use an existing analysis, given it includes a current description of the regional economy.

2. Knowledge and skills needed to meet the employment needs of employers in the local area, including employment needs in in-demand industry sectors and occupations.
3. An analysis of the local area workforce, including current labor force employment and unemployment data, information on labor market trends, and educational and skill levels of the workforce, including individuals with barriers to employment.
4. An analysis of workforce development activities, including:
  - a. The strengths and weaknesses of workforce development activities.
  - b. Capacity to provide the workforce development activities to address the education and skill needs of the workforce, including individuals with barriers to employment.
  - c. The employment needs of employers.
5. A description of the Local WDBs strategic vision to support the economic growth of the local area and economic self-sufficiency, including:
  - a. Goals for preparing an educated and skilled workforce, including youth and individuals with barriers to employment.
  - b. Goals relating to performance accountability measures based on the performance indicators.
6. A description of the Local WDBs strategic vision to align local resources, required partners, and entities that carry out core programs to achieve the strategic vision and goals.

The local plan also must include a description of:

1. The workforce development system in the local area, including the identification of:
  - a. The programs that are included in the system.
  - b. How the Local WDB will work with the entities carrying out the core programs and other workforce development programs to support service alignment.
2. How the Local WDB will work with entities carrying out core programs to:
  - a. Expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment.
  - b. Facilitate the development of career pathways and co-enrollment, as appropriate, in core programs.
  - c. How the Local WDB will improve access to activities leading to a recognized postsecondary credential, including a credential that is an industry-recognized certificate or certification, portable, and stackable.
3. The strategies and services that will be used in the local area:
  - a. To facilitate engagement of employers in workforce development programs, including small employers and employers in in-demand industry sectors and occupations.
  - b. To support a local workforce development system that meets the needs of businesses in the local area.
  - c. To better coordinate workforce development programs and economic development.
  - d. To strengthen linkages between the one-stop delivery system and unemployment insurance programs.

- e. To implement initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, registered apprenticeships, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of regional employers. These initiatives must support the strategies described in a.-c. Above.
4. How the Local WDB will coordinate local workforce investment activities with regional economic development activities that are carried out in the local area and how the Local WDB will promote entrepreneurial skills training and microenterprise services.
5. The one-stop delivery system in the local area, including:
  - a. How the Local WDB will ensure the continuous improvement of eligible providers through the system and that such providers will meet the employment needs of local employers, workers, and job seekers.
  - b. How the Local WDB will facilitate access to the services provided through the one-stop delivery system, including in remote areas, through the use of technology and other means.
  - c. How entities within the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 188 of WIOA, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities.
    - i. Including how the local area will utilize Disability Access Committees as a strategy.
  - d. The roles and resource contributions of the one-stop partners.
6. The type and availability of adult and dislocated worker employment and training activities in the local area.
7. How the Local WDB will coordinate workforce investment activities carried out in the local area with statewide rapid response activities.
8. The type and availability of youth workforce investment activities in the local area including activities for youth who are individuals with disabilities, which must include an identification of successful models of such activities.
  - a. Including how the local area will utilize Youth Standing Committees as a strategy.
9. How the Local WDB will coordinate relevant secondary and postsecondary education programs and activities with education and workforce investment activities to coordinate strategies, enhance services, and avoid duplication of services.
10. How the Local WDB will coordinate WIOA Title I workforce investment activities with the provision of transportation and other appropriate supportive services in the local area.
11. Plans, assurances, and strategies for maximizing coordination, improving service delivery, and avoiding duplication of Wagner-Peyser Act services and other services provided through the one-stop delivery system.
12. How the Local WDB will coordinate WIOA Title I workforce investment activities with adult education and literacy activities under WIOA Title II, including how the Local WDB will carry out the review of local applications submitted under Title II.

13. Copies of executed cooperative agreements which define how all local service providers, including additional providers, will carry out the requirements for integration of and access to the entire set of services available in the local one-stop delivery system. This includes cooperative agreements between the Local WDB or other local entities described with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts of cooperation, collaboration, and coordination.
14. An identification of the fiscal agent.
15. The competitive process that will be used to award sub-grants and contracts for WIOA Title I activities.
16. The local levels of performance negotiated with the Governor and CLEO and Local WDB, to be used to measure the performance of the local area and to be used by the Local WDB for measuring the performance of the local fiscal agent, eligible providers under WIOA Title I subtitle B, and the one-stop delivery system in the local area.
17. The actions the Local WDB will take toward becoming or remaining a high-performing WDB, consistent with the factors developed by the State WDB.
18. How training services will be provided through the use of individual training accounts (ITAs), including:
  - a. If contracts for training services will be used.
  - b. How the use of contracts will be coordinated with the use of ITAs.
  - c. How the Local WDB will ensure informed consumer choice in the selection of training programs regardless of how the training services are to be provided.
19. The process used by the Local WDB to provide a 20 business days' public comment period prior to submission of the plan, including an opportunity to have input into the development of the local plan, particularly for representatives of businesses, education, and labor organizations.
20. How one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under WIOA and by one-stop partners.
21. Local priority of service requirements.
22. Locally required policies as required by state WIOA policy
23. Any additional information required by the Governor.

The State will provide technical assistance and labor market data, as requested by local areas, to assist with local planning and subsequent service delivery efforts. Requests for technical assistance may be submitted to [WIOAgovernance@iwd.iowa.gov](mailto:WIOAgovernance@iwd.iowa.gov).

### **Public Comment Process**

Local Boards are subject to the open meeting requirements of the Ralph M. Brown Act (Brown Act). The intent of the law is to ensure that meetings are properly noticed, agendas are made available and that the public has an opportunity to provide comment on local policy and operations.

The Local WDB must provide an opportunity for public comment on the development of the local plan or subsequent plan modifications before submitting the plan to the State. To provide adequate opportunity for public comment, the Local WDB must:

- Make copies of the proposed local plan available to the public through electronic and other means, such as public hearings and local news media.
- Include an opportunity for comment by members of the public, including representatives of business, labor organizations, and education.
- Include stakeholders to participate in planning processes which must include all of the following: organizations providing services to the re-entry population and English learners, as well as adult education partners, refugee resettlement agencies, Human Service program leads/providers, community college and other education partners, immigration services providers, disability organizations associated with the Department of Rehabilitation and located within other systems, along with other required planning partners in the local area. Local WDBs are required to contact each of these organizations, and may contact other organizations not listed otherwise listed.
- Boards must hold one listening session or planning meeting outside of regular business hours (regular business hours are presumed to be 8am-5pm Monday through Friday). This meeting should be public and made available to participants in the geographic area where the board has jurisdiction.
- Local WDBs must notify the State WDB of any planning meetings, listening sessions, or other public meetings related to the planning process. This information will be collected and posted on the State WDB website.
- Allow for a public comment period of 20 business days beginning on the date on which the proposed plan is made available, prior to its submission to the State.
- Submit any comments received with the plan, and any actions taken to resolve or respond to those comments.
- Make information about the plan available to the public on a regular basis through electronic means and open meetings.
- Ensure accessibility standards are met, in accordance with the Americans with Disabilities Act.

### **Approval of Local Plans**

Completed local plans, including all comments received and the responses provided, must be submitted electronically to [WIOAgovernance@iwd.iowa.gov](mailto:WIOAgovernance@iwd.iowa.gov).

The State shall conduct a review of all completed local plans. The review process will include, at a minimum, the WIOA core partners.

Local plans shall be considered approved 90 days after receipt of the plan unless the State determines that:

- There are deficiencies in workforce investment activities that have been identified through audits and the local area has not made acceptable progress in implementing plans to address deficiencies.

- The local plan does not comply with applicable provisions of WIOA and the corresponding Federal Regulations, including the required consultations and public comment provisions, and nondiscrimination requirements.
- The local plan does not align with the state plan, including the alignment of the core programs to support the strategies identified in the state plan.

If it is determined that there are deficiencies in the local plan, the State will conditionally approve or reject the plan based upon suggested changes or the provision of requested additional information. The Local WDB and the CLEO must submit the amended local plan to the State within 20 business days of receipt of this determination.

The State will issue a written decision/response within 20 business days of the receipt of the amended local plan. If the plan remains deficient, a designated support team will be organized to provide the Local WDB and the CLEO with technical assistance in order to incorporate the necessary elements into the local plan to ensure it meets the requirements in order to be considered approved.

### **Local Plan Modification**

Local WDBs, in partnership with CLEOs, may review local plans and prepare and submit modifications at any time, but must complete a review and submit modifications at the end of the first two year period of the four-year local plan. Local WDBs and CLEOs must ensure all plan requirements are reviewed when engaging in the local plan modification process.

Reviews and modifications of the local plan shall reflect any of the following changes:

- Labor market and economic conditions
- Other factors affecting the implementation of the local and regional plan, including but not limited to:
  - Significant changes in local economic conditions.
  - Changes in the financing available to support WIOA Title I and partner-provided WIOA services.
  - Changes to the Local WDB structure of the local areas.
  - The need to revise strategies to meet performance goals.

During the mandatory review of the local plan, if the CLEO and the Local WDB decide that a modification of the local plan is not necessary, the Local WDB must submit notification to [WIOAgovernance@iwd.iowa.gov](mailto:WIOAgovernance@iwd.iowa.gov), indicating that a review of the local plan was completed and modifications were not necessary.

### **Subsequent Local Plans**

Local plans are required to be re-written every four years, to coincide with the submission of subsequent state plans.

Subsequent local plans must be submitted no later than 120 days prior to the end of the four-year period covered by a preceding local plan.

**Legal References**

- WIOA sec. 101, sec. 102, sec. 107, sec. 108, sec. 116, sec. 134, sec. 188, sec. 232
- 20 C.F.R. §676.105, §677.155, §679.550, §679.500, §679.550, §679.560, §679.570, §679.580
- 20 U.S.C. 2301
- Americans with Disabilities Act of 1990
- 29 C.F.R. part 38
- 29 U.S.C. 49
- Rehabilitation Act of 1973 sec. 101, sec. 121

DRAFT



### 1.4.4.3 Reorganization Plan

**Effective date:** *TBD*

In the event a Local Workforce Development Board (WDB) is decertified, the Governor, in consultation with the Chief Lead Elected Official (CLEO) of the Local Workforce Development Area, may issue a reorganization plan and require that a new board be appointed per the criteria outlined in Local Board Membership Requirements.

When subject to reorganization, the Local WDB and CLEO for a Local Workforce Development Area will have 20 business days after receiving notice of the reorganization plan to appeal to Iowa Workforce Development to rescind or revise the plan.

#### **Legal References**

- WIOA sec. 107
- 20 C.F.R. §679.310, §679.350
- Iowa Code, Chapter 84A

## 1.4.9.0 Characteristics of the One-Stop Delivery System

*Effective date: TBD*

The one-stop delivery system brings together workforce development, educational, and other human resource services in a seamless customer-focused service delivery network that enhances access to the programs' services and improves long-term employment outcomes for individuals receiving assistance. One-stop partners administer separately funded programs as a set of integrated streamlined services to customers.

Through the one-stop system, partner programs and their service providers ensure that businesses and job seekers — a shared client base across the multiple programs — have access to information and services that lead to positive employment outcomes. Under the Workforce Innovation and Opportunity Act (WIOA), the one-stop system:

- provides job seekers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages;
- provides access and opportunities to all job seekers, including individuals with barriers to employment, such as individuals with disabilities, to prepare for, obtain, retain, and advance in high-quality jobs and high-demand careers;
- enables businesses and employers to easily identify and hire skilled workers and access other supports, including education and training for their current workforce;
- participates in rigorous evaluations that support continuous improvement of one-stop centers by identifying which strategies work better for different populations;
- ensures that high-quality integrated data inform decisions made by policymakers, employers, and job seekers.

The management of the one-stop delivery system is the shared responsibility of States, local boards, elected officials, the core WIOA partners, other required partners, and one-stop center operators.

### Components of the One-Stop Delivery System

The one-stop delivery system must include at least one comprehensive center in each Local Workforce Development Area (LWDA). To supplement the comprehensive one-stop center(s), the system may also utilize:

- An **Affiliated Site** or a network of affiliated sites, where one or more partners make programs, services, and activities available.
- A network of eligible one-stop partners through which each partner provides one or more of the programs, services, and activities that are linked, physically or technologically, to an affiliated site or access point that assures customers are provided information on the availability of career services, as well as other program services and activities, regardless of where they initially enter the public workforce system in the LWDA.
- **Specialized Centers** that address specific needs, including those of dislocated workers, youth, or key industry sectors, or clusters.

The design of the LWDA's one-stop delivery system must be described in the Memorandum of Understanding (MOU).

### **Comprehensive One-Stop Centers**

A comprehensive one-stop center, also known as the American Job Center (AJC) or the IowaWORKS Center in Iowa, is a physical location where job seeker and employer customers can access the programs, services, and activities of all required one-stop partners.

Required one-stop partner programs must provide access to programs, services, and activities through electronic means if applicable and practicable. This is in addition to providing access to services through the mandatory comprehensive physical IowaWORKS Center and any affiliated sites or specialized centers. The provision of programs and services by electronic methods such as web sites, telephones, or other means must improve the efficiency, coordination, and quality of one-stop partner services. Electronic delivery must not replace access to such services at a comprehensive IowaWORKS Center or be a substitute to making services available at an affiliated site if the partner is participating in an affiliated site. Electronic delivery systems must be in compliance with the nondiscrimination and equal opportunity provisions of WIOA sec. 188 and its implementing regulations at 29 CFR part 38.

All comprehensive IowaWORKS Centers must provide:

- Access to programs and activities carried out by the following required one-stop partners:
  - Programs authorized under Title I of WIOA, including:
    - Adult, Dislocated Worker and Youth programs
    - Job Corps
    - YouthBuild
    - Native American programs
    - Migrant and Seasonal Farmworker Advocacy System
  - WIOA Title III Wagner-Peyser Act Employment Service program
  - Activities authorized under Title II of WIOA
  - Vocational Rehabilitation programs
  - Senior Community Service Employment program
  - Carl D. Perkins Career and Technical Education Act career and technical education programs at the postsecondary level
  - Trade Adjustment Assistance activities
  - Jobs for Veterans State Grants programs
  - Community Services Block Grant employment and training activities
  - Housing and Urban Development employment and training activities
  - Unemployment compensation programs
  - Reentry Employment Opportunities programs
  - Temporary Assistance for Needy Families, in Iowa this is Promoting Independence and Self Sufficiency through Employment (PROMISE JOBS)

- Other entities that carry out a workforce development program, including Federal, State, or local programs and programs in the private sector, may serve as additional partners in the one-stop delivery system if the Local Workforce Development Board (WDB) and Chief Lead Elected Official approves the entity's participation
  - Employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program
  - Employment and training programs carried out by the Small Business Administration
  - Supplemental Nutrition Assistance Program (SNAP) employment and training programs
  - Client Assistance Program, administered by Iowa Department of Human Rights
  - Programs authorized under the National and Community Service Act
  - Other appropriate Federal, State or local programs, including, but not limited to, employment, education, and training programs provided by public libraries or in the private sector
- Career services
  - Access to training services
  - Access to employment and training activities
  - Workforce and labor market information

Providing career services in the comprehensive IowaWORKS Center does not mean that each required partner must provide these services directly on-site. However, it does mean that some career services must be provided directly on-site.

Career services for other required partner programs may be provided at IowaWORKS Centers through access to one-stop partner programs and activities in one of three ways:

- Having a program staff member physically present at the IowaWORKS Center;
- Having a staff member from a different partner program physically present at the IowaWORKS Center appropriately trained to provide information to customers about the programs, services, and activities available through partner programs; or
- Making available a direct linkage through technology to program staff who can provide meaningful information or services, which includes:
  - Providing a direct connection at the IowaWORKS Center, within a reasonable time, by phone or through a real-time web-based communication to a program career planner who can provide program information or services to the customer.
  - A direct linkage cannot exclusively be providing a phone number or computer web site or providing information, pamphlets, or materials.

IowaWORKS Centers are required to be open during statewide core business hours, at a minimum of 8:00 a.m. to 4:30 p.m. Monday through Friday; other service hours may be established to accommodate the schedules of individuals who are not able to access IowaWORKS Center(s) during regular business hours. Title I Adult, Dislocated Worker and Youth and Title III Wagner-Peyser staff must be present and available full-time during posted work hours; this includes having Title III and at minimum one Title I staff physically present at the IowaWORKS Center. Staff must be trained to provide information to customers about the

programs, services, and activities; and providing technology-based support such as a phone for job seekers, use of a fax machine to transmit paperwork, or access to a computer that can provide a direct connection to program information or services. Required partners must be available on-site or through electronic or referral means.

It is imperative for the success of integration that all Iowa *WORKS* Centers have all core partners coordinating and providing services to all customers throughout the Center process. This includes both Title I Adult, Dislocated Worker and Youth and Title III Wagner-Pesyer team member's participation on all functional teams to include, but not limited to: Welcoming, Exploratory, Career Services and Business Engagement. Title II and Title IV core partners will also participate on functional teams to benefit the customers, both job seekers and businesses and are encouraged to co-locate in Iowa *WORKS* Centers either full-time or on an itinerant basis and will be given priority over other tenants when space is assigned.

All Iowa *WORKS* Centers must be physically and programmatically accessible to individuals with disabilities.

### **Affiliated Site**

Local (WDBs), in consultation with their partners and the One-Stop Operator, may choose to designate affiliated sites. In addition to the comprehensive Iowa *WORKS* Center in the LWDA, affiliated sites make available to job seeker and employer customers one or more of the one-stop partners' programs, services, and activities.

If used by LWDA's as a part of the service delivery strategy, affiliated sites must be implemented in a manner that supplements and enhances customer access to services. An affiliated site does not need to provide access to every required one-stop partner program.

Affiliated sites must be physically and programmatically accessible to individuals with disabilities.

### **Co-location of Title III Wagner-Peyser Employment Services in an Affiliated Site**

Title III Wagner-Peyser employment services cannot be a stand-alone affiliated site. If Title III Wagner-Peyser employment services are provided at an affiliated site, there must be at least one or more other partners in the affiliated site with a physical presence of combined staff more than 50 percent of the time the affiliated site is open.

The partner programs administering Local Veterans' Employment Representatives (LVERs), Disabled Veterans' Outreach Program Specialists (DVOPs), or Unemployment Compensation programs would not count as the other partner for purposes of this requirement. If Title III Wagner-Peyser employment services and any of these three programs are provided at an affiliated site, an additional partner or partners must have a presence of combined staff in the center of more than 50 percent of the time the affiliated site is open.

The frequency of program staff's physical presence in the affiliate site will be determined through partner Memorandum of Understanding negotiation at the local level.

## **Specialized Centers**

Based on local workforce needs, Local (WDBs), in consultation with their partners and the One-Stop Operator, may determine that a specialized one-stop center is more appropriate to serve a particular population such as youth, veterans, or individuals with disabilities, key industry clusters, or a specific group of dislocated workers affected by a regional layoff.

Specialized centers do not need to provide access to every required partner, but should be knowledgeable about, and prepared to make referrals to, partners in the comprehensive IowaWORKS Center or affiliated site. Any network of one-stop partners or specialized centers, must be connected to the comprehensive IowaWORKS Center and any appropriate affiliated site, for example, by having processes in place to make referrals to these centers and the partner programs located in them.

Partner services provided through specialized centers must be determined through partner negotiations at the local level and incorporated into the MOU.

### **Co-location of WIOA Title III Wagner-Peyser Employment Services in a Specialized Center**

Title III Wagner-Peyser Act employment services cannot be a stand-alone specialized site. If Title III Wagner-Peyser Act employment services are provided at a specialized center, there must be at least one or more other partners in the specialized site with a physical presence of combined staff more than 50 percent of the time the specialized center is open.

The partner program administering LVERs services, DVOP services, or unemployment compensation services would not count as the other partner for purposes of this requirement. If Title III Wagner-Peyser employment services and any of these three programs are provided at a specialized site, an additional partner or partners must have a presence of combined staff in the center of more than 50 percent of the time the specialized center is open.

## **Legal References**

- WIOA sec.121, sec. 188
- 20 C.F.R. §678.300, §678.305, §678.310, §678.315, §678.320, §678.400, §678.405, §678.410
- 29 C.F.R. part 38
- TEGL 16-16

## 1.4.10.1 Memorandum of Understanding

*Effective date: TBD*

### Definitions

- **Substantial change:** A more than 5%-10% deviation of any allocation percentages within the Infrastructure Funding Agreement (IFA).

Integrated service delivery is the cornerstone of the public workforce delivery system, through which workforce development, educational, and other human resource services are made available to individuals and employers at the One-Stop centers in each Local Workforce Development Area. Management of the local service delivery system is to be shared among states, Local Workforce Development Boards (WDB), core Workforce Innovation and Opportunity Act (WIOA) programs, required partners, additional partners, and One-Stop Operators.

Required partner programs, as outlined below in Required One-Stop Partners Roles and Responsibilities, must make services available through local workforce development systems and local One-Stop centers. Required partners must also use a portion of their program funds to maintain local workforce development systems in proportion to the use of and relative benefit received. This includes costs of infrastructure and other costs associated with the operation of the local workforce development system.

Local WDBs, Chief Elected Officials (CEOs), and local required and additional partners including, as appropriate, the entity or agency in the State responsible for administering or supervising the program; in each local area must enter into good-faith negotiations to determine:

- How services and activities will be coordinated.
- Which services will be shared.
- How proportionate shares of costs will be determined, allocated, and funded.
- How referrals will be made.
- How all parties will ensure that programs, services, and activities are accessible to all individuals, including those with barriers to employment and individuals with a disability.

Once consensus is reached among the parties, the result of negotiations will be written into a local Memorandum of Understanding (MOU). A single “umbrella” MOU may be developed that addresses the issues relating to the local one-stop delivery system. Local WDBs, with the agreement of the Chief Lead Elected Official (CLEO), may still enter into separate agreements between each partner or groups of partners; however, the aim of the “umbrella” MOU is to allow partner programs to focus on service delivery and not the process of negotiating several MOUs.

### MOU Requirements

Each MOU must include the following elements. The Local WDB may add additional elements to account for unique local conditions or partnerships.

- A list of all parties to the MOU. The list must contain the name of the party, the program(s) they operate, and their program authority statute.

- A list of the comprehensive and affiliate One-Stops in the local area. The list must include the name and address of each facility.
- Agreement period. The maximum agreement period is three (3) years.
- Partner responsibilities. All parties to the agreement must ensure at a minimum that they will:
  - Make their career services available to individuals through the local areas one-stop delivery system, in accordance with Required One-Stop Partners Roles and Responsibilities described below.
  - Share in the costs of the One-Stop system.
  - Remain as a party to the MOU throughout the agreement period, in accordance with the MOU Modification Requirements described below.
  - Participate in the operation of the One-Stop system as agreed to in the MOU.
  - Provide priority of service to Veterans, where required.
  - Comply with WIOA regulations as well as all applicable federal, state, and local laws, rules, and policies.
- A description of services to be provided through the one-stop delivery system. MOUs must include a list of services and how the services are delivered to customers in the one-stop system.
- Methods of referral. This section must describe a formal, systematic approach to the referral of individuals requiring one-stop services. The MOU must describe how the referral process will connect customers to services, whether it is at the comprehensive One-Stop or another location.
- How the infrastructure of the system will be funded through an IFA. The IFA must use a cost allocation methodology that demonstrates how costs are charged to each partner in accordance to the relative benefit and proportionate use, and in accordance with the partner's authorizing statutes and regulations. The MOU must contain the following information in regards to IFA's:
  - The period of time in which the IFA is effective. This may be a different time period than the duration of the MOU;
  - Identification of an infrastructure and shared services budget that will be periodically reconciled against actual costs incurred and adjusted accordingly to ensure that it reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to its use of the one-stop center and relative benefit received, and that complies with 2 CFR part 200 (or any corresponding similar regulation or ruling);
  - Identification of all one-stop partners, Chief Elected Officials (CEOs), and Local Workforce Development Board (WDB) participating in the IFA;
  - Steps the Local WDB, CEOs, and one-stop partners used to reach consensus or an assurance that the local area followed the guidance for the State funding process;
  - A description of the process to be used among partners to resolve issues during the MOU duration period when consensus cannot be reached; and
  - A description of the periodic modification and review process to ensure equitable benefit among one-stop partners.



- How services and the operating costs of the system will be funded through other cost sharing agreements. In addition to jointly funding infrastructure costs, One-Stop partners must use a portion of funds made available under their programs' authorizing Federal law to pay the additional costs relating to the operation of the one-stop delivery system. These other costs must include applicable career services and may include other costs, including shared services. Shared costs must be allocated according to the proportion of benefit received by each of the partners, consistent with the Federal law authorizing the partner's program, and consistent with all other applicable legal requirements, including Federal cost principles requiring that costs are allowable, reasonable, necessary, and allocable. The MOU must contain the following information in regards to other cost sharing agreements:
  - The period of time in which the IFA is effective. This may be a different time period than the duration of the MOU;
  - Identification of an infrastructure and shared services budget that will be periodically reconciled against actual costs incurred and adjusted accordingly to ensure that it reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to its use of the one-stop center and relative benefit received, and that complies with 2 CFR part 200 (or any corresponding similar regulation or ruling);
  - Identification of all one-stop partners, Chief Elected Officials (CEOs), and Local Workforce Development Board (WDB) participating in the IFA;
  - Steps the Local WDB, CEOs, and one-stop partners used to reach consensus or an assurance that the local area followed the guidance for the State funding process;
  - A description of the process to be used among partners to resolve issues during the MOU duration period when consensus cannot be reached; and
  - A description of the periodic modification and review process to ensure equitable benefit among one-stop partners.
- Any other provisions agreed to by the parties that are consistent with the authorizing statutes and regulations of One-Stop partner programs and the WIOA regulations.

### **Negotiating MOU's**

WIOA emphasizes full and effective partnerships between Local WDBs, CEOs, and One-Stop partners. Local WDBs and partners must enter into good-faith negotiations. Local WDBs, CEOs, and One-Stop partners may also request assistance from a State agency responsible for administering the partner program, the Governor, State WDB, or other appropriate parties on other aspects of the MOU.

Local WDBs and One-Stop partners must establish, in the MOU, how they will fund the infrastructure costs and other shared costs of the One-Stop centers. If agreement regarding infrastructure costs is not reached when other sections of the MOU are ready, an interim IFA may be included instead in order to allow the partner programs to operate in the One-Stop centers. The interim IFA must be finalized within 6 months of when the MOU is signed. If the interim IFA is not finalized within that time frame, the Local WDB must notify the Governor.

Once agreement on infrastructure funding is reached, the Local WDB and One-Stop partners must amend the MOU to include the infrastructure funding of the One-Stop centers.

The Local WDB must report to the State WDB, Governor, and relevant State agency when MOU negotiations with One-Stop partners have reached an impasse.

- The Local WDB and partners must document the negotiations and efforts that have taken place in the MOU. The State WDB, One-Stop partner programs, and the Governor may consult with the appropriate Federal agencies to address impasse situations related to issues other than infrastructure funding after attempting to address the impasse. Impasses related to infrastructure cost funding must be resolved using the State infrastructure cost funding mechanism.
- The Local WDB must report failure to execute an MOU with a required partner to the Governor, State WDB, and the State agency responsible for administering the partner's program. Additionally, if the State cannot assist the Local WDB in resolving the impasse, the Governor or the State WDB must report the failure to the Secretary of Labor and to the head of any other Federal agency with responsibility for oversight of a partner's program.

Copies of signed MOUs, including IFA's and other cost sharing agreements, must be submitted to: [WIOAgovernance@iwd.iowa.gov](mailto:WIOAgovernance@iwd.iowa.gov).

### **MOU Amendment**

WIOA requires that the MOU contain provisions that specify when amendment of the MOU is required during the agreed upon MOU period. The circumstances listed below will require an amendment to the MOU. The Local WDB and partners may agree to additional circumstances that will prompt the amendment process.

- The addition or removal of a partner entity.
- A change of a One-Stop Operator, the physical location of a One-Stop center, or the administrative structure of a local workforce development system.
- A substantial change that significantly alters negotiated terms of the MOU, such as changes in shared services, service delivery, referral methods, or cost sharing.

Amendments that do not impact negotiated terms (e.g., the addition of another partner entity that decreases partner costs and does not impact shared services or the separation of a partner that has no impact on shared costs or services) need only be signed by the Local WDB chair, CLEO, and the affected partner(s).

Any changes to the negotiated terms that affect all parties must be signed by all parties and may require re-negotiation.

The reconciliation of the budget and IFA will not require an amendment to the MOU, but it may require an adjustment to the IFA if there is a substantial change. An amendment to the IFA will not require an amendment to the MOU. However, an IFA amendment will require signatures of the Local WDB chair, CLEO, and all local required partners.

During reconciliation, the data for all IFAs will be generated and reviewed for statistical fluctuations. Data will be shared with local partners. If there is a substantial change, local partners can request that the IFA be amended to more accurately reflect the actual allocation of infrastructure costs in the location. Examples of how this could happen include but are not limited to: a number of staff either enter or exit the location; the size of the leased space decreases or increases; many computers that use the internet are installed at the location.

Regardless of whether all parties have to sign, the MOU should include a process to ensure that all parties receive advance notice of the amendment and are provided the opportunity to comment. The MOU should also include a provision to ensure that each party receive a copy of each executed MOU amendment and updated budget and/or IFA, as applicable, within a timely manner, not to exceed 10 business days.

### **MOU Renewal**

WIOA requires that the MOU contain provisions that specify when the process and timeframe for renewal of the MOU during the conclusion of each MOU period. MOUs are required to be renewed no less than every three (3) years by all Local WDBs and partners. All parties must meet at least once annually, to review the current MOU, budget, and IFA to determine if re-negotiation of terms and/or costs is necessary.

For the renewal MOU period, the IFA must be negotiated and executed concurrently with the MOU. If the IFA cannot be submitted as finalized by the due date, the existing IFA may remain in place for (one) 1 quarter.

All renewal MOUs must be executed by May 31 of the state fiscal year immediately preceding the state fiscal year in which it will take effect. If an MOU is in process, but all signatures will not be acquired by the May 31 deadline, Local WDBs designee must provide written notice electronically to [WIOAgovernance@iwd.iowa.gov](mailto:WIOAgovernance@iwd.iowa.gov) that signatures are forthcoming and provide an estimated date of submission.

If the MOU is not submitted and finalized in a timely manner as described above, the existing MOU with the IFA may remain in place for (one) 1 quarter. If the local board reports that an impasse cannot be resolved in regards to the renewal of the IFA the State Funding Mechanism (SFM) replaces any IFA in place.

### **Required One-Stop Partners Roles and Responsibilities**

The required partners are the entities responsible for administering the following programs and activities in the local area, including:

- Programs authorized under Title I of WIOA, including:
  - Adult, Dislocated Worker and Youth programs
  - Job Corps
  - YouthBuild
  - Native American programs
  - Migrant and Seasonal Farmworker programs
- Wagner-Peyser Act Employment Service program

- Adult Education and Family Literacy Act program
- Vocational Rehabilitation programs
- Senior Community Service Employment program
- Carl D. Perkins Career and Technical Education Act career and technical education programs at the postsecondary level
- Trade Adjustment Assistance activities
- Jobs for Veterans State Grants programs
- Community Services Block Grant employment and training activities
- Housing and Urban Development employment and training activities
- Unemployment compensation programs
- Reentry Employment Opportunities programs
- Temporary Assistance for Needy Families

Each required partner must:

- Provide access to its programs or activities through the one-stop delivery system, in addition to any other appropriate locations, to include:
  - Having a program staff member physically present at the One-Stop center; or
  - Having a staff member from a different partner program physically present at the One-Stop center appropriately trained to provide information to customers about the programs, services, and activities available through partner programs; or
  - Making available a direct linkage through technology to program staff who can provide meaningful information or services, which includes:
    - Providing a direct connection at the One-Stop center, within a reasonable time, by phone or through a real-time web-based communication to a program staff member who can provide program information or services to the customer.
    - A direct linkage cannot exclusively be providing a phone number or computer web site or providing information, pamphlets, or materials.
  - Being physically and programmatically accessible to individuals with disabilities.
- Use a portion of funds for the IFA and other cost sharing agreements made available to the partner's program, in accordance to the relative benefit and proportionate use, and in accordance with the partner's authorizing statutes and regulations.
- Enter into an MOU with the Local WDB and CLEO relating to the operation of the one-stop delivery system.
- Participate in the operation of the one-stop delivery system consistent with the terms of the MOU, requirements of the partner's statutes and regulations, the Federal cost principles, and all other applicable legal requirements.
- Provide representation on the State and Local WDBs as required by WIOA, and participate in board standing committees as needed.

#### Legal References

- WIOA sec. 121
- 20 C.F.R. §678.400, §678.420, §678.500, §678.715
- TEGL 16-16, 17-16
- 34 C.F.R. §361.500, §463.500