

MEMORANDUM OF UNDERSTANDING
Between the
REGION VI LOCAL ELECTED OFFICIAL BOARD, INC.
And the
REGION VI WORKFORCE DEVELOPMENT BOARD, INC.

This agreement is made and entered into by and between the **REGION VI LOCAL ELECTED OFFICIAL BOARD** (Consisting of one county commissioner from Barbour, Braxton, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Preston, Randolph, Taylor, Tucker, and Upshur counties of the State of West Virginia and the mayors of the cities of Morgantown, Clarksburg and Fairmont) hereinafter referred to as the "LEO Board" and the **REGION VI WORKFORCE DEVELOPMENT BOARD**, hereinafter referred to as the "LWDB", and

WHEREAS, the Workforce Innovation and Opportunity Act, hereinafter referred to as the "Act" authorizes the LWDB to consolidate, coordinate and improve employment, training, literacy, and vocational programs in its designated workforce development area, and

WHEREAS, the Governor of West Virginia has designated our thirteen counties as a Local Workforce Development Area, as defined by the Act, and

WHEREAS, the Act requires the LWDB and the LEO Board to define the scope of their partnership by means of an agreement,

NOW, THEREFORE, be it resolved that this agreement pursuant to the requirements outlined in the Act be made and entered into by and between the LEO Board and the LWDB.

I. STATEMENT OF PURPOSE

By affixed signatures of the Chair of the LEO Board who represents the cities of Morgantown, Clarksburg and Fairmont and the thirteen counties of Barbour, Braxton, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Preston, Randolph, Taylor, Tucker, and Upshur, and the Chair of the LWDB, on behalf of the full membership, the parties entering into this agreement do hereby agree that: The purpose of the LWDB is to:

- > Develop policy, goals, objectives, and overall direction of a thirteen-county workforce development area with respect to activities under the Act; and
- > Increase the business community's involvement in the workforce development programs operated within the thirteen-county workforce development area.

The purpose of the LEO Board is to provide oversight of policy affecting:

- > Programs and services for which funds are provided through the Act, or other related programs;
- > Services for which funds may otherwise be made available to the LWDB;

- and
- > For all other workforce development programs provided through the American Job Centers, as defined in the Act and related to the regulations.

II. AUTHORITIES AND RESPONSIBILITIES OF THE LEO BOARD

The LEO Board's responsibilities shall include but are not necessarily limited to the following:

- A. Appointment and re-appointment of members of the LWDB from individuals nominated or recommended to/by the LEO Board by the appropriate organizations in accordance with the Act. Nominations and individuals selected from the private sector must reflect the industrial and demographic composition of the local labor market and be in a decision-making position;
- B. Approval of the budget developed by the LWDB for the purpose of carrying out the duties of the LWDB;
- C. Establishment of by-laws for the LEO Board's operation;
- D. Provide oversight to the LWDB by reviewing areas of policy development that are under joint control of the LWDB and LEO Board as defined by the Act;
- E. The LEO Board shall maintain its authority, responsibility, and liability for the oversight of all workforce development funds and programs in accordance with the Act; and
- F. Such other functions as the LEO Board may deem appropriate for the exercise of the LEO Board's powers and in the discharge of the LEO Board's duties and responsibilities under the Act and the regulations promulgated thereunder.

The delegation of power or authority by the LEO Board does not relieve its members of their ultimate responsibility for use of the funds. The LEO Board reserves the right to review, evaluate, and make a determination on any plan, proposal, or request for funding as submitted by the LWDB.

III. AUTHORITIES AND RESPONSIBILITIES OF THE LWDB

The LWDB powers, functions, and responsibilities shall include but are not limited to the following:

- A. Initiate and develop all policies and policy actions including the distribution of funds related to Title I of the Act throughout the thirteen-county local workforce development area and for board operations;
- B. Identification of eligible providers of youth activities by awarding grants or contracts on a competitive basis based on the recommendation of

- the Youth Standing Committee, as defined in the Act and regulations promulgated thereunder;
- C. Identification of eligible providers of training services for adults and dislocated workers, as defined by the Act and relevant regulations;
 - D. Identification of eligible providers of career services for adults and dislocated workers and award contracts for career services if the Region VI One-Stop Operator does not provide the career services;
 - E. Submission for approval of a budget for the purpose of carrying out the LWDB duties to the LEO Board;
 - F. Assistance to the State of West Virginia and/or its designated agencies in developing a statewide employment statistics system;
 - G. Coordination of workforce development activities authorized under the act with local economic development strategies including those of the Region VI American Job Centers and the development of other employer linkages with those activities;
 - H. Promotion of the participation of private sector employers in the statewide workforce development system, ensure private sector participation through connecting, brokering, and coaching activities, through intermediaries such as the Region VI American Job Centers or through other organizations, to assist employers in meeting hiring needs;
 - I. Solicitation and acceptance of grants and donations from sources other than federal funds made available under the Act;
 - J. Establishment of by-laws for the operation of the LWDB;
 - K. Promotion of good public relations for the entire workforce development system;
 - L. Delegation of such functions and responsibilities to agencies, sub-groups, or individuals as the LWDB deems appropriate for executive administration; all powers not expressly delegated are reserved by the LWDB in accordance with the Act or as otherwise agreed to in this agreement; and
 - M. Such other functions as the LWDB may deem appropriate for the exercise of the LWDB's powers and in the discharge of the LWDB duties and responsibilities under the Act and the regulations promulgated thereunder.

IV. RESPONSIBILITIES HELD JOINTLY BY BOTH PARTIES

The Act outlines specific responsibilities held jointly by the LEO Board and the LWDB. In matters pertaining to these areas of joint responsibility, it will be the LWDB's role to initiate activity and submit recommendations regarding this activity to the LEO Board for input, review, and approval.

The joint responsibilities of the LEO Board and LWDB shall include, but are not necessarily limited to:

- A. Development and submission of all plans and subsequent modifications to the Governor and/or other organizations for funding;
- B. Designation of and certification of Region VI American Job Centers consistent with criteria established by the Act and WorkForce West Virginia or successor, and termination for cause of the certification;
- C. Conduct oversight with respect to local programs of youth, adult, and dislocated worker activities authorized under the Act and the One-Stop delivery system;
- D. Negotiation of and reaching an agreement with the WorkForce West Virginia or successor on behalf of the Governor on local performance measures;
- E. Appointment of a Youth Standing Committee as a sub-group of the LWDB responsible for recommendations to the LWDB concerning youth programs and issues;
- F. Solicitation of support and comment from the general public providing comprehensive workforce development programs;
- G. Development of other agreements which further defines the organizational structure and relationship of the LWDB and LEO Board; and
- H. Utilize other options for carrying out the authorities and responsibilities set forth in this agreement.

V. FISCAL AGENT, LWDB STAFFING, AND LWDB STAFFING SUPPORT TO THE LEO BOARD

Under the terms of this agreement the Local Workforce Development Board and the Local Elected Officials Board agree to the following:

- A. The LEO Board will appoint a fiscal agent for the thirteen-county Workforce Development area through the procurement procedures as established by the LWDB:
 - 1. The LEO Board will maintain sole authority to appoint the fiscal agent;
 - 2. The LEO Board agrees that the personnel oversight of individual(s) managing the fiscal agent will be the authority of the LWDB; and
 - 3. It is agreed that the duties of the fiscal agent will be limited to those duties authorized by the Act and the regulations promulgated thereunder, which are specifically related to the management, accounting, and bookkeeping of funds related to Title I of the Act for reasons related to the financial liability of the LEO Board for such funds. The role of the fiscal agent does not include policy reflecting the manner in which those

funds are disbursed.

- B. The LWDB agrees to make specific provisions to ensure that the LEO Board has ample and adequate access to information regarding the LWDB's operations and to LWDB staff and staff support. In order to ensure that information related to workforce development policy is regularly and routinely shared between the LWDB and LEO Board, the LEO Board and the LWDB further agree to the following:
1. The LEO Board will hold regularly scheduled meetings and the LWDB will include provision in its overall budget to administer and accommodate such meetings;
 2. The LWDB will provide the LEO Board with routine and extraordinary updates on all policy activity and decisions, as well as information on the operations of the region's workforce development system;
 3. The LWDB will copy to the LEO Board member's information related to public LWDB meetings. Individual LEO Board members will be copied on matters related to workforce development activities.

VI. DISPUTE RESOLUTION

The LEO Board reserves the right to refer any policy decisions made by the LWDB back to the LWDB for additional review.

In the event that the LEO Board seeks a policy review, a formal written request will be submitted to the LWDB, signed by the Chief Elected Official sitting on the LEO Board, describing the specific reasons for the policy review. This request must occur within 15 business days of the policy-related information being received by the Chief Elected Official of the LEO Board.

If additional policy review does not bring the LEO Board and LWDB into consensus, the following activity will occur:

- A. A meeting will be conducted by the LEO Board and the LWDB or a sub-group of the LWDB directors designated by the LWDB in an attempt to reach consensus or to identify a process that will lead to consensus;
- B. If consensus is not reached, the LWDB Chair and Chief Elected Official of the LEO Board will jointly choose a third-party arbitrator to review the information and make a determination; or
- C. If an arbitrated decision does not result in approval by the directors of the LWDB (or a designated sub-group of the LWDB) and members of the LEO Board, the issue will be forwarded to WorkForce West Virginia or its successor for a final arbitration determination.

VII. TERMS OF AGREEMENT

The terms of this agreement shall commence on 9th day of June, 2017, and shall be in effect until such time as it is changed or modified in writing by both parties.

VIII. AMENDMENTS OF AGREEMENT

Subject to applicable law, this Agreement may be amended by an agreement in writing executed in the same manner as this Agreement and authorized or ratified by the Board of Directors of the LWDB and LEO Board.

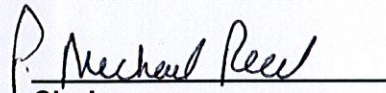
IX. APPROVAL BY PARTIES

This agreement has been duly adopted by the vote of majority of the members of the LEO Board and the LWDB.

APPROVED:


**Chief Local/Elected Official
Region VI Workforce
Development Board**

APPROVED:


**Chair
Region VI Workforce
Development Board**