

NOTICE AND AGENDA OF MEETING OF THE MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Maricopa County Workforce Development Board and to the general public that the Maricopa County Workforce Development Board will hold a meeting open to the public on:

Thursday, May 13, 2021 – 9:30 a.m.

GoToMeeting: <https://www.gotomeet.me/MaricopaCountyWDB>

Phone: +1 (872) 240-3212; Access Code/Meeting ID: 167-097-701

The Maricopa County Workforce Development Board may vote to go into executive session, which will not be open to the public, to discuss certain matters including, for the purpose of obtaining legal advice from the Board’s attorney on any matter listed on the agenda pursuant A.R.S. 38-431.03(A)(3).

The Agenda for the special meeting is as follows:

****Indicates materials attached, please review/read prior to meeting.***

1. Call to order.

2. Roll Call.

3. Welcome and Opening Remarks.

4. Workforce Impact Statements.

- Successful Worker Story*
Workforce Development Career Advisor, Shadrick Jones will read a client success story.
 - WDB Member Story*
Workforce Development Board Member, Brent Downs will share his story.
-

5. Consent Agenda.

For Possible Action.

The board will consider and vote on the items on the consent agenda. Consent agenda is established to efficiently dispense the business of the MCWDB. These items will not be discussed unless a Member of the Board asks to remove the item from the consent agenda.

- Meeting Minutes: April 15, 2021*
 - Monthly Fiscal Report*
-

6. Chairman Report.

Discussion Only.

Chairman, Matt McGuire will provide the Board a summary of events in and related to the MCWDB since the last meeting, including on:

- MCWDB 2021 Restructuring*
 - Meeting Structure/Format
 - Committee Structure/Format
 - Meeting dates
-

PUBLIC PARTICIPATION AND ACCESS: "The public must be allowed to attend and listen to deliberations and proceedings taking place in all public meetings, A.R.S. § 38-431.01(A); however, Open Meeting Law does not establish a right for the public to participate in the discussion or in the ultimate decision of the public body." Note: Agenda items may be taken out of order

"Equal Opportunity Employer/Program." "Auxiliary aids and services are available upon request to individuals with disabilities." A sign language interpreter, alternative format materials, or infrared assistive listening devices will be made available within 72 hours' notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. Arizona@Work: Maricopa County products and services are made available through federal funding provided by the Workforce Innovation and Opportunity Act (WIOA); serving Employers by aiding job seekers, adults, dislocated workers and youth.

7. Informational/Discussion Items.

The items below are for information and discussion.

- 2021 One Stop Operator Progress Report.*
Management Analyst, Nancy Avina will provide the Board with a summary of the 2021 One Stop Operator progress report.
- Memorandum of Understanding and Infrastructure Funding Agreement.*
Management Analyst, Nancy Avina will provide the Board with an update on the Memorandum of Understanding and Infrastructure Funding Agreement.
- Career Center Certification.*
Management Analyst, Nancy Avina will provide the Board with an update on the Career Center Certification.

8. Action Items.

For possible Action.

- 2020-2021 Re-Certification Review/Approval*
Executive Director, Steve Clark will provide the Board with a summary of the 2020-2021 Re-Certification Review/Approval.

9. Executive Director Report.

Informational.

Executive Director, Steve Clark will provide the Board a summary of events related to the MCWDB since the last meeting, including on:

- Staff Changes
- Best in Class Survey

10. Committee Reports.

The Chair of each MCWDB committee will provide the Board a summary of events in and related to the activity of their respective committee since the last meeting.

11. Call to the Public.

12. Adjourn.

PUBLIC PARTICIPATION AND ACCESS: "The public must be allowed to attend and listen to deliberations and proceedings taking place in all public meetings, A.R.S. § 38-431.01(A); however, Open Meeting Law does not establish a right for the public to participate in the discussion or in the ultimate decision of the public body." Note: Agenda items may be taken out of order

"Equal Opportunity Employer/Program." "Auxiliary aids and services are available upon request to individuals with disabilities." A sign language interpreter, alternative format materials, or infrared assistive listening devices will be made available within 72 hours' notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. Arizona@Work: Maricopa County products and services are made available through federal funding provided by the Workforce Innovation and Opportunity Act (WIOA); serving Employers by aiding job seekers, adults, dislocated workers and youth.



Workforce Impact Statements.

Successful Worker Story

Youth Success Story

Brittanie K. began her journey with ARIZONA@WORK by filling out an Inquiry Form through the online portal. A staff member called her back and determined that she was eligible as an Out of School, parenting youth. Brittanie was interested in getting her GED but didn't know where to start; having three small children made working on herself difficult. With the support of her husband, she was ready to take the first step.

Based on assessments delivered prior to enrollment, Brittanie's Career Advisor thought she might be able to pass her GED tests without needing formal GED classes. During her enrollment appointment with Career Advisor Shadrick Jones, she learned that ARIZONA@WORK could also help her with a training grant for Occupational Skills Training in addition to helping her complete her GED. With a family at home, it's difficult to set aside money for school and Brittanie didn't think it would be possible for her to continue her education. Brittanie was referred to DK Advocates/ANB Services to get assistance with setting up her GED tests and help paying for the testing fees. DK Advocates helped explain the differences between online and in-person testing currently being offered and worked with Brittanie to set up a testing schedule that accommodates her need for childcare and her husband's work schedule. Brittanie began taking practice tests and was determined ready to take the final test.

Within 3 months, Brittanie had obtained her GED!

Brittanie is now looking at Labor Market Information with her Career Advisor to determine what type of career might be the best fit for her and her family. She is looking forward to starting an Occupational Training Program soon.

Brittanie wrote this statement in a text message to the Career Advisor, "Thank you so much for all of your help and patience to get me where I am today. I am truly appreciative and grateful for absolutely everything! Thank you Shadrick!"

Congratulations to Brittanie!



Workforce Impact Statements.

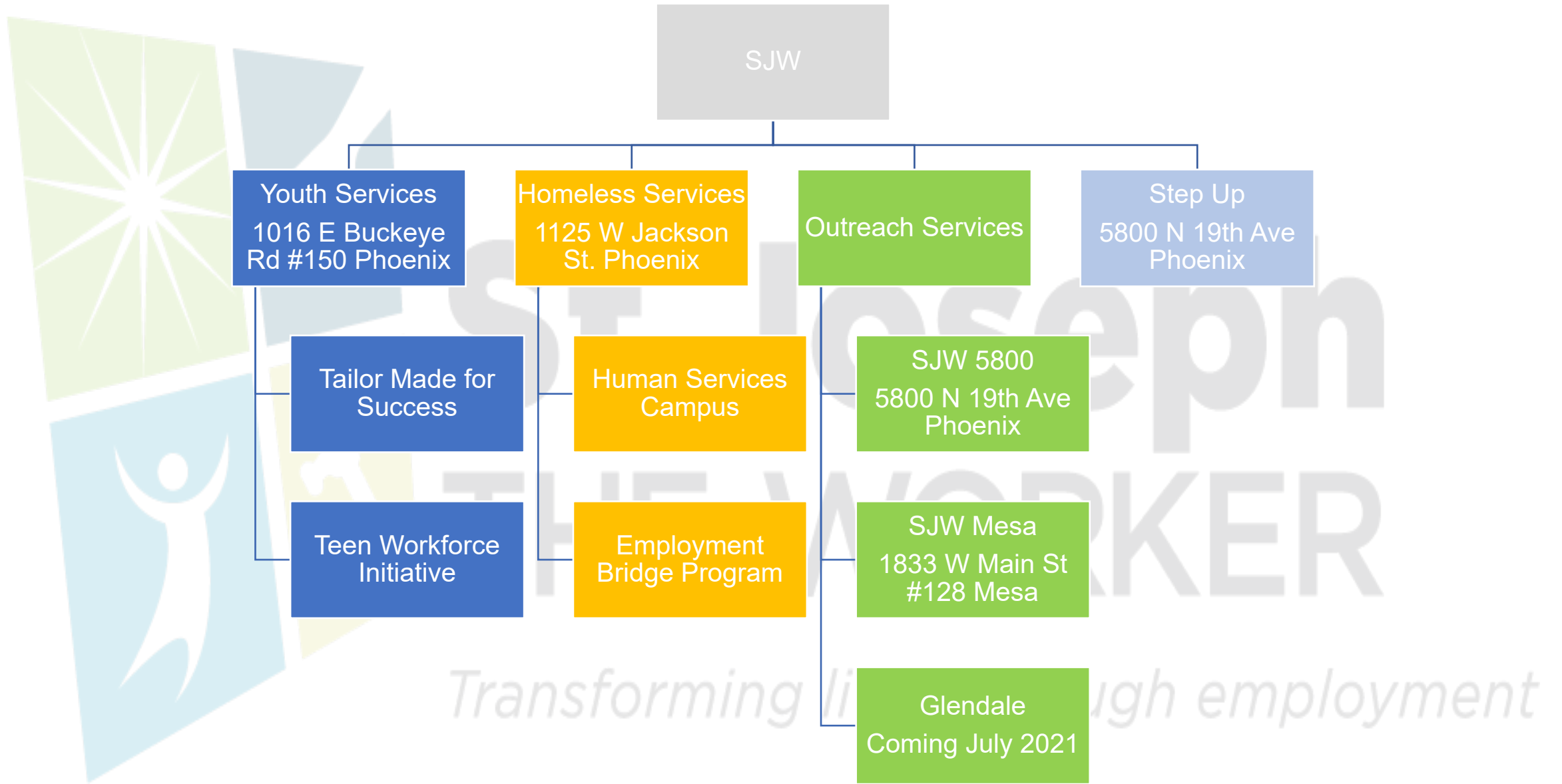
MCWDB Member Story

The logo for St. Joseph the Worker is a composite of four colored squares: a green square with a white sunburst, a blue square with a white hand, a light blue square with a white figure, and a yellow square with a white figure.

St. Joseph the Worker

Founded in 1989, the mission of St. Joseph the Worker is to assist homeless, low-income and other disadvantaged individuals in their efforts to become self-sufficient through quality employment.

Transforming lives through employment




SJW's Services for clients

- 1:1 coaching
- Online job search support
- Resume development & mock interview practice
- 3 job leads for employers hiring immediately
- Financial literacy education
- Providing professional attire and uniforms
- Bus passes and gasoline cards
- Certification fees
- Employment prerequisites
- Sincere belief in a client's ability to be successful
- And more...

St. Joseph

THE WORKER

transforming lives through employment



Last fiscal year
(July 1, 2019 to
June 30, 2020)

2,412

Individuals gained employment with SJW's assistance after experiencing homelessness, poverty, or transition.

\$68M

In annual wages can now be invested back in Arizona's economy.

\$13.71

Average starting hourly wage.

85%

SJW's clients were eligible for benefits.



5,223

Individuals received employment services and resources from SJW.

SJW's clients

Sheltered homeless, working poor, unemployed, underemployed

- We have always served this population
- Barrier-breaking resources
- Caring, knowledgeable staff

Unsheltered, working homeless

- Capable of working themselves out of homelessness
- Keeping a job is nearly impossible
- Historically difficult to serve due to lack of adequate shelter

Clients' biggest barriers: housing & transportation



St. Joseph
THE WORKER

Transforming lives through employment

Employment Bridge Program (EBP)

- Addresses working, unsheltered clients
- Heightened awareness and observation of this problem during the pandemic
- Quality employment begins with adequate shelter
- Clients get 1 year of follow up services as well as transportation services

All Employment Bridge Program participants will receive the following:

- **Assistance with Securing Full-Time Employment**
- **3 Months of Transitional Housing**
- **Assistance Opening Checking & Savings Accounts**
- **Budgeting and Financial Planning**
- **Credit Repair Planning**
- **Conflict Management Training**
- **Career Exploration Services**
- **Assistance with Planning for Long Term Stability**

EBP numbers

Current hard cost - \$5165 per client

Average stay – 63 days

Projected 77% success rate

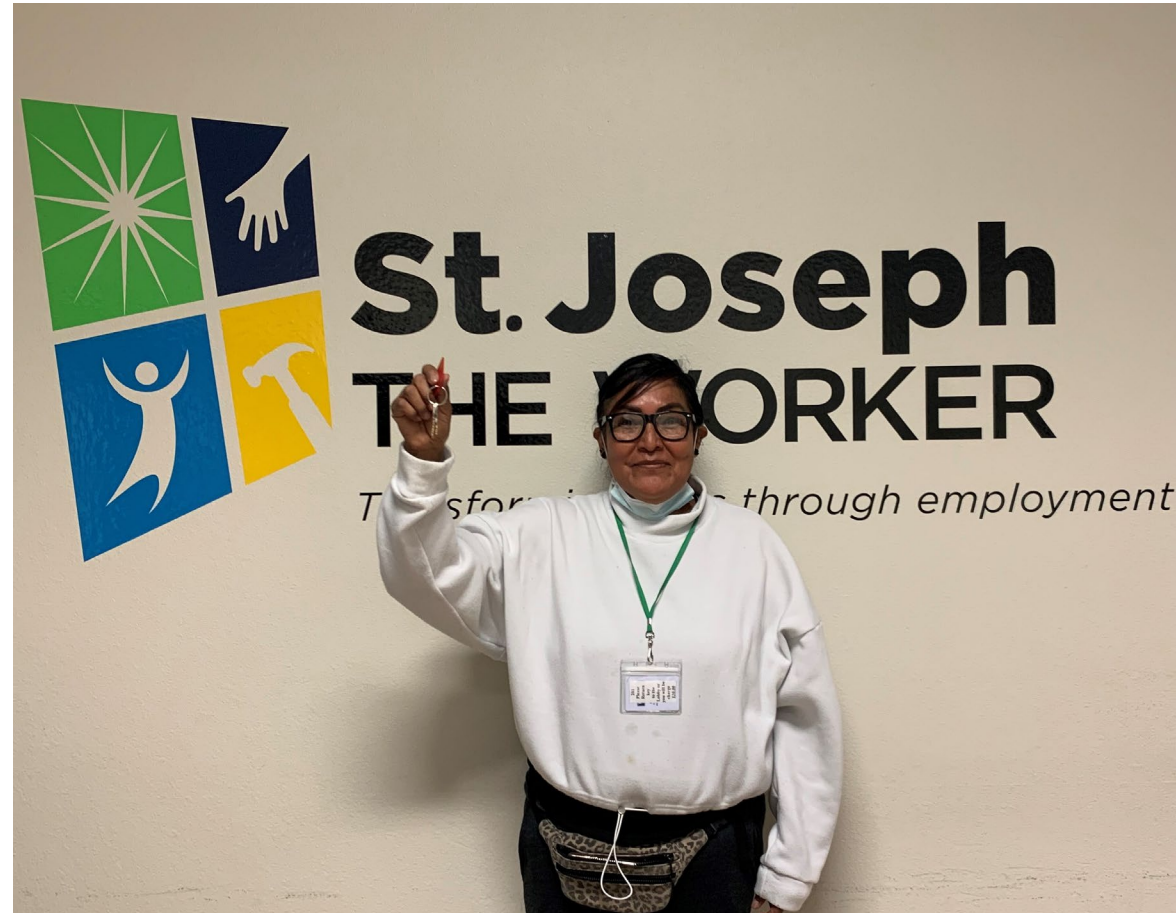
Average client savings - \$2000

Homeless for the last two years and currently staying in the Central Arizona Shelter Services (CASS) on the Human Services Campus, Clothilda became an SJW client on July 30th. A lovely lady, she was serious about becoming employed; and, with SJW's help, she was able to secure a warehouse job with PDS for Honeywell. She is making \$17/hour and working full time!

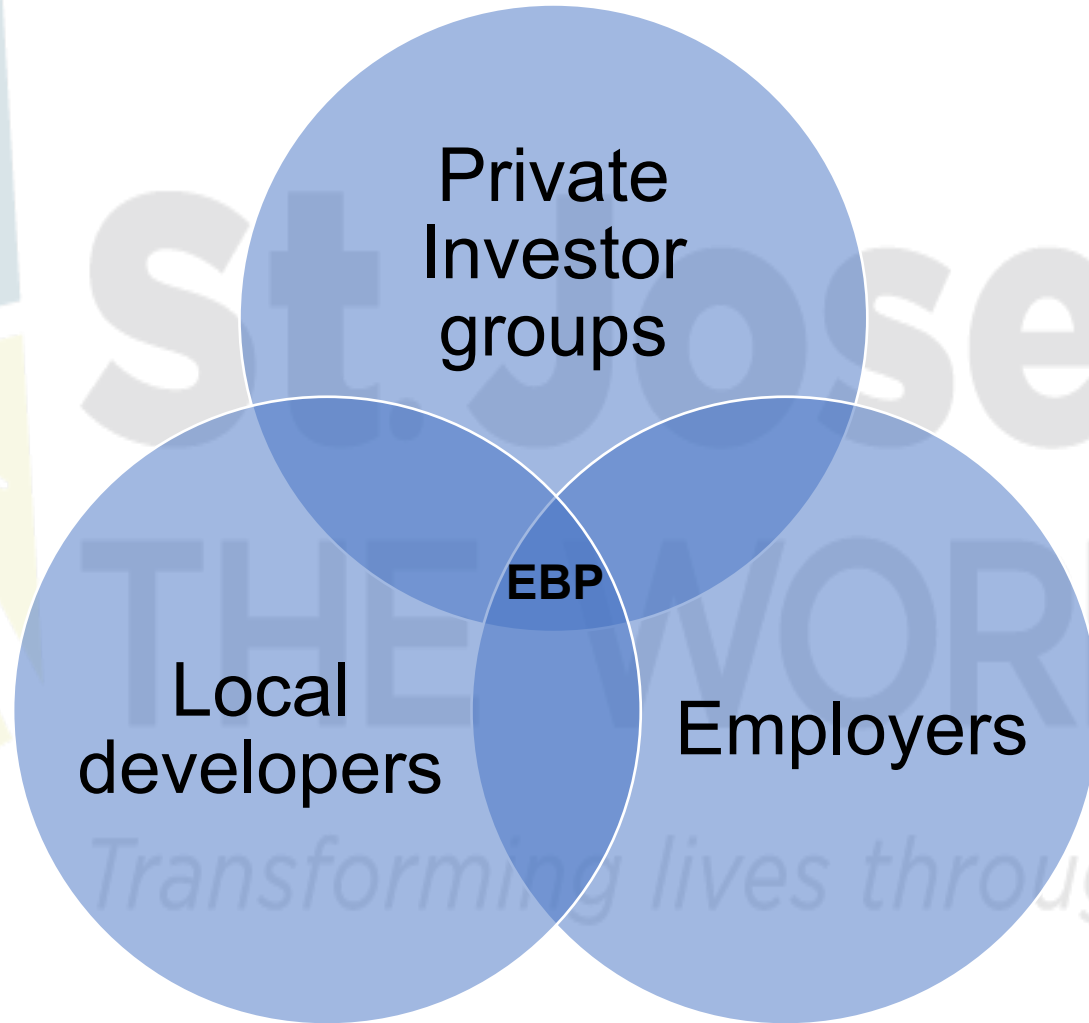
This put her in the running to participate in our *Employment Bridge* pilot program, which provides our homeless, working clients, who meet the pre-screening criteria, with a supported housing solution for up to six months. Throughout this time, SJW continues to work with them on a longer-term employment plan and helps them create financial stability through mandatory savings and credit repair programs. By the time they “graduate” from Employment Bridge, they know how to be consistently successful in work and can sustain economic self-reliance.

Clothilda met the criteria and entered the program. We helped her open Checking and Savings accounts, and immediately began putting 40% of each paycheck into her Savings. She soon became a reliable high-performer and was asked to work overtime on a second shift, a work success that allowed her to save even more money. In partnership with Lyft, she was provided with ride credits to ensure her ability to get to and from work safely and reliably during odd hours. And in just a few months, not only has she saved \$2,600, she was promoted to be a Trainer.

With the support of SJW in providing resources for her to begin her new job, and the Employment Bridge program in helping her sustain success in her job and become financially stable, she recently moved into her own apartment.



EBP Phase 2 – Coming 2021/2022



St. Joseph

THE WORKER

Transforming lives through employment





Consent Agenda.

Meeting Minutes

MINUTES OF PUBLIC MEETING OF THE MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD

Thursday, April 15, 2021 – 9:30 a.m.

GoToMeeting: <https://www.gotomeet.me/MaricopaCountyWDB>
Phone: +1 (872) 240-3212; Access Code/Meeting ID: 167-097-701

Members Present: Bonnie Schirato, Brent Downs, Christine Colon, Christopher Tafoya, Collin Stewart, Elizabeth E. Cole, Erik Cole, Gregg Ghelfi, Loren Granger, Marcia Veidmark, Mark Wagner, Matt McGuire (**Note: All members present attended via GoTo meeting**)

Members Absent: Shawn Hutchinson, Stan Chavira, Tina Drews

Call to Order.

Interim Chairman, Matt McGuire, called the meeting to order at 9:30 a.m., and requested roll call.

Roll Call.

Management Analyst, Nancy Avina took roll. Quorum was present.

Welcome and Opening Remarks.

Interim Chairman McGuire welcomed Deseret Romero as the new Workforce Development Board Liaison and provided a brief reviewed of the board's vision, values and goals.

Workforce Impact Statement.*

Workforce Development Career Advisor, Gretchen Holmes read a workforce impact statement on a youth named Valerie. Brief positive comments were shared by board members.

Consent Agenda.

Interim Chairman McGuire asked for a motion to approve consent agenda items. Marcia Veidmark made a motion; Gregg Ghelfi seconded the motion. Roll call vote held:

In favor: Bonnie Schirato, Brent Downs, Christine Colon, Christopher Tafoya, Collin Stewart, Elizabeth E. Cole, Erik Cole, Gregg Ghelfi, Loren Granger, Marcia Veidmark, Mark Wagner, Matt McGuire

Opposed: None

Abstained: None

Motion passed.

Chairman Report.

Interim Chairman McGuire provided an update on the following:

Status Update of 2020 Re-Certification– Department of Economic Security (DES) has provided feedback on the 2020 certification. Staff is currently reviewing these feedback comments and do not anticipate the need for the items to be brought back to the Board. The deadline to DES is May 5th, thus after review if the items need Board consideration a short meeting may be requested if necessary.

Executive Director Report.

Executive Director, Steve Clark shared an update on the following:

2020 Local Recertification Plan – Thank you to staff for their work on the plan. The plan is currently under review by DES to which we hope to have the recertification approved by the summer.

Workforce Board Liaison and Workforce Development Analyst Positions – Mr. Clark welcomed Deseret Romero as the Workforce Development Board Liaison and noted the following for the hiring of the Workforce Development Analyst position.

- Position recruitment opened on March 29th.
- Position recruitment closed a few days ago.
- Hope to have the position filled in mid-May.

Meeting Survey – Executive Director, Steve Clark shared the results of the recent meeting survey.

- Meeting Time: 9:30 a.m. (Majority selected.)
- Meeting Locations: Central Location & Multiple Locations (Board was split.) Staff suggests hosting a few traveling locations (east & west valley) and host the remaining meeting in a central location. Staff is currently reviewing potential locations and drafting the FY 2021/2022 meeting schedule.

Maricopa County Return to the Workplace Plan – Assistant County Manager, Lee Ann Bohn reported on the review of the County’s return to the workplace plan. The County is currently looking at a hybrid work environment depending on the type of services provided. Ms. Bohn noted that the County is expecting a return to the workplace on August 1st and how this would possibly allow the Board to return to in-person meetings.

Partners – City of Phoenix: Executive Director, Steve Clark noted the efforts to work with City of Phoenix to enhance our apprenticeship programs (WIOA funding). He will continue to provide an update as the efforts progress; and United Way: Mr. Clark noted efforts to partner with United Way. United Way is unique in the sense that they have an ability to facilitate coordination with community partners.

Assistant County Manager, Lee Ann Bohn reported that in March United Way adopted their 5 Year Impact Agenda, with the focus being on the following 4 topics.

- Education
- Health
- Housing and Homelessness
- Workforce Development
- \$25 million award from the McKenzie Scott Foundation (Largely used for the 5 Year Impact Agenda)

Additional Update:

\$870 million Federal Stimulus funding for Maricopa County

- Half of funding to be received this year and other half next year.
- Funding needs to be spent by end of 2024.
- Awaiting details on spending requirement. Hope to utilize some of the funding on supplementing current workforce programs, additional wrap around workforce services and homelessness.

Ms. Bohn answered a few of the Board’s questions related to Stimulus funding.

Board Seats – Executive Director, Steve Clark updated the Board on the vacancies.

- Pool of qualified candidates.
- Board of Supervisors approval in May
- Will fill former Board member Vanessa Andersen’s seat as well.

2021 One Stop Operator – Management Analyst, Nancy Avina informed the Board of the recent closing of the RFP for the One Stop Operator, several responses were received and staff would be meeting with Procurement for an official review of the responses.

Chairman Election. * - Interim Chairman Matt McGuire provided a brief review of the Chairman nomination process and then opened the item to discussion and questions.

Board Member Marsha Veidmark nominated Matt McGuire as Chairman of the Workforce Development Board. Interim Chairman McGuire accepted the nomination.

Interim Chairman McGuire asked Board Members if there were any additional nominations. No one spoke.

Interim Chairman McGuire addressed the Board with his 5 areas of focus:

- Team – Supporting staff and the resources needed to assist staff with their duties. In addition to supporting County leadership.
- Board – Hosting the August Board meeting in-person (if possible) in August as a re-treat in order to meet one another and set the vision and goals moving forward.
- Partners – Focus on partner relationships as they are vital to the Board.
- Compliance – Ensure compliance by foreseeing any issues and addressing them by getting ahead of them.
- Market Opportunities – Marketing all opportunities available through the WIOA – funding, career centers and other programs, requesting that the Executive Director return with an outlined marketing plan that would assist employees seeking work and employers seeking qualified employees.

Marcia Veidmark made a motion to approve appointment of Matt McGuire as Chairman; Bonnie Schirato seconded the motion. Roll call vote held:

In favor: Bonnie Schirato, Brent Downs, Christine Colon, Christopher Tafoya, Collin Stewart, Elizabeth E. Cole, Erik Cole, Loren Granger, Marcia Veidmark

Opposed: None

Abstained: Matt McGuire

Motion passed.

Approval of FY22 Fiscal Budget Recommendation. *

Fiscal Agent, Nicole Forbes presented on the FY2022 Recommended Budget and the FY2023-2025 Budget Recommendation via a PowerPoint presentation.

Fiscal Agent, Nicole Forbes addressed questions presented by the Board.

Chairman McGuire asked for a motion to approve the FY2022 Recommended Budget as presented. Marcia Veidmark made a motion; Mark Wagner seconded the motion. Roll call vote held:

In favor: Bonnie Schirato, Brent Downs, Christine Colon, Christopher Tafoya, Collin Stewart, Elizabeth E. Cole, Erik Cole, Loren Granger, Marcia Veidmark, Mark Wagner, Matt McGuire

Opposed: None

Abstained: None

Motion passed.

Chairman McGuire asked for a motion to approve the FY2023-2025 figures as presented with the expectation that the Budgets will be presented in advance for Board review and approval. Christopher Tafoya made a motion; Collin Stewart seconded the motion. Roll call vote held:

Discussion: Elizabeth E. Cole offered a friendly amendment to add a timeframe when bringing item back to the Board for review. Christopher Tafoya accepted this amendment.

In favor: Bonnie Schirato, Brent Downs, Christine Colon, Christopher Tafoya, Collin Stewart, Elizabeth E. Cole, Erik Cole, Loren Granger, Marcia Veidmark, Mark Wagner, Matt McGuire

Opposed: None

Abstained: None

Motion passed.

Arizona@WORK Maricopa County Title1B Expenditure Plan (*Presentation heard later in the meeting.)

Workforce Program Manager, Deb Furlong presented on the Arizona@WORK Maricopa County Title1B Expenditure Plan via a PowerPoint presentation.

Committee Reports.

Executive Committee – Chairman McGuire, noted that there was no update, as the Committee did not meet in March but that he plans to provide the Board with a regular report moving forward.

Youth Committee –Youth Committee Chair, Elizabeth E. Cole, noted that the Committee did not meet in March.

Call to the Public.

Chairman McGuire made a call for public comment.

Nicole Kelsheimer with the Arizona Department of Education commented on the positive efforts of the title partners.

Mark Wagner commented on Amazon’s Business to Business pipeline and education support.

Adjourn.

Chairman McGuire adjourned the MCWDB meeting at 11:16 a.m.

**For additional information, contact MCWDB staff at: MCWDB@maricopa.gov*

DRAFT



Consent Agenda.

Monthly Fiscal Report



**WORKFORCE DEVELOPMENT BOARD
BUDGET FY 2021
YTD April 2021
UNIT 2250**

WDB-FY21	BUDGET	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	YTD EXPENDED	FORECAST	BALANCE	YTD % EXPENDED
TOTAL COSTS	633,169	18,897	17,341	44,329	57,793	71,254	80,293	16,316	27,908	89,202	15,072	66,306	63,730	438,407	567,847	63,622	69%
Fund - 222	BUDGET	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	YTD EXPENDED	FORECAST	BALANCE	YTD % EXPENDED
PERSONNEL																	
REGULAR SALARIES	213,075	11,150	11,150	27,657	15,601	23,387	15,032	8,654	-	43,814	1,312	41,898	21,266	157,758	220,922	(7,847)	74%
TOTAL PERSONNEL	213,075	11,150	11,150	27,657	15,601	23,387	15,032	8,654	-	43,814	1,312	41,898	21,266	157,758	220,922	(7,847)	74%
FRINGE BENEFITS																	
TAXES	16,300	779	779	2,042	1,194	1,795	1,151	672	-	3,375	61	2,440	1,627	11,849	15,916	384	73%
RETIREMENT	25,803	1,363	1,363	1,401	1,675	2,510	1,617	884	-	5,515	(0)	3,898	2,599	16,326	22,822	2,981	63%
MEDICAL	36,024	2,128	2,128	2,128	2,128	2,128	2,128	532	-	6,374	1,064	4,256	4,256	20,738	29,250	6,774	58%
UNEMPLOYMENT & WORKERS' COMP	641	53	53	53	53	53	53	53	53	53	-	106	53	480	640	1	75%
TUITION REIMBURSEMENT	5,200	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,200	0%
TOTAL FRINGE BENEFITS	83,968	4,323	4,323	5,624	5,050	6,486	4,949	2,141	53	15,316	1,125	10,700	8,535	49,392	68,628	15,340	59%
INDIRECT COSTS																	
INDIRECT COSTS	64,789	3,423	1,724	9,088	5,551	5,689	4,436	3,553	-	12,495	-	12,218	6,616	45,959	64,793	(4)	71%
TOTAL INDIRECT COSTS	64,789	3,423	1,724	9,088	5,551	5,689	4,436	3,553	-	12,495	-	12,218	6,616	45,959	64,793	(4)	71%
TRAVEL & TRAINING																	
TRAVEL	24,000	-	-	-	-	-	-	-	-	-	-	1,400	-	-	1,400	22,600	0%
TOTAL TRAVEL & TRAINING	24,000	-	-	-	-	-	-	-	-	-	-	1,400	-	-	1,400	22,600	0%
SUPPLIES																	
OFFICE SUPPLIES	2,300	-	-	-	-	-	-	1,911	3,125	-	-	-	1,000	5,036	6,036	(3,736)	219%
FOOD SUPPLIES	1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	0%
POSTAGE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
TOTAL SUPPLIES	3,300	-	-	-	-	-	-	1,911	3,125	-	-	-	1,000	5,036	6,036	(2,736)	153%
CONTRACTUAL																	
ONE STOP OPERATOR	200,000	-	-	-	31,591	35,541	54,842	-	24,598	17,524	9,636	-	26,269	173,731	200,000	(0)	87%
WIOA NETWORK SERVICES	8,587	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8,587	0%
STRATEGIC PLANNING	33,750	-	-	-	-	-	-	-	-	-	-	-	-	-	-	33,750	0%
TOTAL CONTRACTUAL	242,337	-	-	-	31,591	35,541	54,842	-	24,598	17,524	9,636	-	26,269	173,731	200,000	42,337	72%
OPERATING SERVICES																	
ASSOCIATION/MEMBERSHIPS	-	-	144	1,925	-	-	1,000	-	-	-	3,000	-	-	6,069	6,069	(6,069)	0%
Position Advertisements	-	-	-	-	-	150	-	-	-	-	-	-	-	150	-	-	0%
PRINTING (COPIER)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
PARKING STICKERS/GARAGE	200	-	-	-	-	-	-	-	-	-	-	-	-	-	-	200	0%
CELL PHONES	1,500	-	-	35	-	-	35	57	132	53	-	90	45	311	446	1,054	21%
TOTAL OPERATING SERVICES	1,700	-	144	1,960	-	150	1,035	57	132	53	3,000	90	45	6,530	6,069	(6,069)	384%
TOTAL COSTS	633,169	18,897	17,341	44,329	57,793	71,254	80,293	16,316	27,908	89,202	15,072	66,306	63,730	438,407	567,847	63,622	69%



Maricopa County FY2021 WIOA Budget to Actuals

MAY 13, 2021

WIOA FISCAL AGENT-NICOLE FORBES

FY21 WIOA Budget to Actual

Title 1 B Approved Budget \$18,661,610

- In FY21 at minimum \$14,714,015 must be spend
Fully projected to expend the minimum

Service Provider(WDD) = \$18,028,442

- Expended YTD as of April 30, 2021
\$ 13,370,456.23

WDB Approved Budget= \$633,169

- Expended YTD as of April 30, 2021
\$438,407.07

WIOA Funding by Program Year

	FY21 Allocation	FY21 Budget	YTD FY21 AS OF 04/30/2021	Balance Remaining	% Spent YTD
ADULT	11,314,756	10,154,631	7,349,861	2,804,770	72%
DISLOCATED WORKER	5,527,150	1,818,329	1,591,620	226,709	88%
RR	775,326	775,326	764,742	10,584	99%
YOUTH	6,786,853	5,913,324	4,102,640	1,810,684	69%
Total	24,404,085	18,661,610	13,808,863	4,852,747	74%

Fiscal Agent Updates

- **OSO-Maximus**

- **Conducted Fiscal Monitoring on Thursday, April 22nd @10:00am**
- **Reviewing all supporting documents for compliance**
- **Update at the next BOARD meeting in June 2021**



QUESTIONS?

Contact Information:
Nicole.Forbes@Maricopa.gov

THANK YOU FOR YOUR TIME.



Chairman's Report.

MCWDB 2021 Restructuring

DISCUSSION DOCUMENT: 2021 / 22 BOARD CALENDAR & COMMITTEE STRUCTURE

May 13, 2021

Matt McGuire, Chair

Steve Clark, Executive Director



High Level Overview

- Discussion today (May meeting); WDB vote in June
- Focused, strategic and empowered Board work
- Built on best practices
- Board calendar sequences with compliance requirements
- All feedback is welcome today or to WDB staff afterwards

These “From → To” shifts are recommended for the MCWDB

From →

Last Year’s Committee Structure

- Executive Committee
- Youth Committee
- Provider Committee

Committee Charters

- Formal elements outlined for some committees in bylaws

Meeting Calendar

- 36 planned public meetings

→ To

Committee Structure

- Executive Committee
- Youth Committee
- Employer Connection Committee
- Compliance Committee

Committee Charters

- Frameworks are provided in this presentation

Meeting Calendar

- 22 planned public meetings

Considerations

- Meetings
 - Frequency
 - Duration
 - Information → Approval Flow
 - Maximize efficiency and effectiveness of meetings
- WDB Goals and Areas of Focus
 - Governance and Empowering Staff Leadership
 - Strategic Plan
 - Goals
 - Annual Areas of Focus

Proposed Structure Preview

Committees/Workgroups

- Full Board – meets 6 x annually
- Executive Committee – meets 6 x annually
- Youth Committee – meets 4 x annually
- Employer Connections Committee meets 4 x annually
- Compliance Committee – meets 2 x annually
- Workgroups to be determined as necessary

Proposed Committees and Workgroups

- Executive Committee
 - Meets 6 x annually
 - Inform, assist, and make recommendations to the full MCWDB
 - Core members:
 - Chair
 - Vice Chair
 - Second Vice Chair
 - Youth Committee Chair
 - Additional appointees and/or Chairs of Committees
 - Areas of Focus
 - Vision, Mission, Values, Goals
 - Strategic Planning
 - Board Development
 - Legal/Fiscal
 - Regionalism/Sustainability
 - Committee Reports

Proposed Committees and Workgroups

- Youth Committee
 - Standing Committee
 - Inform, assist, and make recommendations to the Executive Committee and the full MCWDB
 - Meets 4 x annually
 - Members (5 minimum including 1 non-member):
 - Appointed by WDB
 - Areas of Focus
 - Foster integration and collaboration of youth activities
 - Recommend system enhancements
 - Recommend ways to leverage resources and coordinate services among stakeholders

Proposed Committees and Workgroups

- Employer Connection Committee
 - Ad Hoc Committee
 - Meets 4 x annually
 - Inform, assist, and make recommendations to the Executive Committee and the full MCWDB
 - Members (4 minimum-at least one non-member):
 - Appointed by Chair
 - Areas of Focus
 - Establish and nurture relationships in creating a high-quality workforce development system
 - Recommend system enhancements to build a self-sustaining system of workforce development
 - Recommend ways to leverage resources and coordinate services among business partners
 - Implement regional quality workforce strategies

Proposed Committees and Workgroups

- Compliance Committee
 - Ad Hoc Committee
 - Meets 2 x annually
 - Inform, assist, and make recommendations to the Executive Committee and the full MCWDB
 - Members (4 minimum-at least one non-member):
 - Appointed by Chair
 - Areas of Focus
 - Performance Excellence
 - MCWDB Recertification
 - WIOA, Federal
 - WAC, State, County

Proposed Committees and Workgroups

- Workgroup(s)-TBD
 - Specific Focus
 - Meets as determined by the workgroup
 - Inform, assist, and make recommendations to the Executive Committee and the full MCWDB
 - Members (4 minimum-at least two non-member):
 - Appointed by Chair
 - Potential Areas of Focus
 - Technology Solutions
 - Marketing Solutions

Board/Committee Meeting Schedule

Month-# of meetings	Full Board	Executive	Youth	Employer Connection	Compliance
July-0	Begin New Fiscal Year-No Meetings				
August-2	8/19	8/5			
September-3		9/16	9/2		9/2
October-2	10/21			10/7	
November-2		11/18			11/4
December-2	12/16			12/2	
January-2		1/20	1/6		
February-3	2/17			2/3	2/3
March-2		3/17	3/3		
April-2	4/21			4/7	
May-2		5/19			5/5
June-2	6/17		6/3		

September/February-Committee meetings in a.m. and p.m.

Discussion? Questions?





Informational Items.

- 2021 One Stop Operator Progress Report
- Memorandum of Understanding and Infrastructure Funding Agreement
- One-Stop Center Certification

DISCUSSION ITEM:

ONE-STOP OPERATOR (OSO) RFP

May 13, 2021

Nancy Avina, Management Analyst



Background

- WIOA: § 678.620 What is the one-stop operator's (OSO) role?
 - **Required**
 - The competition for an OSO must clearly articulate the role of the OSO
 - The OSO must coordinate the service delivery of required one-stop partners and service providers
 - Competitively procure the OSO every four (4) years
 - **Suggested**
 - Coordinating service providers
 - Being the primary provider of services within the one-stop center(s).
 - Providing some of the services within the one-stop center(s), or
 - Coordinating service delivery in a multi-center area, which may include affiliated sites.
- Current OSO Contractor: MAXIMUS INC.

Work to Date

1. Scope of Work
2. Procurement Process
3. Establishing an Evaluation Panel
 - MCWDB Staff representing the Board
 - Pinal County Workforce Development Board Executive Director

Timeline:

- March 18, 2021 Request for proposals issued
- March 30, 2021 Pre-proposal Conference
- April 13, 2021 Proposals Opening Date
- April 20, 2021 Review of proposals and short list decision
- May 5, 2021 Selection and negotiation

Next Steps

1. May 2021 OPS Contract Development
2. June 17, 2021 MCWDB Recommendation for approval
3. June 23, 2021 BOS Recommendation for approval & Proposed award of contract
4. July 1, 2021 Contract begins (Annual renewal option-3 years)

Questions? Thoughts? Discussion?

DISCUSSION ITEM:

MEMORANDUM OF UNDERSTANDING (MOU) AND INFRASTRUCTURE FUNDING AGREEMENT (IFA)

May 13, 2021

Nancy Avina, Management Analyst

Background

- Memorandum of Understanding (MOU)
 - Memorandum of Understanding (MOU) between the Local WDB and the One-Stop Partners
 - Concerns the operation of the one-stop delivery system (services being provided)
- Infrastructure Funding Agreement (IFA)
 - Required key element of the MOU.
 - Describes how the costs of services and operations of the system will be funded
- Current Term: July 1, 2020 – June 30, 2023
- MOU/IFA was revised in the 4th quarter of 2020
- Revisions Required
 - COVID 19 Impact
 - Organizational Restructuring
 - Partner Requests



Next Steps

1. May 6, 2021 Partner Final Review/Approval/Signatures
2. June 17, 2021 MCWDB Recommendation for Approval
3. June 23, 2021 BOS Recommendation for Approval

Questions? Thoughts? Discussion?

DISCUSSION ITEM:

ONE-STOP CENTER CERTIFICATION

May 13, 2021

Nancy Avina, Management Analyst



Background

Requirements

- Local WDB's must assess their one-stop center(s) and one-stop delivery system at least once every 3 years (2021)
- Local WDBs must certify one-stop centers to be eligible to use infrastructure funds.
- Local WDB's establish a certification assessment team

Evaluation criteria focuses on:

- 1) Effectiveness
- 2) Physical and Programmatic Accessibility, and
- 3) Continuous Improvement (and Customer Satisfaction)

Assessment tools

- (Part I and Part II) are provided by the State



Work to Date

- Workforce Arizona Council
 - Monitor developments regarding the one-stop center certification process
- Development of a plan and timeline to ensure deadlines are met.
- Evaluation team TBD

Next Steps

1. May 2021 Receipt of official guidance and tools from the State.
2. May 2021 Conduct on-site monitoring and assessment.
3. June 17, 2021 MCWDB Recommendation for approval
4. July 1, 2021 Deadline for submitting to DES

Questions? Thoughts? Discussion?



Action Items.

2020-2021 Re-Certification Review/Approval

2020 MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD RECERTIFICATION

May 2021

Steve Clark, Executive Director



Acronym Clarification

- MCWDB
 - Maricopa County Workforce Development Board
- MCBOS
 - Maricopa County Board of Supervisors
- DES
 - Arizona Department of Economic Security
- WAC
 - Workforce Arizona Council

Timeline

- November 2020
 - MCWDB notified by DES of requirements for Recertification
- December 30, 2020
 - MCWDB Recertification Packet Submitted to DES
- April 14, 2021
 - DES Responses Received (Checklist)
- April 23, 2021
 - MCWDB Response Submitted (pending MCWDB/MCBOS Approval)
- May 5, 2021
 - Deadline for MCWDB Response

Timeline

- May 13, 2021
 - Recertification Packet Submitted to MCWDB for Approval
- May 19, 2021
 - Recertification Packet Submitted to MCBOS for Approval
 - Formal Approvals Submitted to DES
- May 25, 2021
 - WAC Considers MCWDB 2020 Recertification



Required Responses

- **Membership Roster**
- **Bylaws**
- **Shared Governance Agreement**
- **Policy Development**
- **Management of Funds**

Required Responses

- **MCWDB Membership Roster**
 - Issue #1
 - MCWDB Two Open Seats - Out of Compliance
 - Response
 - Scott Sudhalter, Dell (Approved April 21)
 - Leah Hill, Honor Health (Approved May 5)
 - Open Seat-TBD to be compliant
 - Send updated MCWDB Membership spreadsheet
 - Issue #2
 - Missing MCWDB Member Nomination Letter
 - Response
 - Nomination Letter Received

Required Responses

- **Bylaws**

- Issue #1

- Process to ensure MCWDB members convene with stakeholders, broker relationships, and leverage support for workforce activities

- Response

- Specific language added: *“Convene local workforce development system stakeholders to assist in the development of the local plan and in identifying expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the MCWDB in carrying out convening, brokering, and leveraging functions at the direction of the MCWDB”*

- Issue #2

- Process identifying how board member term appointments will be staggered to ensure only a portion of memberships expire in a given year.

- Response

- Specific language added: *“Board member appointments will be monitored on a regular basis to ensure only one-third (1/3) of the membership expires in a given year.”*

Required Responses

- **Bylaws (continued)**

- Issue #3

- MCWDB Member vacancy notification to CEO

- Response

- Specific language added: *“The chief elected officials will be immediately notified by the Local Board chair of the change in status as a representative of that entity.”*

- Issue #4

- Process for announcing regular and special meetings

- Response

- Specific language added: *“The annual meeting schedule shall be posted on the Maricopa County public website and the ARIZONA@WORK Maricopa County website.”*

Required Responses

- **Shared Governance Agreement**

- Issue #1

- Additional language needed for future reviews

- Response

- Specific language added: *'in a manner that maximizes consumer choice'*

Required Responses

- **Policy Development**

- Training Services Limits Policy
- Work-Based Training Services Policy
- Monitoring Oversight Policy
- Conflict of Interest Policy
 - December 2020
 - Policies were discussed at MCWDB meeting
 - Board member suggestions for change were included
 - Policies sent to DES for feedback
 - DES approved policies-ready for MCWDB approval

Required Responses

- **Management of Funds**

- Issue #1
 - Need to see sample detailed budget
- Response
 - Sample budgets included as exhibits
- Issue #2
 - Need to see local board minutes reflecting budget approval
- Response
 - Sample MCWDB meeting minutes included as exhibits

Required Responses

- **Management of Funds (Continued)**

- Issue #3

- The MCWDB shall be notified in advance if funds are projected to be reverted to the State at the end of the two year of performance.

- Response

- Specific language added: *“The Fiscal Agent shall notify the MCWDB quarterly, if funds are projected to be reverted to the State at the end of the two year of performance.”*

Questions?



Action Required

Motion to approve the 2020 MCWDB recertification documents as presented?

Local Workforce Development Board Recertification Submissions Requirements 2020

Program Years 2020 and 2021

Local Workforce Development Board

This form serves as the request for [NAME OF LOCAL WORKFORCE DEVELOPMENT BOARD] (LWDB) recertification for Program Years (PYs) 2020-21 under the Workforce Innovation and Opportunity Act (WIOA).

If the Workforce Arizona Council (the Council) determines the request is incomplete, it will either be returned or held until the necessary documentation is submitted. Please send an email to TitleB@azdes.gov for technical assistance or questions related to completing and submitting this request.

Name of LWDB

Mailing Address

City, State Zip

Contact Person

Contact Person's Phone Number

Date of Submission

SUBMISSION REQUIREMENTS

LWDB Recertification submission packets

Packages may be submitted on or before December 1 and must be submitted by January 2. *Extension requests will be considered on a case-by-case basis.*

- Documents must not be sent in for review until all required documents are available, and meet requirements in the self-assessments checklist, as per Local Workforce Development Board Recertification Requirements Policy, [section 1202.C](#).
- Incomplete submission packets will not be considered for review and will be rejected as per Local Workforce Development Board Recertification Requirements Policy, [section 1202.D](#).

1. LWDB Membership

Enter the LWDB members' information into the [LWDB Roster Spreadsheet](#), which must be submitted with the form. The membership requirements are described in the Roster, as well as in 20 CFR [679.320](#) and the Workforce Arizona Council's Workforce Innovation and Opportunity Act Local Governance Policy ("Council [Policy #1](#)"), 06-2019, Section VIII.

If your LWDB membership does not meet the required composition, please complete the following information within the Roster: (1) length of the vacancy; (2) efforts to fill the vacancy; and (3) estimated month and year when vacancy is anticipated to be filled. *If you submit an updated Roster from your initial certification request and you have a vacancy, please include the information from (1) – (3) above in the Roster within the section where there is a vacancy.*

2. List of Standing Committees and Standing Committee Members

Please include this information within the [LWDB Roster Spreadsheet](#), second tab named: "[Standing Committee Members](#)."

3. Bylaws

Please submit a copy of, or link to this stand alone document or to larger agreement(s) that include this requirement.

4. Consortia Agreement, if applicable

Please submit a copy of, or link to this stand alone document or to larger agreement(s) that include this requirement.

A proud partner of the [americanjobcenter](#) network

5. **Shared Governance Agreement (includes Organizational Chart)**
Please submit a copy of, or link to this stand alone document or to larger agreement(s) that include this requirement.
6. **One-Stop and Service Provider Agreements**
Please submit a copy of, or link to this stand alone document or to larger agreement(s) that include this requirement.
7. **Local Plan**
Please submit a link to this stand alone document.
8. **One-Stop Procurement, including contract**
Please submit a copy of, or link to this stand alone document or to larger agreement(s) that include this requirement.
9. **Memorandum of Understanding/Infrastructure Agreement**
Please submit a copy of, or link to this stand alone document or to larger agreement(s) that include this requirement.
10. **Policy Development**
 - A. **Conflict of Interest**
Please attach or provide links to policies which meet this requirement.
 - B. **Training Services, Including requirements for work-based training**
Please attach or provide links to policies which meet this requirement.
11. **LWDB Oversight**
Please attach or provide links to policies which meet this requirement.
12. **LWDB Management of Funds**
Please attach or provide links to policies which meet this requirement.
13. **[LWDB Recertification Checklists](#)**
There is one spreadsheet with a tab for items 1-5. For each item, indicate if the provision is included in the document and where it may be found. There is also a tab "Options for LWDB to Link Items." LWDBs are encouraged to use this tab to link required documents. If the LWDB chooses to not provide links to documents, please attach requested documents to the submission packet.



Innovative Workforce Solutions

A proud partner of the americanjobcenter network

Signature Page

By signing below, the local CEO and LWDB chair request LWDB recertification. We certify that the LWDB appointed members as described in WIOA Section 107(a), (b), and (c), performed successfully and sustained fiscal integrity during PYs 2020-21, and developed and implemented strategies to improve and continuously strengthen the ARIZONA@WORK system in accordance with WIOA.

Instructions

The LWDB chairperson and local CEO must sign and date this form. Electronic signatures will be accepted.

LWDB Chair

Local CEO

Signature

Signature

Matt McGuire

Jack Sellers

Name

Name

MCWDB Chairman

Board of Supervisors Chairman

Title

Title

Date

Date

Note: Packet will be signed after formal approval by Maricopa County Workforce Development Board Chairman and the Maricopa County Board of Supervisors Chairman.

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

ARTICLE I. NAME AND LEGAL AUTHORITY

Section 1. Name

- A. The name of this organization shall be the Maricopa County Workforce Development Board (MCWDB).

Section 2. Establishment

- A. The MCWDB is established and receives its authority in accordance with the Workforce Innovation and Opportunity Act (WIOA), which was signed into law on July 22, 2014 as Public Law 113-128 and replaces and supersedes the Workforce Investment Act of (WIA) of 1998.

Section 3. Legal Authority

- A. The MCWDB shall act as the Workforce Development Board ("WDB") for the Maricopa County Local Workforce Development Area. In execution of its business, the MCWDB must comply with the Workforce Innovation and Opportunity Act (hereinafter referred to as "WIOA"), and its regulations, applicable Federal and State Laws, rules and regulations, and State policies and procedures. The MCWDB and its committees derive their authority from Section 107 of the WIOA. The Maricopa County Board of Supervisors (BOS) shares governance responsibilities with the MCWDB and is responsible for all WIOA funds. As such, the MCWDB must follow all County policies and procedures with regard to making payments, entering into contracts, hiring staff, and any other action that obligates funding.

ARTICLE II. AREA SERVED

Pursuant to the State of Arizona designation and in compliance with WIOA, the area to be served by the MCWDB shall be Maricopa County excluding the City of Phoenix. This area shall be known as the Maricopa County Local Workforce Development Area. MCWDB may also provide services in cooperation and coordination with other local workforce areas in the region and the State of Arizona.

ARTICLE III. PURPOSE, VISION, AND VALUES

Section 1. Purpose

The MCWDB shall work collaboratively with the BOS as the Chief Local Elected Officials in strategic planning, oversight, and evaluation of the local workforce development area, and shall promote effective outcomes consistent with statewide goals, objectives, and negotiated local performance.

The BOS shall establish the MCWDB to represent a wide variety of individuals, businesses, and organizations throughout the local area. The MCWDB serves as a strategic convener to promote and broker effective relationships between the County and economic, education, and workforce partners.

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

The MCWDB shall maintain strategic and strong relationships with business organizations, chambers of commerce, labor and trade associations, education providers, and others as needed or required.

Section 2. Vision

The MCWDB is a best-in-class workforce system that connects jobseekers to career opportunities and employers to skilled talent, stimulating economic prosperity and enhancing quality of life for all.

Section 3. Values

The MCWDB's values are as follows:

- A. Customer-centric service
- B. Public trust and accountability
- C. Data-driven and performance-based
- D. Responsive to a changing environment

ARTICLE IV. COMPLIANCE, ROLE, AND METHODS

Section 1. Compliance and Role

MCWDB shall be operated in accordance with applicable Federal, State, and local laws and regulations including without limitation: a.) WIOA and related regulations, including any future amendments and guidance which may be issued; and b.) official policies and directives of the Arizona Department of Economic Security and the Workforce Arizona Council.

In cooperation with County staff identified by the BOS and subject to the approval of the BOS, MCWDB shall be responsible to ensure the completion of the following:

- A. **Local Plan:** Develop and submit a local workforce development area plan to the Governor of Arizona;
- B. **Regional Plan:** Collaborate with the other local boards and chief elected officials, or their delegates, from the other local areas in the preparation and submission of a regional plan, if the local area becomes a part of a planning region with other local areas;
- C. **Workforce Research and Regional Labor Market Analysis:** Conduct research, specified regional market labor analysis, and periodic economic and workforce analyses as a part of the local planning process and to assist the Governor in developing the statewide workforce and labor market information system;
- D. **Convening, Brokering, and Leveraging:** Convene the local workforce development system stakeholders to assist in the development of the local area plan, and identify non-federal expertise and resources to leverage support for workforce activities;
- E. **Employer Engagement:** Lead efforts to engage with a diverse range of employers, entities in the region, and economic development entities, including coordination with BOS economic development strategies, in order to promote the participation of local area and regional private

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

sector employers, develop effective linkages with employers, support employer utilization of the Maricopa County workforce system, ensure the workforce investment activities meet the needs of employers, and support economic growth in the region;

- F. **Career Pathways Development:** Collaborate with secondary and postsecondary education program representatives leading the efforts in the local workforce development area to develop and implement career pathways;
- G. **Proven and Promising Practices:** Identify, promote, and disseminate proven and promising strategies, initiatives, and practices for meeting the needs of job seekers and employers;
- H. **Technology:** Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, job seekers, and those with barriers to employment; develop intake and case management information systems, remote access, and improve digital literacy skills while leveraging resources and capacity within the system;
- I. **Program Oversight:** Conduct program oversight for: local WIOA youth, adult, and dislocated workforce development program activities; the local service delivery system; and the use, management, and investment of workforce development funds to maximize performance outcomes under WIOA through evidenced-based decision-making ;
- J. **Negotiation of Local Performance Accountability:** Establish, through negotiation with the BOS and the Governor, local performance and accountability measures;
- K. **Selection of Operators and Providers:** Designate and certify one-stop operators, identify eligible adult and youth training providers, and also ensure the provision of opportunities that lead to competitive employment for individuals with disabilities; in conjunction with the State, ensure there are sufficient numbers and types of career and training service providers in a manner that maximizes consumer choice; select adult, dislocated worker, and youth service providers. Contracts, IGAs, or MOUs for operators or service providers must be pursued collaboratively with the BOS, must conform with all Maricopa County policies and procurement codes, and are subject to formal approval by the BOS.
- L. **Coordination of Education Providers:** Coordinate activities with education and training providers;
- M. **Budget and Administration:** Develop and approve a budget for the activities of the MCWDB and the services provided in the County’s workforce system consistent with the local workforce development plan and the duties of the MCWDB under WIOA, and in a manner that maximizes resources for direct services. Should the MCWDB fail to approve a budget within 60 days of the beginning of a fiscal year, the BOS or its designee shall develop and implement a budget; and
- N. **Accessibility for Individuals with Disabilities:** Annually assess the physical and programmatic accessibility of all one-stop centers in the local area in accordance with the Americans with Disability Act of 1990.

Section 2. Methods

The MCWDB shall perform all duties in accordance with these methods:

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

- A. *Convener* – Convene local workforce development system stakeholders to assist in the development of the local plan and in identifying expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the MCWDB in carrying out convening, brokering, and leveraging functions at the direction of the MCWD
- B. *Leader* - Lead efforts to engage with a diverse range of employers and other entities in the region in order to:
 - 1. Promote business representation (particularly representatives with optimum policy-making or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the MCWDB;
 - 2. 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;
 - 3. 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;
 - 4. 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.
- C. *Workforce Analyst* – Understand and disseminate current local and regional labor market and economic information and trends.
- D. *Broker* – Bring together systems to solve common problems, or broker new relationships with businesses and workers.
- E. *Community Voice* – Advocate for the importance of workforce policy, providing perspective about the need for and availability of skilled workers.
- F. *Capacity Builder* – Enhance the local workforce development area’s and planning region's ability to meet the workforce needs of local employers.

ARTICLE V. STAFFING AND SUPPORT

Section 1. Staffing and Support

- A. Necessary staffing and support of the MCWDB shall be funded by WIOA funds and is subject to approval by the BOS or their designee.
- B. MCWDB staff shall include staff necessary to support the activities of the MCWDB. Staffing levels shall be determined during the annual budget development process.

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

ARTICLE VI. MEMBERSHIP

Section 1. Composition and Size

- A. The MCWDB shall be comprised of private business sector and public sector members.
- B. The Board membership shall be representative of the local area's geography and business demographics.
- C. To the greatest extent possible, the MCWDB will seek to have a membership diverse in gender and ethnicity.
- D. The membership of the Board shall be kept to the smallest number possible by having members represent more than one category wherever possible and as permitted by WIOA.
- E. An individual may serve as a representative of more than one membership category if the individual meets all the criteria for representative in accordance with WIOA.
- F. At least 51% of members shall be representatives of business in the local area who:
 - 1. Are owners of businesses, chief executives or operating officers of businesses, or other individuals with optimum policymaking or hiring authority;
 - 2. Provide employment opportunities in in-demand industry sectors or occupations, and provide high-quality work-relevant training and development opportunities to its workforce or the workforce of others in the case of organizations representing business;
 - 3. Are appointed from among individuals nominated by local business organizations and business trade associations; and
 - 4. At least two (2) members must represent small business as defined by the U.S. Small Business Association.
- G. At least 20% of the members must be workforce representatives with optimum policymaking authority. These representatives:
 - 1. Must include at least two (2) representatives of labor organizations, nominated by local labor federations or other representatives of employees;
 - 2. Must include at least one (1) representative of a joint labor-management, or union-affiliated, registered apprenticeship program within the local area who must be a training director or member of a labor organization.
 - 3. May include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or support competitive, integrated employment for individuals with disabilities; and
 - 4. May also include one or more representatives of organizations that have demonstrated experience in addressing the employment, training, or education needs of eligible youth, including representatives or organizations that serve out-of-school youth.
- H. The balance of the Board membership shall include individuals with optimum policymaking authority, as follows:

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

1. At least one (1) eligible provider administering adult education and literacy activities under WIOA Title II, selected from among the providers serving in the local area;
 2. At least one (1) representative from an institution of higher education providing workforce development activities, including community colleges;
 3. At least one (1) representative from economic and community development entities;
 4. At least one (1) representative from the state Employment Service office under the Wagner-Peyser Act;
 5. At least one (1) representative from the programs carried out under Title I of the Rehabilitation Act of 1973, other than sec. 112 or Part C of that title (i.e., the State Vocational Rehabilitation Program or the state agency responsible for the State Vocational Rehabilitation Program); and
- I. Members under the category referenced in Article VI, Section 1-H of these bylaws may also include additional local area representatives appointed by the BOS from:
1. Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
 2. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
 3. Local area philanthropic organizations; and,
 4. Other appropriate individuals based on the WIOA law and regulations as determined by the BOS.
- J. Members of the MCWDB shall not be permitted to delegate any duties to proxies or alternates.
- K. Membership on the MCWDB shall be on an unpaid, volunteer basis.
- L. No matter how many membership categories an individual represents, the individual is only entitled to one vote.

Section 2. Nominations

- A. The CEO is responsible for MCWDB member recruitment and nominations.
- B. At the request of the CEO, the MCWDB, or its designee, may assist in the solicitation of applications and nominations for MCWDB membership in accordance with representation needed.
- C. Nominees who are intended to serve as representatives of business in the local area must be appointed from among individuals nominated by business organizations and business trade associations.
 1. The CEO or designee of the nominating organization must sign the nomination letter submitted to the BOS.
 2. The nomination letter must acknowledge the nominee's optimum policy-making authority and include documentation of the candidate's curriculum vitae, resume, or work history.

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

- D. Nominees who are intended to serve as representatives of labor must be appointed from among individuals nominated by local labor federations.
- E. For the other mandated categories, nominees must be appointed from among individuals nominated by a senior executive from the agency or institution of employment or affiliation.
- F. For the mandatory category of adult education and literacy, a solicitation of nominations will be based on a solicitation of Local Workforce Area providers of adult education and literacy activities under WIOA Title II.
- G. For the mandatory category of higher education institutions, a solicitation of nominations will be based on a solicitation of institutions of higher education providing workforce development activities.
- H. For the non-mandated categories, a solicitation of nominations will be handled by:
 - 1. Solicitation of community-based organizations (CBOs). Representative nominations from local CBOs must be qualified by being workforce-centered and having demonstrated positive performance for at least three to five years in the community.
 - 2. Solicitation of nominations from other optional representatives with a workforce mission/focus must hold promise for beneficial partnerships.
- I. Nominees shall meet the qualifications of the membership category for which they are applying. Nominees shall confirm their qualifications for the membership category for which they are applying in writing. Nominating organizations shall confirm the same.
- J. Members shall notify the MCWDB and the Maricopa County Clerk of the Board if they no longer meet the qualification criteria required by WIOA for their position on the MCWDB.
- L. All vacancies shall be publicly noticed on the Maricopa County website.

Written applications and, when applicable, nominations must be submitted to the Maricopa County Clerk of the Board.

J.

Section 3. Appointments

- A. The BOS shall appoint each member of the MCWDB.
- B. Notification of appointments will be evidenced within the minutes of the BOS meetings.

Section 4. Term of Office

- A. Members appointed to the MCWDB shall serve three-year terms, except vacancy appointees who shall serve the remaining term of their predecessor. Upon expiration of his or her term, any WDB Member may continue to serve until the BOS takes action.
- B. Board member appointments will be monitored on a regular basis to ensure only one-third (1/3) of the membership expires in a given year.

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

Section 5. Resignations

- A. Resignation by MCWDB members shall be submitted in writing to the MCWDB Chair, and the Clerk of the Board. A member's resignation is effective when accepted by the BOS.
- B. An agenda item will be placed on the next MCWDB meeting for the MCWDB to acknowledge that member's resignation.

Section 6. Terminations

BOS may remove a member for any of the following reasons:

- A. Failure to attend MCWDB meetings as required in these bylaws.
- B. Failure to comply with the Conflict of Interest and Ethics as required by WIOA, A.R.S. §38-502 et seq., and Maricopa County Internal Policy HR2421.
- C. Failure of a member to continue to hold the qualifications of membership which were the basis for their initial appointment.
- D. Documented malfeasance, fraud, or abuse.
- E. Knowingly and intentionally acting in a manner that prohibits compliance with Federal law, State policy, or requirements set forth by the Workforce Arizona Council (WAC) or Department of Economic Security (DES). Examples include but are not limited to failing to meet deadlines and failing to provide requested information.
- F. Removal of a WDB member shall require a formal vote of the BOS.

Section 7. Vacancies

- A. Members who no longer hold the position or status that made them eligible Local Board members must resign or be removed by the chief elected officials. The chief elected officials will be immediately notified by the Local Board chair of the change in status as a representative of that entity.
- B. A member's position on the MCWDB may become vacant upon failure to attend regularly scheduled meetings as required in these bylaws, his or her death, resignation, by operation of law, or upon removal by the BOS.
- C. All efforts shall be made to fill MCWDB vacancies within 120 days of the vacancy by the BOS.
- D. If a vacancy occurs by other than an expiration of term, the vacancy shall be filled by appointment by the BOS for the unexpired portion of the term.
- E. In the event a vacancy cannot be filled within 120 days, BOS designated staff shall request a waiver in writing to the Director of the State Workforce Development Board 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. Maricopa County must maintain written approval of the waiver request by the Director of the State Workforce Development Board for State monitoring purposes E. Positions will be filled in compliance with WIOA and these Bylaws.

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

- F. Nominees for a vacancy shall meet the same membership requirement as the outgoing member or the criteria needed to fulfill the Board composition requirements of WIOA.

Section 8. Reappointments

- A. Reappointments are not guaranteed.
- B. Reappointments must be made within 120 days of the term expiration.
- C. The nomination process will be the same as outlined in these bylaws.

Section 9. Compensation

- A. Members of the MCWDB shall serve without compensation except for any pre-authorized travel expenses incurred in connection with their duties, including transportation, meals, and lodging; in accordance with WIOA and all applicable Maricopa County policies and regulations.
- B. The BOS through the Fiscal Agent is authorized to reimburse those expenses identified in (A) post-travel to the extent such expenses are allowable and reimbursable under WIOA and all applicable Maricopa County policies and regulations.

ARTICLE VII. OFFICERS AND THEIR ELECTION

Section 1. Officers

- A. The officers of the MCWDB shall be Chair, Vice Chair, and Second Vice Chair.
- B. There may be an Immediate Past Chair of the MCWDB, which shall be a business member of the MCWDB.
- C. There shall be elected one (1) individual to serve in each designated office.
- D. The Chair of the MCWDB shall be selected from among the Business representatives.
- E. The remainder of the officers may be elected from any of the representative groups.

Section 2. Election and Term of Officers

- A. All officers shall be elected for two-year terms by a majority vote of the current membership of the MCWDB.
- B. Elections shall be held at the last regularly scheduled meeting of each Program Year.
- C. The terms of office shall begin on July 1 of each year.
- D. At its option, MCWDB may elect an Immediate Past Chair whose term shall be one (1) year.
- E. If a vacancy occurs by other than an expiration of an Officer term, the vacancy shall be filled for the unexpired portion of the term using the process outlined in Section 1 of this Article.

Section 4. Duties of Officers

- A. Chair. The MCWDB Chair shall:

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

1. Preside over all regular, special, and Executive Committee meetings of the MCWDB;
 2. Serve as Chair of the Executive Committee of the MCWDB;
 3. Encourage best and broadest participation possible from all Board members;
 4. Provide information for the preparation of the agenda for MCWDB meetings;
 5. Appoint all committee Chairs and committee members;
 6. Work cooperatively with BOS assigned staff to provide information on workforce development in the local area;
 7. Review, and/or appoint a MCWDB workgroup;
 8. Represent the MCWDB as appropriate; and
 9. Assign and delegate such responsibilities as needed.
- B. Vice Chair. The MCWDB Vice Chair shall:
1. In the absence of the MCWDB Chair, perform all the duties of the MCWDB Chair; and
 2. Assign and delegate such responsibilities as directed by the MCWDB Chair.
- C. Second Vice Chair. The MCWDB Second Vice Chair shall:
1. In the absence of the MCWDB Chair and MCWDB Vice Chair, perform all duties of the MCWDB Chair; and
 2. Assign and delegate such responsibilities as directed by the MCWDB Chair.
- D. Immediate Past Chair. The MCWDB Immediate Past Chair shall:
1. Mentor the Chair in the transition period regarding Board operations.

Section 5. Removal of Officers

Any Officers may be removed from office for cause and a vote of majority of the current members of the MCWDB.

ARTICLE VIII. COMMITTEES

Section 1. General

- A. All committees established under the MCWDB shall comply with these bylaws.
- B. The Chair of any Standing Committee shall be appointed by the Chair of the MCWDB for a term coinciding with the MCWDB Chair's term.
- C. All actions of MCWDB Standing Committees and other ad-hoc committees are advisory to the MCWDB.
- D. Chairs of Standing Committees, in consultation with the MCWDB Chair, shall prepare the agenda for Standing Committee meetings.
- E. Members who are designated as a One-Stop Career Center Operator shall not serve on any Standing Committee that deals with the oversight of the Job Center or One-Stop system or

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

allocation of resources that would potentially be allocated to that member's program or might otherwise be the basis of a conflict of interest as outlined in these bylaws.

- F. Resignations of committee members are effective when accepted by the MCWDB Chair.

Section 2. Executive Committee

- A. The Executive Committee shall be comprised of the following Board members: Chair, Vice Chair, Second Vice Chair, Youth Committee Chair, the Chair of any other Standing Committee, and up to two other MCWDB members appointed at the discretion of the MCWDB Chair.
- B. If the Immediate Past Chair position is filled, this position shall also be on the Executive Committee.
- C. The Executive Committee shall always be comprised of an odd number of members
- D. The MCWDB Chair shall serve as Chair of the Executive Committee.
- E. Responsibilities of the Executive Committee shall include:
 - 1. Report on all action taken by the committee at regularly scheduled MCWDB meetings;
 - i. Emergency actions and all other actions taken by the Executive Committee without the prior approval of the full MCWDB are conditional and subject to either ratification or rescission by the full MCWDB at its subsequent meeting.
 - 2. In consultation with BOS assigned staff, make recommendations for membership to the Youth Committee, Standing Committees, and other committees in compliance with membership requirements as outlined in the WIOA;
 - 3. Determine responsibilities of all Standing Committees and other ad-hoc committees and review work plans of such bodies; and
 - 4. Perform other duties as the MCWDB may deem necessary.

Section 3. Standing Committees

- A. The MCWDB shall have at least one Standing Committee, which is the Youth Committee.
- B. To the extent possible, Standing Committees shall be comprised of the required MCWDB representative categories as outlined in WIOA.
 - 1. Each Standing Committee shall be chaired by a member of the MCWDB.
 - 2. Each Standing Committee shall have one (1) non-member of the MCWDB.
 - i. This individual must have appropriate experience and expertise for the Standing Committee they are appointed to.
 - ii. This individual shall be voting members of the Standing Committee they serve on.
 - 3. Each Standing Committee shall have a minimum of three (3) MCWDB members appointed to serve on the committee.

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

- C. All members of Standing Committees shall be appointed by the MCWDB Chair in consultation with the Executive Committee and BOS assigned staff.

Section 4. Youth Committee

- A. The Youth Committee shall be a WDB Standing Committee comprised of a minimum of five (5) members appointed by the WDB.
- B. Responsibilities of the Youth Committee may include, but not be limited to the following:
 - 1. Identify eligible providers of youth workforce development activities by:
 - i Exercising the option described in CFR 681.400 to have the grant recipient provide directly some or all of the youth workforce investment activities; and/or
 - ii Choosing to competitively award grants or contracts to youth service providers to carry out some or all of the youth workforce investment activities;
 - 2. Inform, assist, and make recommendations to the Executive Committee and the full MCWDB in developing and overseeing a comprehensive youth program, including disconnected youth;
 - 3. Foster integration and collaboration of youth activities in the local workforce development area;
 - 4. Recommend system enhancements to ensure a broad range of services and opportunities for youth, including disconnected youth;
 - 5. Recommend ways to leverage resources and coordinate services among schools, public programs, and community-based organizations serving youth; and
 - 6. Provide leadership and support for continuous quality improvement efforts for youth services programs.
- C. The term of each Youth Committee member shall coincide with the term of the MCWDB Chair.

Section 5. Other Ad-Hoc Committees

- A. The MCWDB may from time to time establish other ad-hoc committees to assist the MCWDB in carrying out its duties or current work.
- B. Ad-hoc committees may include individual(s) who are not appointed to the MCWDB so long as the MCWDB Chair determines the individual(s) has expertise in the topic/task of such body.
- C. All members of other ad-hoc committees shall be appointed by the MCWDB Chair in consultation with the Executive Committee and BOS assigned staff.

ARTICLE IX. MEETINGS

Section 1. Public Meetings

- A. All meetings of the MCWDB, including its committees shall be conducted in compliance with Open Meeting Law (Arizona Revised Statutes 38-431 et seq.). Meetings shall be open,

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

and it shall be a stated policy that interested citizens or groups will be heard on workforce development matters.

- B. Where these bylaws and other applicable law do not afford an adequate procedure in the conduct of a meeting, the MCWDB Chair may refer to Robert's Rules of Order as a guide.
- C. The MCWDB shall meet not less than six times per year.
- D. Regular meetings of the MCWDB and its standing committees as determined by the Executive Committee shall be published in an annual schedule of meetings in June for the period of July 1st to June 30th of the upcoming program year. The annual meeting schedule shall be posted on the Maricopa County public website and the ARIZONA@WORK Maricopa County website.
- E. Special meetings of the MCWDB or its committees may be called by the MCWDB Chair or any other officer of the MCWDB.
 - 1. Special meetings shall be announced in the same manner as regular meetings.
- F. Phone- and web-based meetings and other use of appropriate technology may be used to promote and enhance MCWDB member participation in conjunction with face-to-face, in-person meetings when applicable. The agenda may state the means of connection to the meeting if participation via phone or other electronic means is being utilized. MCWDB members participating in a telephone conference call or other electronic means shall be clearly identified in the minutes.
- G. The agenda for MCWDB meetings shall be developed by the MCWDB Chair or officer calling the meeting.
- H. The MCWDB Chair or officer calling the meeting shall be responsible for orderly business of meetings and for calling items on the agenda.
- I. Within three (3) business days of any WDB meeting, including its committees and ad-hoc committees, the WDB staff shall make available the meeting minutes on the WDB website.

Section 2. Quorum

- A. A simple majority of appointed members shall constitute a quorum for the transaction of business at all MCWDB and designated standing committee meetings; vacant positions shall not be counted when determining quorum.
- B. A meeting at which a quorum is initially established may not continue to transact business or to discuss business if the quorum is not maintained due to the withdrawal or departure of members.

Section 3. Voting

- A. Each member of the MCWDB shall be entitled to one vote on an action.
- B. No member of the MCWDB shall cast a vote on any matter which has direct bearing on services to be provided by the member or any organization with which that member is associated, or would otherwise be the basis for a conflict of interest, as outlined in these bylaws.
- C. Action brought before the MCWDB shall be resolved by a vote of a simple majority of the members present, provided a quorum is present.

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

- D. Members recusing or abstaining from a vote shall be counted as “absent” from the vote, so as not to inadvertently affect the desired outcome of the majority of voting members.
- E. At the request of any member, or at the discretion of the MCWDB Chair, a roll-call or ballot vote may be taken for any action of the MCWDB. The outcome of voting shall be recorded in the minutes of the MCWDB.

Section 4. Attendance

- A. All MCWDB members are expected to attend regularly scheduled meetings.
- B. More than three consecutive absences from regularly scheduled meetings by any member during any 12-month program period (July 1 – June 30) may result in the removal of the member from the MCWDB.
- C. Any four absences from regularly scheduled meetings during a twelve-month period by any member during any 12-month program period (July 1 – June 30) may result in the removal of the member from the MCWDB.
- D. Within seven (7) days of notification of attendance policies violation a member may provide a written explanation to MCWDB staff on the reason for the absences.
- E. Exceptions to attendance policies may be made by BOS appointed staff due to special circumstances.

ARTICLE X. CONFLICT OF INTEREST AND ETHICS

Section 1. Conflict of Interest

- A. The MCWDB shall follow Arizona Law on Conflict of Interest as set forth in Arizona Revised Statutes, Section 38-501 et seq. and comply with State Workforce Policy #1 (Local Governance) and State Workforce Policy #8 (Conflict of Interest) regarding conflicts of interest.
- B. Should a conflict of interest arise, MCWDB members shall follow the procedures delineated in the MCWDB’s Conflict of Interest Policy.
- C. MCWDB member may not vote on any matter that would provide direct financial benefit to the member or the member’s immediate family, or on matters of the provision of services by the member or the entity the member represents.
- D. MCWDB member must avoid even the appearance of a conflict of interest. Prior to taking office, MCWDB members must provide to the MCWDB Chair and to HSD a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the MCWDB. Such declarations must be updated annually or within 30 days to reflect any changes in such business interests or relationships. MCWDB must appoint an individual to review the disclosure information in a timely manner and advise the MCWDB chair and appropriate members of potential conflicts.
- E. Prior to a discussion, vote, or decision on any matter before MCWDB, if a member, or a person in the immediate family of such member, has a substantial interest in or relationship to a

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

business entity, organization, or property that would be affected by any official MCWDB action, the member must disclose the nature and extent of the interest or relationship and must abstain from discussion and voting on or in any other way participating in the decision on the matter. All abstentions must be recorded in the minutes of the MCWDB meeting and be maintained as part of the official record.

- F. It is the responsibility of the MCWDB members to monitor potential conflict of interest and bring it to the MCWDB's attention in the event a member does not make a self-declaration.
- G. In order to avoid a conflict of interest, MCWDB must ensure that the MCWDB's workforce service providers for WIOA Title IB adult, dislocated worker, and youth programs must not employ or otherwise compensate a current or former MCWDB member or MCWDB employee who was employed or compensated by the MCWDB or its administrative entity, fiscal agent, or grant recipient anytime during the previous 12 months.
- H. The MCWDB shall ensure that the MCWDB, its members, or MCWDB staff do not have any supervisory responsibility for the daily activities of its workforce service providers, workforce system partners or contractors. There must be a complete separation between governance functions and operating functions within an organization including different reporting structures.
- I. Notwithstanding the foregoing, MCWDB members, or the organizations to which they belong, may receive services as a customer of Maricopa County Workforce Development or any formal workforce system partner.

Section 2. Ethics

- A. MCWDB shall comply with the Maricopa County Internal Policy on Professional Conduct (HR2421). MCWDB Members who violate this policy may be removed from MCWDB.

ARTICLE XI. CONFLICT RESOLUTION

- A. Conflict which arises between MCWDB members will be resolved through the MCWDB Executive Committee. If the conflict involves members of the Executive Committee and/or if a resolution cannot be reached by the Executive Committee, then the resolution shall be reached pursuant to the process stated in Article XI, B.
- B. Except as may otherwise be provided for by law, or otherwise specifically agreed upon to by service delivery partners and/or consortium partners (Partners), any dispute not involving the question of law that is not resolved between the parties within a reasonable time shall be submitted to the following Maricopa County's dispute process:
 - 1. Disputes must be Filed with the Program Administrator administering the Program, if one has been appointed, or if not, with BOS assigned staff.
 - 2. The Program Administrator or BOS assigned staff shall respond in writing to the dispute within fourteen (14) days.
 - 3. The Partners may abide by the decision or may appeal the decision to the County Ombudsman within seven (7) days.

MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD BYLAWS

4. The decision of the County Ombudsman shall be final unless appealed timely pursuant to A.R.S. §12-904.

ARTICLE XII. AMENDMENTS

Section 1. Amendments

- A. Amendments to the WDB Bylaws may be necessary from time to time. Any proposed changes to the Bylaws must:
 1. Be submitted to the Maricopa County Attorney for legal review;
 2. Approved by the WDB;
 3. Receive final approval by the BOS.
- B. Each time the Bylaws are amended, a copy of the updated Bylaws will be distributed to all WDB members, the BOS, County Attorney, and will be posted on the ARIZONA@WORK MARICOPA COUNTY website.

ARTICLE XIII. SEVERABILITY

If any part of these bylaws is held to be null and/or void, the validity of the remaining portion of the bylaws shall not be affected.

AGREEMENT BETWEEN
MARICOPA COUNTY BOARD OF SUPERVISORS and
MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD

This shared governance and multi-function agreement is made by and between Maricopa County, a political body duly organized and existing under the laws of the state of Arizona and its Maricopa County Board of Supervisors (hereafter referred to as “BOS”), the Chief Elected Officials (CEOs) under the Workforce Innovation and Opportunity Act (WIOA), and the Maricopa County Workforce Development Board (hereafter referred to as “WDB”), the local workforce development board as designated by the Governor of Arizona, to articulate the relationship, roles, and responsibilities between the two entities as required by the federal Workforce Innovation and Opportunity Act (hereafter referred to as WIOA) of 2014 (Public Law No. 113-128). BOS and WDB are collectively referred to herein as the “Parties” and individually as “Party.”

RECITALS

Whereas, the Workforce Innovation and Opportunity Act (WIOA) was established to increase employment, education, and training for individuals with barriers, to support the alignment and improvement of the workforce development system, to improve the skills of workers to secure employment with family-sustaining wages and provide employers with a skilled workforce for global competitiveness, and to provide workforce activities through state and local workforce development systems; and

Whereas, Maricopa County is designated the local workforce development area by the Governor and is funded to administer WIOA in Maricopa County, outside of the City of Phoenix; and,

Whereas, the Maricopa County Board of Supervisors are the designated Chief Elected Officials by the State of Arizona; and,

Whereas, the Maricopa County Workforce Development Board is designated as the workforce development board for the Maricopa County Local Workforce Development Area; and,

Whereas, all Parties acknowledge that WIOA laws and regulations, Training and Employment Guidance Letters (TEGLs), Uniform Administrative Guidance, State Law and applicable policies, the Arizona Department of Economic Security WIOA contract, and County policies must be adhered to in their entirety; and,

Whereas, the WIOA emphasizes local control so the Local Workforce Area can tailor services for the unique needs of that Local Workforce Area; and,

Whereas, the WIOA requires that a shared governance and multi-function agreement be entered into to delineate the role and responsibilities of the BOS, WDB (and its staff), Fiscal Agent, and any entity performing multiple functions; and,

Whereas, it is the desire of both parties to have an agreement that provides a basis for cooperation and partnership which will lead to the success of the employment and training system (ARIZONA@WORK MARICOPA COUNTY) within the County and contribute to the overall economic prosperity of the region and its residents;

Therefore, in consideration of the recitals set forth above and incorporated by reference, the Parties agree as follows:

I. Purpose

The purpose of the Agreement is to define the roles and responsibilities of the BOS and WDB and establish the multi-function agreement between the BOS and WDB as required by the WIOA since the Maricopa County Human Services Department is performing more than one role.

II. Definitions

For the purposes of this agreement, the following terms shall have the meaning set forth below:

- A. Career Services Provider:** the provider of services as specified in WIOA to “Adults” and/or “Dislocated Workers.”
- B. Chief Elected Officials (“CEOs”):** the Board of Supervisors (BOS).
- C. Conflict of Interest:** a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.
- D. Fiscal Agent:** the BOS, or designated entity, responsible to perform accounting and funds management for WIOA funds.
- E. Grant Recipient:** the BOS.
- F. Local Workforce Area:** Maricopa County as designated by the Governor.
- G. Local Workforce Development Board (“WDB”):** the Maricopa County Workforce Development Board as defined by 20 CFR 679.310.
- H. One Stop Delivery System:** the workforce development, educational, and other human resource services joined in a seamless customer-focused service delivery network that enhances access to the programs’ services and improves long-term employment outcomes for individuals receiving assistance.
- I. One Stop Operator (“OSO”):** the entity that coordinates the service delivery of required one-stop partners and service providers as specified in WIOA.
- J. Training and Employment Guidance Letter (“TEGL”):** the guidance letter issued by the US Department of Labor.
- K. Training Provider:** An entity with a demonstrated ability of training individuals to enter quality employment and that is included on the eligible training provider list.
- L. Vacancy Appointment:** a nominee selected to serve the remaining term of vacant position.
- M. Vacancy Date:** the date the BOS approves the resignation or termination of a WDB member.
- N. WIOA:** the Workforce Innovation and Opportunity Act of 2014, as amended.
- O. Youth Services Provider:** the provider of services to youth as specified in WIOA.

III. Effective Date, Term, and Termination

- A.** This Agreement shall be effective July 1, 2020 until June 30, 2023 unless terminated as provided herein.
- B.** The Agreement may be renegotiated or terminated by either Party with sixty (60) days’ notice in writing to the other party. Such notice shall be given by personal delivery or by Registered or Certified mail.
- C.** This Agreement is subject to the statutory language of A.R.S. § 38-511 which are incorporated herein by reference.

- D. If any action is taken by any State agency, federal department or any other agency or instrumentality to suspend, decrease or terminate its fiscal obligation under, or in connection with this Agreement, the Parties may amend, suspend, decrease or terminate its obligations under or in connection with this Agreement. In the event of termination, the Parties shall be liable for payment only for services rendered prior to the effective date of the termination, provided that such services performed are in accordance with the provisions of this Agreement. The Parties shall give written notice of the effective date of any suspension, amendment, or termination under this section at least ten (10) calendar days in advance.
- E. This Agreement may be terminated by mutual written agreement of the parties specifying the termination date therein.

IV. Amendments

- A. Proposed amendments or termination to this Agreement may be offered by either Party in writing within sixty (60) days, at a minimum, to the other Party, via official electronic communication and certified mail. Adoption of such proposals shall be approved and enforced through a signed document by both Parties.
- B. The Agreement may be amended if the governance structure changes, if the Bylaws are amended, or in the event the regulations or laws change.
- C. Any amendment or change to the Agreement must be maintained at the LWDB staff office and be available for monitoring by the state administrative entity.
- D. 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.

V. Notices of Election

A change of leadership of the WDB and the BOS does not constitute an amendment of this agreement, but Parties shall provide notification of leadership changes as follows:

- A. Notice of an election of a new WDB Chair, as evidenced within the minutes of the WDB meeting, shall be provided to the Maricopa County Clerk of the Board.
- B. Notice of an election of any new BOS and/or the BOS Chairman, as evidenced within the minutes of the BOS meeting, shall be published on the BOS website within 10 days after the first BOS meeting of each calendar year.

VI. BOS Roles and Responsibilities

A. Delegated Functions

1. Unless otherwise indicated as non-delegable, the BOS may fulfill its roles and responsibilities through staff and/or contracts. Any staff or contractors assigned to fulfill BOS responsibilities shall comply with the provisions of Section XIII. Internal Controls, Conflict of Interest, and Firewalls.
2. The BOS designates the Assistant County Manager to serve as WDB liaison to the BOS;
3. The BOS designates Maricopa County Human Service Department to serve as Fiscal Agent for the WDB and be responsible for the receipt and disbursement of WIOA funds in the Local Workforce Area. The specific roles and responsibilities of the Fiscal Agent are identified in Section IX.
 - a) HSD staff involved in Fiscal Agent function shall not be involved in policy or direct service provision activities of the Local WDB.
 - b) Any funding or costs shifted between the WDB budget and the

Service Provider budget(s) that results in an increased or decreased overall budget for either entity shall be presented to the WDB for review and authorization.

- c) BOS approval is required if the funds shift results in an increased budgeted amount for the WDB.
 - d) BOS approval is required if the funds shift results in a substantial decrease, as recognized by the WDB to the WDB budget.
4. To ensure proper separation of duties and functions, there shall be no commingling of budgets for the WDB staff, Fiscal Agent, and Service Provider (see Attachment A, Maricopa County Organizational Chart A, B, and C respectively). Each of these functions shall have a separate budget and personnel with separate functions and hierarchical reporting chains. Notwithstanding the foregoing, personnel shall be individually and collectively responsible for reporting compliance with WIOA and regulations, OMB circulars, and State and County policies and statutes.
5. The BOS delegates signatory capacity to the Chairman of the BOS.

B. Misuse of Funds

- 1. The BOS are liable in their official capacity for any misuse of grant funds as described in WIOA.

C. WDB Bylaws

- 1. Per CFR 679.310 (g), the BOS must establish bylaws consistent with federal law, regulations, and State policy,

D. WDB Membership

- 1. The BOS shall solicit nominations for the WDB. The final selection and appointment of WDB members shall be made by the BOS in accordance with WIOA and State and Federal requirements and consider recommendations pursuant to Section VII F (2) Composition: The WDB shall be composed of the following:
 - a) The WDB shall be comprised of private business sector and public sector members.
 - b) The Board membership shall be representative of the Local Workforce Area's geography and business demographics.
 - c) The BOS will seek to have a WDB membership which is diverse in gender and ethnicity.
 - d) An individual may serve as a representative of more than one membership category if the individual meets all the criteria for representative in accordance with WIOA.
 - e) At least 51% of members shall be representatives of business in the Local Workforce Area who:
 - (1) Are owners of businesses, chief executives or operating officers of businesses, or other individuals with optimum policymaking or hiring authority;
 - (2) Provide employment opportunities in in-demand industry sectors or occupations, and provide high-quality work- relevant training and development opportunities to its workforce or the workforce of others in the case of organizations representing business;
 - (3) Are appointed from among individuals nominated by local business organizations and business trade associations; and
 - (4) At least two (2) members must represent small business as

- defined by the U.S. Small Business Association.
- f) At least 20% of the members must be workforce representatives with optimum policymaking authority. These representatives:
 - (1) Must include at least two (2) representatives of labor organizations, nominated by local labor federations or other representatives of employees;
 - (2) Must include at least one (1) representative of a joint labor-management, or union- affiliated, registered apprenticeship program within the Local Workforce Area who must be a training director or member of a labor organization;
 - (3) May include one or more representatives of community- based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or support competitive, integrated employment for individuals with disabilities; and
 - (4) May also include one or more representatives of organizations that have demonstrated experience in addressing the employment, training, or education needs of eligible youth, including representatives or organizations that serve out-of-school youth.
 - g) The balance of the Board membership shall include the mandatory category of individuals with optimum policymaking authority, as follows:
 - (1) At least one (1) eligible provider administering adult education and literacy activities under WIOA Title II, selected from among the providers serving in the Local Workforce Area;
 - (2) At least one (1) representative from an institution of higher education providing workforce development activities, including community colleges;
 - (3) At least one (1) representative from economic and community development entities;
 - (4) At least one (1) representative from the state Employment Service office under the Wagner-Peyser Act;
 - (5) At least one (1) representative from the programs carried out under Title I of the Rehabilitation Act of 1973, other than sec. 112 or Part C of that title (i.e., the State Vocational Rehabilitation Program or the state agency responsible for the State Vocational Rehabilitation Program); and
 - h) Members may also include a non-mandatory category of additional Local Workforce Area representatives appointed by the BOS from:
 - (1) Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
 - (2) Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
 - (3) Local Workforce Area philanthropic organizations; and,

- (4) Other appropriate individuals based on the WIOA law and regulations as determined by the BOS.
2. Nomination: Consistent with WIOA, the BOS adopts the following nomination criteria:
- a) All nominations submitted the BOS for consideration must be submitted in writing and include sufficient supporting documentation to demonstrate the qualifications of the nominee.
 - b) Nominees who are intended to serve as representatives of business in the Local Workforce Area must be appointed from among individuals nominated by business organizations and business trade associations.
 - (1) The CEO or designee of the nominating organization must sign the nomination letter submitted to the BOS.
 - (2) The nomination letter must acknowledge the nominee's optimum policy-making authority and include documentation of the candidate's curriculum vitae, resume, or work history.
 - c) Nominees who are intended to serve as representatives of labor must be appointed from among individuals nominated by local labor federations.
 - d) For the mandatory categories, nominees may be appointed from among individuals nominated by a senior executive from the agency or institution of employment or affiliation.
 - e) For the mandatory category of adult education and literacy, a solicitation of nominations will be based on a solicitation of Local Workforce Area providers of adult education and literacy activities under WIOA Title II.
 - f) For the mandatory category of higher education institutions, a solicitation of nominations will be based on a solicitation of institutions of higher education providing workforce development activities.
 - g) For the non-mandatory categories, a solicitation of nominations will be based on a:
 - (1) Solicitation of community-based organizations (CBOs). Representative nominations from local CBOs must be qualified by being workforce-centered and having demonstrated positive performance for at least three to five years in the community.
 - (2) Solicitation of nominations from other optional representatives with a workforce mission/focus must hold promise for beneficial partnerships.
 - h) Nominees shall meet the qualifications of the membership category for which they are applying. Nominees shall confirm their qualifications for the membership category for which they are applying in writing. Nominating organizations shall confirm the same.
 - i) Members shall notify the WDB and the Clerk of the Board if they no longer meet the qualification criteria required by WIOA for their position on the WDB.
 - j) All vacancies shall be publicly noticed on the Maricopa County website.
3. Appointments.
- a) The BOS shall appoint each member of the WDB by majority vote.
 - b) Reappointments will follow the same nomination process as outlined

in this agreement and will be made within 120 days of the term expiration.

- c) Notification of appointments will be evidenced within the minutes of the BOS meetings.
4. Terms of Office of BOS Appointees.
 - a) Members appointed to the WDB shall serve three-year terms, except vacancy appointees who shall serve the remaining term of their predecessor. Upon expiration of his or her term, any WDB Member may continue to serve until the BOS takes action.
 - b) Appointments will be staggered to the extent possible to have only one-third (1/3) of the membership expire in a given year.
5. Resignations
 - a) Resignation by WDB members shall be submitted in writing to the WDB Chair and the Clerk of the Board. A member's resignation is effective only when accepted by the BOS.
6. Terminations
 - a) BOS may remove a member for the following reasons:
 - (1) Failure to attend WDB meetings, as follows:
 - More than three consecutive absences from regularly scheduled meetings by any member during any 12-month program period (July 1 – June 30) shall result in the removal of the member from the WDB.
 - Any four absences from regularly scheduled meetings during a twelve-month period by any member during any 12-month program period (July 1 – June 30) shall result in the removal of the member from the WDB.
 - Within seven (7) days of notification of attendance policies violation a member may provide a written explanation to the WDB Chair on the reason for the absences.
 - Exceptions to attendance policies may be made by the WDB Chair due to special circumstances and shall be documented.
 - (2) Violation of Conflicts of Interest and Ethics imposed by WIOA, A.R.S. §38-501 *et seq.*, and Maricopa County Internal Policy HR2421.
 - (3) Failure to meet WDB member representation requirements as defined in WIOA.
 - (4) Documented malfeasance, fraud or abuse.
 - (5) Knowingly and intentionally acting in a manner that prohibits compliance with Federal law, State policy, or requirements set forth by the Workforce Arizona Council (WAC) or Department of Economic Security (DES). Examples include but are not limited to failing to meet deadlines and failing to provide requested information.
 - b) "Just cause" for removal is established based on documented evidence of failure to meet the expectations outlined in Section VI.C.6.a. including but not limited to: attendance records, conflicts of interest, or actions inhibiting compliance with Federal law, State policy, or requirements of the WAC or DES.
 - c) Removal of a WDB member shall require a formal vote of the BOS.
7. Vacancies
 - a) WDB vacancies shall be filled within 120 days of the vacancy date by

the BOS.

- b) If a vacancy occurs by other than an expiration of term, the vacancy shall be filled by appointment by the BOS for the unexpired portion of the term.
 - c) In the event a vacancy cannot be filled within 120 days, Assistant County Manager, or delegate, shall request a waiver in writing to the Director of the State Workforce Development Board 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 Assistant County Manager or his/her delegate must maintain written approval of the waiver request by the Director of the State Workforce Development Board for State monitoring purposes.
 - d) Positions will be filled in compliance with WIOA.
 - e) Nominees for a vacancy shall meet the criteria needed to fulfill the Board composition requirements of WIOA.
8. Compensation
- a) Members of the WDB shall serve without compensation except for any pre-authorized travel expenses incurred in connection with their duties, including transportation, meals, and lodging; in accordance with WIOA and all applicable Maricopa County policies and regulations.
 - b) The BOS through the Fiscal Agent is authorized to reimburse those expenses identified in (A) post-travel to the extent such expenses are allowable and reimbursable under WIOA, Uniform Guidance, and all applicable County policies and regulations.

VII. WDB Roles and Responsibilities

- A.** Unless otherwise indicated as non-delegable, the WDB may fulfill its roles and responsibilities through staff and/or contracts. Any staff or contractors assigned to fulfill WDB responsibilities shall comply with the provisions of Section XIII. Internal Controls, Conflict of Interest, and Firewalls.
- B.** WDB serves as a strategic convener to promote and broker effective relationships with the County and the Maricopa County workforce system. The WDB shall maintain strategic and strong relationships with business organizations, chambers of commerce, labor and trade associations, education providers, and others as needed or required.
- C.** WDB provides strategic and operational oversight for the workforce system as follows:
 - 1. Provide ongoing reviews of services available, access to services, service delivery, cost of services, and system and program administration;
 - 2. Seek to avoid duplication with other system and program monitoring;
 - 3. Review current plans and proposals for service delivery;
 - 4. Develop detailed actions and timeframes in coordination with the necessary workforce system partners; and
 - 5. Provide the BOS with system and program oversight updates in a quarterly report.
- D.** The following WDB required roles and responsibilities shall be completed in a

timely manner by WDB members or at the direction of the WDB through staff, consultants, and/or allowable, designated entities. WDB shall consult with County concerning all responsibilities delegated to staff consistent with the requirements set forth in Section XI.

1. **Workforce Research and Regional Labor Market Analysis**

The WDB will conduct analyses of the labor market and workforce system and integrate the findings into the Local Plan. The WDB will coordinate with key stakeholders, contracted staff (as needed), and other parties in order to present a well-rounded representation of the economic conditions in the Maricopa County LWDA.

2. **Convening, Brokering, and Leveraging**

The WDB will convene local workforce development system stakeholders to develop the local plan. The WDB, will plan, coordinate and schedule all necessary meetings to execute the objectives of local plan.

3. **Employer Engagement**

Lead efforts to engage with a diverse range of employers, entities in the region, and economic development entities to promote business representation on the WDB and develop effective linkages with employers to support employer utilization of the Maricopa County workforce system to ensure the workforce investment activities meet the needs of employers, and support economic growth in the region. The WDB shall coordinate with BOS economic development strategies and workforce priorities that align with WIOA.

4. **Career Pathways**

Collaborate with secondary and postsecondary education program representatives leading the efforts in the local workforce development area to develop and implement career pathways by aligning occupational training in the targeted occupations and in-demand industries.

5. **Proven and Promising Practices**

Identify, promote, and disseminate proven and promising strategies, initiatives, and practices for meeting the needs of all job seekers and employers. Specific attention will be given to system performance, service delivery benchmarking, and program design/evaluation to identify strengths and opportunities for continuous process improvement.

6. **Technology**

Develop strategies, including coordination with the County and all workforce system partners, for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, job seekers, and specifically those with barriers to employment. The WDB will address these issues from a strategic level and task the One Stop Operator with identifying referral tools and strategies between core partners.

7. **Coordination of Education Providers**

Coordinate activities with education and training providers, including those on the State-approved Eligible Training Provider List (ETPL) and all WIOA Title II service providers, to align education and training with WDB selected sectors to support career pathways.

8. **Accessibility for Individuals with Disabilities**

The WDB, through the One Stop Operator, will annually assess the physical and programmatic accessibility of all one-stop centers in the Local Workforce Area in accordance with the Americans with Disability Act of 1990.

9. **Certification of One-Stop Centers**

The WDB certifies all ARIZONA@WORK Maricopa County comprehensive and affiliate job centers every three (3) years in accordance with 20 CFR 678.800 and the WAC State Workforce Policy #6 Certification of the ARIZONA@WORK Job Centers.

E. Communication with the Public

1. All meetings of the WDB, including its committees and workgroups shall be conducted in compliance with Open Meeting Law (Arizona Revised Statutes 38-431 et seq.). Meetings shall be open, and it shall be a stated policy that interested citizens or groups will be heard on workforce development matters.
2. The WDB shall meet not less than six times per year.
3. Within three (3) business days of any WDB meeting, including its committees and workgroups, the WDB staff shall make available the meeting minutes on the WDB website.
4. On behalf of the WDB, the WDB staff shall make available to the public on the WDB website information regarding the activities of the WDB, including but not limited to:
 - a) Local Plan, including any modifications;
 - b) List and affiliation of WDB members; and
 - c) WDB Bylaws.

F. Board membership

1. The WDB may solicit and refer candidates to apply for WDB membership.
 - a) The WDB Chair may recommend removal of a member for any of the reasons cited in Section VI.D.6.

G. Youth Committee

1. The Youth Committee shall be a WDB Standing Committee comprised of a minimum of five (5) members appointed by the WDB.
2. The Youth Committee shall be chaired by a member of the WDB.
3. The Youth Committee shall have a minimum of three additional (3) WDB members.
4. The Youth Committee shall have at least one (1) non-member of the WDB who shall:
 - a) Have experience and expertise in youth activities and services; and
 - b) Be a voting member of the Youth Committee.
5. The term of each Youth Committee member shall coincide with the term of the WDB Chair.
6. Under the direction of the WDB, responsibilities of the Youth Committee may include, but not be limited to the following:
 - a) Identify eligible providers of youth workforce development activities by:
 - (1) Exercising the option described in CFR 681.400 to have the grant recipient provide directly some or all of the youth workforce investment activities; and/or
 - (2) Choosing to competitively award grants or contracts to youth service providers to carry out some or all of the youth workforce investment activities;
 - b) Inform, assist, and make recommendations to the Executive Committee and the full WDB in developing and overseeing a comprehensive youth program;

- c) Foster integration and collaboration of youth activities in the local workforce development area;
- d) Recommend system enhancements to ensure a broad range of services and opportunities for youth, including disconnected youth;
- e) Recommend ways to leverage resources and coordinate services among schools, public programs, and community-based organizations serving youth; and
- f) Provide leadership and support for continuous quality improvement efforts for youth services programs.

H. Officers

- 1. The WDB members select the WDB Chair and other officers, as described in the Bylaws.

I. Career Services

- 1. WDB selects the Career Services Provider. The expectations and terms of the service provider shall be documented in a contract approved by the WDB and BOS. Additional guidance on service provider selection can be found in Section VIII.

J. Operational Budget

- 1. The WDB shall have the operational budget for Adult, Dislocated Worker, and Youth Services presented to them for review and approval annually.
- 2. The WDB may have the fiscal agent present the annual budget.
- 3. The operational budget shall be approved no later August 15th.
- 4. The annual approved budget must allocate all available WIOA funds for the fiscal year.

- K. The WDB shall provide WDB member orientation.

VIII. Shared Roles and Responsibilities

A. WDB Budget The Parties share the responsibility for the WDB Budget as follows:

- 1. Development and Submission
 - a) WDB and their designated staff shall develop an annual line item administrative budget and budget justification for the purpose of carrying out the duties as referenced in this agreement.
 - (1) The budgeting period must be aligned with the County fiscal year, which runs from July 1 through June 30.
 - (2) The budget must be in accordance with all County policies and guidelines, WIOA, and Uniform guidance.
 - (3) WDB shall submit the annual line item budget and budget justification to the Assistant County Manager by December 1 of each year.
 - (4) The administrative budget will be included in the overall WIOA budget that the fiscal agent submits to the BOS in order to establish an overall spending cap for the upcoming fiscal year.
 - b) The WDB shall review and approve the operational budget for Adult, Dislocated Worker, and Youth Services by major program by June 30th of each year for the budget year beginning July 1st.
 - (1) The total WIOA budget (operational and administrative) may not exceed the spending cap approved by the BOS.
 - (2) This presentation may be done by the service provider(s) and/or fiscal agent, at the discretion of the WDB.

- c) Budget Review and Approval
 - (1) The Fiscal Agent shall review the WDB budget to ensure it is in accordance with all County policies and guidelines, WIOA, and Uniform Administrative Guidance.
 - (2) The Fiscal Agent shall provide the budget review to the Assistant County Manager and the WDB Executive Director.
 - (3) The Fiscal Agent shall submit the budget to the Maricopa County Office of Management and Budget, on behalf of the BOS.
 - (4) The BOS in its discretion, shall review and approve the Budget in accordance with County policy.
- d) On-going monitoring
 - (1) On behalf of the BOS, the Assistant County Manager shall:
 - Monitor the WDB budget expenditures;
 - Notify the WDB Executive Director and the WDB Chair on expenditure and audit issues;
 - Provide updates to the BOS as requested.

B. WIOA Funds

- 1. BOS and WDB shall, to the best of their abilities, ensure all funds are expended prior to expiration with the assistance of the Fiscal Agent.

C. Local Plan

- 1. WDB and their staff shall develop the local plan for the Local Workforce Area every four years.
- 2. The Local Plan shall be consistent with:
 - a) WIOA Section 108;
 - b) State Unified Plan; and
 - c) BOS strategic priorities, including (but not limited to) economic development, regionalism, and priority populations.
- 3. On behalf of the BOS, the Assistant County Manager shall provide local plan feedback to the WDB Executive Director.
- 4. WDB shall vote and approve the local plan prior to the final submittal to the BOS.
- 5. The BOS shall review and approval the plan during a BOS meeting.
- 6. WDB shall submit the finalized local plan to the State only after receiving BOS approval.
- 7. The WDB shall follow the prescribed process in this section for all substantive (non-technical) local plan amendments.

D. Regional Plan

- 1. All Parties may collaborate with other Local Workforce Areas, as necessary. In the event the Local Workforce Development Area is designated to be a planning region that includes other Local Workforce Areas, the Parties shall follow the same process as for the development and approval of the local plan.

E. Selection of Operators and Providers

- 1. While it is the responsibility of the WDB to select a One Stop Operator and providers, as discussed in the following sections, it is the responsibility of the BOS to execute contracts with selected entities/vendors. As such, selection of operators and providers is considered a shared function.
- 2. One Stop Operator(s)

- a) Selection
 - (1) The WDB with the assistance of their staff shall determine the scope of work for the OSO.
 - (2) The WDB shall competitively procure the One Stop Operator with the Maricopa County Office of Procurement Services and in compliance with County procurement policies.
 - (3) The designation of an OSO must be approved by a majority vote of the WDB or designated committee or workgroup.
 - (4) Once approved, the contract shall be forwarded to the BOS. The OSO contract shall be effective only when approved by the BOS.

3. **Provider(s)**

- a) Occupational Skills Training: The WDB shall encourage sufficient number and types of eligible training service providers in a manner that maximizes consumer choice, and who are consistent with the criteria established by the Governor and WIOA.
- b) Career Services: The WDB shall determine the selection criteria for the provider of Career Services, as specified in WIOA to “Adults” and Dislocated Workers.”
 - (1) The WDB selects the Human Services Department Workforce Development Division as the Career Services Provider.
- c) Provider contracts may be competitively awarded for any WIOA services; if provider contracts are competitively awarded, they shall be publicly noticed and procured through the Maricopa County Office of Procurement Services.
- d) Youth Services: Pursuant to CFR 681.400(b), the WDB elects to have the grant recipient provide youth services through its Human Services Department.
 - (1) The WDB retains the right to instead provide youth services via competitively procured grants or contracts (CFR 681.400(b)).

F. Performance Measures

- 1. Negotiation and Approval of Performance Accountability Measures
 - a) The WDB and their staff shall obtain proposed performance accountability measures from the State.
 - b) Service providers shall propose performance accountability measures to the WDB for consideration.
 - c) The WDB shall determine the acceptable performance accountability measures for the Local Workforce Area with the Core Partners and service providers.
 - d) The performance accountability measures must be approved by a majority of the WDB. Once passed, the finalized performance accountability measures shall be submitted to the State by the required due date.
- 2. The WDB shall focus on required performance measures with outcomes and impacts. The WDB shall review current performance measures and reports, identify additional priority and subordinate performance measures to be collected, and work with any organization or entity required to report performance measures to determine reporting timeframes.

G. Local Board Policy

- 1. WDB shall create local board policies to provide strategic workforce direction

- and guidance in the Local Workforce Area in alignment with BOS priorities.
2. WDB, in coordination with Core Partners and service providers, shall review proposed policies, develop new major policies, and approve major policies that affect the priorities for service, service target levels and limitations, allocation of resources.
 3. WDB shall create policies that are aligned with serving the WIOA priority populations and those with barriers to employment.
 4. Policies must be approved by a majority of WDB members.
 5. WDB staff shall keep written record of all approved WDB policies and ensure distribution to all Parties affected.
 6. WDB shall provide approved policies to the BOS in the quarterly report.

I. Core Partner Agreement

1. WDB and their staff shall develop the Core Partner Agreement for the Local Workforce Area.
2. The Core Partner Agreement shall be consistent with WIOA, regulations, State and County policies.
3. The Assistant County Manager shall provide Core Partner Agreement feedback to the WDB Executive Director.
4. The Core Partner Agreement shall be reviewed by the Maricopa County Attorney's Office.
5. The Core Partner Agreement must be approved by a majority of the WDB.
6. Once approved, the request shall be forwarded to the BOS for approval. The Core Partner Agreement is effective only when approved by the BOS and the other Core Partners.
7. For all amendments to the fully executed Core Partner Agreement, the WDB shall follow the prescribed process in such Agreement.

J. Memorandum of Understanding and Infrastructure Funding for the One Stop Delivery System

1. The WDB, its staff and/or other allowable designated entity, shall develop the Memorandum of Understanding for the One Stop Delivery System (MOU) and its accompanying Infrastructure Funding Agreement (IFA) not less than every three years in partnership with the BOS and other One Stop delivery partners.
2. The MOU and IFA are created through a discussion, negotiation, and agreement.
 - a. The MOU shall include the items listed in 678.500 (b) 1-6, including description of services through the one-stop delivery system, agreement of costs, referral methods, and access to services for adults, youth, those with barriers to employments, and individuals with disabilities.
 - b. The IFA shall include such costs in accordance with 678.700.
 - i. The IFA shall be reviewed and reconciled at least once annually with the information financial information provided by the Fiscal Agent and/or One Stop partners.
 - c. The MOU and IFA draft shall be shared with the BOS Liaison for review and comment.
 - d. The MOU shall provide a process by which periodic amendments and adjustments may be made.
3. WDB shall vote and approve the MOU and IFA, and its amendments, prior to the final submittal to the One Stop Partners for signature.
4. The BOS shall review and approve the final MOU and IFA, and its

amendments.

K. Communication of Parties

1. The WDB and its staff shall prepare quarterly progress reports, which shall include, but are not limited to summaries of progress on goals, actions on each of the required roles, policies approved by the WDB and anticipated activities of WDB for the next quarter.
 - a) The WDB Executive Director shall submit the quarterly reports for BOS review 45 days following the end of a quarter.
2. The WDB and its staff shall prepare and submit an annual report to the BOS for review and approval on or before October 1 of each calendar year.
3. At least annually, the WDB Chair, WDB Executive Director, and the Assistant County Manager, shall provide briefings to the BOS regarding performance accountability measures, program oversight, WDB policy, strategic direction, and other areas, as deemed necessary.
4. The WDB Chair and the Assistant County Manager shall work together to identify new potential applicants to the WDB with skillsets that compliment current Board members.

L. Amendments to the LWDB Bylaws

1. Amendments to the WDB Bylaws may be necessary from time to time. Any proposed changes to the Bylaws must:
 - i. Be submitted to the Maricopa County Attorney for legal review;
 - ii. Approved by the WDB;
 - iii. Receive final approval by the BOS.
2. Each time the Bylaws are amended, a copy of the updated Bylaws will be distributed to all WDB members, the BOS, County Attorney, and will be posted on the ARIZONA@WORK MARICOPA COUNTY website.

IX. WIOA Fiscal Agent

- A.** The WIOA Fiscal Agent shall perform accounting and funds management for WIOA funding received.
- B.** The Fiscal Agent shall exchange information with the WDB and BOS, as necessary.
- C.** The Fiscal Agent shall notify the WDB quarterly, if funds are projected to be reverted to the State at the end of the two year of performance.
- D.** The Fiscal Agent shall provide the following financial services:
 1. Receive and disburse WIOA funds, which includes first-in, first-out accounting methods;
 2. Ensure sustained fiscal integrity and accountability for expenditure of funds in accordance with Office of Management and Budget (OMB) circulars, WIOA and corresponding federal regulations, and County and State policies;
 3. Comply with State and Federal requirements and timelines as defined by DES;
 4. Be subject to an annual audit by the Auditor of State as well as periodic monitoring by DES;
 5. Cooperate in any audit procedure, respond to financial audit findings, and provide corrective action plans when necessary;
 6. Maintain proper accounting records and adequate documentation;
 7. Prepare financial reports;
 8. Conduct financial monitoring of the fiscal activities of sub recipients,

- contractors, and service providers;
 - 9. Provide technical assistance to sub recipients regarding fiscal issues;
 - 10. Review, recommend, and monitor the WIOA budget and its funds, including both administrative and programmatic funds;
 - 11. Recommend the transfer of funds between Dislocated Worker and Adult programs, and provide this to the WDB Chair for signature;
 - 12. Track and monitor the WDB receipts and expenditures in a separate Unit code;
 - 13. Track and monitor WIOA Title I service provider receipts and expenditures in a separate Unit Code;
 - a) Career Services and Youth Services shall be tracked separately by Program Code.
 - 14. Procure contacts or obtain written agreements on behalf of the WDB
 - a) Except for the One Stop Operator; and
 - 15. Appoint personnel to carry out the duties outlined above who will not be permitted to engage in policy or service delivery issues or Service Provider activities.
- E.** The Fiscal Agent shall perform the following budgetary functions on behalf of the WDB:
- 1. Under the guidance of the WDB, develop an annual budget by major program service type (Adult, Dislocated Worker, Youth, Rapid Response, and other types that may be identified by the WDB) that supports the strategic direction of the WDB.
 - 2. Present to the WDB when major program service type budgets increase, decrease, or it is deemed appropriate to move budgeted monies between major program service types.
 - 3. Reconcile the IFA costs at least annually.
- F.** The fiscal agent is subject to the internal control measures and firewall requirements described in Section XIII.

X. WIOA Career Services

- A.** Those providing career services shall provide services in accordance with WIOA.
- 1. The Career Service provider shall implement WDB policies and provide quarterly reports to the WDB on program service delivery, performance accountability, and continuous improvement.
 - 2. Service providers shall propose the following for review, consideration, and approval of the WDB:
 - a) Priority populations;
 - b) Service targets;
 - c) Budget utilization;
 - d) Performance measures.
 - 3. The person(s) responsible to carry out the duties of service provider will not be permitted to be appointed to complete the activities of the WIOA Fiscal Agent.
 - 4. Provider of Services shall follow OMB Uniform guidance, County, State regulation, policy, law for procurement of required goods and services.

XI. WDB Staff

- A.** Title 20 CFR 679.400 describes the WDB's authority to hire staff and the appropriate roles for the WDB staff as outlined in WIOA Section 107(f).

1. Full costs for staff must be included in WDB Board budget submitted to and approved by the BOS.
2. Maricopa County shall be the employer of record for the WDB staff.
3. WDB staff shall be subject to the County's policies, procedures, and processes, including personnel policies and organizational oversight.
4. The WDB Board delegates personnel management responsibilities of the WDB staff to the assigned assistant county manager, and the assigned assistant county manager will consult with the WDB Chair on personnel matters, as necessary. See attached Organizational Chart for reporting relationship information.
5. WDB staff shall be subject to Maricopa County's policies, procedures and processes regarding personnel, including but not limited to the confidentiality of personnel information.
6. WDB staff shall not provide core, intensive, and training services or participate in the operation of the One-Stop centers, including the management of personnel providing these services.
7. WDB staff are subject to the internal control measures and firewall requirements described in Section XIII.

XII. Conflict resolution

- A.** Except as may otherwise be provided for by law, or otherwise specifically agreed upon to by the parties, any dispute not involving the question of law that is not resolved between the parties within a reasonable time shall be submitted to the following Maricopa County's dispute process:
1. Disputes must be filed with the Maricopa County Ombudsman.
 2. The Ombudsman shall respond in writing to the dispute within fourteen (14) days.
 3. The parties may abide by the decision. If the conflict is not resolved, the Party shall submit in writing to the Ombudsman and the other Party within seven (7) days that a resolution has not been reached.
 4. If either party determines it must pursue formal mediation related to this agreement, either party may choose to contract with external mediation services. Contracted services would be at the contracting party's expense and would require following the usual processes for procurement and budget approval.
- B.** If the conflict is not resolved, it will be resolved as directed by the Governor's Office.

XIII. Internal Controls, Conflict of Interest, and Firewalls

- A.** WDB members, County employees, service providers, training providers, One-Stop Operator, and other workforce system stakeholders will report any official conflict of interest to the Assistant County Manager.
- B.** In addition to the reporting requirements contained in County Policy HR2416 concerning "Avoidance of Conflicts of Interests" WDB staff shall also notify the WDB Chair concerning any alleged conflict of interest.
- C.** WDB members, staff, or vendors may not be involved in official votes, the hiring of staff, or the procurement of services in which they have a personal financial interest.
- D.** Physical and electronic access will be limited to only the functions and responsibilities assigned to a specific WIOA role.
- E.** Only staff performing Fiscal Agent duties may have access to the County's financial system(s) of record with regard to the funds overseen by the WDB.
- F.** Service provider, Fiscal Agent, and WDB Staff shall not:
 - 1. Have involvement in one another's hiring, promotional, termination, discipline, or performance management matters;
 - 2. Have involvement in one another's vendor selections, unless pre-approved by the WDB and BOS Liaison.
 - 3. Share information that is not considered a public record or seek approval from the WDB and BOS Liaison prior to sharing non-public records; or
 - 4. Have input into one another's standard operating procedures or internal policies.
- G.** No entity or person involved with the issuance of a solicitation may compete or submit a proposal under the procurement action. This prohibition includes but is not limited to development of requirements, drafting the solicitation document, evaluating proposals/bids, or selection of vendors.
- H.** No division and/or unit within the County may simultaneously provide services and oversee or monitor the provision of those services.
- I.** All entities involved in WDB activities and functions, including but not limited to County employees, contracted vendors, and WDB members, are subject to performance and financial audits performed by the Maricopa County Internal Audit Department, an independent agency reporting directly to the Board of Supervisors. Entities shall comply fully with all audit requests and participate in the resolution of audit findings.
- J.** The assistant county manager, as the executive manager over multiple roles, is expected to be aware of the potential competing interests of the WDB, One-Stop Operator, providers, fiscal agent, and other stakeholders.
 - 1. The assistant county manager shall refrain from intervening in the performance of duties assigned to the WDB staff by the WDB, if said duties are legally allowed, supported by the approved budget, and not prohibited by County policy;
 - 2. The assistant county manager shall:
 - a) Encourage the open exchange of information and data between all entities, as allowed by law and County policy, in order to inform decisions of the WDB and BOS;
 - b) Be mindful of the internal controls and firewalls outlined in this Section and make every effort to ensure they are not breached.

XIV. Sunshine Provision

- A. The WDB shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the WDB, including information regarding the local plan prior to the submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and, on request, minutes of formal meetings of the WDB.

XV. Agreement and Bylaws

- A. To the extent there is a conflict between this Agreement and the Bylaws of the WDB, this Agreement controls.

XVI. Notices

- A. Notifications and communications concerning this Agreement shall be directed to the following:

Maricopa County Assistant County Manager
301 W. Jefferson 9th Floor
Phoenix AZ 85003

Maricopa County Workforce Development Board Executive Director
Executive Director
700 W. Jefferson St.
Phoenix AZ 85007

Maricopa County Clerk of the Board of Supervisors:
301 W. Jefferson 10th Floor
Phoenix AZ 85003

XVII. Conflict Waiver

The Parties to this Agreement acknowledge that they are aware that the Civil Services Division of the Maricopa County Attorney's Office (Civil Division) may be chosen as the attorney for all the Parties. The Parties acknowledge that they are aware of a potential conflict of interest, and waive any claim of conflict of interest, which may arise by virtue of Civil Division's representation of another Party to this Agreement.

(Remainder intentionally left blank: Signatures to follow)

IN WITNESS THEREOF, the Parties have signed this Agreement:

Approved By:
MARICOPA COUNTY
WORKFORCE DEVELOPMENT BOARD

Approved By:
MARICOPA COUNTY

Authorized Signature

Jack Sellers, Chairman, Board of
Supervisors

Date

Date

Attested to:



Clerk, Board of Supervisors

Date

IN ACCORDANCE WITH A.R.S. § 11-952, THIS AGREEMENT HAS BEEN REVIEWED BY THE UNDERSIGNED DEPUTY COUNTY ATTORNEY, AND, IN ACCORDANCE WITH A.R.S. § 11-952, AND HAS DETERMINED THAT THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWER AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

APPROVED AS TO FORM:

Deputy County Attorney Date

  <p>MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD</p>	SECTION/REFERENCE:	POLICY NUMBER:
	ORIGINAL ISSUE DATE: May 13, 2021	REVISION DATE:
	AUTHORIZED BY: Maricopa County Workforce Development Board	
SUBJECT: Conflict of Interest Policy		ADDENDA:

Purpose: To provide the Maricopa County Workforce Development system with a Code of Conduct to maintain fairness and equity in its decision-making, awarding and allocation of Workforce Innovation and Opportunity Act (WIOA) Title I-B monies as well as any other monies received by the system. All staff, partners, subrecipients and any other organization funded with Federal dollars and other monies are expected to read, understand and apply this policy to ensure system integrity.

Background: A conflict of interest policy ensures that individuals or representatives of organizations entrusted with public funds will not personally or professionally benefit from the award, administration, or expenditure of such funds. The possibility of a conflict of interest is inherent when an organization or entity is designated or is seeking to be designated to perform more than one of the following functions in the Local Workforce Development Area (LWDA): local fiscal agent, staff to the MCWDB, member of the MCWDB, one-stop operator (OSO), and providers of services for adults, dislocated workers, and youth services. As recipients of public funds, the MCWDB must assure that its staff, members, and grantees use these resources for the benefit of the public rather than for personal benefit. This policy is intended to supplement but not replace any applicable county, state and federal laws governing conflict of interest.

Who should read this policy: The staff, grantees and their staff, sub-grantees, or other agencies providing program services funded through the MCWDB.

Definitions:

- A. Conflict of Interest:** Refers to circumstances in which 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 role, or between competing organizational roles, when an individual serves in more than one organizational role. A conflict of interest would arise when an individual or organization has a financial or other interest in or participates in the selection or award of funding for an organization. Financial or other interest can be established either through ownership or employment.
- B. 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 interest or a member of his or her family.

- C. 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.
- D. Organizational conflict of interest:** An organizational conflict of interest can arise when actions are taken or may appear to be taken by any 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.
- E. Individual:** An individual; i.e., employee, officer, board member or agent, or any member of the individual's immediate family (spouse, partner, child, or sibling), or the individual's business partner.
- F. Organization:** A public agency, for-profit, or not-for-profit entity that employs, or has offered a job to, an individual defined above. An entity can be a partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or a sole proprietor.

Policy

For Individuals

- A. No individual shall participate in the selection, award, or administration of a contract or grant funded by WIOA Title I-B or other federal, state, or county funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the individual, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.
- B. No individual shall cast a vote or participate in any decision-making capacity on the provision of services by such individual (or any organization which that individual directly represents), or any matter which would provide any direct financial benefit to the individual, to the individual's immediate family, or to the individual's organization.
- C. No individual shall solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to sub agreements. Individuals may receive unsolicited, gifts of value no greater than \$10 from parties unconnected to any person or organization that intends to respond to a proposal, has responded to a proposal, or has received an award.
- D. Individuals shall not use, for their own private gain, for the gain of others, or for other than officially designated purposes, any information obtained as a result of their committee or working relationships with the MCWDB and not available to the public at large, or divulge such information in advance of the time prescribed for its authorized release.
- E. Disciplinary actions, up to, and, including termination of employment, will be applied for violations of this policy by any individual.
- F. Conflict of Interest and Ethics provisions for MCWDB members are outlined in Article X of the MCWDB Bylaws and in Section XIII of the Shared Governance Agreement.

For Contractors and Subcontractors

- A. Each contractor and subcontractor shall maintain a written code of standards or conduct governing the performance of persons engaged in the award and administration of MCWDB contracts and subcontracts.

- B. Each contractor and subcontractor shall ensure that no person in a decision-making capacity shall engage in any activity, including participation in the selection, award, or administration of a contract or subcontract supported by MCWDB funds if a conflict of interest, real, implied or apparent, would be involved.
- C. The standards of conduct shall provide for disciplinary actions, up to, and, including termination of employment for violations of the code of conduct.
- D. Failure to comply with this policy may result in the termination of contracts with the MCWDB and disqualification for future contracting opportunities.



Between the CEO and the MCWDB: Conflicts between the MCWDB and the Chief Elected Official (CEO) are addressed in the SharedGovernance Agreement.

PROCEDURE

- A. Violations of this policy must be reported and will be investigated. Any individual, contractor, or subcontractor who believes a violation of this policy has occurred must report it in writing within 90 days to the MCWDB’s Executive Director. If the possible violation pertains to the Executive Director, the violation must be reported to the Board Chair. An investigation will be conducted to determine if a violation has occurred and whether the violation should result in sanctions.

REFERENCES

State Workforce Policy # 1: Workforce Innovation and Opportunity Act (WIOA) Local Governance Policy
State Workforce Policy #8: Conflict of Interest Policy
Arizona Law on Conflict of Interest ASRS Section 38-501 et. Seq.

  <p>MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD</p>	<p>SECTION/REFERENCE: WIOA Final Rule 680.300-310</p>	<p>POLICY NUMBER: 17-42 Change 1</p>
	<p>ORIGINAL ISSUE DATE: May 13, 2021</p>	<p>REVISION DATE:</p>
	<p>AUTHORIZED BY: Maricopa County Workforce Development Board</p>	
<p>SUBJECT: Training Services Limits – Adult, Dislocated Workers and Youth</p>		<p>ADDENDA:</p>

Purpose: To establish tiered funding limits for Individual Training Accounts for Adult, Dislocated Worker and Youth Programs. This policy is in effect until revised and applies for the current and all future Program Years.

Responsibility of: Career Advisors, Program Supervisors, Program Managers

Process Description: Individual Training Accounts (ITAs) are created for Adults, Dislocated Workers and Youth approved for occupational training services provided by an eligible training provider. The ITA is a payment agreement established on behalf of a participant with a training provider to purchase training services. The ITA identifies the training provider selected by the participant in consultation with the Career Advisor (CA), the training program, start and end dates, cost of training, grants/scholarships applied to the cost of training, and total WIOA funds obligated for the training. The training provider must be on the Eligible Training Provider List (ETPL) for WIOA funds to be obligated for training.

ITA limits may vary for Adults, Dislocated Workers and Youth based on fund source and/or the industry sector of their chosen area of training. The ARIZONA@WORK-Maricopa County Workforce Development Board has identified targeted industry sectors in its workforce plan which include:

- Construction
- Finance and Insurance
- Healthcare and Social Assistance
- Information
- Manufacturing
- Transportation and Warehousing

Within the targeted industry sectors, the ARIZONA@WORK- Maricopa County Workforce Development Board has identified 83 targeted occupations. To ensure participants are on a career path to lead them to lasting employment, Adult, Dislocated Workers, and Youth will explore career pathways within the in-demand occupations. Funding is determined by a tiered approach based on the cost of training for target occupations. Individuals requesting training outside of the targeted industries and occupations may be approved on a case-by-case basis.

ARIZONA@WORK – Maricopa County has established the following tiered ITA limits for PY 20:

Type of Training	Adult -Targeted Tiered Levels	Adult –Non – Targeted	Dislocated Worker	In-School* & Out-Of-School Youth Targeted Tiered Levels	In-School* & Out-Of-School Youth Non- Targeted
Occupational skills	\$3,000 \$5,000 \$7,000 <i>*Refer to attachment</i>	Up to \$3,000	Up to \$4,000	\$3,000 \$5,000 \$7,000 <i>*Refer to attachment</i>	Up to \$3,000
Apprenticeships	\$3,000 \$5,000 \$7,000 <i>*Refer to attachment</i>	Up to \$3,000	Up to \$4,000	\$3,000 \$5,000 \$7,000 <i>*Refer to attachment</i>	Up to \$3,000
On-the-Job Training	\$3,000 \$5,000 \$7,000 <i>*Refer to attachment</i>	Up to \$3,000	Up to \$4,000	\$3,000 \$5,000 \$7,000 <i>*Refer to attachment</i>	Up to \$3,000

***Note the DOL Waiver allowing the use of ITAs for In-School Youth expires on June 30, 2022**



NAICS Title	SOC Code	SOC Title	ITA Limit	Median Hourly Wage
Construction	47-2031	Carpenters	\$3,000	\$20.59
Construction	47-2051	Cement masons and concrete finishers	\$3,000	\$20.05
Construction	13-1051	Cost estimators	\$3,000	\$30.79
Construction	43-5032	Dispatchers, except police, fire, and ambulance	\$3,000	\$18.46

Construction	49-9051	Electrical power-line installers and repairers	\$7,000	\$41.95
Construction	47-2111	Electricians	\$7,000	\$22.53
Construction	49-9021	Heating, air conditioning, and refrigeration mechanics and installers	\$7,000	\$20.67
Construction	47-2073	Operating engineers and other construction equipment operators	\$7,000	\$22.89
Construction	47-2152	Plumbers, pipefitters, and steamfitters	\$7,000	\$22.37
Construction	41-9022	Real estate sales agents	\$3,000	\$28.17
Construction	47-2181	Roofers	\$3,000	\$17.93
Construction	49-2098	Security and fire alarm systems installers	\$5,000	\$23.47
Construction	47-2211	Sheet metal workers	\$5,000	\$19.87
Finance and insurance	13-2011	Accountants and auditors	\$5,000	\$31.73
Finance and insurance	43-3021	Billing and posting clerks	\$5,000	\$18.02
Finance and insurance	43-4011	Brokerage clerks	\$5,000	\$22.82
Finance and insurance	13-1199	Business operations specialists, all other	\$5,000	\$30.50
Finance and insurance	13-1031	Claims adjusters examiners and investigators	\$3,000	\$32.64
Finance and insurance	13-1041	Compliance officers	\$3,000	\$28.50
Finance and insurance	13-2051	Financial analysts	\$5,000	\$35.70
Finance and insurance	13-2061	Financial examiners	\$5,000	\$24.38
Finance and insurance	43-9041	Insurance claims and policy processing clerks	\$3,000	\$19.56
Finance and insurance	41-3021	Insurance sales agents	\$3,000	\$22.22
Finance and insurance	13-2053	Insurance underwriters	\$3,000	\$34.83
Finance and insurance	43-4131	Loan interviewers and clerks	\$5,000	\$19.84
Finance and insurance	13-2072	Loan officers	\$5,000	\$25.91
Finance and insurance	13-2052	Personal financial advisors	\$5,000	\$38.25
Finance and insurance	41-3031	Securities, commodities, and financial services sales agents	\$5,000	\$25.23
Health care and social assistance	31-9091	Dental assistants	\$7,000	\$21.15
Health care and social assistance	29-2021	Dental hygienists	\$7,000	\$43.88

Health care and social assistance	29-2032	Diagnostic medical sonographers	\$7,000	\$42.43
Health care and social assistance	29-2099	Health technologists and technicians, all other	\$5,000	\$21.00
Health care and social assistance	29-2052	Pharmacy Technicians	\$5,000	\$16.74
Health care and social assistance	29-2011	Medical and Clinical Laboratory Technologists	\$7,000	\$26.18
Health care and social assistance	29-2012	Medical and Clinical Laboratory Technicians	\$7,000	\$26.18
Health care and social assistance	29-2061	Licensed practical and licensed vocational nurses	\$7,000	\$27.00
Health care and social assistance	31-9092	Medical assistants	\$7,000	\$16.17
Health care and social assistance	31-9093	Medical equipment preparers	\$7,000	\$17.47
Health care and social assistance	29-2071	Medical records and health information technicians	\$7,000	\$17.98
Health care and social assistance	43-6013	Medical secretaries	\$7,000	\$17.47
Health care and social assistance	31-1014	Nursing assistants	\$3,000	\$14.99
Health care and social assistance	31-2021	Physical therapist assistants	\$5,000	\$22.41
Health care and social assistance	29-2034	Radiologic technologists	\$7,000	\$32.09
Health care and social assistance	29-1141	Registered nurses	\$7,000	\$37.04
Health care and social assistance	29-1126	Respiratory therapists	\$7,000	\$28.33
Health care and social assistance	25-3021	Self-enrichment education teachers	\$3,000	\$18.70
Health care and social assistance	21-1093	Social and human service assistants	\$3,000	\$14.59
Health care and social assistance	29-2055	Surgical technologists	\$7,000	\$25.10
Health care and social assistance	31-9097	Phlebotomist	\$3,000	\$15.56
Information	15-1143	Computer network architects	\$5,000	\$49.54
Information	15-1121	Computer systems analysts		\$42.80
Information	15-1151	Computer user support specialists		\$22.81
Information	15-1141	Database administrators		\$44.55

Information	15-1122	Information security analysts		\$46.86
Information	15-1142	Network and computer systems administrators		\$39.55
Information	15-1132	Software developers, applications		\$48.45
Information	15-1134	Web developers		\$30.74
Information	15-1133	Software developers, systems software		\$49.16
Information	15-1152	Computer network support specialist		\$29.41
Information	15-1131	Computer Programmer		\$47.56
Manufacturing	49-3011	Aircraft mechanics and service technicians		\$31.37
Manufacturing	51-2098	Assemblers and fabricators, all other, including team assemblers		\$14.82
Manufacturing	51-4012	Computer numerically controlled machine tool programmers, metal & plastic		\$27.85
Manufacturing	51-4011	Computer-controlled machine tool operators, metal and plastic	\$7,000	\$17.69
Manufacturing	49-9041	Industrial machinery mechanics		\$22.52
Manufacturing	51-9061	Inspectors, testers, sorters, samplers, and weighers		\$19.53
Manufacturing	51-4041	Machinists		\$23.81
Manufacturing	49-9071	Maintenance and repair workers, general		\$17.59
Manufacturing	41-4012	Sales representatives, wholesale and manufacturing, except technical and scientific products	\$3,000	\$26.75
Manufacturing	51-4121	Welders, cutters, solderers, and brazers	\$7,000	\$19.06
Other Business	13-1111	Management analysts	\$7,000	\$35.94
Other Business	13-1161	Market research analysts and marketing specialists	\$7,000	\$28.13
Other Business	43-4171	Receptionists and information clerks	\$3,000	\$14.18
Other Business	43-4051	Customer service representatives	\$3,000	\$16.28
Other Business	13-1151	Training and development specialists	\$5,000	\$27.25
Retail, Culinary, Hospitality	35-2012	Cooks, institution and cafeteria	\$3,000	\$12.78
Retail, Culinary, Hospitality	41-3099	Sales representatives, services, all other	\$3,000	\$23.21

Transportation and warehousing	49-3031	Bus and truck mechanics and diesel engine specialists	\$5,000	\$21.70
Transportation and warehousing	53-3021	Bus drivers, transit and intercity		\$19.53
Transportation and warehousing	43-5011	Cargo and freight agents		\$22.35
Transportation and warehousing	53-3032	Heavy and tractor-trailer truck drivers		\$20.77
Transportation and warehousing	53-7051	Industrial truck and tractor operators		\$16.84
Transportation and warehousing	53-3033	Light truck or delivery services drivers		\$16.84

  <p>MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD</p>	<p>SECTION/REFERENCE: DES Training Services Policy 9/20 WIOA Final Rule 680.700 - 840 PL 113 - 128; DOL TEGL 19-16</p>	<p>POLICY NUMBER:</p>
	<p>ORIGINAL ISSUE DATE: May 13, 2021</p>	<p>REVISION DATE:</p>
	<p>AUTHORIZED BY: Maricopa County Workforce Development Board</p>	
<p>SUBJECT: Work-Based Training Services</p>		<p>ADDENDA:</p>

Purpose: This policy outlines the work-based training services available to participants enrolled in WIOA Title 1B Adult, Dislocated Worker, and Youth programs provided by ARIZONA@WORK Maricopa County service providers. The purpose of work-based training is to prepare individuals for long-term, unsubsidized employment that leads to self-sufficiency. Work-based training services includes On-the-Job Training, Incumbent Worker Training, Customized Training, Registered Apprenticeship programs and Work Experience.

Work-Based Training Requirements:

Training must result in transferable skills within the industry in which the worker is currently employed, and/or other growing industries within the Maricopa LWDA and in an occupation with a high potential for sustained demand or growth as determined by the MCWDB. The In-Demand Industries and Occupations by the MCWDB outlines the approved targeted industries and occupations in which participants may utilize for training. Work-Based Training must not:

- A. Displace any currently employed workers (including a partial displacement such as a reduction in non-overtime work, wage, or employment benefits);
- B. Impair an existing contract for services or a collective bargaining agreement;
- C. Procure, contract for, or incur costs to be paid from WIOA Title I-B program funds prior to the start date, as determined by the date when all parties sign the contract / agreement;
- D. Be provided to any company that has relocated within the previous 120 days of its application if the relocation has resulted in any employee losing his or her job at the original location;
- E. Include proprietary training specific to a company, unless skills are determined to be transferable to other businesses or industries; and
- F. Be used to directly or indirectly assist, promote, or deter union organizing

Business Requirements for Work-Based Training:

Maricopa County's Local Workforce Development Board (LWDB) may contract with business located within or outside of the local workforce area, including across state lines, as the LWDB determines appropriate. Each business agrees to:

1. Complete an application and enter a contract with the LWDB that is funding the training program;

2. Adhere to applicable WIOA administrative requirements, as well as the nondiscrimination and equal opportunity provisions of WIOA Section 188;
3. Provide a Training Development Plan that identifies the training needs and competencies that will be achieved for each individual selected to receive the training;
4. Provide copies of a "Certificate of Completion" to the LWDB for each individual who successfully completes the prescribed training program. Such certificates must contain the individual's name and the class or course completed through training;
5. Employ, or in the case of IWT continue to employ, an individual upon successful completion of training;
6. Be available for LWDB program monitoring on a scheduled basis;
7. Provide quarterly post-training reports, including information on the retention, and/or promotions of trainees and the impact of training on the business, for one year after the completion of the training; and
8. Provide worker's compensation insurance to participants participating in work-based training.

Participant Eligibility: Individuals must be determined eligible for the appropriate WIOA program, (Adult, Dislocated Worker, Youth) and determined to need training services to achieve economic self-sufficiency. Work-based contracts may be written for an employer's existing workers under the following conditions:

- A. The employee is not earning a self-sufficient wage as determined by LWDB policy; and
- B. The training relates to an:
 1. Introduction of new technologies;
 2. Introduction to new production or service procedures;
 3. Upgrade to new jobs that require additional skills such as:
 - a. Workplace literacy; or
 - b. Other appropriate purposes identified by the LWDB.

Performance Requirements: The Maricopa County Workforce Development Board will collect performance data to ensure employers who are participating in work-based training are fulfilling their commitment to hire participants after they complete the training programs. The LWDB will not contract with an employer who has exhibited a pattern of failure to provide training participants with continued long-term employment that includes wages, benefits (including health benefits) and working conditions that are equal to those of regular employees who have worked a similar length of time and who are doing the same type of work.

Types of Work-Based Training Services:

On-the-Job Training is a work-based training service in which training is provided by an employer to a paid participant while engaged in productive work in a job that –

- A. provides knowledge and skills essential to the full and adequate performance of the job.;

- B. is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant for the extraordinary costs of providing the training and additional supervision related to the training; and
- C. is limited in duration as appropriate to the occupation for which the participant is being trained, considering the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

OJT Contracts: OJT training is provided through a contract with an employer or a Registered Apprenticeship (RA) sponsor who is reimbursed a percentage of the wage rate of the participant being trained while engaged in productive work in a job. OJT contracts may be developed with Registered Apprenticeship (RA) programs or participating employers in the RA program to cover OJT training portions. Depending on the length of the program and local OJT policy, training funds may be used to cover some or all OJT and related technical instruction costs throughout the duration of the RA program. Individual Training Accounts (ITAs) may be combined with OJT contracts when placing participants into RA programs. OJT contracts with RA programs must be consistent with other OJT requirements in this policy.

OJT Time Limits: Time limits for OJT are based on the following criteria and cannot exceed six months in duration:

1. Skill requirements of the occupation
2. Academic and skill level of the participant;
3. Prior work experience; and
4. The goals outlined on the participant's IEP.

Employer Reimbursement: Employers may be reimbursed up to 50 percent of the participant's hourly wage. Individuals with barriers to employment can be reimbursed up to 75 percent of the participant's hourly wage when considering the following factors:

1. The characteristics of the participants, taking into consideration whether they are "individuals with barriers to employment," as defined in WIOA sec. 3(24);
2. The size of the employer, with an emphasis on small businesses;
3. The quality of employer-provided training and advancement opportunities, for example if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential; and
4. Number of employees participating, wage and benefit levels of the employees (both at present and after completion), and relation of the training to the competitiveness of the participant.

Registered Apprenticeships (RA) is an industry-driven system of employment, on-the-job training, and related technical instruction. As an employee, an apprentice receives supervised, structured on-the-job work experience combined with related technical instruction (RTI). Apprenticeship training may be offered by businesses, employer associations, and jointly by management and labor organizations. RA programs include a minimum of 2000 OJT hours and 144 hours a year of RTI.

If an Individual Training Account (ITA) is used to procure apprenticeship training for a participant, the RA program must be listed on Arizona's Eligible Training Provider List (ETPL). The ITA amount will be in accordance with the current funding tiered LWDB policy. ITAs may be used to support Registered Apprenticeship participants in:

- A. Pre-apprenticeship training leading to a RA program;
- B. Training tuition for a RA program to the training provider;

- C. Classroom instruction, in combination with OJT, to cover some or all of the OJT portion of the RA;
- D. Supportive services, in coordination with career, and/or training services. Supportive services may include tools, uniforms, shoes, special equipment, and transportation assistance.

Work Experience although not considered a WIOA "training" service, Work Experience (WEX) or Internship is available to WIOA adult and youth participants as a planned, structured, time-limited learning experience that takes place in a workplace. WEX may be paid or unpaid, and may be provided in the private for-profit, non-profit, or public sectors. WEX provides participants with opportunities to gain exposure to the labor market, explore career options and develops the knowledge and skills needed to secure and retain employment.

WEX Agreements: WEX activities are provided through an agreement with the employer. Wages are provided by the WIOA service provider and paid directly to the participant developing an employer/employee relationship between the service provider and participant. Employers are not monetarily compensated. WEX agreements must contain, at a minimum, the following:

- Clear statement of purpose;
- Identification of all parties including the WEX participant;
- Requirements of the employer, participant and WIOA service provider;
- WEX start and end dates;
- Training job title and responsibilities;
- Required tools, equipment or uniforms, supportive services if applicable
- Wages to be earned;
- Concurrence between employer and union if WEX is under a collective bargaining agreement, if applicable;
- A training plan that is incorporated into the WEX agreement.

Employer Eligibility: Employers must be licensed to operate in Arizona, be registered with Arizona Department of Economic Security Department for Unemployment Insurance, carry Workman's Compensation Insurance and provide their Federal Employer Identification Number (FEIN). In addition, the employer must:

- Have safe and healthy working conditions with no previously reported health and safety violations that have been reported but not been corrected;
- Not illegally discriminate in training or hiring practices because of race, color, sex, national origin, religion, physical or mental disability, political beliefs or affiliations or age;
- Not terminate current employees or otherwise reduce its workforce either fully or partially (such as reduction in hours or benefits) with the intention of filling the vacancy with a WEX participant or as the result of having a WEX participant;

- Not allow the WEX activity to result in the infringement of promotional opportunities of current employees;
- Not allow participants to be involved in the construction, operation or maintenance of any part of any facility that is used, or to be used, for religious instruction or as a place for religious worship.

WEX Timeframe: There are no regulations governing the amount of time a participant may be placed in a WEX. When determining the duration of a WEX activity, the following should be considered:

- Objectives of the WEX;
- Length of time necessary for the participant to learn the skills identified in the learning plan;
- The employer having sufficient quantity of meaningful work activities for the participant;

Participant Compensation: Participants enrolled in a paid WEX will be compensated at an hourly wage not less than the State or local minimum wage, whichever is higher. Participants are paid only for the hours worked during the WEX as documented on the participant's WEX time sheet.

Youth Program WEX Requirements WEX / Internships is one of the WIOA youth program elements and consists of four subcategories: Summer Employment Opportunities, Pre-apprenticeship Programs, Internships and Job Shadowing and On-the-job Training opportunities.

All Youth WEX activities must include academic and occupational education.

Not less than 20 percent of allocated Youth funds may be used for paid and unpaid WEX activities. WEX expenditures include wages as well as staffing costs for the development and management of work experiences.

Customized Job Training is training by an employer, or group of employers, or by a training provider in conjunction with employer(s). The training must be provided to five or more paid participants concurrently while engaged in productive work in a job that:

- A. Provides knowledge or skills essential to the full and adequate performance of the occupation;
- B. Provides reimbursement to the employer for the costs of providing the training and additional supervision related to the training; and
- C. Is limited in duration as appropriate to the occupation for which the participant is being trained

Customized training is competitively procured group training, in lieu of individual training accounts, that is designed to meet the specific and unique needs of an employer. Customized training should be considered when available training programs and/or curricula do not meet the specific training requirements of employer(s)

Participant Eligibility: For an individual to qualify for CJT under the WIOA guidelines, he/she will:

- A. Lived in Arizona
- B. Have enrolled with the local workforce development area WIOA Adult or Dislocated Worker programs
- C. Have completed an initial assessment or evaluation and have been determined to need training to find employment

- D. Unlikely or unable to attain employment that leads to economic self-sufficiency as defined by the current Lower Living Standard Income Level or wages comparable to or higher from previous employment through career services
- E. Earn less than \$20.00 per hour
- F. Have an Individual Employment Plan (IEP) that documents the participant’s interests, abilities, and needs
- G. Is unable to obtain grant assistance from other sources to pay for the cost of training or require WIOA Title I-B assistance in addition to other sources of grant assistance

Employer Eligibility: Eligible employers able to participate in CJT contracting include: private-for-profit businesses, private non-profit organizations, and public sector employers. The employer must:

- A. Be located and conducting business in Arizona
- B. Complete a Customized Training Application and enter into a contract with Maricopa County
- C. Be current in unemployment insurance and workers’ compensation taxes, penalties, and/or interest or related payment plan
- D. Be in need of assistance in training future and current employees
- E. Be able to contract for customized, short-term, training services (typically less than 6 months); and
- F. Not have laid-off workers within 120 days to relocate

An employer will NOT be eligible to receive WIOA CJT training reimbursements if:

- A. The employer has any other individual on layoff from the same or substantially equivalent position
- B. The CJT would infringe upon the promotion of or displacement of any currently employed worker or a reduction in their hours
- C. The same or a substantially equivalent position is open due to a hiring freeze
- D. The positions are for seasonal employment
- E. The position is not full time

Occupational Eligibility: CJT funds must be used on in-demand occupations, as selected by the MCWDB, which lead to employment opportunities enabling the participant to become economically self-sufficient and which will contribute to the occupational development and upward mobility of the participant.

Incumbent Worker Training is defined within WIOA Section 134(d)4(B) as training that is designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment and is conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained.

This type of Incumbent Worker Training provides workers and employers the opportunity to build and maintain a quality workforce. This policy is to establish the rationale and criteria for use and provision of service for the business customer. Incumbent Worker training can be used to:

- A. Avoid layoff of employees; and
- B. Increase the skill levels of employees so they can be promoted within the company and create backfill opportunities for the employers

Worker Criteria: To qualify as an incumbent worker, the individual must:

- A. Live in the State of Arizona;
- B. Meet the Fair Labor Standards Act for an employer-employee relationship; and

- C. Be employed by the contract employer with an established work history for at least six months
- D. When a cohort of incumbent workers is being provided WIOA 20 CFR Section 680.780 states not every employee in the cohort must have an established employment history with the employer for six months or more as long as a majority of those employees being trained do meet the employment history requirement

If the incumbent worker is enrolled in WIOA Title IB Adult and Dislocated Worker program, eligibility standards will need to be met. If the incumbent worker is not currently enrolled in WIOA Title IB Adult and Dislocated Worker program, eligibility standards will not be required. However, this incumbent worker is considered a "reportable individual" according to policy 400.403, Data Integrity and the Customer Participation Cycle, Section III., Definitions.

Business Criteria: All businesses must be located and conducting business within the State of Arizona. Incumbent Worker Training contracts will not be provided to any business that has relocated within the previous 120 days of its application if the relocation has resulted in any employee losing his or her job at the original location. Each business agrees to:

- A. Complete an application that meets the Incumbent Worker Training Assessment Rubric and enter into a contract with Maricopa County;
- B. Demonstrate why and how the training will provide skills necessary to retain or avert layoffs;
- C. Adhere to applicable WIOA Title 1B administrative requirements as well as the nondiscrimination and equal opportunity provisions of the laws;
- D. Provide a Training Development Plan that identifies the training need and competencies that will be achieved for everyone selected to receive the training (provided in application package);
- E. Provide copies of a "Certificate of Completion" for everyone who successfully completes the prescribed training program. Such certificates must contain the individual's name and the class or course completed through training;
- F. Continue to employ an individual upon successful completion of training;
- G. Be available for program monitoring on a scheduled basis; and
- H. Provide quarterly post-training reports, including information on the retention and/or promotions of trainees and the impact training made on the business, for one year after the completion of the training.

Training Criteria: Requested incumbent Worker Training Must not:

- A. Displace any currently employed workers (including a partial displacement such as a reduction in non-overtime work, wage, or employment benefits);
- B. Impair an existing contract for services or a collective bargaining agreement;
- C. Procure, contract for, or incur costs to be paid from WIOA Title IB program funds prior to the start date, as determined by the date when all parties sign the contract;
- D. Include proprietary training specific to a company, unless skills are determined to be transferable to other businesses or industries;
- E. Be used to directly or indirectly assist, promote, or deter union organizing; and
- F. Be used if the organization has internal training programs and/or employee reimbursement programs that are provided to the employees for the requested training.

Application process will identify one or more of the following training criteria that creates benefit to the individual workers participating in training:

- A. Layoff aversion;
- B. Attainment of self-sufficiency as measured by the Lower Living Standard Income Level (LLSIL);

- C. Individual job pathing via promotion pending successful completion of training;
- D. Increased wage pending successful completion of training;
- E. Number of employees participating in the training;
- F. Relationship to the competitiveness of the employer and the employees; or
- G. If essential skills training that addresses abilities, traits and behavior rather than formal technical knowledge training, is required, then the submitted application should demonstrate a programmatic approach that results in an increase in competitiveness of the employee.



Employer Match: Employers participating in Incumbent Worker Training must pay a significant portion of cost of the training for those participants in Incumbent Worker Training. This can be done through both cash and/or in-kind payments. In-kind funds are defined as hourly wages paid to participants while in training. Rules for matching funds are provided in the Uniform Guidance and Department of Labor (DOL) exceptions at 2 CFR 200.306 and 2 CFR 2900.8 respectively.

Section 134(d)(4)(D)(ii) of WIOA provides the minimum amount of employer share in the Incumbent Worker Training is dependent on the size of the employer:

- A. The non-federal share depends on the size of the employer and must not be less than:
- B. Ten percent of the cost for employers with not more than 50 employees;
- C. Twenty-five percent of the cost for employers with more than 50 employees, but not more than 100 employees; and
- D. Fifty percent of the cost for employers with more than 100 employees.

Performance Reports: Performance data will be collected at the end of the contract to ensure employers who are participating in Incumbent Worker Training are fulfilling their commitment to retain training participants after they complete the training program. Tracking will include variables defined in the application form including:

- A. Layoff aversion;
- B. Attainment of self-sufficiency;
- C. Individual job pathing via promotion pending successful completion of training;
- D. Increased wage pending successful completion of training;
- E. Number of employees participating in the training;
- F. Relationship to the competitiveness of the employer and the employees;
- G. Confirmation of successful skills completion;
- H. Within 30 days of completion of training, submit invoices for reimbursement and provide copies of certifications of training completions for each trainee/employee; and
- I. Within 60 days of completion of training, provide work related outcomes (promotions, salary increase, etc.) of employees that participated in training.

  MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD	SECTION/REFERENCE:	POLICY NUMBER:
	ORIGINAL ISSUE DATE: May 13, 2021	REVISION DATE:
	AUTHORIZED BY: Maricopa County Workforce Development Board	
SUBJECT: Monitoring & Oversight Policy		ADDENDA:

Purpose: To provide oversight of program and financial activities through monitoring and technical assistance in compliance with federal and state and county requirements.

Background: The Maricopa County Workforce Development Board (MCWDB) has a responsibility to provide oversight and monitoring of programs and activities supported with funds that flow through the local area’s fiscal agent. This policy is intended to ensure compliance with the Workforce Innovation and Opportunity Act (WIOA) and all state and local requirements while at the same time, providing guidance for continuous improvement and technical assistance.

The MCWDB is committed to ensuring compliance with Sections 183, 184 and 185 of the Workforce Innovation and Opportunity Act; 20 CFR Part 683; 29 CFR Parts 95 and 97, Uniform Administrative Requirements; 2 CFR Part 200; appropriate OMB Circulars and requirements. Oversight includes review of administrative and fiscal requirements, as well as program performance to ensure that the programs achieve intended results, and that grant funds and other assets are adequately safeguarded.

Who should read this Policy: Maricopa County Workforce Development Board (MCWDB), its staff, grantees and their staff, sub-grantees, or other entities providing program services funded through the MCWDB.

Policy

Responsibilities: The MCWDB’s oversight responsibilities of the ARIZONA@WORK-Maricopa County System include, but are not limited to, the following:

Administrative Oversight

1. Compliance with the Shared Governance Agreement as assessed by OEO and DERS
2. One-Stop Center certification
3. Organizational structure
4. Administrative policies and procedures
5. Grievance procedures
6. EEO procedures
7. Subrecipient capacity to provide oversight
8. Americans with Disabilities Act (ADA) compliance
9. Non-discrimination and civil rights provisions
10. Equal opportunity requirements

Program Oversight

Program and special population oversight will be conducted pursuant to the Methods of Oversight as detailed in

this document.

1. WIOA Title I-B Adult, Dislocated Worker, and Youth programs management and standards
2. WIOA Title I-B Adult, Dislocated Worker, and Youth programs policies and procedures
3. WIOA Title I-B Adult, Dislocated Worker and Youth Programs goals and objectives
4. Service delivery under the WIOA Title I-B Adult, Dislocated Worker and Youth programs and WIOA Title I-B Adult and Dislocated Worker Program programmatic such as basic career, individualized career services, and training services, including occupational skills training, Individual Training Accounts, and work-based training activities, such On-the-Job Training, Customize Training, and Incumbent Worker Training, Eligible Training Provider List, and Business Services
5. WIOA Title I-B Youth Programmatic areas such as design framework services, and the 14 program elements;
6. Access to WIOA Title I-B Adult, Dislocated Worker and Youth services
7. Participant eligibility for the WIOA Title I-B Adult, Dislocated Worker, and Youth Programs;
8. An examination of actual expenditures against the cost categories and cost limitations
9. WIOA Title I-B Performance measures and program outcomes (actual versus planned)
10. Services to priority and special populations
11. Record retention and case file maintenance
12. Subrecipient monitoring activities
13. Supportive services and needs-related payments
14. Data analysis
15. Data element validation
16. Self-monitoring activities

Fiscal Oversight – All WIOA transactions

All Fiscal activities and oversight related to WIOA transactions shall with comply with the Uniform Administrative Requirement (2 CFR Part 200) along with all rules, requirements, and regulations of WIOA. In addition, fiscal activities and oversight shall adhere to Maricopa County established policies, procedures, and requirements, including but not limited to the Maricopa County Grant Manual, Maricopa County Internal Policy on Administering Grants, and the Maricopa County Procurement Guide. These documents outline how each of the following are to be carried out, if not already detailed below. The fiscal agent and MCWDB staff are expected to follow these as well as an internal procedures and policies as they set forth to ensure compliance in WIOA transactions.

1. Accounting and reporting systems- The system of recorded shall be the Maricopa County financial system, CGI.
2. Fiscal agent responsibilities and activities- These shall be adhered to as outlined in the Shared Governance Agreement.
3. Fiscal policies and procedures
4. Fiscal plans and agreements
5. Subrecipient monitoring activities
6. Cost allocation and allowability
7. Resource sharing
8. Budget Methodologies
9. Cash management practices
10. Cash disbursement compliance and documentation
11. Internal controls
12. Reporting requirements- All DES reporting requirements shall be adhered to.
13. Closeout procedures

14. Audits
15. Subcontract compliance
16. Program income and reporting
17. Property management – Maricopa County policy A1901 Leasing or Licensing of Real Property from Public or Private Entities shall be adhered to.
18. Record retention – Records retention policy of WIOA and Maricopa County shall be followed.
19. Generally Accepted Accounting Principles (GAAP) adherence
20. Payroll administration – This is managed by the Fiscal Agent, and other entities Maricopa County, including Human Resources. County policy HR2418 shall be followed.
21. Insurance coverage and risk exposure – Maricopa County is self-insured, and as acceptance of the funds is by the Board of Supervisors, Maricopa County local Workforce Area is covered by the BOS through:
 - a. Declaration of Trust for Self-Insured Risk Trust Fund (PDF)
 - b. Funding and Payment of Workers' Compensation Claims - A2223
 - c. Self-Insured Property Coverage and Deductible Policy - A2230
 - d. Policy A2234a - Injury and Illness Prevention Plan
22. Purchasing and procurement processes and procedures (as applicable)

Other

1. At the discretion of the MCWDB, specialized oversight activities may be authorized to investigate allegations of mismanagement, to clarify unusual findings, or to document current conditions. This includes the Maricopa County Internal Audit Office and/or the fiscal agent depending on the nature of the activities. The additional oversight will be in conjunction with the MCWDB staff.

Methods of Oversight

To ensure compliance with the WIOA and Federal Regulations, the MCWDB shall annually review each contract during the Program Year. Desk reviews will also be conducted periodically as appropriate.. The following activities may be utilized in the local oversight process:

1. On-Site Visit: The MCWDB through its staff or hired contractors will perform fiscal and programmatic monitoring to ensure all funds allocated to the local workforce development area are adequately safeguarded, program performance levels are met, and local subcontractors are programmatically, operationally, and fiscally compliant.

There may be times when a contract is entered into where only a small number of customers (5 or less) are involved in the training. In such cases, it may not be practical or cost effective to conduct an on-site monitoring visit. Therefore, desk monitoring (see below) may be used on a limited basis for contracts of this type. The following are the criteria that must be met for desk monitoring/review to occur:

- A. Contract is for five (5) or less customers;
- B. The total cost of the contract does not exceed \$25,000.00
- C. Adequate documentation is obtained and maintained in the permanent monitoring file to document:

- 1) Eligibility- both programmatically and for training services;
- 2) Time and/or attendance reports;
- 3) Progress reports to document that customer has not dropped out;
- 4) Existence of an Individual Training Account Plan
- 5) Record of completion of training/credit hours earned/passed;

- 6) License or certificate;

- 7) Placement and wage information, where applicable;
 - 8) Financial records (e.g. invoices for payments, amount of Pell Grant where applicable); and
 - 9) Adequate documentation to insure accuracy of information.
- D. There are no known problems with the contractor operations that would warrant an on-site visit; and
- E. The MCWDB has determined and documented that desk monitoring is the most practical means of monitoring the service providers/contractor.

In all cases, desk monitoring/review is to be the exception and not the rule.

2. Desk Review: The MCWDB may perform desk reviews of the WIOA Title I-B programs and related financial and participant data to ensure compliance, to identify potential or recurring problems to prepare for more in-depth on-site visits, and to conduct more systematic and continuous oversight.

3. Random Sampling: The MCWDB may select a pre-defined volume of samples at random to be used to help identify compliance violations, questioned costs, and/or potential weaknesses in performance. Note: All WIOA Title I-B participant data and any other data that contains Personally Identifiable Information (PII) must be handled per the MCWDB Personally Identifiable Information Policy.

4. Surveys: The MCWDB may use surveys to help identify compliance violations, questioned costs, or potential weaknesses in performance, as well as to capture promising practices or the need for technical assistance.

Oversight Resources

The MCWDB will use the following resources to meet their responsibility for oversight and monitoring of program and activities:

1. Monitoring Instrument/Questionnaire(s): The MCWDB has developed written oversight tools to assist in conducting thorough review of WIOA Title I-B programs and activities, taking into consideration the varying requirements of each of the funding streams. The monitoring tool includes at a minimum:

- a) Name of the agency
- b) Name of the individual performing the monitoring
- c) Date of the monitoring
- d) Services or activities provided
- e) Total amount of the contract and sources of the funding
- f) Date(s) of the oversight activity
- g) Staff interviewed
- h) Summary of the results that include program strengths, concerns, deficiencies, and areas where technical assistance may be needed

2. Technical Assistance: The MCWDB through staff or contractors will provide technical assistance, as needed, as a means of improving program operations, facilitating the implementation of corrective

action, or providing information. Assistance may include but is not limited to: special training, discussion of areas of concern, evaluation of program operation, or any combination thereof.

1. OVERSIGHT PROCESS

Activities

The MCWDB oversight activities will include monitoring and will assess the subrecipient and contracted service provider's compliance with federal, state, and local laws, regulations, contract provisions/grant agreements, policies, and official directives and compliance with the appropriate uniform administrative requirements for grants and agreements. Oversight activities will encompass administrative requirements, fiscal, and programmatic monitoring. Depending on the activity, the MCWDB staff and/or the Fiscal Agent shall establish and follow fiscal monitoring and oversight procedures as aligned with the Fiscal Oversight section of this policy.

SCHEDULE

A monitoring schedule will be set and adopted by the board annually. The schedule will list, at a minimum, Service Provider/Contractor names contract number & planned date(s) of review.

REVIEW NOTIFICATION

The MCWDB will provide advance notification to each of its Service Providers /Contractors prior to any on-site review (preferably two weeks in advance of an on-site review).

MONITORING INSTRUMENT/QUESTIONNAIRE

A MCWDB monitoring instrument/questionnaire will be completed for each on-site visit. Procedures at this level will include performance reviews to ensure that performance and customer data will be collected and analyzed for all program activities included, but not limited to:

- A. Administrative,
- B. General compliance, and
- C. Programmatic and fiscal compliance

ON-SITE REVIEW PROCESS

An on-site review is conducted by WCWDB staff or contractors and consists of:

- A. An Entrance Conference to brief Service Provider/Contractor administrators/staff on the scope of the review and to make appropriate arrangements;
- B. A review of administrative, and programmatic systems and transactions;
- C. Performance of test work, based on a review and examination of WIOA Title I_B records and/or interviews, to determine if adequate internal controls and procedures are in place; and
- D. An Exit Conference to apprise Service Provider/Contractor officials of probable Findings and Areas of Concern.

DESK REVIEWS

Desk reviews of the participant files on the Arizona Job Connection System will be completed prior to the onsite visit. All activities and documents required to be uploaded will be reviewed.

Reports & Resolution of Findings

After each review, all findings will be documented in writing and will include a description of the specific non-compliance of federal or State laws, policies, regulations, and/or Grant Agreement. The detailed

written report will note Findings and specify the Act, policy, regulation or contractual provision resulting in the findings. Areas of Concern will include recommended corrective actions to be taken. Results from any monitoring conducted will assist the MCWDB with strategic planning efforts, as this may identify areas needing increased MCWDB focus. These reports can enable the MCWDB to assess program contractor compliance, plan future technical assistance activities, and adjust policies to reflect emerging economic opportunities. In addition, local monitoring reports will be made available for state and/or federal review.

WORKING FILE

During the on-site review, a working file will be maintained. The working file will document all tests performed and all Findings. Findings will be documented in the final report. It will also contain other documentation as deemed appropriate to substantiate that monitoring has occurred. Organization of the file may be by systems reviewed, actual test work performed, or any other method deemed appropriate.

FORMAL MONITORING REPORT

After each review, a monitoring report will be prepared within 30 days from the date of the Exit Conference detailing Findings and corrective actions, or to indicate that there are no Findings. Areas of concern must also be indicate recommended corrective action to be taken. The following elements will be included in the monitoring report:

- A. An identification of all members who participated in the monitoring;
- B. The dates of the review, program area(s), customers and service area(s) covered in the review;
- C. A sequential listing of Findings and Areas of Concern, if applicable. Where Findings are noted, each Finding shall consist of an objective narrative description of the non-compliance of federal or State law, state-level WIOA Title I-B policy, MCWDB policy, regulation, and /or Grant Agreement; and
- D. Each Finding and/or Area of Concern is to be followed by a corrective action which sets forth the most appropriate action to address any deficiency or non-compliance and propose a specific time line for the corrective action to be completed.

FINDINGS

After each review, all Findings will be documented in writing and will include a description of the specific non-compliance of federal or State laws, state-level WIOA Title I-B or MCWDB policies, and/or Grant Agreement. The detailed report will note Finding and specify the statute, regulation, policy, or grant agreement that has been noted as non-compliant. Each Finding will have a corresponding Required Action that identifies what action must be taken or documentation provided and a timeline in order for a Finding to be resolved.

The MCWDB monitor(s) will prepare a summary of findings following any monitoring conducted that is presented for review through MCWDB committees. The respective MCWDB committee(s) will review and provide recommendations to the full board for approval.

AREAS OF CONCERN

Areas of Concern are issues, policies, or practices observed during the review that negatively impact effective contract management or provision of services to participants. They may also be areas that, if not corrected, may lead to an area of non-compliance in the future.. Each Area of Concern must have a corresponding recommendation for improving the issue/practice. Service Providers/Contractors are

encouraged to implement the suggested action for improving/resolving the area of concern issue/practice. If during the review, outcomes observed are sufficiently effective or innovative to warrant “highlighting” in the report, they should be shared with other sub-recipients and contract service providers.

CORRECTIVE ACTION PLAN

The Monitoring Report will be forwarded to the monitored Service Provider/Contractor via a transmittal letter requiring a written response from the Service Providers/Contractors within 30 working days from the day of report. The Service Provider monitored will be required to identify specific corrective action measures to be implemented for each Finding and/or Areas of Concern identified. This Corrective Action Plan must be submitted to the MCWDB monitor(s) within thirty (30) days of the issuance of the Monitoring Report, or as requested in writing by the MCWDB.

Upon receipt of the Service Provider’s Corrective Action Plan (CAP), the MCWDB monitor(s) will review the response and in writing comment on the acceptability of the proposed corrective action. If the corrective action is deemed acceptable, the monitor will recommend to the MCWDB Board or committee that the Finding be deemed resolved. If the CAP or any part thereof is unacceptable, additional corrective action is required. The Finding and/or Area of Concern will remain unresolved until it is approved.

FOLLOW-UP MONITORING AND VERIFICATION OF CORRECTIVE ACTION

Based on the CAP submitted, the MCWDB through staff or contractors will institute follow-up monitoring. Follow-up activities will be conducted within 90 days of the date of the CAP approval as appropriate. A copy of the completed monitoring tool used to conduct the oversight activity will be made available to the monitored entity upon request. During the follow-up monitoring, the review will determine if the corrective action measures and/or documentation were implemented to resolve the noted Finding(s).

Appeal Process

All final determinations may be appealed pursuant to the process according to §683.420 and the process outlined in the MCWDB’s Local Monitoring Appeal Policy.

Access to Records

- A The MCWDB, or its authorized representatives, has the right to access any records in a timely manner consisting of books, documents, papers, computer records, emails, or other records or Sub-Recipients and contract service providers that are relevant to the use of any WIOA Title I-B funds administered by the MCWDB and may also make excerpts, transcripts, and photocopies of documents as appropriate.
- B. Right to access also includes timely access to personnel for interviews and discussions related to reviewed documents.
- C. Right to access is not limited to any required record retention but will last as long as records are retained. Except as otherwise provided, records must be retained for at least three years from date of exit. If any litigation, claim, negotiation, audit or other actions involving the records has begun before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.
- D. Right to access will also include any documents or staff of any service provider that no longer retains their contract. At that point in time the MCWDB will review all files for any compliance

issues. Any compliance issues found will be brought into compliance by that service provider before final payment.

Monitoring Files

Monitoring files will be maintained by the MCWDB for at least 3 years after termination of service or a provided by WIOA or county policies.. A separate file will be maintained for each on-site visit. At a minimum, the file will contain the following records:

- A. The letter announcing the monitoring visit; when an email is used to announce the monitoring visit, a copy of that email shall be retained;
- B. Completed pre-on-site planning documents;
- C. Completed monitoring instrument/questionnaire(s);
- D. Letter and transmitted Monitoring report to Service Provider/Contractor and, if applicable, requiring a corrective action from the Service Provider/Contractor;
- E. Letter to Service Provider/Contractor accepting/rejecting corrective action; and
- F. Working papers to include actual test work performed and documentation to support finding(s) and/or observations.

Service Provider Internal Monitoring

All MCWDB Service Providers, per their contract terms, are expected to perform annual self-monitoring of the customer and fiscal activities undertaken to ensure compliance with the act, CFR’s, OMB Circulars, State regulation, state-level WIOA Title I-B policies, MCWDB policies and procedures, and Grant Agreement provisions. The Service Provider must send the MCWDB a monitoring schedule within the first quarter of its contract period; undertake carry-over client file monitoring within the first quarter; undertake newly enrolled clients and fiscal expenditures no later than early in the third quarter of the contract period; prepare and have available for review by the MCWDB reports regarding the self-monitoring. Service Provider internal monitoring must be completed before the fourth quarter unless specified separately in their contract.. This is to ensure that customer files and/or expenditures associated with them have been resolved, and all contracted activities have been met.

2. REFERENCES

WIOA Section 183
20 CFR Part 683.410
OMB 2 CFR Part 200

3. HISTORY