



## LOCAL GOVERNANCE AGREEMENT

- This AGREEMENT is made this 4th day of August, 2016 by and between the Athens County Board of Commissioners, Meigs County Board of Commissioners, Perry County Board of Commissioners (herein after “CEO Consortium” or “CEOs”), The Area 14 Workforce Development Board (hereinafter “WDB” or “Board”) and the Perry County Department of Job and Family Services (hereinafter “Perry CDJFS”) serving as the Fiscal Agent.
- WHEREAS, Athens, Meigs and Perry counties have been designated as Ohio Local Area 14 (hereinafter “Area 14”) for purposes of the allocation of funds under the Workforce Innovation and Opportunity Act (hereinafter “WIOA”) in Ohio; and
- WHEREAS, the CEOs have been designated as the recipient of WIOA funds for AREA 14; and
- WHEREAS, the WDB has been appointed by the CEOs to provide guidance and support to the WDB’s Director in the development and implementation of policies and programs designed to accomplish the goals of the WIOA; and
- WHEREAS, the WDB Director has been designated by the CEOs as the Administrative Entity, to be responsible for the administration and oversight of the activities of the WDB; and
- WHEREAS, Perry CDJFS has been designated by the CEOs as the Fiscal Agent to be responsible for disbursement of the WIOA funds in Area 14; and
- WHEREAS, Perry CDJFS also serves as the Ohio Means Jobs Center Operator, provider of Career Services and provider of Youth services to meet the objectives of WIOA; and
- WHEREAS, the WIOA requires that a local governance agreement be entered into to delineate the roles and responsibilities of the CEOs, WDB, Administrative Entity and Fiscal Agent.
- NOW THEREFORE, in order to establish clear roles and responsibilities for each entity involved in the workforce delivery systems it is hereby agreed as follows:

## Area 14 Workforce Development Local Governance Agreement

- **ESTABLISHMENT OF THE WORKFORCE DEVELOPMENT BOARD:**
  - The local Workforce Development Board members will be appointed by the respective Boards of County Commissioners in compliance with WIOA section 107(c).
  - The membership of the WDB will comply with WIOA requirements as outlined in WIOA section 107(b)(2).
  - Bylaws for local WDB operations will be established and approved to ensure compliance and effectiveness in fulfilling its duties and responsibilities.
  - The CEOs will review the membership of the WDB as it relates to equitable geographical representation of Area 14 and will adjust the size of the board to meet a) the need for geographically balanced representation and b) the requirements of the WIOA regarding categories of board members
  - When possible, business members of the WDB will be recommended by a business organization subject to approval by the CEOs. In the absence of a suitable nomination from a business organization, CEOs may choose business representatives nominated by other organizations and entities.
  - WDB Members attendance and participation will be monitored and the CEOs can remove a member from the WDB due to a sufficient deficiency in accordance with the By-Laws
  - The role of the CEOs is outlined in the Ohio Department of Job and Family Services, Workforce Innovation and Opportunity Act Office of Workforce Development WIOA Policy Letter (WIOAPL) No. 15-18 Section IV. Requirements. Subsection A. Chief Elected Official.
  
- **LOCAL WORKFORCE DEVELOPMENT BOARD DIRECTOR**
  - Per the Memorandum of Understanding dated November 12, 2015 between the Athens County Board of Commissioners and the Area 14 Workforce Development Board, the Athens County Board of Commissioners will provide one FTE to act as Executive Director of the WDB
  - The Job Description for the Director position will be established collaboratively between the WDB and the Athens County Board of Commissioners and will include objective qualifications, duties and responsibilities
  - The WDB will, in collaboration with the CEOs, establish an appropriate and feasible method to evaluate the Director. Any action taken to terminate the Director must comply with the Memorandum of Understanding dated November 12, 2015 between the Athens County Board of Commissioners and the Area 14 Workforce Development Board
  - The WDB shall procure contracts, obtain written agreements as appropriate, conduct financial monitoring of service providers, and ensure an independent audit is conducted of all employment and training programs
  - The roles of the WDB and the Director are outlined in the Ohio Department of Job and Family Services, Workforce Innovation and Opportunity Act Office of Workforce Development WIOA Policy Letter (WIOAPL) No. 15-18 Section IV. Requirements. Subsection A. Local Workforce Development Board
  
- **ROLE OF FISCAL AGENT**
  - Perry CDJFS, as Fiscal Agent, has been designated by the CEOs to perform accounting and funds management on behalf of the CEOs.
  - WIOA formula allocations will be distributed within the three county area based on county allocation amounts, and may be adjusted as needed to best align with actual customer needs
  - Perry County CDJFS as Fiscal Agent will comply with state and federal reporting requirements and timelines as defined by OWD.

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- Perry County CDJFS as Fiscal Agent will establish or maintain written fiscal policies relative to procurement, auditing, fiscal monitoring and overall fiscal administration.
- Perry County CDJFS as Fiscal Agent will comply with federal and state requirements applicable to all fiscal agreements i.e.; use of program funds, cost of allocation requirements, reporting requirements and audit requirement.
- The role of Fiscal Agent is outlined in the Ohio Department of Job and Family Services, Workforce Innovation and Opportunity Act Office of Workforce Development WIOA Policy Letter (WIOAPL) No. 15-18 Section IV. Requirements. Subsection A. Fiscal Agent.
  
- **MULTI-FUNCTION AGREEMENT CLAUSE**

WIOA requires that a written agreement be entered into where one entity performs multiple functions, as will be done by Perry CDJFS. In order to establish clear roles and responsibilities for each entity involved, the parties in this agreement hereby agree to the following:

  - **Definition of roles and duties per function**
    - **Fiscal Agent**

Perry CDJFS serves as the Fiscal Agent in Area 14 for WIOA funds.
    - **Ohio Means Jobs center operator**

Perry CDJFS currently serves, and may continue to serve, as the Ohio Means Jobs center operator in Perry County, as well as manager of required partners in the Perry County Ohio Means Jobs system.
    - **Provider of services**

Perry CDJFS currently serves, and may continue to serve, as provider of both “Career Services” and “Youth Services” under WIOA
  
  - **Description of the separation of duties under each role**
    - In performing as the Fiscal Agent for Area 14, Perry CDJFS shall appoint personnel whose duties shall include responsibility for receipt of WIOA funds, payment for services and other authorized WIOA expenditures, ensuring sustained fiscal integrity and accountability for expenditure of such funds in accordance with the Office of Management and Budget (OMB) circulars, WIOA and corresponding federal regulations and state policies, responding to financial audit findings, maintain proper accounting records and adequate documentation, preparation of financial reports and providing technical assistance to sub recipients regarding fiscal issues. Individuals under this role shall not be permitted to engage in policy or service delivery issues or activities.
    - In performing as the Ohio Means Jobs center operator role under WIOA, Perry CDJFS shall appoint personnel whose duties shall include the coordination of service delivery among partners as defined in the Memorandum of Understanding, among physical Ohio Means Jobs centers, and electronic sites, and across the Area 14 workforce development system. Perry CDJFS will implement WDB policies and report to the WDB on operations, performance accountability and continuous improvements.
    - In performing as the provider of “Career Services” as specified in the WIOA to “Adults” and “Dislocated Workers”, as well as the provider of “Youth Services” as specified in the WIOA, Perry CDJFS will implement WDB policies and report to the WDB on program service delivery, performance accountability and continuous improvements.

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- **Description of separation of budget authority, including separation of line item budgets for each function**
  - To ensure there is a proper separation of duties and functions and to ensure that staff duties of the various Perry CDJFS personnel are delineated, they shall be delineated in two separate budgets and such personnel shall be individually and collectively responsible for reporting compliance with WIOA and regulations, OMB circulars and the State of Ohio policies regarding conflicts of interest, including how conflicts of interest will be minimized. The Perry CDJFS staff can be assisted in preparing the fiscal portions of their reports by the designated Perry CDJFS fiscal appointees.
  - Any changes to the budget, including any funding or costs shifted between the Fiscal Agent and the Ohio Means Jobs center operator or service provider budgets, shall be presented to the WDB Director for review and authorization.
- **Description of how staff duties will be completed while demonstrating compliance with WIOA and regulations, OMB circulars, and the State of Ohio policies on conflicts of interest, including how conflicts of interest will be minimized**
  - The WDB shall, through the Director, monitor and oversee the activities of Perry CDJFS in all respects to ensure proper usage of WIOA funds; proper and effective action by the Perry CDJFS designated staff delegated to handle the fiscal responsibilities of Perry CDJFS as the designated Fiscal Agent, and the performance of all other Perry CDJFS functions with respect to Ohio Means Jobs center operations and actual service provision utilizing WIOA funds by Perry CDJFS staff or through sub contracts.
  - The WDB shall, through the Director, procure contracts or obtain written agreements, conduct financial monitoring of service providers, and ensure an independent audit is conducted of all employment and training programs
- **Description of fiscal monitoring**
  - Fiscal monitoring will be conducted by the WDB Director in cooperation with the WDB, and results will be presented to the CEO Consortium and the WDB
- **DISPUTE RESOLUTION**

In the event of any dispute, claim, question, or disagreement arising out of or relating to this Agreement or the breach thereof, the parties hereto shall use their best efforts to settle such disputes, claims, questions, or disagreement. 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 both parties. If they do not reach such solution within a period of sixty (60) days, then upon notice by either party to the other, disputes, claims, questions, or differences shall be finally settled by mediation or arbitration in accordance with all applicable federal and/or state law and/or rules.
- **DURATION AND MODIFICATION**

This Agreement shall be in effect for one (1) consecutive year from July 1, 2016 until June 30, 2017 and shall automatically be renewed for one (1) year periods unless a majority vote from the CEO Consortium acts to terminate this agreement. This Agreement shall only be modified with written consent of the majority of the CEO Consortium.

# Area 14 Workforce Development Local Governance Agreement

Signature	Date	
		Lenny Eliason, CEO Athens County
		Mike Bartrum, CEO Meigs County
		Ed Keister, CEO Perry County
		Robert Ogden, Area 14 WDB Chair
		Scott Zielinski, Area 14 WDB Director, Administrative Agent
		Cheryl Boley, Perry County JFS, Fiscal Agent