

SHARED GOVERNANCE AGREEMENT
BETWEEN THE
YUMA COUNTY BOARD of SUPERVISORS
AND THE
YUMA COUNTY LOCAL WORKFORCE DEVELOPMENT BOARD
FOR
PROVISION OF SERVICE UNDER THE WORKFORCE INNOVATION
AND OPPORTUNITY ACT IN THE YUMA COUNTY WORKFORCE
INVESTMENT AREA

Revised this 17th day of July, 2023

This shared governance agreement is entered into between the Yuma County Board of Supervisors (herein after referred to as "BOS") as the Chief Elected Official of Yuma County, and the Yuma County Local Workforce Development Board (herein after referred to as "LOCAL BOARD") to specify the relationship between the two entities as required by the federal Workforce Innovation and Opportunity Act of 2014 (Public Law No. 113-128) hereinafter referred to as "WIOA," and the state Workforce Arizona Council's ARIZONA@WORK Local Governance Policy.

WHEREAS, the purpose of this agreement is to provide a basis for cooperation and a partnership between the BOS and the LOCAL BOARD, which will lead to the success of the employment and training system (ARIZONA@WORK–Yuma County) within Yuma County. This agreement envisions a future of cooperation and partnership that will contribute to the overall economic prosperity of the region and its residents;

WHEREAS, the purpose of a Local Workforce Development Area (herein after referred to as "LWDA") is to serve as a jurisdiction for the administration of workforce development activities using WIOA Adult, Dislocated Worker, and Youth funds allocated by the State and to coordinate efforts related to other core programs at a local community level;

WHEREAS, the LOCAL BOARD is appointed by the BOS in accordance with State criteria established under WIOA sec. 107(b), and is certified by the Governor every 2 years, in accordance with WIOA Sec. 107(c)(2);

WHEREAS, pursuant to 20 CFR 679.300(b), the purpose of the LOCAL BOARD is to:

1. Provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to help develop a comprehensive and high-quality workforce development system in the LWDA and larger planning region;

2. Assist in the achievement of the State's strategic and operational vision and goals as outlined in the Unified State Plan or combined State Plan; and
3. Maximize and continue to improve the quality of services, customer satisfaction, effectiveness of the services provided;

WHEREAS, per WIOA 107 (B)(i)(I) the BOS is the grant recipient for, and is liable for, any misuse of the grant funds allocated to the local area; and

WHEREAS, per WIOA 107 (B)(i)(II) In order to assist in administration of the grant funds, the BOS has designated the LOCAL BOARD, through its tax-exempt 501(c)(3) organization, Yuma Private Industry Council, Inc. (YPIC), as the **fiscal agent**, whose role is also defined in this agreement;

NOW, THEREFORE, the BOS and the LOCAL BOARD agree to the following terms and conditions:

I. LOCAL BOARD ESTABLISHMENT & MEMBERSHIP

A. Pursuant to WIOA Section 107 (c)(1), the BOS is authorized to appoint the members of the LOCAL BOARD for Yuma County in accordance with the criteria established by the Governor in partnership with the State Board (WIOA 107 (b)(1)). Authority to appoint members to the LOCAL BOARD rests solely with the BOS.

1. The membership shall be comprised as follows based on the definitions outlined in the Act:

Category	# of Members
A - Business - Must be <u>more than 50%</u> of the total Board. MUST be owner or CEO with optimum policymaking or hiring authority. MUST provide employment in in-demand industry sectors that have substantial current or potential impact on economy. MUST include 2 reps of small business as defined by SBA.	10
B - Workforce - <u>Not less than 20%</u> of total Board. MUST include 2 reps of labor organizations. MUST include 1 rep of registered apprenticeship program.	4
C - Education and Training - MUST include at least 1 provider of adult education (WIOA Title II). MUST include at least 1 higher education providing workforce investment activities.	2
D - Government, Economic and Community Development – MUST include at least 1 rep from an Economic and Community Devel entity. MUST include at least 1 rep for ESO under Wagner-Peyser Act. MUST include at least 1 rep of programs under Title I of Rehab Act of 1973.	3
TOTAL	19

2. The BOS is solely responsible to determine the size of the LOCAL BOARD consistent with WIOA Section 107(b)(2). The LOCAL BOARD may submit a request to the BOS for consideration of a change in the size of the LOCAL BOARD. Any approved changes must be consistent with WIOA Section 107(b)(2). Changes will become effective on the first day of the following program year.
3. The LOCAL BOARD must be selected by the BOS consistent with criteria established under WIOA sec. 107(b)(1) and criteria established by the Governor, and must meet the requirement of WIOA sec. 107(b)(2).

The LOCAL BOARD has the authority to hire staff and shall 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 LOCAL BOARD. The Executive Director shall be responsible for all personnel matters. The LOCAL BOARD director and staff are subject to the limitations on the payment of salary and bonuses described in WIOA Sec. 194(15). In general, LOCAL BOARD staff only may assist the LOCAL BOARD to fulfill its functions (20 CFR § 679.400(d)).

4. Appointments to the LOCAL BOARD will be made by the BOS by the following process:
 - a. Each nominee must complete a questionnaire provided by the Yuma County Administrator (hereinafter referred to as "County Administrator") for membership on the LOCAL BOARD.
 - b. The questionnaire will demonstrate how the nominee meets the criteria for membership in the applicable category. This includes a resume or curriculum vitae that shows work history and level of authority and qualification. Membership questionnaire must be submitted to the County Administrator for future consideration by the BOS.
 - c. Nominees for the Business category of membership must provide a letter of nomination from a local business organization or business trade association (e.g., Yuma County Chamber of Commerce or Greater Yuma Economic Development Corporation), in accordance with WIOA Sec. 107(b)(2)(iii).
 - d. Nominees for the Workforce category of membership must provide a letter of nomination from a local labor federation or other representative of employees (for areas where labor organizations do not exist), in accordance with WIOA Sec. 107(b)(2)(i).
 - e. The appointment will be placed on an agenda for action by the BOS. A majority vote in favor of the appointment is required by the BOS. Once approved, the appointee's name will be sent to the LOCAL BOARD staff for processing.

- f. All newly appointed LOCAL BOARD members must complete a LOCAL BOARD approved onboarding session prior to attending their first meeting as a voting board member.
 - g. Program partner staff members who have a post of duty at either the ARIZONA@WORK Yuma County comprehensive or affiliate site, job centers are not eligible for membership on the LOCAL BOARD, *except those representatives required by the WIOA*, due to a potential conflict of interest resulting from the relationship between the LOCAL BOARD, the One Stop Operator, and job center program staff.
5. Members are to be appointed equally (one-third each) by the BOS. When Board Members are appointed to the Local Workforce Development Board (LWDB) they shall be for a period of one (1) year, two (2) years, or three (3) years to ensure the LWDB is equally balanced on a "staggered-term" basis, so that insofar as is possible, one-third of the Board members shall be appointed/reappointed each year.

Each member shall serve a term that shall be determined by the appointing BOS. In certain circumstances when a new appointee is replacing a resigning member, the appointee will potentially be appointed for 3 years to maintain staggered-terms. Upon expiration of a member's term, that member, at the discretion of the BOS, may be reappointed by the BOS to another designated term. The Board shall maintain an updated list of the current members and the expiration dates of their terms to ensure board composition compliance.

6. A member who no longer holds the position or status that made him or her eligible to serve as LOCAL BOARD member must notify the LOCAL BOARD Chair of the change in his or her status within 5 business days of such change. The LOCAL BOARD Chair will notify the County Administrator immediately of the change in the Member's status.

If a member who no longer holds the position or status that made him or her eligible to serve as LOCAL BOARD does not resign immediately upon no longer holding such status, the Member will be removed by the BOS at the next Yuma County Board of Supervisors meeting.

The LOCAL BOARD Chair must notify the BOS through the County Administrator of a vacancy immediately upon his/her knowledge of a resignation or other reason for a vacancy.

7. LOCAL BOARD members must be removed by the BOS if any of the following occurs:
- a. Documented violation of conflict of interest;
 - b. Failure to meet LOCAL BOARD member representation requirements; or
 - c. Documented proof of malfeasance, fraud or abuse.

8. LOCAL BOARD members may be recommended for removal for other reasons as determined by the LOCAL BOARD. The LOCAL BOARD shall notify the County Administrator of their recommendation for removal, to be placed on a future BOS agenda for action.

The state administrative entity reserves the right to conduct an investigation regarding allegations of wrong doing that result in the removal of a board member. The County Administrator will be formally notified in advance of any such investigation and of the results. The state administrative entity may request the assistance of Yuma County staff in the investigation.

The LOCAL BOARD will provide written notice to the member being considered for removal from the LOCAL BOARD, before a recommendation for removal is placed on a LOCAL BOARD meeting agenda. The member under consideration for termination can request a hearing with the Executive Committee before any action is taken.

Should the Executive Committee determine that it is in the best interest of the LOCAL BOARD to remove a member; a recommendation for removal will be presented for official action to recommend removal. The recommendation must receive a majority vote.

Recommendations for removal for LOCAL BOARD members will be forwarded to the BOS for final approval.

9. If a vacancy occurs otherwise than by the expiration term, the vacancy shall be filled by appointment by the BOS for the unexpired portion of the term.

The nomination process will be the same as outlined in the By-laws under *Article V Appointments to the LOCAL BOARD*. The new member filling the vacancy shall represent the same board category as the outgoing member.

10. In order to comply with Workforce Arizona Council Local Governance Policy, LOCAL BOARD vacancies must be filled within 120 days of the vacancy. All vacancies will be addressed using the process identified in the LOCAL BOARD By-Laws Article V-Appointment to the LOCAL BOARD.

Appointments and reappointments must be made within 120 days that the vacancy is created. In the event a vacancy cannot be filled within 120 days, the BOS must request a waiver in writing to the Manager 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 BOS must maintain written approval of the waiver request by the Manager of the Workforce Arizona Council and will be monitored according to the process outlined in the approved waiver request.

11. The BOS has developed and approved the LOCAL BOARD By-Laws in accordance with the WAC's Local Governance Policy. The By-Laws describe in detail the following:

- a. Terms of office
- b. Nomination and appointment process
- c. Nomination
- d. Appointment
- e. Change in Status
- f. Mid-term Appointment
- g. Vacancies
- h. Removals

II. RELATIONSHIP BETWEEN THE YUMA COUNTY BOARD OF SUPERVISORS AND THE YUMA COUNTY LOCAL WORKFORCE DEVELOPMENT BOARD.

The purpose of this section of the Shared Governance Agreement is to describe and establish the roles and responsibilities of the BOS and the LOCAL BOARD, in accordance with the Workforce Arizona Council (WAC) Local Governance Policy.

A. LOCAL SYSTEM POLICY ESTABLISHED BY THE LOCAL BOARD. The LOCAL BOARD and Board staff will work in partnership to set policy for the local workforce development system.

1. **In partnership with the BOS**, the LOCAL BOARD sets policies and provides updates to the BOS for the portion of the statewide workforce development system within the LWDA and consistent with State policies.
2. Programmatic Policies, including the Conflict of Interest Policy, will be drafted by LOCAL BOARD staff;
3. Draft policies will be submitted to the Executive Committee for review or revision;
4. The policies will then be submitted to the LOCAL BOARD for review, revision or approval.
5. Once approved by the LOCAL BOARD, the programmatic policies will be disseminated to all applicable partners and/or service providers, and the policies will be posted on the ARIZONA@WORK-Yuma County website.

B. LOCAL PLAN REQUIREMENTS. As provided for in WIOA section 107 (d), 20 CFR 679.370 and paragraph VI (14) of the WAC Local Governance Policy. The LOCAL BOARD must develop and submit a 4-year local plan for the local area, in partnership with the BOS and consistent with requirements of WIOA Section 108 and include:

- a. Goals identified in the WAC must be addressed in order to be in alignment with the Arizona State's WIOA Plan.
- b. Partner agencies will be included in the local planning process to identify workforce needs for the entirety of Yuma County.
- c. The LOCAL BOARD staff will develop a plan of action with time frames and deadlines.
- d. Included in the plan of action, and prior to the date on which the LOCAL BOARD submits a local plan under WIOA section 108(a), are the following:
 - i. Make available copies of a proposed local plan to the public through electronic and other means, such as local newspaper and ARIZONA@WORK website; and
 - ii. Allow members of the public, including representatives of business, labor organizations, and education to submit to the LOCAL BOARD comments on the proposed plan, no later than the end of the 30-day period beginning on the date on which the proposed local plan is made available; and
 - iii. Include with the local plan submitted to the Governor under section 108(a) of the Act any such comments that represent disagreement with the plan.
- e. The process will include input and review from the BOS and LOCAL BOARD members at different intervals, or as often as needed. The draft plan will be submitted to the Department of Economic Security (DES) for review.
- f. Once the review process has been completed, the staff of the LOCAL BOARD will submit the draft plan to the LOCAL BOARD for approval at a Workforce Development Board Meeting.
- g. Upon LOCAL BOARD approval, the plan will be submitted to the BOS for approval.
- h. Upon approval from BOS, the LOCAL BOARD staff will forward the plan to the Workforce Arizona Council for approval.

C. LABOR MARKET ANALYSIS

- 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. 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.

D. CONVEENING, BROKERING, LEVERAGING

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

Under WIOA sec. 108, the LOCAL BOARD must, in partnership with the BOS, develop and submit a comprehensive 4-year plan to the Governor.

The plan must identify and describe the policies, procedures, and local activities that are carried out in the local area, consistent with the State Plan.

Selected Board Members and mandated partners will contribute and assist in developing the comprehensive 4-year plan.

Employer/Community Engagement updates are scheduled on the board agenda and presented at the LWDB meetings.

Economic developments and opportunities are put on the board agenda and presented to the LWDB by the board member representing economic development.

The Board Chair and Executive Director will monitor and oversee these functions.

E. EMPLOYER ENGAGEMENT. Lead efforts to engage with a diverse range of employers and with entities in the region in order to:

- a. Promote business representation on the LOCAL BOARD;
- b. Develop effective linkages 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, 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.

F. CAREER PATHWAYS DEVELOPMENT. With representatives of secondary and postsecondary education programs, lead efforts 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.

G. PROVEN AND PROMISING PRACTICES. As stated in paragraph VI(7) of the June 5, 2019 WAC Local Governance Policy, lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers (including individuals with barriers to employment) in the local workforce system, as well as in providing physical and programmatic accessibility, in accordance with WIOA Sec. 188, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), to the one-stop delivery system. Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.

H. TECHNOLOGY. Develop strategies for using technology to maximize the 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 local area;
- 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.

I. PROGRAM OVERSIGHT. The LWDB ensures 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 local area. The following process will be followed and carried out by the Compliance Unit and their program oversight responsibilities outlined in WIOA 107(d)(8)(A) and (B) **including involvement of the BOS:**

OVERSIGHT FOR LOCAL YOUTH WORKFORCE INVESTMENT ACTIVITIES:

1. To establish the required firewalls, the LOCAL BOARD will ensure the following reporting structure:

- a. Youth Services provided by the LOCAL BOARD's 501(c) (3) will not be under direct supervision of the Executive Director (refer to organizational chart); and
 - b. Youth Program Manager will report directly to the LOCAL BOARD Program Director
 - c. Youth Program Manager will directly supervise all YPIC's Youth Services. To ensure proper firewalls and internal controls, the LOCAL BOARD Compliance Unit will monitor the performance of Youth Services;
 - d. YPIC is an "At Will" employer. The Youth Program Manager and/or the Youth Services staff may be placed in corrective action or terminated if deemed necessary;
 - e. The Compliance Unit will monitor the progress of Youth Services Performance Accountability Measures; reports will be provided to the LOCAL BOARD;
 - f. The Compliance Unit will provide annual reports to the Performance Review Committee; the Committee will make recommendations to the LOCAL BOARD regarding Performance Improvement Plans, Renewal of Contracts, etc.
2. Youth Service providers will provide progress reports on all activities and services including expenditures;
 3. The LOCAL BOARD's fiscal unit will provide progress reports on expenditures as relates to contracted amounts directly to the LOCAL BOARD.

OVERSIGHT OF LOCAL EMPLOYMENT AND TRAINING ACTIVITIES:

1. LOCAL BOARD staff will schedule and organize monthly and quarterly meetings with providers of Youth, Adult and Dislocated Worker Services;
2. BOS representatives will be notified of meetings;
3. Adult, Dislocated Worker and Youth providers will provide monthly progress reports on activities and services;
4. LOCAL BOARD's Compliance unit will provide quarterly progress reports on Performance Accountability Measures;
5. YPIC, as the Fiscal Agent will provide progress reports on expenditures as relates to contracted amounts.

6. LOCAL BOARD staff will provide a progress report on Service Provider Activities to the LOCAL BOARD and at a minimum, annually to the Performance Review Committee;
7. The Performance Review Committee will make recommendations to the LOCAL BOARD for corrective action regarding service provider deficiencies and corrective action plans; this committee will also make recommendations to the LOCAL BOARD regarding renewal of contracts/service providers.

OVERSIGHT OF ONE STOP DELIVERY SYSTEM:

1. LOCAL BOARD staff, in coordination with the pertinent Workforce Delivery System representatives will provide updates and reports at the regularly scheduled LOCAL BOARD meeting regarding:
 - a. Partner Activities
 - b. Training Activities
 - c. Customer Service
 - d. Other reports as requested

OVERSIGHT BY THE LOCAL BOARD'S COMPLIANCE UNIT

The purpose of WIOA monitoring is to ensure the integrity of the WIOA system, to review performance, assess compliance with applicable laws and regulations and identify successful methods and practices that serve to enhance the system as a whole through continuous improvement. In depth program monitoring is conducted for all subcontractors and youth and includes contract compliance, service delivery, and Equal Opportunity activities. The oversight responsibilities of the LOCAL BOARD staff include:

- a. Local program monitoring on a quarterly basis;
- b. Regular monitoring of WIOA funded youth, adult and dislocated worker programs to ensure compliance with the stated requirements of Title I-B of WIOA;
- c. Compliance to demonstrate evidence of services provided;
- d. Monitoring review of performance for strong and weak areas and data validation results;
- e. Comprehensive review of service delivery: file reviews of participants will be conducted on electronic files, customer satisfaction, Arizona Job Connection (AJC) data entries and facility evaluations; and all program notes will be reviewed for content and appropriate service provision;

- f. Recipient non-discrimination and conflict of interest policies, mandatory disclosures of all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award;
- g. Monitoring results will be shared with service provider's staff, and the results discussed in the monthly and quarterly service provider meetings. Technical assistance is also provided during meeting.
- h. Written report via email is sent to each service provider which details areas that needs improvements;
- i. Service provider staff will use the monitoring review results to determine training needs for case management staff; and
- j. Data collected from the local monitoring will be used to evaluate program effectiveness, areas where training is required, and areas of improvement.

Additionally, the comprehensive State monitoring includes data validation and program services compliance. State monitoring includes the analysis of participant files and corresponding AJC entries. Any issues identified by the State needing corrections are addressed through a written corrective action report.

J. PERFORMANCE ACCOUNTABILITY MEASURES. The LOCAL BOARD will use the following process to reach agreement with the BOS and the Governor on local performance accountability measures in accordance with WIOA 107(d)(9)):

There are six primary indicators of performance:

1. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program (for title 1 Youth, the indicator is participants in education, or training activities or employment in the 2nd quarter after exit);
2. The percentage of program participants who re in unsubsidized employment during the fourth quarter after exit from the program (for title 1 Youth, the indicator is participants in education, or training activities or employment in the 4th quarter after exit);
3. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
4. The percentage of program participants who attain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the program;

5. The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving documented academic, technical, occupational or other forms of progress, towards such credential or employment; and
6. Effectiveness of the core programs in serving employers.
 - a. As per Training and Employment Guidance Letter (TEGL) WIOA No. 9-17 and TEGL No. 26-15 the Statistical Adjustment Model developed at the Federal level will be utilized as a tool to negotiated State level for performance.
 - b. The LOCAL BOARD and the BOS will consider the past program year's characteristics, and will establish the expected economic conditions and expected characteristics of participants to be served in the local area, using the statistical adjustment model developed at the Federal level as a tool.
 - c. Based on the State negotiated levels of performance accountability measures, a negotiation session will take place between the State officials, LOCAL BOARD, and BOS in order to reflect the actual economic conditions experienced in the local area and the characteristics of participants served.
 - d. The negotiated levels for the local area will be outlined on the Yuma County Workforce Development Plan.
 - e. The agreed upon performance accountability measures are then placed in each of the Contracted Service Provider contracts.

K. INFRASTRUCTURE COSTS. As stated in the WAC Local Governance Policy, negotiate with the BOS and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with 20 CFR § 678.715 and State Workforce Policy MOU and Infrastructure Costs policy.

L. SELECTION OF OPERATORS AND PROVIDERS. The following process will be used by the LOCAL BOARD for selection of each of the operators and providers in accordance with WIOA 107(d)(10)(A) through (E) and Workforce Arizona Council Policy.

With the agreement of the BOS, the LOCAL BOARD is authorized to select eligible providers in the local area and, where appropriate, terminate such providers in accordance with 2 CFR part 200.

1. YPIC establishes a Review Team which is composed of LOCAL BOARD members, LOCAL BOARD staff, BOS representatives, and other individuals as deemed necessary by the Review Team.

2. The Review Team will develop and determine the requisites for the Requests for Proposals as required by the Act for the procurement of One-Stop Operator, Adult and Dislocated Workers Services, and Youth services.
3. The Review Team will review the proposals.
4. The Review Team will make recommendations to the LOCAL BOARD to award contracts.
5. Information regarding the process and awarded contracts will be posted on the ARIZONA@WORK-Yuma County website.
6. The LOCAL BOARD must select the One-Stop Operator through a fair and competitive process at least once every 4 years. The State may require, or a LOCAL BOARD may choose to implement, a competitive selection process more than once every 4 years.
7. LOCAL BOARD staff examines one-stop operator's effectiveness on a periodic basis. If deemed necessary, the LOCAL BOARD may compete and seek approval from BOS and WAC's to act as the One Stop Operator. (20 CFR 678.600 and ARIZONA@WORK One Stop Operator and Service Provider Selection Policy.
8. **Adult/Dislocated Worker Career Services:** Career services may be provided directly by the One-Stop Operator or through contracts with direct service providers that are approved by the LOCAL BOARD. (20 CFR 680.160)
 1. **Career Services** provided directly by the One-Stop Operator must be competitively procured through the One-Stop Operator procurement process. If providing career services is not included in the one-stop operator procurement, the LOCAL BOARD cannot award a contract to be a career service provider to the One-Stop Operator unless the contract is awarded through a competitive procurement process and proper firewalls are established and documented. The LOCAL BOARD only may be a provider of career services when approved by the chief elected official and the Governor in accordance with the requirements of WIOA sec.107(g)(2) and 679.410 of this chapter.
 2. The LOCAL BOARD must determine the process for selecting and awarding contracts to adult and dislocated worker service providers not provided by the one-stop operator. The process for awarding these contracts must be in compliance with Arizona Conflict of Interest regulations (ARS 38-501 through 38-511). If the LOCAL BOARD decides to competitively procure these services, the process must be conducted in accordance with the Uniform Guidance at 2 CFR parts 200 and 2900, applicable State and local procurement laws, and

procedures articulated in the WAC's One-Stop Operator and Service Provider Selection Policy.

3. If the LOCAL BOARD does not select and award contracts to career service providers through a competitive procurement process, the LOCAL BOARD must document in writing the process and selection criteria used to award these contracts.

9. **Youth Services:** The WAC's One-Stop Operator Provider Selection Policy states that *the LOCAL BOARD may determine that the grant recipient or designated fiscal agent may "provide directly some or all of the youth workforce investment activities."*

The LOCAL BOARD procures and awards contracts to carry out some of the youth workforce investment activities, the LOCAL BOARD awards such contracts on a competitive basis, in accordance with the Uniform Guidance at 2 CFR parts 200 and 2900, applicable State and local procurement laws, and the procedures articulated in WIOA Section 123. The LOCAL BOARD in Yuma County also provides Youth Services through its tax exempt 501 (c)(3) organization (YPIC). The LOCAL BOARD ensures that the 14 elements are offered to the participants in Yuma County as required by WIOA (20 CFR § 681.460).

Program Element 1: Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;

Program Element 2: Alternative secondary school services, or dropout recovery services, as appropriate;

Program Element 3: Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:

- i. Summer employment opportunities and other employment opportunities available throughout the school year;
- ii. Pre-apprenticeship programs;
- iii. Internships and job shadowing; and
- iv. On-the-job training opportunities;

Program Element 4: Occupational skill training, which includes priority consideration for training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the local area involved, if the LOCAL BOARD determines that the programs meet the quality criteria described in WIOA sec. 123;

Program Element 5: Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

Program Element 6: Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors;

Program Element 7: Supportive services, including the services listed in 20 CFR § 681.570;

Program Element 8: Adult mentoring for a duration of at least 12 months, which may occur both during and after program participation;

Program Element 9: Follow-up services for not less than 12 months after the completion of participation, as provided in 20 CFR §681.580;

Program Element 10: Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth;

Program Element 11: Financial literacy education;

Program Element 12: Entrepreneurial skills training;

Program Element 13: Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and

Program Element 14:

(a) Activities that help youth prepare for and transition to postsecondary education and training.

M. CONSUMER CHOICE REQUIREMENTS. As stated in the WAC Local Governance Policy, work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the local area, services are provided in a manner that maximizes consumer choice and provides opportunities that lead to competitive 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 Sec. 122 and paragraphs (2) and (3) of Sec. 134(c)).

N. COORDINATION WITH EDUCATION PROVIDERS. Coordinate activities with education and training providers in the local area, including:

- a. Reviewing applications to provide adult education and literacy activities under title II for the local area 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

- c. Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

O. ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES. Assess, on an annual basis, the physical and programmatic accessibility of the one-stop centers in the local area, in accordance with WIOA Sec. 188, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*)

P. BUDGET AND APPROVAL. In partnership with the CEO, develop a budget for the LWDB as referenced in WIOA 107(d)(12)(A), for the purpose of carrying out its duties of and obtaining BOS approval using the following process:

- a. An annual budget will be developed for activities of the LOCAL BOARD including the Title I-B budget amounts to be allocated for youth (WIOA section 133), adults, dislocated workers (WIOA section 128), career services and board members activities. The LOCAL BOARD determines how much of the budget to allocate for these services and how to procure these services;
- b. The annual budget is submitted to the LOCAL BOARD's Finance and Personnel Committee or the Executive Committee for review, revision or approval;
- c. Upon approval by the Finance & Personnel Committee or the Executive Committee, the annual budget is submitted to the LOCAL BOARD for review and approval;
- d. Upon LOCAL BOARD approval, the annual budget is submitted to Yuma County's Finance Department for review, revision or approval;
- e. The Yuma County's Finance Department submits the annual budget to the BOS for review, revision or approval;
- f. Expenditure reports are provided to the LOCAL BOARD'S throughout the fiscal year;
- g. The LOCAL BOARD, through the Fiscal Unit, submits expenditure reports to the BOS after time of drawdowns for review.

Q. ARIZONA@WORK JOB CENTER CERTIFICATION. Certification of one-stop centers in accordance with Certification of ARIZONA@WORK Job Center Policy.

The LOCAL BOARD will follow the states established certification checklist when certifying the one-stop centers.

The LOCAL BOARD will review that the criteria is consistent with the State policy guidelines, guidance and policies.

R. INTERNAL CONTROLS, CONFLICT OF INTEREST, AND FIREWALLS. In accordance with the WAC's Conflict of Interest Policy and in compliance with 20 CFR 679.430 the LOCAL BOARD staff will ensure that LOCAL BOARD members, service providers, training providers, One Stop Operator, and other Workforce stakeholders will disseminate, collect signatures and monitor Conflict of Interest policies and Declarations of Conflict of Interest.

As part of internal controls, the Chair of the LOCAL BOARD, designated LOCAL BOARD staff, and the Board of Supervisors' designated staff will meet regularly throughout the year to provide updates and to keep lines of communication open.

The LOCAL BOARD's Performance Review Committee (as defined on the by-Laws) reports programmatic and fiscal performance to the LOCAL BOARD on an annual basis or as needed.

Data Sharing Agreements are in place and signed every five years with the Arizona Department of Economic Security Information Security Administration. Confidential data access is restricted to authorized personnel on a need to know basis.

Arizona Job Connection System access is only granted to employees that work with WIOA participants and have the need to input information into the system for activities and performance tracking purposes. The authorization for AJC access is granted after completion of an extensive training and certification process implemented by the Arizona Department of Economic Security officials; as part of the training, employees sign a confidentiality agreement to protect all sensitive information of participants.

Conflict of Interest Defined: Real, Apparent, and Organizational

No employee, officer, or agent will participate in the selection, award, or administration of a contract supported by WIOA funds if he or she has a conflict of interest as defined in the WAC's Conflict of Interest Policy:

a. Conflict of interest refers to circumstances where an individual or an organization the individual represents has competing interests that may affect the individual's ability to act objectively and without bias. There may be circumstances or actions that have the potential to undermine the impartiality of an individual because of a possible clash between the individual's own interests and their organizational roles, or between competing organizational roles, when an individual serves in more than one organizational role.

b. Interests attributed to the individual with the potential conflict include:

1. Interests of the individual's spouse or children;
2. Interests of the individual's business partner or outside business interests;
3. Interests of any organization that the individual serves on behalf of or is an employee of;
4. Any action or transaction both financial and non-financial that could result in benefit to the individual's financial and non-financial well-being.

c. Conflicts of interest can be real, apparent, or organizational defined as:

1. Real/Actual conflict of interest: A real conflict of interest exists when an individual in his or her official capacity participates in a decision-making process that has a direct effect on the financial interest of his or her personal or business interests or a member of his or her family.
2. Apparent conflict of interest: The appearance of a conflict of interest arises where an employee is assigned to participate in an official duty matter where an organization with which the employee has a covered relationship is or represents a party to that matter, or where the matter is likely to affect the interests of a household member, and there are circumstances that would cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality in the official matter.
3. Organizational conflict of interest: An organizational conflict of interest can arise when actions are taken or may appear to be taken by entity involved in more than one role, such that the performance of that entity in one role affects its interest in its other role(s). Organizational conflicts must be mitigated with complete separation of duties, supervision, and restrictions on information access.
4. LOCAL BOARD members, staff, service providers, and One Stop Operator will have signed Conflict of Interest Policy and if applicable, will submit to the LOCAL BOARD designated staff written declarations of conflict of interest.

S. FISCAL AGENT RESPONSIBILITIES. As the fiscal agent, responsibilities and functions of YPIC, Inc. include the following (20 CFR Sec. 679.420), WAC's ARIZONA@WORK One-Stop Operator and Service Provider Selection Policy and Conflict of Interest Policy:

- a. Receive funds.
- b. 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 State policies.
- c. Respond to audit financial findings.
- d. Maintain proper accounting records and adequate documentation.
- e. Prepare financial reports.
- f. Provide technical assistance to sub-recipients regarding fiscal issues.
- g. Procure contracts or obtain written agreements.
- h. Conduct financial monitoring of service providers.
- i. Ensure independent audit of all employment and training programs.

Yuma County oversight of fiscal agent:

1. The LOCAL BOARD's fiscal unit is part of the Yuma County single audit; interviews and detailed information is inspected; the LOCAL BOARD pays for their portion of the audit;
2. Yuma County Finance Department audits the LOCAL BOARD's fiscal unit on an annual basis;
3. The LOCAL BOARD's fiscal unit submits requests for draw-downs to the Yuma County Finance department and to the State of Arizona;
4. Funds are released to Yuma County; and
5. Yuma County's finance department notifies LOCAL BOARD's fiscal unit upon receipt of funds from State.

State of Arizona oversight of fiscal agent:

State of Arizona performs annual monitoring visit to the LOCAL BOARD's fiscal unit.

LOCAL BOARD oversight of fiscal agent:

The LOCAL BOARD staff secures the Single Audit on an annual basis.

Department of Labor oversight of fiscal agent:

The LOCAL BOARD's fiscal unit is subject to audits from Department of Labor at any time.

Audits to Sub-recipients:

The LOCAL BOARD's fiscal unit performs fiscal audits virtually or at sub-recipients' locations on an annual basis, as related to contracts under WIOA authority.

The LOCAL BOARD's fiscal unit is responsible for providing technical assistance to sub-recipients' fiscal personnel.

T. AMENDMENTS TO THE BY-LAWS. By-Laws will be amended using the following process in accordance with WIOA (20 CFR 679.310):

Amendments to the LOCAL BOARD By-Laws may be necessary from time to time. Any proposed changes to the By-Laws must:

- a. Be approved by a majority vote of the LOCAL BOARD;
- b. Be submitted to the Yuma County Attorney for legal review and the BOS for final approval; and
- c. Each time the By-Laws are amended, a copy of the updated By-Laws will be distributed to all LOCAL BOARD members, the BOS, County Attorney, and posted on the ARIZONA@WORK-Yuma County website.

U. MEMORANDUM OF UNDERSTANDING. The LOCAL BOARD will ensure BOS agreement is obtained on any Memorandum of Understanding between workforce system partners and the LOCAL BOARD.

The purpose of the Memorandum of Understanding (MOU) is to describe the cooperative workforce training, employment, and economic development efforts of ARIZONA@WORK-Yuma County and their Partners and the actions to be taken by each to assure the coordination of their efforts in accordance with the State issued requirements in order to establish and maintain an effective and successful "One-Stop" delivery system.

- a. The LOCAL BOARD staff with input from LOCAL BOARD members will reach agreement with the Workforce Development System Partners and draft the MOUs;
- b. The draft MOUs will be submitted to the Yuma County Administrator for review and input;

- c. The official MOU will be placed on the LOCAL BOARD's agenda at a regularly scheduled meeting for review, revision or approval;
- d. The LOCAL BOARD will authorize its Chair to sign the MOU;
- e. The MOUs will then be submitted to BOS for review and approval;
- f. The LOCAL BOARD staff will secure signatures from all Workforce Development System partners.

V. AUTHORIZED SIGNATURES. As per the WAC's Workforce Innovation and Opportunity Act Local Governance Policy the execution of the shared governance agreement must be approved by the BOS and LOCAL BOARD and signed by the Chair of the Yuma County Board of Supervisors and the Chair of the LOCAL BOARD.

W. AMENDMENTS, CHANGE, OR ELECTION. As per the WAC's Workforce Innovation and Opportunity Act Local Governance Policy, any amendment or change to the shared governance agreement, including notice of an election of a new BOS, notice of an election of a new LOCAL BOARD Chair, or amendment of any applicable shared governance agreements(s), must be maintained at the local administrative entity office and available for monitoring by the state administrative entity.

Either the BOS or LOCAL BOARD may propose amendments to this agreement at any time. The entire agreement of the parties is contained herein, and this agreement supersedes all prior agreements between the parties relating to the subject matter thereof.

All amendments, changes or election notices will be maintained at YPIC, Inc. and will be available for inspection by the State's monitoring unit.

X. COMMUNICATION. The following methods will be used to inform the BOS on a regular basis regarding activities, performance outcomes, and budgets:

- 1. There will be at least one meeting annually between the BOS and LOCAL BOARD.
- 2. Meetings between the Yuma County Administrator and staff of the LOCAL BOARD will take place periodically throughout the year; reports will be provided as needed, and after the close out of the program year.
- 3. The BOS may request presentations and regular updates from the LOCAL BOARD staff on WIOA Title I-B, Partner Programs, workforce system activities, performance outcomes, budgets and other pertinent information.
- 4. The BOS or its representatives may be present at LOCAL BOARD meetings and any Committee meetings.

Y. MODIFICATION AND TERMINATION. This Agreement shall take effect upon signature of both parties, and shall remain in effect until terminated in accordance with this paragraph or until the Yuma County WIOA is otherwise amended or dissolved. Either party may terminate this Agreement by giving a 90 day notice to the other party.

IN WITNESS THEREOF, the parties hereto have affixed their signatures to this Agreement on the dates written below.



Martin Porchas, Chair
Yuma County Board of Supervisors

7-17-2023
Date



Samuel G. Loveless, Chair
Yuma County Workforce Development Board

7-19-2023
Date

ATTEST:



IAN MCGAUGHEY
County Administrator/Clerk of Board

APPROVED AS TO FORM AND DETERMINED TO BE WITHIN THE SCOPE OF PERFORMANCE OF DUTY OF THE YUMA COUNTY BOARD OF SUPERVISORS:



JON R. SMITH, County Attorney