

MEMORANDUM OF UNDERSTANDING

Between

THE BROWARD WORKFORCE DEVELOPMENT BOARD, INC.

And

THE CAREERSOURCE BROWARD COUNCIL OF ELECTED OFFICIALS

This Agreement made and entered into by and between the CareerSource Broward Council of Elected Officials, hereinafter referred to as the CSBD Council, and the Broward Workforce Development Board, Inc., hereinafter referred to as the BWDB;

WITNESSETH:

WHEREAS, The Workforce Innovation and Opportunity Act of 2014, hereinafter referred to as the WIOA (29 U.S.C. 3101 et seq. Public Law 113 – 128), authorizes the expenditure of federal funds for workforce programs in local workforce development areas; and

WHEREAS, CSBD has been designated a local workforce development area, under WIOA, by the Governor of the State of Florida; and

WHEREAS, the CSBD Council has appointed the members of the BWDB to serve as the local workforce development board for the local workforce development area; and

WHEREAS, the United States Department of Labor at 20 CFR 679.310 (c) provides that the chief local elected official(s) in a workforce development area and the local workforce development board appointed by the chief local elected officials may enter into an agreement to describe the roles and responsibilities of the parties; and

WHEREAS, WIOA requires that each local area develop a plan for WIOA implementation; and

WHEREAS, the State has issued instructions for the completion of a WIOA Plan which requires an agreement between the CSBD Council and the BWDB regarding the execution of their joint and individual responsibilities; and

WHEREAS, the CSBD Council and the BWDB have entered into such an Agreement under the Workforce Investment Act, hereinafter referred to as the WIA (29 U.S.C. 2801 et seq. Public Law 105-220, 112 Stat. 936) and wish to amend that agreement to bring it into compliance with WIOA,

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, the BWDB and CSBD Council agree as follows:

1. The following are the shared authorities and responsibilities of the BWDB and the CSBD Council, which are the CSBDs' governing boards:
 - A. It is the joint authority and responsibility of the BWDB and the CSBD Council to ensure effective service delivery which provides the most beneficial mix of program options to the residents of Broward County.
 - B. It is the joint authority and responsibility of the BWDB and the CSBD Council to stimulate the active and effective participation of all sectors of the community in the provision of training services.
 - C. The BWDB and the CSBD Council shall advise staff regarding comments on the State Plan.
 - D. The BWDB and the CSBD Council shall require staff to develop a strategic plan pursuant to federal and state requirements which shall reflect the goals and objectives of the governing boards, and which plan shall be presented to the governing boards for approval in a timely fashion.
 - E. The BWDB and the CSBD Council shall approve any modifications to the strategic plan.
 - F. The BWDB and the CSBD Council shall participate in regional planning if assigned to a region which includes other local workforce development areas.
 - G. The BWDB and the CSBD Council shall require CSBD to administer programs as described in the strategic plan pursuant to federal and state requirements, and in accordance with the Interlocal Agreement entered into by the governmental units, which make up the CSBD Council.
 - H. The BWDB and the CSBD Council shall make determinations with regard to the disbursement of income generated by CSBD activities.
 - I. The BWDB and the CSBD Council shall provide policy guidance and oversight with respect to CSBD programs and funds. This shall include developing one-stop certification criteria and requiring an annual quality assurance and monitoring plan which plan shall cover:
 - i. How CSBD shall monitor its fiscal and program activities.

- ii. How CSBD shall monitor the fiscal and program activities of its adult and dislocated worker one-stop operator, career services providers, and training providers.
 - iii. How CSBD shall monitor the fiscal and program activities of its youth services providers.
 - iv. How the program and physical accessibility of the one-stop shall be assessed using continuous improvement principles.
 - v. How it will be determined that the one-stop operator and centers are meeting state and local certification criteria.
- J. The BWDB and the CSBD Council shall work with the Governor in a disaster.
- K. The BWDB and the CSBD Council shall be responsible for the selection, designation, and termination of the one-stop operator.
- L. The BWDB and the CSBD Council shall be responsible for the selection, designation, and termination of intensive service providers if the one-stop operator is not the intensive services provider.
- M. The BWDB and the CSBD Council shall agree to accept/apply for additional grants or funds.
- N. The BWDB and the CSBD Council shall approve contract awards, contract increases and/or decreases, and contract renewals with program service providers.
- O. The BWDB and the CSBD Council shall be responsible for the negotiation of local performance with the state.
- P. The BWDB and the CSBD Council shall approve the addition of non-mandatory one-stop partners, and shall consider the extent to which the entity will add to the integration and access to services through the one-stop system, agrees to share information with the one-stop partners, agrees to co-locate in the one-stop center(s), be a party to the One-Stop Memorandum of Understanding, and contribute to the infrastructure of the one-stop system.
- Q. The BWDB and the CSBD Council shall approve exceptions to the WIOA Eligible Training Provider List.

R. The BWDB and CSBD Council shall comply with state and federal conflict of interest rules in the conduct of their business.

S. The BWDB and the CSBD Council shall approve the annual CSBD budget and modifications to the budget.

T. The BWDB and the CSBD Council shall approve the adult priorities for receipt of services as a part of the four (4) year WIOA Plan.

2. Authorities and Responsibilities of the BWDB

A. The BWDB shall be responsible for:

i. Approving training institutions and courses of training to be placed on the CSBD eligible training provider's list.

ii. Assisting the state with the vetting process for determining, renewing and terminating the eligibility of training providers.

iii. Approving exceptions to the Eligible Training Providers List.

iv. Ensuring customer choice in the selection of a training provider from the approved state-wide list.

B. The BWDB shall approve the selection of youth providers based upon recommendations from the Youth CSBD Committee.

C. The BWDB shall create committees, all of which shall be chaired by a BWDB member, direct the activities of committees, and appoint the members of all committees, which shall include some non-board members as provided for in WIOA. The committees shall recommend policies regarding the administration of the funds and programs to the full BWDB and CSBD Council for consideration and approval.

D. The BWDB members shall serve as ad hoc committee members to review, rate, and evaluate proposals.

E. The BWDB shall promote the CSBD one-stop career system, the board, and CSBD program services and activities.

F. The BWDB shall convene stakeholders to get their input as a part of the local plan development and to identify non-federal expertise and resources which can be invested in the local workforce system.

- G. The BWDB shall lead efforts to develop and implement career pathways.**
- H. The BWDB shall enter into a memorandum of understanding (MOU) with the one-stop partners to identify their contributions to the one-stop infrastructure and the services the partners will deliver through the one-stop system.**
- I. The BWDB shall facilitate one-stop partners' integration of intake and case management systems.**
- J. The BWDB shall facilitate access to one-stop services including the development of strategies to take advantage of technology advances.**
- K. The BWDB shall select career services providers through contract awards, if the services not delivered by the one-stop operator.**
- L. The BWDB shall competitively select youth providers on recommendations of the Youth Standing Committee or determining that a sole source procurement is necessary because there are insufficient local youth providers.**
- M. The BWDB shall work with the State to ensure there are sufficient numbers and types of career services and training providers.**
- N. The BWDB shall analyze economic conditions, collect and localize labor market information to determine business and industry needs to the region. This shall include:
 - i. Determinations regarding local occupations in demand.**
 - ii. Deciding on the criteria for increasing employer On the Job Training wage reimbursements from fifty percent (50%) to seventy-five percent (75%).**
 - iii. Deciding to use up to twenty percent (20%) of the local allocation for incumbent worker training, and setting the amount of the employer contribution that will be required.**
 - iv. Deciding to use ten percent (10%) of the adult/dislocated worker allocation for transitional jobs.**
 - v. Deciding which support services to offer and how much to allocate to support for participants.****
- O. The BWDB shall assist the Governor to develop, collect, analyze and use statewide Wagner Peyser labor market information.**

- P. The BWDB shall engage employers and pursue employer linkages through intermediaries.**
- i. As a recruitment strategy for to identify new members.**
 - ii. To encourage employer use of the one-stop system.**
 - iii. To enhance communication and collaboration between employers, economic development, and service providers.**
 - iv. To ensure workforce activities meet employer needs and support economic growth.**
 - v. To identify and promote strategies and initiatives to meet employer, worker and jobseekers needs.**
- Q. The BWDB shall coordinate with the WIOA Core Partners in making determinations regarding providers approved to be on the Eligible Training Provider List.**
- R. The BWDB shall review Adult Education and Family Literacy Act provider applications, as applicable, to assure they are consistent with the CSBD WIOA local plan.**
- S. The BWDB shall implement cooperative agreements between the BWDB and the core and one-stop partners to enhance services for jobseekers, workers and employers.**
- T. The BWDB may accept and solicit grants and donations from non-federal sources, and leverage local resources.**
- U. The BWDB may consider whether to recommend implementation of pay for performance contracts for training and/or the fourteen required youth elements to the CSBD Council, with up to ten percent (10%) of the adult/dislocated worker and youth allocations.**
- V. The BWDB may consider whether to recommend the submission of requests for approval of transfers between the adult and dislocated worker funding streams to the CSBD Council and to the governor.**
- W. The BWDB shall develop its own by-laws.**
- X. The BWDB shall select a slate of officers.**

3. Authorities and Responsibilities of the CSBD Council.

- A. The CSBD Council shall be responsible for CSBD operations as delineated in the Interlocal Agreement between the three governmental entities.**
- B. The CSBD Council members shall appoint BWDB members in accordance with state and federal guidelines.**
- C. The CSBD Council shall make determinations with regard to expenditures from the General (unrestricted) Fund.**
- D. The CSBD Council shall provide for the audit of funds as required and shall direct staff as necessary to resolve any questions arising from any audits.**
- E. The CSBD Council shall be responsible for the appointment and termination of the CSBD President/CEO.**
- F. The CSBD Council shall approve entry into litigation and settlement of any litigation.**
- G. The CSBD Council shall be responsible for the appointment of the BWDB Chair.**
- H. The CSBD Council shall make appointments to the hearing board established to hear grievances.**

4. Designation of Delivery Area, Fiscal Agent, Administrative Entity, Grant Recipient

The BWDB and the CSBD Council pursuant to their authority under the Florida Statutes at Section 163.01 and pursuant to WIOA, Section 116, agree to designate CSBD, its administrative entity, to serve as the grant recipient, administrative entity, and fiscal agent for workforce programs in Broward County.

5. Term of Agreement

The Term of the Agreement as amended shall commence on the _____ day of March, 2016, and shall continue through June 30, 2016, and shall thereafter, be automatically renewed from year to year unless either party notifies the other of its intention not to renew at least ninety (90) days prior to the expiration of any one year period.

6. Merger

It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof. All items and other agreements referred to in this Agreement are incorporated herein and are deemed to be part of this Agreement.

7. Amendment

Either party to this Agreement may propose to amend or modify the terms of this Agreement. Any and all Modifications or Amendments to this Agreement are subject to the approval of both the CSBD Council and the BWDB.

8. Independence of Terms under This Agreement.

If any terms or provisions of this Agreement as amended or the application thereof to any person or circumstance shall, to any extent be held invalid or unenforceable the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and every other term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

EXECUTION PAGE

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: The Broward Workforce Development Board Chairperson, Frank Horkey and The CareerSource Broward Council of Elected Officials Chairperson, Mayor John P. "Jack" Seiler. This Agreement shall be effective on the date it has been signed by all parties.

THE BROWARD WORKFORCE
DEVELOPMENT BOARD, INC.

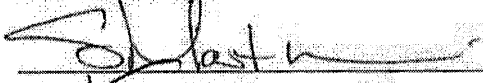
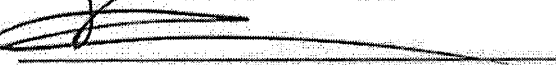
By:


Frank Horkey

Title: Board Chairperson

Date: 3/31/16

Witnessed by:

THE CAREERSOURCE BROWARD
COUNCIL OF ELECTED OFFICIALS

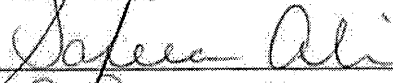

By:


Mayor John P. "Jack" Seiler

Title: Chairperson

Date: 3/31/16

Witnessed by:

Approved as to form by the CareerSource Broward
General Counsel
6301 N.W. 15th Way, Suite 3000
Ft. Lauderdale, FL 33309

BY:


Rochelle J. Daniels
General Counsel



March 2016
BWDB Mtg.
Administrative Office
6301 NW 5th Way
Suite 3000
Ft. Lauderdale, Florida 33309

Memorandum #11 – 15 (LS)

To: Mason C. Jackson, President/CEO
From: Rochelle Daniels, General Counsel
Subject: Revision of the Memorandum of Understanding between the Local Boards and Local Elected Officials
Date: March 11, 2016

SUMMARY

The Workforce Innovation and Opportunity Act (WIOA) mandates that an agreement be entered into between the CareerSource Broward (CSBD) Council of Elected Officials (Council) and the Broward Workforce Development Board, Inc. (BWDB). The state is asking that a copy of an agreement between the Council and the BWDB be included in our four (4) year strategic WIOA plan. The attached agreement assigns responsibilities between and among, the Council and the BWDB.

BACKGROUND

Under the Workforce Investment Act, (WIA) local boards could enter into agreements with the chief local elected officials to describe the responsibilities of each of the parties. Some states required that these agreements be created. Other states left it to the local workforce area to determine whether they wanted or needed such an agreement. In 2012, the state required local workforce areas develop such agreements. As a result, CSBD drafted an agreement that was approved by both the Council and the BWDB. The agreement that we developed closely followed the assignment of responsibilities as they were articulated in WIA.

DISCUSSION

WIOA stipulates that the chief local elected official(s) and local workforce development board identify the responsibilities of each of the parties responsible for policy and oversight in a Memorandum of Understanding (MOU). The state is again requiring that an agreement be developed and included with our strategic plan. To do this, we have taken the current agreement and amended it to incorporate the additional responsibilities assigned to the Council, the BWDB, and the two entities together under WIOA.

We have attached a copy of the amended agreement with the language to be deleted stricken and the language to be added underscored. Also attached is a clean updated copy of the modified agreement which incorporates the changes. The changes are summarized below:

1. References to WIA have been changed to WIOA
2. References to Workforce One Employment Solutions have been changed to CSBD.
3. Responsibilities of the BWDB in concert with the Council have been modified to include:
 - a. Commenting on the State Plan.
 - b. Approval of modifications to the strategic plan.
 - c. Participate in regional planning if assigned to a region.
 - d. Developing one-stop certification criteria and requiring an annual quality assurance and monitoring plan which covers how CSBD will monitor its fiscal and adult, dislocated worker and youth program activities, one-stop accessibility, and compliance with certification criteria.
 - e. The addition on non-mandatory one-stop partners and agreements for one-stop partner infrastructure contributions.
 - f. Approval of the adult priorities.
4. Responsibilities of the BWDB have been amended to include:
 - a. Assisting the state with the vetting process for eligible training providers, approving exceptions to the Eligible Training Providers List and ensuring customer choice in the selection of a training provider from the approved state-wide list, coordinating with our Core Partners on approval of Eligible Training Providers.
 - b. To assure the BWDB directs the work of its committees, and appoints BWDB members as the chair of the committees although they may include non-board members.
 - c. Convening stakeholders to get their input into the local plan development, develop and implement career pathways, enter into memoranda of understanding with the one-stop partners.
 - d. Facilitating one-stop partners' integration of intake and case management systems.
 - e. Selecting career services providers if the services are not delivered by the one-stop operator.

- f. Determining whether youth providers should be selected through a sole source procurement.
- g. Ensure there are sufficient numbers of career services and training providers.
- h. Analyzing economic conditions to identify local occupations in demand, deciding on the criteria for On the Job Training wage reimbursements, deciding to use up to twenty percent (20%) of our local allocation for incumbent worker training, and up to 10% of the allocation for transitional jobs, as well as allocations for support services.
- i. Assisting the Governor to develop, collect, analyze and use statewide Wagner Peyser labor market information.
- j. Engaging employers through intermediaries.
- k. Reviewing Adult Education and Family Literacy Act provider applications.
- l. Entering into cooperative agreements with the core and one-stop partners
- m. Consideration of pay for performance contracts.
- n. Consideration of transfers between the adult and dislocated worker funding streams.

RECOMMENDATION

Discussion and approval of the attached Agreement.

RJD/vu
Attachment

Firewalls

CareerSource Broward (CSBD) performs the following roles within the local workforce development system:

Staff to the Broward Workforce Development Board, Inc. (BWDB)

Staff to the CareerSource Broward Council of Elected Officials (CSBD Council)

The BWDB and Council collectively are the CSBD governing boards. The two entities meet jointly between 6 – 8 times a year and make decisions on the expenditure of CSBD resources, policies and oversight.

CSBD staff is responsible for the fiscal operations of the organization.

CSBD was created pursuant to the Florida Statutes at 163.01 through an inter-local agreement between the governmental units of Broward County, and the Cities of Hollywood and Fort Lauderdale. Pursuant to the statutes, CSBD was created as the administrative entity for the Council of Governments and functions as a governmental entity.

Attached is a chart of responsibilities, everything in the columns titled:

“Elected Officials,” “Elected Officials and Board” and “Board” are matters that will appear on a Board Agenda for consideration and approval.

The CSBD President/CEO is responsible for CSBD personnel and the day-to-day operations of CSBD.

In general, CSBD adheres to strict separation of duties and internal controls sufficient to meet forensic accountability. CSBD employs external CPA/Audit firms to monitor its books and records and they report to the Audit Committee and the Board. No one person can issue a check and all Finance Department processes are separated to protect against fraud. CSBD also maintains all appropriate insurances to guard against risk.

CareerSource Broward competitively selects and awards a sub-grant agreement to the entity that serves as its one-stop operator.

CareerSource Broward competitively selects a staffing company to staff and manage its one-stop career centers, which serve adults, dislocated workers and youth under WIOA.

CareerSource Broward also issues a competitive Request for Proposals for services to youth. Youth are recruited by selected service providers or referred by the one-stop system to a service provider or a training institution listed on the CareerSource Broward Eligible Training Provider List.

The career centers provide the career services listed in WIOA §134 and refer eligible individuals needing additional workforce assistance to “Success Coaches” (case managers) for one-on-one

Firewalls

services. Eligible individuals enrolled in the WIOA program may receive assessment, case management, career guidance, and other appropriate job placement services. Individuals needing training in order to obtain or retain employment are referred to an Eligible Training Provider for skills acquisition. Training in is not provided through the one-stop delivery system.

WIOA Sec. 107(d)(12)(B)(II), describes the role of the Fiscal Agent; 20 CFR §679.420 describes the functions of the fiscal agent as follows:

§ 679.420 What are the functions of the local fiscal agent?

(b) In general the fiscal agent is responsible for the following functions:

- (1) Receive funds.
- (2) Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA and the corresponding Federal Regulations and state policies.
- (3) Respond to audit financial findings.
- (4) Maintain proper accounting records and adequate documentation.
- (5) Prepare financial reports.
- (6) Provide technical assistance to subrecipients regarding fiscal issues.

With respect to the above functions, responsibility is assigned as follows:

(1) Receiving funds

Checks coming into the agency are received by and entered into a log. They are then delivered to the Finance Department where receipt of the check is acknowledged via signature.

Electronic distribution of funds through Notices of Fund Availability (NFA) are delivered directly to the Finance Department. The Finance Department is required to email all CSBD Vice Presidents to notify them of the receipt of the funds. NFAs for other than formula funds, including the award of additional WIOA Title I funds, are brought to the governing boards for acceptance. The funds are accounted for in the CSBD budget.

Formula fund planning allocations are brought to the Broward Workforce Development Board and the CareerSource Broward Council of Elected Officials in the form of a budget for their approval in May or June of each year.

Actual formula grant funds received are brought to the governing boards in September and a “true up” of the budget is brought to the governing boards for approval in December or January of each program year.

- (2) Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA and the corresponding Federal Regulations and state policies.

Firewalls

Pursuant to GASB, CSBD books and records are maintained in accordance with GAAP. CSBD has a standing Audit Committee that meets regularly and reviews Budget versus Actual expenditures and makes recommendations regarding the fiscal policies and procedures. For example, some time ago the Audit Committee recommended that all payments that could be made through ACH or EFT. Recently there needed to be a change in banking institutions, following a competitive procurement and board review committee evaluation of the proposals, the Audit Committee made a recommendation to the governing boards regarding the selection of a new bank.

CSBD maintains a separation of duties and internal controls within the agency as well as within fiscal, as is required by GAAP. Actions such as the receipt of goods and services require acceptance by the individual or department that did not order the goods and services.

CSBD adheres strictly to 2 CFR 200 procurement requirements and all conflicts of interest in procurement are prohibited.

(3) Respond to audit financial findings.

Audits are presented to the governing boards and Audit Committee by the procured Audit Firm and findings, if any, would be disclosed in that presentation.

The Legal Department is responsible for responding to audit findings and would do so in coordination with Quality Assurance and the Finance Departments.

The Final Response would be reviewed by the President/CEO and presented to the governing boards.

(4) Maintain proper accounting records and adequate documentation.

The Finance Department is responsible for this and reports are reviewed by the CSBD external monitors, which are licensed CPA/audit firms.

(5) Prepare financial reports.

The Finance Department prepares all financial reports. They are reviewed by the President/CEO. The Finance Department is responsible for publishing a monthly financial report, which is reviewed by all departments.

(6) Provide technical assistance to sub-recipients regarding fiscal issues.

CSBD Finance Department staff provide training on invoicing and maintenance of records required by the contracts and 2 CFR 200. Sub-recipients are also provided technical assistance by program managers whose job it is to provide that assistance.

Firewalls

Sub-recipients are monitored by the external Audit/CPA firms engaged for that purpose at least 3 times a year and corrective action must be documented and reported.

All monitoring reports and the corrective action taken appear on governing board agendas.

DELEGATION OF RESPONSIBILITIES

Responsibilities of the Local Elected Officials	Responsibilities of the Local Elected Officials and the Board	Responsibilities of the Board	Responsibilities of the Staff (Administrative Entity)
Select Chief Local Elected Official	Approve Workforce and Welfare Plans	Develop By Laws	Maintains the list of members of the Council, Board and their Committees
Appointment of Board Members	Competitively Select & Terminate One Stop (OS) Operator(s) and Career Services Provider if not the OS Operator or agree for the board to be the OS operator	Approve Schools and Courses of Training to be added to the Eligible Training Provider List	Responsible for issuing meeting notices and drafting Agenda Packages
Request local area workforce designation	Comment on the State Plan	Promote the One Stop, The Board and its programs Services and Activities	Provides support and staff Board and Committee Meetings
Appointment and Termination of President/CEO	Agree to accept/apply for additional grants or funds	Approval of Youth Providers	Contract Negotiation and Execution Approve and sign contracts for On-the Job Training, Work Experience, Community Work Experience & Incumbent Worker Training up to \$50,000.
Approve By-laws / Policies for Board nomination process	Approve increases and renewals of contracts with service providers	Serve as client service proposal evaluation rating committees	Signatory on All Agreements Negotiate local performance for BWDB and the Council
Selection of Audit Firms	Oversight and Policy Guidance	Chair appointments standing and ad hoc Committees and directs the activities of the committees	Personnel Rules and employee benefits
Settlement of Litigation	Approval of Contract Awards	Localize Labor Market Information	Travel procedures
Audit/Monitoring Resolution	Approve negotiation of Local Performance Measures	Accept and Solicit Donations	Purchase of Insurance
Appointment of Board Chair	Approve class sized training providers for non-Individual Training Account initiatives	Annually assess the physical and program accessibility of the OS centers	Approval of Contract Amendments which do not increase the budget
Enter into Inter-local Agreement	Regional Planning if required	Implement pay for performance contracts for the 14 youth program elements	Procurement of goods and services necessary to conduct business
Designate the Fiscal Agent (CSBD)	Enter into Agreements with each other on regarding their roles and responsibilities	Approve the transfer of funds between adult and dislocated worker with state approval	Report purchases and procurements to the BWDB/CareerSource Broward Council which are over \$10,000 for a single item
	Approval of non-mandatory OS partners	Set the adult priorities	Internal organization
	Work with the Governor in a Disaster	Decide OJT reimbursement amounts	Implements Oversight in Accordance with Council and Board Policy
	Approve the Budget	Decide to set aside funds for incumbent worker training (IWT)	
	Negotiate OS Infrastructure costs	Decide the non federal contribution for IWT	
	Approve MOU with OS partners		