

Northeastern Arizona Local Workforce Development Board

Chief Elected Officials and LWDB Partnership Agreement

I. PURPOSE

WHEREAS, Navajo County was designated by the Apache County, Navajo County, and Gila County WIOA Partnership to serve as the Chief Elected Official, fiscal agent, and administrative entity for the Northeastern Arizona Local Workforce Area.

WHEREAS, the **INTERGOVERNMENTAL AGREEMENT for the Apache County, Navajo County, and Gila County WIOA Partnership** provides Navajo County the authority to administer WIOA funds and to assign resources to meet the needs in each county.

WHEREAS, the Northeastern Arizona Local Workforce Development Board, hereinafter referred to as LWDB, has been appointed by the Navajo County Board of Supervisors, hereinafter referred to as Chief Elected Officials (CEO) as designated in the **INTERGOVERNMENTAL AGREEMENT**, in accordance with the requirements in the Workforce Innovation and Opportunity Act of 2014 (WIOA)

WHEREAS, the **CEO AND LWDB PARTNERSHIP AGREEMENT** is required by the Workforce Arizona Council to acknowledge LWDB membership and to specify the relationship between the CEO and LWDB.

II. LOCAL BOARD MEMBERSHIP

The WIOA Section 107 (c)(1) authorizes the CEO to appoint the members of the LWDB in accordance with the criteria established under Section 107(b)(1) of the WIOA and the guidelines in Workforce Arizona Council Policy 01-2019 entitled Workforce Innovation and Opportunity Act (WIOA) Local Governance.

The CEO must appoint business representatives who meet the criteria established by the Workforce Arizona Council on behalf of the Governor.

The authority to appoint members to the LWDB lies solely with the CEO.

A. Terms

LWDB members are appointed for a fixed and staggered 5-year term. Members may be reappointed upon completion of their term.

B. Nomination

For each LWDB member position that requires a nomination, the nominating organization as required by the Workforce Innovation and Opportunity Act must submit to the Navajo County Board of Supervisors as CEO of the local area a document

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or letter signed by the chief executive officer or designee identifying the individual being nominated. The document or letter must also acknowledge the nominee's optimum policy-making authority and include documentation of curriculum vitae, resume, or work history supporting the qualifications of the nomination. Multiple individuals may be nominated for one LWDB position. The CEO shall make an appointment of one of the individuals nominated in its role to appoint LWDB members.

C. Appointment

LWDB appointments must be made by the Navajo County Board of Supervisors as designated CEO. Navajo County will make appointments based on recommendations received from Navajo, Apache, and Gila Counties, and submit them to the local administrative entity either in the form of a letter, evidenced within minutes of meetings, or other official communication. An email from the Navajo County Board of Supervisors or their designee will serve as one form of official communication.

D. Change in Status

LWDB members who no longer hold the position or status that made them eligible LWDB members must resign or be removed by the Navajo County Board of Supervisors as designated CEO immediately upon notification to the LWDB Chair of the change of status as a representative of that entity.

E. Mid-Term Appointment

LWDB members replacing outgoing mid-term members will serve the remainder of the outgoing member's term.

F. Vacancies

A minimum of three business representatives from each county will serve on the LWDB. The remaining business seats will be filled by a representative from a different county every two years to ensure continued equitable representation from each county. That balance in LWDB representation shall be maintained when filling vacancies.

Recommended nominees shall be submitted by the appropriate organizations to the Navajo County Board of Supervisors, as designated CEO, for formal appointment. LWDB vacancies must be filled within 120 days of the vacancy. Navajo County Board of Supervisors, as designated CEO, is authorized to make all reappointments of members. Reappointments must be made within 120 days of the term's expiration. In the event a vacancy cannot be filled within 120 days, the CEO must request a waiver in writing to the Director of the Workforce Arizona Council with an explanation of why a vacancy was not filled in the 120-day timeframe and a description of the process underway to fill the vacancy. The CEO must maintain written approval of the waiver request by the Director of the Workforce Arizona Council and be monitored according to the process outlined in their approved waiver request.

G. Removal

LWDB members must be removed by the Navajo County Board of Supervisors, as designated CEO, if any of the following occurs:

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- a) Documented violation of conflict of interest.

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- b) Failure to meet LWDB representation requirements defined in the WIOA and Workforce Arizona Council policy.
- c) Documented proof of malfeasance, fraud, or abuse.

In addition, LWDB members may be removed from the LWDB for cause, as outlined in the LWDB bylaws, if a two-thirds (2/3) majority of the LWDB approves such actions at a legally constituted meeting. Such action must be confirmed by a four-fifths (4/5) majority of the Navajo County Board of Supervisors, as designated CEO.

III. RELATIONSHIP BETWEEN CEO AND THE LWDB

The Navajo County Board of Supervisors, as designated CEO, provides the following guidance to the LWDB. In the case of required partnership or approval by the CEO, the LWDB shall get in writing, either through official communication or evidence in minutes of meetings, evidence of Chief Elected Official involvement

The LWDB shall in accordance with an Agreement with the Chief Elected Officials and according to the Workforce Innovation and Opportunity Act legislative requirements:

A In partnership with the Chief Elected Officials, LWDB Shall:

Develop and submit a local workforce business plan consistent with WIOA, Arizona State Integrated Plan, Workforce Arizona Council, and other state administrative entity requirements. The local workforce development business plan is developed in partnership with the LWDB, the CEO, the Core Partners, and the required partners identified in WIOA. LWDB Staff shall convene key stakeholders and oversee the local workforce business plan development process to ensure input from all partners and consensus on strategy and service delivery. Upon completion of the draft workforce development plan, it shall be submitted for review and approval by the LWDB and the CEO.

B. Approval required by the Chief Elected Officials:

Develop a budget for carrying out the duties of the LWDB.

The LWDB will develop an operating budget for carrying out the duties of the board, which is approved by the CEO. LWDB staff develop a draft operating budget for each program/fiscal year that includes line items for carrying out the duties of the board and allocating funds for service delivery. Once the draft budget is developed, it is submitted to the LWDB and CEO for review and discussion; any required changes are made by staff and then submitted to the LWDB and CEO for final approval. LWDB staff provides LWDB with monthly updates on year-to-date spending progress. Any revisions to the original budget are resubmitted to the LWDB and CEO for approval.

As part of the annual budget development process, the LWDB and the CEO will

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negotiate

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the amount to be paid by LWDB to Navajo County for its performance of the Administrative and Fiscal Agent role outlined in the **INTERGOVERNMENTAL AGREEMENT**. The most recent Navajo County OMB Circular A-87 Cost Allocation Plan will be used for those charges; however, due to the availability of funding, Navajo County recognizes that it may be necessary to charge the LWDB less than is indicated by the Cost Allocation Plan. In that case, Navajo County agrees to supplement any actual administrative overhead costs with non-federal funding.

C. Selection of operators and providers.

The LWDB has established guidelines and a Request for Proposal process for the selection of operators and providers in the local area in accordance with WIOA 107(d)(10)(A) through (E) and the Workforce Arizona Council policy, including the CEO's agreement on the selections. Navajo County, as the administrative and fiscal agent, conducts all procurements at the request of the LWDB according to the county's procurement policy. An ad-hoc work group of LWDB members and staff is convened to complete the proposal review, scoring, and recommendation of the top respondent. The Navajo County Finance Director facilitates the proposal review and scoring process. The recommendation is presented to the full LWDB for approval. Upon approval by the LWDB, a contract is drafted and presented to the CEO for agreement and signature.

D. Youth activities

The LWDB does not have a standing youth committee. The LWDB has retained the responsibility to select providers and oversee the youth activities under youth formula programs. The LWDB will carry out its responsibilities for youth activities under youth formula funds by developing a Youth Program Design framework that includes an outreach and marketing plan, career pathway models for in-demand and emerging industries and occupations, partnerships with community-based organizations that serve young adults with barriers to employment, and a youth participant framework tool for ARIZONA@WORK partner staff. The Youth Program service provider will be responsible for the implementation of the Youth Program Design framework.

E. Program oversight

The LWDB provides oversight of the Adult, Dislocated Worker, and Youth programs. Regularly scheduled monitoring will be conducted by local board staff. Service providers will provide monthly reports to LWDB staff. The One Stop Operator will coordinate with LWDB staff and service providers to provide quarterly reports to the LWDB on the performance of the ARIZONA@WORK Northeastern Arizona System. The One Stop Operator reports will include updates on activities and performance of the Adult, Dislocated Worker, and Youth Programs. LWDB Staff will provide quarterly budget updates to include expenditure reports for the Adult, Dislocated Worker, and Youth programs. Service provider management staff will attend the quarterly LWDB

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meetings to answer any questions that may arise from the One Stop Operator and/or LWDB Staff reports. At the annual joint LWDB/CEO board meeting, the local board staff will provide a monitoring report to the LWDB and CEO.

F. Performance accountability measures

The LWDB and CEO are responsible for performance accountability measures and give authority to LWDB staff to negotiate performance measures. After performance measures have been negotiated, the LWDB staff will provide details to the LWDB and CEO.

G. Local Board policy

The CEO is involved in overall strategic direction of the LWDB and designates responsibility to the LWDB to develop local board policy. Local workforce policies shall be developed by the LWDB Staff and Executive Committee and presented to the full LWDB for input and final approval.

H. LWDB Bylaws.

The Bylaws may be amended or repealed in part or in whole only by a majority vote of the LWDB members at a regular or special meeting with a quorum present

L Memorandum of Understanding

The LWDB, with the agreement of the CEO, shall develop and enter into a Memorandum of Understanding (between the LWDB and each of the partners), concerning the operation of the one-stop delivery system in the local area:

- a) In coordination with the LWDB, the board staff shall develop the Memorandum of Understanding with the core partners;
- b) The LWDB shall review and approve the Memorandums of Understanding;
- c) The Chair of the LWDB shall sign the Memorandums of Understanding; and
- d) The LWDB will submit the Memorandums of Understanding to the CEO for approval and signature.

J. Other LWDB roles and responsibilities:

- a) Select a private-sector business representative as LWDB chairperson; and
- b) Create an annual report that must be submitted to the Workforce Arizona Council as per guidelines established by the Workforce Arizona Council; and
- c) Promote one-stop center programs and activities; and
- d) Assist the state administrative entity in developing the statewide employment statistics system under the Wagner Peyser Act; and

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- e) Coordinate with economic development strategies and establish employer linkages with workforce development activities; and
- t) Carry out regional planning responsibilities as required by the Workforce Arizona Council and the state administrative entity, and the Workforce Investment Act in Section 116 (c); and
- g) Per WIOA Regulations 679.370, promote private sector involvement in the statewide workforce investment system through effective connecting, brokering, and coaching activities through intermediaries, such as the one-stop operator in the local area, the local business services function, or through other organizations to assist employers in meeting hiring needs; and
- h) Conduct business in an open manner by making available to the public information about the activities of the LWDB; this includes the local plan before submission, membership, designation of the local workforce system operator, the awarding of grants or contracts, and minutes of LWDB meetings; and
- i) Ensure that partner staff will be governed by their respective personnel laws and collective bargaining agreements in a One-Stop Center.

Other LWDB Requirements:

Authority to Hire LWDB Staff: WIOA sec. 107(f) grants the LWDB authority to hire a director and other staff to assist in carrying out the functions of the LWDB in agreement with the CEO, since Navajo County is the employer of record.

1. LWDBs must establish and apply a set of qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in carrying out the functions of the LWDB.
2. The LWDB director and staff must be subject to the limitations on the payment of salary and bonuses described in WIOA sec. 194(15).
3. In general, LWDB staff may only assist the LWDB to fulfill its functions (20 CFR 679.400 (d)).

Conflict of Interest:

The Navajo County Board of Supervisors, in partnership with the LWDB, have designated to their respective staff the development of an Organizational Chart depicting the staff that perform the governance functions and the associated chain of command, as well as the staff that perform the operational functions and the associated chain of command. The Organizational Chart is attached to this document as Exhibit "A".

The designation of different departments within Navajo County and the associated chains

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of command creates the firewalls required by WIOA and corresponding regulations.

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Uniform Guidance (2 CFR part 200), the State's conflict of interest policy (20 CFR 679.430 and State Workforce Policy #8), State Workforce Policy #4 (ARIZONA@WORK One Stop Operator and Service Provider Selection), and State Workforce Policy #1 (Local Governance).

The following description of duties and chains of command shall identify a clear separation of duties and required firewalls as required by 20 CFR 679.430.

LWDB Staff:

LWDB Staff shall perform those duties associated with the LWDB's governance and oversight role. Specifically, LWDB staff is responsible for supporting the Local Workforce Development Board in performing its Roles and Responsibilities: As stated in WIOA sec. 107(d), 20 CFR 679.370, and 20 CFR 679.310 (b), the LWDB must:

1. **Local Policy:** In partnership with the CEO, the LWDB sets policy for the portion of the statewide workforce development system within the LWDA and consistent with State policies (20 CFR 679.310 (b)).
2. **Local Plan:** Develop and submit a 4-year local plan for the LWDA, in partnership with the CEO and consistent with WIOA section 108 (20 CFR 679.370(a)); If the LWDA is part of a planning region that includes other LWDA's as designated by the Governor under 20 CFR 679.200 and 679.210, the LWDB in partnership with the CEO must develop and submit a regional plan in collaboration with the LWDBs and CEOs from other areas. (WIOA 106 (c)(2) and 20 CFR 679.510). The regional plan must incorporate the local plans from each LWDA in the planning region per 20 CFR 679.540 (a).
3. **Labor Market Analysis:** To assist in the development and implementation of the local plan, conduct workforce research and regional labor market analysis to include:
 - a. Analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development (including education and training) activities to include an analysis of the strengths and weaknesses (including the capacity to provide) of such services to address the identified education and skill needs of the workforce and the employment needs of employers;
 - b. Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region;
 - c. Other research, data collection, and analysis related to the workforce needs of the regional economy as the LWDB, after receiving input from a wide

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array of stakeholders, determines to be necessary to carry out its functions.

4. **Convening, Brokering, Leveraging:** Convene the local workforce development system

stakeholders to assist in the development of the local plan under WIOA section 108 and 20 CFR 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the LWDB and standing committees in carrying out, convening, brokering, and leveraging functions at the direction of the LWDB.

5. **Employer Engagement:** Lead efforts to engage with a diverse range of employers and other entities in the region in order to:

- a. Promote business representation (particularly representatives with optimum policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the LWDB;
- b. Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;
- c. 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; and
- d. Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), 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.

6. **Career Pathways Development:** With representatives of secondary and post- secondary education programs, lead efforts to develop and implement career pathways within the LWDA by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment as defined in WIOA 3(24).

7. **Proven and Promising Practices:** Lead efforts in the LWDA to identify and promote proven and promising strategies and initiatives for meeting the

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needs of employers, workers and jobseekers (including individuals with barriers to employment) in the local workforce system, as well as in providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system.

4. **Technology:** Develop strategies for using technology to maximize accessibility and effectiveness of the local workforce development system for employers, workers, and job seekers, 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 LWDA
 - b. Facilitating access to services provided through the one-stop delivery system involved, including access in remote areas
 - c. Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
 - d. Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment
1. **Program Oversight:** Provide program oversight, in partnership with the CEO, for the LWDA:
 - a. Conduct oversight of youth workforce investment activities authorized under WIOA section 129(c), adult and dislocated worker employment and training activities under WIOA sections 134 (c) and (d); and the entire one-stop delivery system in the LWDA; and
 - b. Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the LWDA; and
 - c. Ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA section 116.
2. **Local Performance Accountability Measures:** Negotiate and reach an agreement on local performance measures with the CEO and the Governor (WIOA section 116 (c)).
3. **Infrastructure Costs:** Negotiate with the CEO and required partners on the methods for funding the infrastructure costs of one-stop centers in the LWDA in accordance with § 678.715 and State Workforce Policy #5 MOU and Infrastructure Costs policy.

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4. Selection of One Stop Operators and Providers: With the agreement of the CEO for the LWDA, the LWDB selects the following providers in the LWDA, and where appropriate, terminates such providers in accordance with 2 CFR part 200:

a. Providers of youth work investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established). However, if the LWDB determines there is an insufficient number of eligible providers of youth workforce investment activities in an LWDA, the LWDB may award grants or contracts on a sole-source basis in compliance with State Workforce Policy #4 ARIZONA@WORK One Stop Operator and Service Provider Selection Policy. The LWDB may terminate for cause the eligibility of such providers.

b. Eligible providers of training services consistent with the criteria and information requirements established by the Governor and WIOA sec.122;

c. Providers of career services through the award of contracts in compliance with State Workforce Policy #4 ARIZONA@WORK One Stop Operator and Service Provider Selection Policy, if the one-stop operator does not provide such services.

d. Designate or certify one-stop operators through a competitive process as described in WIOA section 121(d)(2)(A), 20 CFR 678.600 - 678.635, and State Workforce Policy #4 ARIZONA@WORK One Stop Operator and Service Provider Selection Policy. Also, the LWDB may terminate for cause the eligibility of such operators.

e. Consumer Choice Requirements: Work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the LWDA, services are provided in a manner that maximizes consumer choice and provides opportunities that lead to competitive integrated employment for individuals with disabilities. This includes eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities. (WIOA section 122 and paragraphs (2) and (3) of section 134(c))

5. Coordination with Education Providers: Coordinate activities with education and training providers in the LWDA, including:

a. Reviewing applications to provide adult education and literacy activities under Title II for the LWDA to determine whether such applications are consistent with the local plan;

b. Making recommendations to the eligible agency to promote alignment with such plan; and

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c. Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross-training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination. Cooperative agreement means an agreement entered into by a State-designated agency or State-designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

6. **Budget and Administration:** Develop a budget for the activities of the LWDB, with approval of the CEO, and consistent with the local plan and the duties of the LWDB. The LWDB budget includes all activities of the LWDB, including the Title I budget amounts to be allocated for youth (section 133) and adult and dislocated worker (section 128) career services. The LWDB determines how much of the budget to allocate for these services and how to procure these services. Budget Disbursal: The local grant recipient or an entity designated as the grant recipient shall disburse the grant funds for workforce investment activities at the direction of the LWDB, pursuant to the requirements of WIOA. The local grant recipient or entity designated as grant recipient shall disburse the funds immediately on receiving such direction from the LWDB (WIOA sec 107 (d)(12)(B)(i)(III)).

7. **Accessibility for Individuals with Disabilities:** Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the LWDA, in accordance with WIOA section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

8. **ARIZONA@WORK Job Center Certification:** Certification of ARIZONA@WORK job centers in accordance with 20 CFR § 678.800 and State Workforce Policy #6 Certification of the ARIZONA@WORK Job Centers.

LWDB staff report to the LWDB Executive Director. The Executive Director functionally reports to the LWDB and, according to the attached organizational chart, formally reports to the Navajo County Chief Financial Officer. LWDB Staff have a separate reporting structure from program staff and do not have supervision or control over the Program Staff.

Adult, Dislocated Worker, and Youth Program Provider Staff: Program provider staff shall only perform those duties associated with the direct provision of the Adult, Dislocated Worker, and Youth Programs. Staff will not perform any roles listed above as LWDB staff duties.

Program staff report to the assigned Managed for contracted Service Provider, as evidenced on the attached organizational chart, the reporting structure for the contracted Service provider has a distinctly different chain of command from the LWDB Executive Director.

Fiscal Agent: The Navajo County Chief Financial Officer serves as the Fiscal Agent for

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the LWDB. Navajo County has one financial system that operates a fund accounting system. Separate funds have been established for Program Staff to track expenditures. Program staff do not have access to the overall budget and funds associated with the LWDB. The LWDB Admin Officer serves as staff to the LWDB, preparing and submitting expenditure reports and requests for reimbursement from the Arizona Department of Economic Security. The LWDB Admin Officer has access to view the Program Staff funds for oversight and monitoring purposes.

IV. AMENDMENTS/CHANGE TO AGREEMENT/ELECTION

This **AGREEMENT** may be amended or changed with a written notice by the CEO to the LWDB. Election notice of a new LWDB Chair or Chief Elected Official will be maintained in the Administrative Entity office.

V. MAINTENANCE OF AGREEMENT

The original **AGREEMENT** and any modifications shall be maintained and available for monitoring at the Navajo County Administrative Entity office.

VI. COMMUNICATION

LWDB meeting notices and minutes of meetings will be provided to the Navajo, Apache, and Gila County Boards of Supervisors. Navajo County Board of Supervisors, in its official capacity as CEO of the local workforce area, will be invited to a joint meeting with the LWDB annually, wherein performance information and financial information will be shared.

Apache County and Gila County Boards of Supervisors, or their designees, will also be invited for the purpose of updating them on the performance and activities for the local workforce area. The LWDB will make available to the public, on a regular basis through open meetings, information regarding the activities of the LWDB.


VII. JOINT REPRESENTATION

The parties to this agreement have agreed to joint representation in this matter by the Navajo County Attorney's Office. Both parties understand the advantages and disadvantages of joint representation, including the potential loss of confidentiality, and have determined that the advantages of joint representation outweigh the risks and hereby consent to joint representation.

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VIII. REQUIRED SIGNATURES

Chairperson, Navajo County Board of Supervisors as Chief

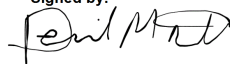
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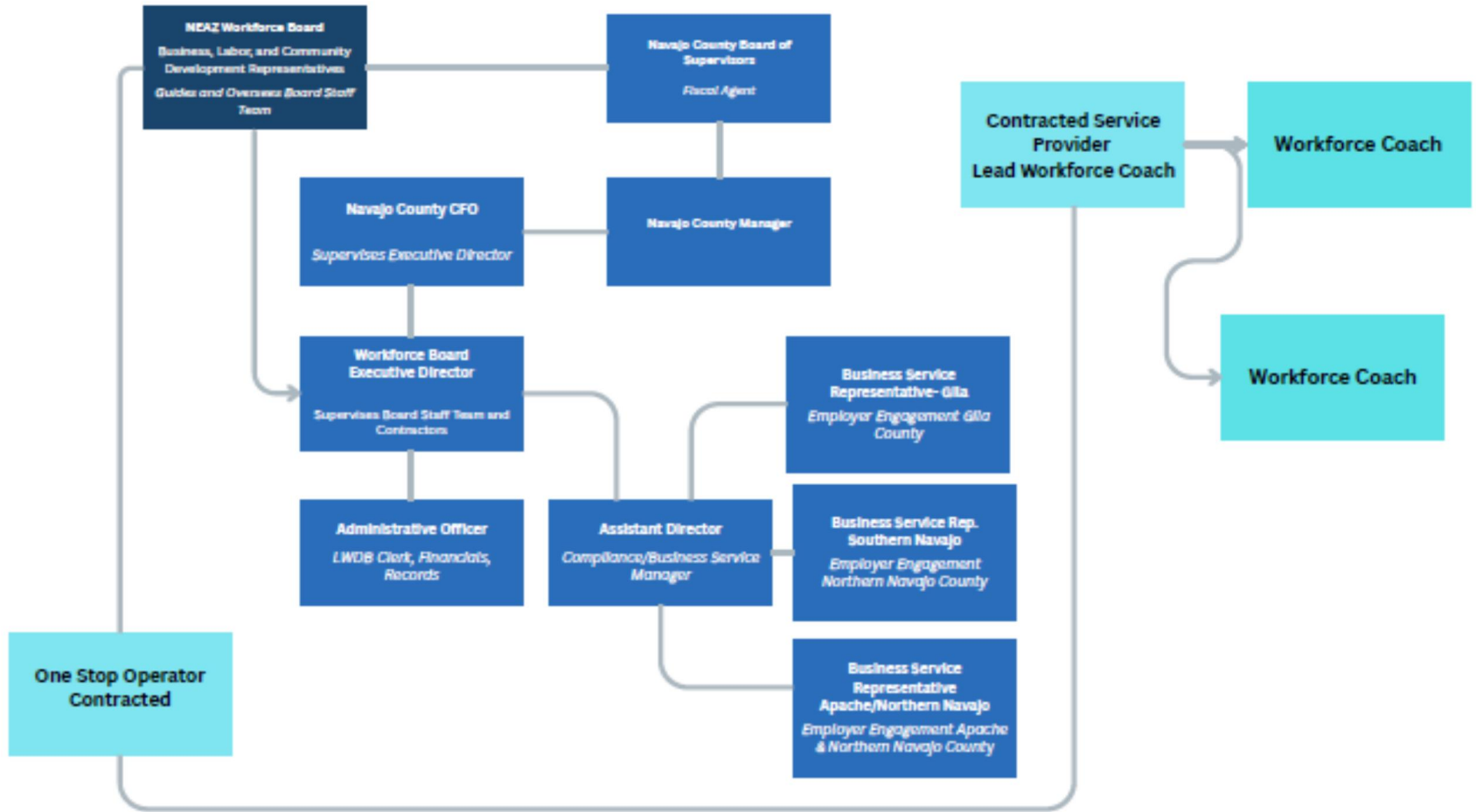
**Chairperson, Northeastern Arizona Workforce
Development Board:**

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Signature

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Exhibit "A"

Northeastern Arizona Local Workforce Development Area

Organizational Chart