

**AGREEMENT BY AND BETWEEN
THE MAYOR OF THE CITY OF NEW BEDFORD AND
THE GREATER NEW BEDFORD WORKFORCE INVESTMENT BOARD, INC.**

THIS AGREEMENT, effective July 1, 2017 is by and between the Chief Elected Official (CEO), who is the authorized representative of the units of general local government within the Greater New Bedford Workforce Development Area, and the Greater New Bedford Workforce Investment Board, Inc. (WIB). All parties agree to their respective roles and responsibilities in filling the requirements of the Workforce Innovation and Opportunity Act (WIOA) as detailed in this agreement. Sections of WIOA, the Code of Federal Regulations (CFR), or Massachusetts General Law (MGL) are provided as references for all parties on applicable law and regulations.

It is mutually agreed by the CEO and the WIB that the following apply:

JOINT FUNCTIONS OF THE CEO AND LOCAL BOARD (20 CFR §679.310 and §679.370)

- WIB shall develop a budget for the purpose of carrying out the duties of the local Board. The CEO must approve the budget. (20 CFR §679.370);
- The WIB, in partnership with CEO, shall develop the vision, goals, objectives, and policies for the local workforce development area. The vision should be aligned with both the economic development missions for the local area and Massachusetts Workforce Development Boards' goal. (20 CFR §679.310);
- The WIB, in partnership with the CEO, shall develop and submit to the Governor, a local strategic plan that meets the requirements in §108 of WIOA. (20 CFR §679.310 and §679.370);
- The WIB, with the agreement of the CEO, shall designate or certify one-stop operator(s) and may terminate for cause the eligibility of one-stop operators. [20 CFR §679.370 (k) – Negotiate with CEO and required Partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with §678.715 of this chapter or must notify the Governor if they fail to reach agreement at the local level and will use a Commonwealth infrastructure funding mechanism;
- The WIB, in partnership with the CEO, shall conduct oversight with respect to local programs of youth (WIOA §129(c)), adult, and dislocated worker employment and training activities under WIOA §134(c) and (d), and the entire one-stop delivery system in the local area (20 CFR §679.370);
- The WIB, in partnership with the CEO, will ensure the appropriate use management, and investment funds to maximize performance outcomes (20 CFR §679.370); and,
- Negotiate and reach agreement on local performance indicators (20 CFR §679.370).

FUNCTIONS OF THE CHIEF ELECTED OFFICIAL (CEO) (20 CFR §679.310, 320, 350)

“The term chief elected official means—(A) the chief elected executive officer of a unit of general local government in a local area; and (B) in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in WIOA §107(c) (1) (B).” (WIOA §3 (9))

1. Appoints the Local WDB in each local area in accordance with Commonwealth criteria established under WIOA §107(b) and is certified by the Governor every 2 years, in accordance with WIOA §107(c)(2) (20 CFR §679.350).
2. The CEO must approve the bylaws established by the WIB, consistent with Commonwealth policy for Local Board membership, that at a minimum address:
 - (1) The nomination process used by the CEO to elect the WIB chair and directors;
 - (2) The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;
 - (3) The process to notify the CEO of a board director vacancy to ensure a prompt nominee;
 - (4) That a proxy and alternative designee process will not be used by WIB when a board director is unable to attend a meeting and assigns a designee as per the requirements at 20 CFR §679.110(d)(4) and per WIB bylaws;
 - (5) The use of technology, such as phone and Web-based meetings, that will be used to promote board director participation;
 - (6) The process to ensure board directors actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities; and,
 - (7) A description of any other conditions governing appointment or membership on the Commonwealth Board as deemed appropriate by the chief local elected official.
3. The CEO selects Local WDB directors through an established formal nomination consistent with criteria established under WIOA §107(b)(1) and the criteria established by the Governor, and must meet the requirements of WIOA §107(b)(2)(20 CFR §679.320).
4. The CEO will not convey voting privileges to non-required WDB directors in the WIB area (20 CFR §679.320).
5. In workforce areas with more than one unit of local government the Chief Elected Official may execute an agreement that specifies the roles of the other individual Chief Elected Officials and ensure that all units of government in the workforce area participate in workforce development activities (20 CFR §679.310).

FUNCTIONS OF LOCAL BOARD (WIOA §107(d), 20 CFR §679 Subpart C)

Consistent with WIOA §108, the functions of WIB shall include the following:

1. Local Plan;
2. Workforce Research and Regional Labor Market Analysis;
3. Convening, Brokering, Leveraging;
4. Employer Engagement;
5. Career Pathways Development;
6. Proven and Promising Practices;
7. Technology;
8. Program Oversight;
9. Negotiation of Local Performance Accountability;
10. Selection of Operators and Providers;
11. Coordination with Education Providers;
12. Budget and Administration; and,
13. Accessibility for Individuals with Disabilities.

- (1) Local Plan – The WIB, in partnership with the CEO for the local area involved, shall develop and submit a local plan to the Governor that meets the requirements in WIOA §108. If the local area is part of a planning region that includes other local areas, the Local Board shall collaborate with the Local Boards and chief elected officials from such other local areas in the preparation and submission of a regional plan as described in WIOA §106(c)(2).
- (2) Workforce Research and Regional Labor Market Analysis – In order to assist in the development and implementation of the local plan, the WIB shall –

 - (A) 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) in the region described in WIOA §108(b)(1)(D), and regularly update such information;
 - (B) Assist the Governor in developing the statewide workforce and labor market information system described in §15(e) of the Wagner-Peyser Act (29 U.S.C. 491-2(e)), specifically in the collection, analysis, and utilization of workforce and labor market information for the region; and
 - (C) Conduct such 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.
- (3) Convening, Brokering, Leveraging – The WIB shall convene local workforce development system stakeholders to assist in the development of the local plan under WIOA §108 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. The WIB, including standing committees, may engage such stakeholders in carrying out the functions described in this subsection.
- (4) Employer Engagement – The WIB shall lead efforts to engage with diverse range of employers and with entities in the region involved –

 - (A) to promote business representation on the WIB;
 - (B) to develop effective linkages with employers in the region to support employer utilization of the local workforce development system and support local workforce investment activities;
 - (C) to 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;
 - (D) to develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as establishment of industry or 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.
- (5) Career Pathways Development – The WIB, 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.
- (6) Proven and Promising Practices – The WIB shall lead efforts in the local area to -

 - (A) identify and promote proven and promising strategies or initiatives for meeting the needs of employers, and workers and jobseekers to the one-stop delivery system;

- (B) identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
- (7) Technology – The WIB 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 –
 - (A) 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;
 - (B) Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
 - (C) Identifying strategies for better meeting the needs of individuals with barriers to employment;
 - (D) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
- (8) Program Oversight – The WIB, in partnership with the CEO for the local area, shall –
 - (A)(i) conduct oversight for local youth workforce investment activities;
 - (ii) ensure the appropriate use and management of designated funds; and,
 - (B) For workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA §116.
- (9) Negotiation of Local Performance Accountability Measures – The WIB, the CEO, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in WIOA §116(c).
- (10) Selection of Operators and Providers –
 - (A) Selection of One-Stop operators – consistent with WIOA §121(d), the WIB with the agreement of the CEO for the local area shall –
 - (i) Hold responsibility for monitoring and certifying one-stop operator, and
 - (ii) May terminate for cause the eligibility of such operators.
 - (B) Selection of Youth Providers – consistent with WIOA §123, the Local Board shall –
 - (i) Identify and monitor eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis, and
 - (ii) May terminate for cause the eligibility of such providers.
 - (C) Identification of Eligible Providers of training services will be conducted by the WIB.
 - (D) Identification of Eligible Providers of Career Services will be conducted by the WIB.
- (11) Coordination With Education Providers –
 - (A) In general – the WIB shall coordinate activities with education and training providers 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.
- (12) Budget and Administration –
 - (A) Budget – The WIB shall develop a budget for the activities of the WIB in the local area, consistent with the local plan and the duties of the WIB under this section, subject to approval of the CEO and the Board of Directors
 - (B) Administration
 - (i) Grant Recipient
 - (I) In general – the CEO in a local area shall serve as the local grant recipient for related funding of WIB activities;

- (II) Designation – In order to assist in administration of the grant funds, the CEO (or Governor) will designate WIB to serve as the local grant sub-recipient on related activities; and,
- (III) Disbursal – WIB shall disburse the grant funds for workforce investment activities.
- (ii) Grants and Donations – The WIB may solicit and accept grants and donations from sources other than Federal funds made available under this Act.
- (iii) Tax-Exempt Status – For purposes carrying out duties under this Act, WIB is incorporated, and operates as a nonprofit entity as described in §501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under §501(a) of such Code.
- (13) Accessibility for Individuals with Disabilities – The WIB shall annually assess the physical and programmatic accessibility, in accordance with §188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one-stop centers in the local area.

The WIB satisfies the consumer choice requirements for career services and training services (20 CFR §679.380) in accordance with WIOA §122 and in working with the Commonwealth, the Local WDB satisfies the consumer choice requirement for training services by:

- 1) Determining the initial eligibility of entities providing a program of training services, renewing the eligibility of providers, and considering the possible termination of an eligible training provider due to the provider’s submission of inaccurate eligibility and performance information or the provider’s substantial violation of WIOA;
- 2) Working with the Commonwealth to ensure there are sufficient numbers and types of providers of training services (WIOA §107(d)(10)(E));
- 3) Ensuring the dissemination and appropriate use of the Commonwealth list through the local one-stop delivery system;
- 4) Receiving performance and cost information from the Commonwealth and disseminating this information through the one-stop delivery systems within the Commonwealth, and;
- 5) Providing adequate access to services for individuals with disabilities.

Working with the Commonwealth, the Local WDB satisfies the consumer choice requirement for career services by:

- 1) Determining the career services that are best performed by the one-stop operator consistent with 20 CFR §678.620 and §678.625 and career services that require contracting with a career service provider, and,
- 2) Identifying a wide-array of potential career service providers and awarding contracts where appropriate including to providers to ensure:
 - i. Sufficient access to services for individuals with disabilities, including opportunities that lead to integrated, competitive employment for individuals with disabilities; and
 - ii. Sufficient access for adult education and literacy activities

The WIB is to meet its requirement to conduct business in an open manner under the “sunshine provision” of WIOA (20 CFR §679.390). The WIB will conduct its business in an open manner

as required by WIOA §107(e), by making available to the public, on a regular basis through electronic means and open meetings, information about the activities of the WIB. This includes:

- (a) Information about the Local Plan, or modification to the Local Plan, before submission of the plan;
- (b) List and affiliation of WIB directors;
- (c) Selection of one-stop operators;
- (d) Award of grants or contracts to eligible training providers of workforce investment activities including providers of youth workforce investment activities;
- (e) Minutes of formal meetings of the Local WDB; and,
- (f) Local WDB by-laws, consistent with 20 CFR §679.310(g).

FUNCTIONS OF WIB AS THE FISCAL AGENT (WIOA §184 and §185, 20 CFR §679.420)

In order to assist in administration of the grant funds, the WIB will act as the fiscal agent. In general as the fiscal agent, WIB is responsible for the following functions:

- (1) Receive funds;
- (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 Commonwealth Policies;
- (3) Respond to audit financial findings;
- (4) Maintain 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; and,
- (9) Ensure independent audit of all employment and training programs.

LOCAL GOVERNANCE DESIGN AND STRUCTURE (20 CFR §679.400)

The Directors of the WIB will hire an executive director and other staff to assist in carrying out the functions of the Board using funds available under WIOA §128(b) and WIOA §133(b) as described in WIOA §128(b)(4) (WIOA §107(f)).

The WIB staff shall be subject to the limitations on the payment of salary and bonuses described in WIOA §194(15).

In general, the WIB staff only may fulfill the required functions at WIOA §107(d).

CONFLICT OF INTEREST (WIOA §107(H) AND MGL 268A AND B)

1. No director of the WIB or its standing committees, or the CEO, shall cast a vote on any matter which has direct bearing on services to be provided by that director (or any organization which such director directly represents) or on any matter which would provide direct financial benefit to such director or the immediate family of such director, nor shall any such person engage in any activity determined by the Governor to constitute conflict of interest as specified in the Commonwealth Plan.

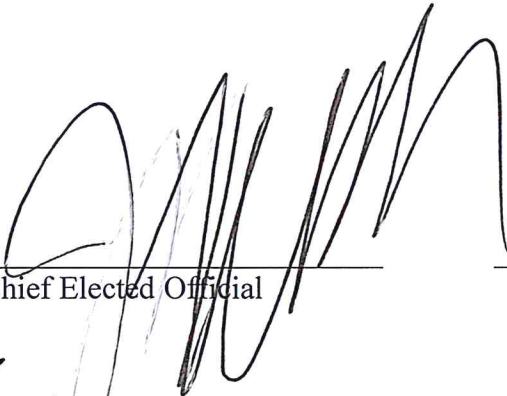
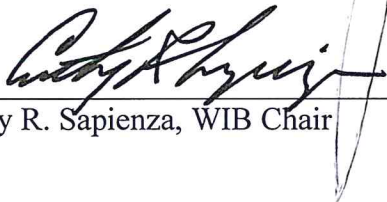
2. The WIB staff or committee members and CEO so affected shall identify any real or perceived conflict of interest prior to discussion and consideration of the matter.

TERM OF AGREEMENT

This Agreement shall be effective from July 1, 2017 and shall expire June 30, 2020 or upon the termination of the Workforce Innovation and Opportunity Act, dissolution of the Local Workforce Development Area, or future action taken by the CEOs to establish a new agreement.

By signing this Agreement, all parties understand that this Agreement supersedes all prior written or oral agreements relating to the responsibilities of the CEO in Local Workforce Development Area of Greater New Bedford.

SIGNATURES:

Jonathan F. Mitchell, WIB Chief Elected Official		3/23/17 Date
Anthony R. Sapienza, WIB Chair		3/22/17 Date