

**Consortium of Local Elected Officials for
Northwest TN Workforce Development Area**

June 10, 2020 –1:15 pm

Zoom Meeting ID: 861 1576 7643, Password: 674411

Minutes

CLEO Members Present via webinar: Mayor Gary Reasons, Mayor Chris Young, Mayor Benny McGuire, Mayor Brett Lashlee, Mayor Denny Johnson, Mayor Brent Greer

Staff Members Present: Lana Burchfiel, Jennifer Bane, Gina Johnson, Laura Speer, Ginger Powell, Maleia Evans, Lana Wood

Others Present: Jimmy Williamson, Ben Marks, Kristie Bennett, Jamie Franklin

Welcome and Call to Order: Mayor Gary Reasons called the meeting to order, acknowledged that a quorum was present, and reminded members to abstain from discussion and voting in the event of a conflict of interest.

****Materials for all items listed below for consideration were provided to the members ahead of time, presented in the preceding board and CLEO meeting, and are included in the attached handouts. Mayor Reasons opened the meeting for discussion and questions for each item prior to voting.**

Approval of Minutes:

- MOTION: A motion to approve the August 27, 2020 minutes was made by Mayor Denny Johnson and seconded by Mayor Brett Lashlee. All were in favor and the motion carried.

Approval of the Fiscal Agent:

- MOTION: A motion to approve the Northwest TN Workforce Board as the Fiscal Agent for the Northwest TN Workforce Development Area was made by Mayor Denny Johnson and seconded by Mayor Brett Lashlee. All were in favor and the motion carried.

Overview of Northwest TN Workforce Board Budget (VOTE)

- MOTION: A motion to approve the program year 2020 budget as presented and approved by the Northwest TN Workforce Board was made by Mayor Benny McGuire and seconded by Mayor Denny Johnson. All were in favor and the motion carried.

Approval of Northwest TN LEO Interlocal Agreement (VOTE)

- MOTION: A motion to approve changes to the TN LEO Interlocal Agreement, as outlined in red in the attached handout, was made by Mayor Chris Young and seconded by Mayor Benny McGuire. All were in favor and the motion carried.

Approval of Northwest TN LEO and Board Partnership Agreement (VOTE)

- MOTION: A motion to approve changes to the Northwest TN LEO and Board Partnership Agreement, as presented and outlined in red in the attached handout, was made by Mayor Brett Lashlee and seconded by Mayor Denny Johnson. All were in favor and the motion carried.

Approval of Northwest TN Workforce Board Bylaws changes (VOTE)

- MOTION: A motion to approve changes to the Northwest TN Workforce Bylaws as presented and outlined in red in the attached handout was made by Mayor Brett Lashlee and seconded by Mayor Chris Young. All were in favor and the motion carried.

Approval of the Local Plan (VOTE)

- MOTION: A motion to approve the Local Plan was made by Mayor Denny Johnson and seconded by Mayor Brett Lashlee. All were in favor and the motion carried.

Approval of the Regional Plan (VOTE)

- MOTION: A motion to approve the Regional Plan was made by Mayor Brett Lashlee and seconded by Mayor Benny McGuire. All were in favor and the motion carried.

Review of July 1, 2020 Northwest TN Workforce Board Membership Roster: Jennifer Bane reviewed the roster included in the handouts. There have been a few changes to the board roster this year:

- Dr. Randy Shannon, private attorney and principal at the Benton County Technical Center, replaced John Killen as a private sector representative for Benton County.
- Amy McDonald, Director of TN Homeless Solutions, replaced Doug Clark as a representative of a community-based organization.
- Eddie White, Chair of the United Auto Workers Union for Dana in Henry County, replaced Karla Carpenter as a labor representative.
- Jennifer Starks is recently no longer employed with Granges and is now working at Commercial Bank & Trust in Paris so her information will be updated.
- Sandra Woods may also be resigning soon, so a replacement labor representative from Gibson County may be needed in the near future.

We have had low attendance from a few private sector members over the last couple of years. We have reached out to see if they will be able to participate in meetings this year and have received positive responses from most. We will continue to monitor attendance this year.

Review of One-Stop Operator and Career Services Provider (CSP) Contracts: Jennifer Bane stated the 6-month monitoring reports for October 2019 through March 2020 for each are included with the handouts. We are very pleased with both contractors and have only offered minor recommendations for improvement. At this point, we don't foresee a need to re-bid and will instead extend each contract for another year. The biggest opportunity for growth for the CSP is to increase Youth enrollments. Despite recruitment efforts, they have continued to struggle with engaging and retaining Youth participants. We are hopeful that the incentive policy passed by the board will assist with this.

Review of Rural Initiative Funding Projects: Jennifer Bane provided an overview of the report included in the handouts showing the progress made so far towards the projects funded through the rural initiative grant. In Benton County, the hiring event held June 2nd for 2020 graduates interested in participating in a summer work experience program was attended by about 12 employers and 21 students. All but two of the students qualified for the program, so we should make a lot of progress towards our goal. We would like to offer similar events in other counties in the future, but typically we are only able to fund individuals who qualify as a Youth for work experience. The rural funds allowed us to serve Adults as well, making it possible for most everyone who was interested to qualify. It appears that all of the Benton County participants will be eligible as Adults. None of them would have qualified under the more restrictive Youth eligibility criteria.

In Carroll, Lake, and Obion counties we are using the rural initiative grant to fund Certified Production Technician (CPT) classes as the jails. Lake County has completed one class, but unfortunately none of the students earned the full CPT credential. TCAT Newbern was scheduled to start a class in Obion County after the Lake County class completed, but the Sheriff has expressed interest in offering a welding class instead, so we are exploring that possibility. Carroll County started a female class in February but it has been on hold for several weeks due to visitors not being allowed in during COVID-19. Weakley County had just started preparing to send individuals out to work on work-release when COVID-19 arrived, so it has also been on hold. The rural initiative grant doesn't end until September of next year, so there is still time to meet our goals if we are able to get started again within the next few months. If there are any concerns about moving forward with the current programs, please let us know.

Other: Jennifer Bane stated that if we receive the full \$800,000 we applied for under the National Dislocated Worker Grant, the budget included 18 temporary positions, two per county, to assist with clean-up and recovery efforts. If you are interested in having up to two individuals placed in your county, please let me know. They will be employees of Dyersburg State but would report to the county.

With no other business, Mayor Lashlee moved to adjourn, and the motion was seconded by Mayor McGuire.

Respectfully submitted,
Lana Burchfiel, Public Information Specialist

Northwest PY 2020 Budget - DRAFT

6/10/2020

	Total	Admin. (all)	Adult Prg (w/ AT)	DW Prg (w/o AT)	Youth Prg	Prg Total	% of Program Budget	% with additional funds
Estimated Carryover	\$ 489,008.60	\$ 111,471.21	\$ 176,282.00	\$ 45,281.24	\$ 155,974.15	\$ 377,537.39		
PY 20 / FY 21 Funds	\$ 1,995,408.21	\$ 199,540.82	\$ 631,908.67	\$ 535,000.07	\$ 628,958.66	\$ 1,795,867.39		
Total Budget	\$ 2,484,416.81	\$ 311,012.03	\$ 808,190.67	\$ 580,281.31	\$ 784,932.81	\$ 2,173,404.78		
			63%	10%	27%			
IFA Expenses (including OSO)	\$ 156,790.85	\$ 3,488.50	\$ 96,580.48	\$ 15,330.24	\$ 41,391.63	\$ 153,302.35		
Career Service Provider	\$ 806,282.00		\$ 507,957.66	\$ 80,628.20	\$ 217,696.14	\$ 806,282.00		
Board / Fiscal Agent Expenses	\$ 807,874.26	\$ 244,464.88	\$ 354,947.91	\$ 56,340.94	\$ 152,120.53	\$ 563,409.38		
Total Operating Expenses	\$ 1,770,947.11	\$ 247,953.38	\$ 959,486.05	\$ 152,299.37	\$ 411,208.31	\$ 1,522,993.73	70%	52%
Remaining Balance	\$ 713,469.70	\$ 63,058.65	\$ (151,295.38)	\$ 427,981.94	\$ 373,724.50	\$ 272,873.66		
Adult Transfer	\$ -		\$ 354,481.94	\$ (354,481.94)		\$ -		
Revised Balance	\$ 713,469.70	\$ 63,058.65	\$ 203,186.55	\$ 73,500.00	\$ 373,724.50	\$ 272,873.66		
Participant Balance	\$ 650,411.05		\$ 203,186.55	\$ 73,500.00	\$ 373,724.50	\$ 650,411.05	30%	48%
Rural Funding	\$ 237,372.16		\$ 237,372.16	\$ -	\$ -	\$ 237,372.16		
Additional Funds Needed	\$ 499,588.95		\$ 499,588.95	\$ -	\$ -	\$ 499,588.95		
Total Participant Budget	\$ 1,387,372.16		\$ 940,147.66	\$ 73,500.00	\$ 373,724.50	\$ 1,387,372.16		

NWTNWB Budget Items	Detailed Explanation / Purpose	Title I	RESEA	DRA	Total
	Executive Director, Deputy Director, Director of Facilities/IT, Director of Performance/Compliance, Director of Admin. Services, Business Services Representative (2), Compliance Coordinator, Fiscal Coordinator, Public Information Specialist	\$ 335,281.52	\$ 4,484.23	\$ 34,103.86	\$ 373,869.60
Personnel					
Fringe	Social Security, Medicare, FUTA, SUTA, Health Insurance, 401K, Annual Leave	\$ 149,723.56	\$ 1,902.63	\$ 15,056.12	\$ 166,682.31
	Board staff travel costs for the purpose of fulfilling daily responsibilities, and may include overnight costs, when appropriate. Subject to State of TN Travel Regulations.	\$ 29,925.00	\$ -	\$ 1,575.00	\$ 31,500.00
Travel					
Equipment	Replacement laptops, printers / copiers, hard drives, etc. - as needed	\$ 1,504.00	\$ -	\$ -	\$ 1,504.00
Supplies	Office supplies for board staff	\$ 4,476.00	\$ 36.00	\$ 261.00	\$ 4,773.00
Contractual					
<i>Printer / Copier Rental</i>	<i>Konica Minolta for board staff, AJC flyers & brochures, annual reports</i>	\$ 3,357.00	\$ 27.00	\$ -	\$ 3,384.00
<i>OJTs</i>	<i>On-the-Job Training Grants to Employers for Title I Participants</i>	\$ 352,809.20	\$ -	\$ -	\$ 352,809.20
<i>CSP: Staffing & Operations</i>	<i>Title I Adult, Dislocated Worker, and Youth services ITAs, including those used to support RAMP, REAP, and other Registered Apprenticeships, Supportive Services, Work Experience, and Transitional Jobs</i>	\$ 806,282.00	\$ 165,613.00	\$ -	\$ 971,895.00
<i>CSP: Participant Costs</i>	<i>ITAs (including OSO) Title I and RESEA portions of shared infrastructure and additional costs</i>	\$ 736,828.96	\$ -	\$ -	\$ 736,828.96
<i>IFA (including OSO)</i>		\$ 156,790.85	\$ 73,218.29	\$ -	\$ 230,009.14
Other					
	<i>Insurance Policies (D&O, workers comp, contents), Audit, Tax Services, Shredding, Memberships & Dues, Subscriptions (EMSI, Career Ready 101, Career Coach),</i>				
<i>3rd Party Services</i>	<i>QuickBooks</i>	\$ 16,334.00	\$ 24.00	\$ 1,650.00	\$ 18,008.00
<i>Rent</i>	<i>Administrative Office (\$650 per month)</i>	\$ 5,818.80	\$ 46.80	\$ -	\$ 5,865.60
<i>Printing & Publications</i>	<i>AJC Flyers & Brochures, Annual Reports, etc.</i>	\$ 932.50	\$ 7.50	\$ -	\$ 940.00
<i>Communications</i>	<i>Postage, Verizon Data Plans, Vonage Phones, Internet, Conference Calls, Zoom</i>	\$ 13,614.50	\$ 109.50	\$ -	\$ 13,724.00
<i>Building Maintenance</i>	<i>Repair costs, security and building items, etc. - as needed</i>	\$ 186.50	\$ 1.50	\$ -	\$ 188.00
<i>Staff Training</i>	<i>Estimated training costs for 10 board staff</i>	\$ 2,256.00	\$ -	\$ -	\$ 2,256.00
Total Program Costs		\$ 2,616,120.39	\$ 245,470.45	\$ 52,645.98	\$ 2,914,236.82
Administrative Costs		\$ 290,680.04	\$ 27,274.49	\$ 5,714.92	\$ 323,669.46
Total Budget		\$ 2,906,800.43	\$ 272,744.95	\$ 58,360.90	\$ 3,237,906.28
CSP Budget Items	Detailed Explanation / Purpose	Title I	RESEA	DRA	Total
Personnel	Executive Director, Financial Coordinator, Career Services Coordinator (2), Quality Advisor, Career Advisor (7), Employment Specialists (7)	\$ 516,030.15	\$ 105,994.31		\$ 622,024.46
Fringe	DSCC provides State of TN benefits including Medical Insurance, Retirement, 401K Match, Longevity and FICA/FICA Med.	\$ 216,618.95	\$ 44,494.25		\$ 261,113.20
Travel	CSP staff travel costs for the purpose of fulfilling daily responsibilities, and may include overnight costs, when appropriate. Subject to State of TN Travel Regulations.	\$ 26,849.20	\$ 5,514.91		\$ 32,364.11
Equipment		\$ -	\$ -		\$ -
Supplies	Office supplies for CSP staff	\$ 4,695.79	\$ 964.53		\$ 5,660.32
Contractual	Registered Electrical Apprenticeship Preparation (REAP) Program	\$ 25,000.00	\$ -		\$ 25,000.00
Other					\$ -
<i>Participant Costs</i>	<i>ITAs (including RAMP), Supportive Services, Work Experience, Transitional Jobs</i>	\$ 711,828.96	\$ -		\$ 711,828.96

<i>Staff Training</i>	Estimated training costs for CSP staff	\$	2,983.24	\$	612.77		\$	3,596.01
Indirect	Negotiated indirect not to exceed approved indirect cost rate	\$	39,104.67	\$	8,032.23		\$	47,136.90
Administrative Costs		\$	-	\$	-		\$	-
Total Budget		\$	1,543,110.96	\$	165,613.00		\$	1,708,723.96

IFA Budget Items		Detailed Explanation / Purpose	Title I	RESEA	DRA	Total
Personnel		Public Information and IT / Facilities Staff	\$ 19,193.59	\$ 9,028.90		\$ 28,222.49
Fringe		Public Information and IT / Facilities Staff	\$ 3,598.80	\$ 1,692.92		\$ 5,291.72
Travel		Travel for IT / Facilities Staff	\$ 1,199.60	\$ 564.31		\$ 1,763.91
Equipment			\$ -	\$ -		\$ -
Supplies		Shared office and cleaning supplies	\$ 1,719.15	\$ 808.71		\$ 2,527.86
Contractual		One-Stop Operator Contract	\$ 57,349.17	\$ 26,977.76		\$ 84,326.93
Other						
	Rent	Benton, Carroll, Crockett, Dyer, Gibson, Lake, Obion, and Weakley AJCs	\$ 61,926.50	\$ 29,130.99		\$ 91,057.49
	Utilities	Henry and Weakley AJCs	\$ 1,116.22	\$ 525.08		\$ 1,641.30
		Printing & Publications, Postage, Internet, Copier Rentals, Telephone & Fax (across all				
	Communications	nine AJCs)	\$ 9,568.26	\$ 4,501.03	\$ 14,069.29	
		Dues, Subscriptions, Advertising, Janitorial, Secuirty, Maintenance, and Repair Services				
	3rd Party Services	(across all nine AJCs)	\$ 4,242.13	\$ 1,995.55	\$ 6,237.68	
Indirect		Included in OSO contract	\$ -	\$ -	\$ -	
Administrative Costs		Included in OSO contract	\$ -	\$ -	\$ -	
Total Budget			\$ 159,913.42	\$ 75,225.25	\$ 235,138.67	

**NORTHWEST TN LOCAL ELECTED OFFICIALS CONSORTIUM
INTERLOCAL AGREEMENT**

**Local Workforce Development Area for
Benton, Carroll, Crockett, Dyer, Gibson, Henry, Lake, Obion, and Weakley Counties**

Purpose of the Interlocal Agreement:

As noted in Sec. 107(c)(1)(B)(i) of the Federal Public Law 113-128, the Workforce Innovation and Opportunity Act, and in Final Rule 680.100(b), when a Local Workforce Development Area (LWDA) includes more than one unit of government, the Local Elected Officials, hereby known as LEOs, of each unit shall execute a written agreement that specifies the respective roles and liability of the individual LEO. This Local Elected Officials Consortium Agreement, hereby known as the "Agreement" is entered into by and between the LEOs of the following counties in Tennessee: Benton County, Carroll County, Crockett County, Dyer County, Gibson County, Henry County, Lake County, Obion County, and Weakley County, political subdivisions of the State of Tennessee; pursuant to Title I of Public Law 113-128 (Workforce Innovation and Opportunity Act enacted July 22, 2014) which amends the Title I of Public Law 105-220 (Workforce Investment Act of 1998).

Whereas, Federal Public Law 113-128, the Workforce Innovation and Opportunity Act (WIOA) Title I enacted by the Congress of the United States and signed into Law by the President of the United States has prescribed a unified workforce development system that will in accordance with Sec. 2 (6) for purposes of subtitle A and B of Title I, to provide workforce investment activities that increase the employment, retention, and earnings of participants, and increase attainment of recognized postsecondary credentials by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers and enhance the productivity and competitiveness of the Nation; and,

Whereas, in accordance with WIOA Sec.106(b)(2) the Governor shall approve a request for initial designation as a Local Workforce Development Area for any area that was designated as a local area for purposes of the Workforce Investment Act of 1998 who performed successfully and sustained fiscal integrity for the 2-year period preceding the date of enactment of this Act. Further, to promote the effective delivery of workforce investment activities, Sec.107(c)(2)(B)(i) provides that the LEOs of general local governments may execute an Agreement that specifies the respective roles of the local elected officials; and,

Whereas, the county legislative body of each of the parties to this Agreement desires that its county be included in a regional workforce development program to avail its citizens of the benefits of WIOA; and,

Whereas, as of the effective date, the Governor has designated the parties to this Agreement as a Local Workforce Development Area (LWDA) for the purpose of the Workforce Innovation and Opportunity Act; and,

Whereas, the parties to this Agreement are fiscally liable for the expenditures of WIOA grant funds as noted in WIOA Sec. 107(d)(12)(B)(i)(I); and,

Whereas, the local elected officials, within the meaning of the Workforce Innovation and Opportunity Act, are the County Mayors of each county referenced above; and,

Whereas, WIOA requires the establishment of a Local Workforce Development Board (LWDB) to provide policy guidance for, and exercise oversight with respect to, activities under the workforce development program for its workforce development region in partnership with the general local governments within its LWDA; and,

Whereas, it is the responsibility of the ~~Chief Local Elected Official~~ ~~County Mayor of each county~~ in the LWDA to appoint members of the Local Workforce Development Board from the individuals nominated or recommended to be such members in accordance with the WIOA Sec. 107, subsection (b) and through an Agreement entered into by the County Mayor of each county; and,

Whereas, it is the responsibility of the Local Workforce Development Board, in accordance with an agreement with the Local Elected Official of each county in the Local Workforce Development Area, to determine procedures and policies so as to develop a WIOA local plan, and, if determined by the State in accordance with Sec. 106 (a)(1), the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and local elected officials from such other local areas in the preparation and submission of a regional plan as described in Sec. 106 (c)(2); and,

Whereas, it is the responsibility of such officials under this title to carry out any other responsibilities under this title including, but not limited to additional functions described in Sec.107(d) including workforce research and regional labor market information; convening, brokering, leveraging; employer engagement; career pathways development; proven and promising practices; technology; program oversight; negotiation of local performance accountability measures; selection of operators and providers; coordination with education providers; budget and administration; and accessibility for individuals with disabilities.

Now, therefore, the parties agree as follows:

1. Establishment of the Local Northwest Tennessee Local Elected Officials Consortium (NWTN LEO)
This multi-jurisdictional arrangement (hereinafter called the “NWTN LEO Consortium”) among all the parties hereto for the express purpose of collectively carrying out the individual responsibilities of each party to this agreement under the WIOA. The NWTN LEO Consortium shall consist of the County Mayor or their successors from the nine (9) member counties, each voting as an individual entity.
2. Identification of Parties to this Agreement
Each of the parties to this Agreement is a county of the State of Tennessee, and as such are general purpose political subdivisions of the State of Tennessee which have the power to levy taxes and spend funds, as well as general corporate and police powers. The governing body of each of the parties to this Agreement is its County Legislative Body and each party is identified as follows:

County Legislative Body Benton County, Tennessee
County Legislative Body Carroll County, Tennessee
County Legislative Body Crockett County, Tennessee
County Legislative Body Dyer County, Tennessee
County Legislative Body Gibson County, Tennessee
County Legislative Body Henry County, Tennessee
County Legislative Body Lake County, Tennessee
County Legislative Body Obion County, Tennessee
County Legislative Body Weakley County, Tennessee
3. Geographical Area to be Served by this Agreement
The geographical area which will be served by this Agreement are the entire geographical areas of each of the nine (9) member counties.
4. Local Workforce Development Area Designation
Pursuant to the designation by the Governor, the nine (9) counties constituting the NWTN LEO Consortium shall be a Local Workforce Development Area (LWDA) as provided for in Section 106 of Title I of the WIOA for the geographical area covered by this Agreement.
5. Size of the Population to be Served
The population of the nine (9) county area to be served by this Agreement is 249,581 based upon TN Department of Labor and Workforce Development, Research Statistics Division 2016 US Census.

6. Designation of Single Grant Recipient and Chief Local Elected Official

The parties to this Agreement agree that a Chief Local Elected Official shall be selected to serve as Chairperson by the body of LEOs and shall serve as the Grant Recipient, acting on behalf of the other LEOs to execute any documents as may be reasonably necessary to implement the provisions of the WIOA, **including signing contracts related to the expenditure of WIOA funds**. A Vice-Chairperson may be selected by the body of LEOs and may be authorized to act on behalf of the Chairperson with the Chairperson's written authority to do so.

- *Appointment process and term of the Chief Local Elected Official*

The Chief Local Elected Official, elected as Chairperson, and the Vice-Chairperson, shall serve a term of four (4) years beginning from his/her date of election and can succeed him- or herself at the agreement of the other LEOs or until the CLEO properly notifies the body of LEOs of the intent to no longer serve. A new Chairperson will be selected by a 65% supermajority vote of the body of LEOs.

The LEOs of this Agreement, may by a **66.5%** supermajority vote at a meeting, at which a quorum is present, remove any officer when, in its judgment, the best interest of the LWDA will be served thereby **or when the officer is believed to not be performing his/her function, including compliance with conflict of interest requirements and attendance expectations**. Intent to recall or remove an officer must be stated in the call of the meeting with notice provided to the officer to be removed and all other voting members at least five (5) days prior to the meeting. **The State Workforce Development Board must be notified immediately of a change in the CLEO role.**

- *Designation of the CLEO to serve as the signatory authority for the LEO*

The CLEO shall be empowered to sign all legal and non-legal documents on behalf of the LEOs, as designated signatory authority. The CLEO may delegate signatory authority to the VCLEO for when necessary, or for convenience.

- *Decisions that may be made by the CLEO on behalf of the LEOs*

The CLEO shall in general be primarily responsible for the management of the programmatic and administrative affairs of the LEOs and for implementing the policies and directives of the LEOs; shall preside at all meetings of the LEOs; and have authority to sign contracts, proposals, plans, or other instruments which may be reasonably necessary to implement the provisions of WIOA, except in cases where the signing and execution thereof shall be expressly delegated or required by law to be otherwise signed or executed. The CLEO and VCLEO will serve as members of the Executive Committee and Board of Directors of the Northwest TN Workforce Board, Inc., representing the interest of the LEOs and making decisions on behalf LEOs as relates to and in conjunction with the Northwest TN Workforce Board, Inc.

- *The name, title, and contact information of the appointed CLEO*

The following were elected June 22, 2018:

Chief Local Elected Official:

Gary Reasons, Mayor of Crockett County

1 South Bells, Suite 3

Alamo, TN 38001

(731) 696-5460

crockettcountymayor@gmail.com

Vice Chief Local Elected Official:

Chris Young, Mayor of Dyer County

Dyer County Courthouse

PO Box 1360

Dyersburg, TN 38024

(731) 286-7800

countymayor@co.dyer.tn.us

Election of a New County Mayor: Within thirty (30) business days of the election of a newly-elected CLEO or LEO, either participating as a signatory on the Agreement or as a participating LEO, the LWDB must inform the new LEO of the responsibilities and liabilities, as well as the need to review and update any written agreements among the LEOs. Once the newly elected LEO has had an opportunity to review the Interlocal Agreement, the LEO shall submit an addendum acknowledging that he or she has read, understands, and will comply with this LEO Agreement, and reserves the option to request negotiations to amend the LEO Agreement at any time during the official's tenure as a LEO. Newly elected LEO/CLEO will be included as Appendix B, if applicable.

This agreement will be reviewed within ninety (90) days of a county mayor election to determine if updates are required.

7. Designation of Fiscal Agent

In accordance with WIOA Sec. 107(d)(12)(B)(i)(II), the CLEO may designate an entity to serve as local fiscal agent. *Such designation does not relieve the CLEO of the liability for any misuse of grant funds as apportioned in this Agreement.* The parties to this Agreement have agreed the **Northwest Tennessee Workforce Board, Inc. (NWTNWB) shall serve as Fiscal Agent for the Northwest TN Local Workforce Development Area.** The name, representation, contact information and signature of the Fiscal Agent is included as Appendix A.

In general, Northwest Tennessee Workforce Board, Inc. as the Fiscal Agent for the Consortium of Local Elected Officials will be responsible for the following functions:

- Receive funds
- Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA and the corresponding Federal Regulations and State policies
- Respond to audit financial findings
- Maintain proper accounting records and adequate documentation
- Prepare financial reports
- Provide technical assistance to sub-recipients regarding fiscal issues
- Procure contracts or obtain written agreements
- Conduct financial monitoring of service providers
- Ensure independent audit of all employment and training programs

Additionally, to prevent a lapse in services in the event of a delay in the receipt funding from the Tennessee Department of Labor and Workforce Development, the Fiscal Agent is authorized to secure a line of credit. The line of credit may only be secured upon the approval of the Consortium of the Local Elected Officials for the specified amount. Once secured, the line of credit may only be utilized with the approval of the Consortium of the Local Elected Officials for the specified amount, and only if the grant funds have been authorized and obligated. Two signatory authorities must sign to access the line of credit. In the event a line of credit is secured and utilized, if a default were to occur, Parties agree to distribute such liability among the parties in proportion to the most recent population estimates available from the U.S. Bureau of the Census at such time that any repayment of funds is required.

8. Liability and Resolving Disallowed Costs

In general, liability for costs rests with the entity responsible for incurring the cost and recovery will be pursued with such entity for any disallowed cost. In the event the responsible entity cannot or will not assume liability for disallowed cost, the parties to this Agreement agree to share liability for the expenditures of funds made available under the WIOA to this local area, in accordance with Sec. 107(d)(12)(B)(I) of the WIOA. Parties agree to distribute such liability among the parties in proportion to the most recent population estimates available from the U.S. Bureau of the Census at such time that any repayment of funds is required. The Fiscal Agent will calculate such liability based on the population estimates and present to the Chief Local Elected Official, who will provide a copy of documentation of all

disallowed costs, to the LEO Consortium. Funds will be reimbursed to the TN Department of Labor and Workforce Development as required.

9. Affirmation, Composition, and Appointment of the Local Workforce Development Board (LWDB)

WIOA Section (107)(c)(1)(A) authorizes LEOs to appoint the members of the LWDB in accordance with the criteria established under Section 107(b) of the WIOA. Authority to appoint members to the LWDB lies solely with the Chief Local Elected Official. As ex-officio members of the Board, the local elected officials have all rights and privileges stated within the by-laws of the Northwest TN Workforce Board, Inc.

Membership: The number of the members of the Board shall be not less than the minimum number required under the Act as set forth in the Workforce Innovation and Opportunity Act of 2014, as amended from time to time. The number of members may be increased or decreased from time to time by the chief elected officials of the counties within the LWDA, but no decrease shall have the effect of shortening the term of an incumbent officer or member or reducing the number of members below the minimum number required under the Act.

The Local Elected Official of each of the counties encompassed within the LWDA ~~shall appoint the~~ **may solicit nominations of** members of the Board in accordance with the criteria established by the Governor of the State of Tennessee as described in Workforce Services Policy ~~#16-11~~ – Local Governance, as amended from time to time, **and in accordance with the requirements of LWDB composition as described below.**

A majority of the members of the local board shall be representatives of the private sector as described in paragraph (2)(A) in the WIOA, Section 107. The local elected officials within the LWDA may execute an agreement that specifies the respective roles of the individual local elected officials (a) in the appointment of the members in accordance with the criteria established as provided below; and (b) in carrying out any other responsibilities assigned to such officials under the Workforce Innovation and Opportunity Act of 2014.

The Governor, in partnership with the State board, shall establish criteria for use by chief local elected official in the LWDA for appointment of members of the Board. Such criteria shall require that, at a minimum—

- A. Representatives of Business** - a minimum of 51% of the members of each local board shall be representatives of business in the local area, who—
 - (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
 - (ii) represent businesses, including small businesses (at minimum 2 members), or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and
 - (iii) are appointed from among individuals nominated by local business organizations and business trade associations;
- B. Labor Organization Representatives** - A minimum of 20% of the membership shall be representatives of the workforce within the local area, who—
 - (i) shall include **two (2) or more** representatives of labor organizations nominated by local labor federations in local areas where employers are represented by labor organizations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;
 - (ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;

- (iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
 - (iv) may include (optional) representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of WIOA eligible youth, including representatives of organizations that serve out of school youth;
- C. Representatives of Education & Training** - each local board shall include representatives of entities administering education and training activities in the local area, who—
- (i) shall include a representative of eligible providers administering adult education and literacy activities under WIOA title II;
 - (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);
 - (iii) may include (optional) representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;
- D. Representatives of Government, Economic and Community Development** - each local board shall include representatives of governmental and economic and community development entities serving the local area, who—
- (i) shall include a representative of economic and community development entities;
 - (ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
 - (iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;
 - (iv) may include (optional) representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and
 - (v) may include (optional) representatives of philanthropic organizations serving the local area; and
- E. Discretionary Representatives** - each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

SPECIAL RULE.—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (c), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

Terms: The terms of the Board membership shall be four (4) years. Member terms will be staggered so all terms do not expire at the same time. Members in good standing will automatically renew for an additional four (4) year term until the Board member properly notifies the Chairman of the Board of the intent to no longer serve.

Nomination: Nominations shall be solicited by the Chief Local Elected Official from entities of business, government or community development. Nominations must come from the heads of organizations—specifically those representing businesses, labor, education, and economic and community development—to align the workforce and education needs within the State. The CLEO acts as the signatory on behalf of the other LEOs and has final authority to select members to serve on the LWDB. To approve the nomination of each individual selected to serve on the LWDB, the following documentation is required:

- A Nomination Form signed by the CLEO; and
- A Conflict of Interest Form signed by the nominee to the LWDB; and

- A recommendation letter from the head of the organization the nominee represents, a Chamber of Commerce within the LWDA, or the LEO for the nominee's county. This letter must identify the individual being nominated and must also acknowledge the nominee's optimum policymaking authority.

~~There are three (3) types of board representatives that require uniquely mandated nominations. These are representatives for Business, Labor and Education. Only organizations specifically involved with these three classifications may nominate such respective board members. Nominations for these three types of board representatives specifically require a Chief Executive Officer or head official from one of the organizations pertaining respectively to business, labor or education to perform the following tasks:~~

- ~~—(a) An appointment form referenced in Section 4 (Appointment) below; and~~
- ~~—(b) A signed letter identifying the individual being nominated by his or her organization. This letter must also acknowledge the nominee's optimum policy making authority and include documentation in the form of curriculum vitae, resume' or work history supporting the qualifications of the nomination;~~
- ~~—(c) Submission of the signed letter to the appointing LEO of the LWDA, and~~
- ~~—(d) A Conflict of Interest form signed by the nominee to the board.~~

~~In furtherance of Workforce Services Policy #16-11 Local Governance and Workforce Services guidance —(Local Workforce Development Board Member Nomination Process)—WIOA, All other recommendations will follow the same procedures outlined above.~~ Additionally, the LWDB officers and CLEOs shall ensure that the composition of the LWDB is fair and equitable across the LWDA, **by requiring at least one (1) nomination per county**, and reflective of the demographics of the LWDA in accordance with the most recent US Census and represents diverse geographic areas within the local area, as much as possible.

Prohibition: Staff to the Board, Fiscal Agent staff, staff employed by One-Stop Operators, and contracted service providers shall be prohibited from both nominating members to the board or serving on the board to avoid conflicts of interest.

Appointment and Certification: LWDB member appointments must be signed by the appointing CLEO and submitted to the Staff to the Board using the appropriate Workforce Development Board Nomination Form. Completed nomination forms **and required documents as listed above** must be submitted to the Tennessee Department of Labor and Workforce Development at Workforce.Board@tn.gov for review. Once the form has been reviewed the Local Board will receive a follow-up letter of certification or denial within **five (5) seven (7)** business days; the letter will also make a request for additional information when submitted documentation is insufficient to make a determination. The member must not be seated on to the Local Board until a certification letter from TDLWD has been received to affirm the nomination.

Change in Status: A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Official immediately as a representative of that entity. Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary.

Mid-Term Appointment: LWDB members replacing out-going individuals at mid-term will serve the remainder of the out-going member term.

Vacancies: Any vacancy occurring on the Board will be filled in a reasonable time period, as defined as the period between the date of resignation and the date of the second subsequent regularly scheduled Board meeting, **no later than the subsequent calendar quarter from the last official day that the member served on the LWDB not to exceed two full quarters**. The CLEOs in a LWDA **is are** authorized to make all reappointments of members. Any action taken by the Board, with a vacancy or term expiration

beyond the time period described in the by-laws must be approved through a waiver from the TDLWD prior to the Board meeting of such action. Waivers are to be requested in writing to the **Assistant Commissioner Administrator** of Workforce Services with an explanation of why a vacancy was not filled in the defined timeframe and a description of the process underway to fill the vacancy.

Removal: Any member of the Workforce Development Board will be removed for cause by the Chief Local Elected Official (CLEO), if any of the following occurs: (a) documented violation of conflict of interest; (b) failure or refusal to work cooperatively with the Board and to abide by the By-Laws as stated in 5.4; (c) documented proof of fraud and/or abuse; (d) failure to meet Board member representation requirements as defined in WIOA; and (e) other causes as determined by the Board. Removal of a member shall also constitute removal as an officer of the Board and as a member of all committees of the Board. Intent to remove a member must be stated in the call of the meeting and be provided to all voting members at least five (5) days prior to the meeting.

Any board member missing three (3) consecutive meetings may be replaced at the sole discretion of the Chief Local Elected Official ~~from the county represented~~.

A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Official immediately as a representative of that entity. Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary.

A Board member subject to removal may appeal by submitting a letter in writing within 30 days of notice of removal to the CLEO stating reasons to remain as an active member of the Board. A committee of LEOs will review the appeal and make a decision prior to the next scheduled date of the Board.

Standing Committees: In accordance with WIOA Section 107(b)(4)(A), the Board may designate and direct the activities of standing committees to provide information and to assist the Board in carrying out activities authorized in this section. **The primary purpose of standing committees shall be to consider and recommend actions—and propose policies—in the functional areas under their jurisdictions, subject to final approval by the LWDB.** Such standing committees shall have a Chair and Vice-Chair representing private business; may include other members of the Board; and shall include other individuals appointed by the Board who are not members and who are determined to have appropriate experience and expertise. At a minimum, the Board may designate each of the following:

- (i) The American Job Center Services Committee;
- (ii) The Outreach and Opportunities Committee;
- (iii) The Executive Committee; and
- (iv) When deemed necessary or appropriate the chairperson of the Board shall have the authority to appoint temporary or ad hoc committees, including the chairperson of said committee, for the purpose of special projects.

Board of Directors: The Board of Directors includes the Chief Local Elected Official, the Vice Chief Local Elected Official, the Board Chairperson, the Vice Board Chairperson and one private sector representative selected by the other Directors from the membership at large. The Board Chairperson will serve as the President, the Vice Board Chairperson as Vice President and the private sector representative as Secretary of the Northwest TN Workforce Board, Inc. The Board of Directors will serve as the administrative authority in oversight of day-to-day operations in conducting the functions of the board and fiscal agent. The Board of Directors shall have the authority to supervise and manage the employees of the Northwest Tennessee Workforce Board, Inc. serving in the capacity of staff to the Board and Fiscal Agent as described in Article VIII. The Board of Directors shall be subject to the order of the Board, and none of its acts shall conflict with these By-laws or stated policies of the Board. The Board of Directors shall be responsible for ensuring board actions comply with federal, state and local laws, regulations and policies.

Relationship Between Chief Elected Officials and the Local Workforce Development Board

~~Local Plan Requirements:~~ ~~Consistent with Section 108, Northwest LWDA, in partnership with the chief elected officials for the local area involved, shall develop and submit a local plan to the Governor that is consistent with the State's Integrated Plan. Upon issuance of guidance from the Tennessee Department of Labor and Workforce Development, the Administrative Entity, in conjunction with the LWDB and LEOs, shall develop all Agreements, Memorandums of Understanding, Assurances and other documents required by Workforce Innovation and Opportunity Act legislation and Tennessee Department of Labor and Workforce Development Workforce Services Division policies. Additionally, the local strategic plan will be developed in accordance with the appropriate Tennessee Center for Performance Excellence Criteria and published for public comment for a minimum of thirty days prior to approval by the LWDB and submission to the State Workforce Board. If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2).~~

~~Workforce System Operator:~~ ~~Consistent with WIOA Section 107(d)(10) and the Workforce Services Policy regarding One-Stop Delivery and Design System, paragraph (D) of the Local Board Responsibilities section, LWDBs, in consultation with the LEOs, are responsible for the oversight and selection of the Operator of the local Workforce System. In accordance with the Regional Planning Council, LWDBs must designate an Operator for their LWDA that will ensure seamless service delivery within each center. Consistent with section 121(d), the local board, with the agreement of a 65% supermajority vote of local elected officials for the local area—~~

- ~~(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and~~
- ~~(ii) may terminate for cause the eligibility of such operators.~~

~~In order to conduct a competitive process for the selection of a one-stop operator in accordance with 121(d)(2)(A), the Board, with the agreement of the LEOs, shall issue a Request for Proposals for a designated time period, with public notice being provided through print media and / or electronic means. Proposals received shall be reviewed by a committee approved by the Board and LEOs. The review committee shall make a recommendation to the Board of Directors for selection of the Operator. The selected Operator shall enter into a contract with the Board as developed by the fiscal agent.~~

~~In the event the Board is selected as a One-Stop Operator, through a competitive process conducted by a third party, the Board shall establish sufficient “firewalls” and conflict of interest policies and procedures consistent with the Workforce Services Policy—WIOA (Conflict of Interest Policy). The Board shall also ensure that all new staff members and providers are informed about this policy, and that appropriate staff members are familiar with it and its requirements in order to prepare state or local plans and the conflict of interest policy.~~

~~Local Board Policy:~~ ~~As the Staff to the Board finds the need to adopt, amend or discard local policy regarding services and functions for consumers of training and educational services allowed by the Workforce Innovation and Opportunity Act, the Staff to the Board will either consult with the Board of Directors, the Executive Committee of the LWDB or present directly to the LWDB on the need for policy implementation or amendment. At such point where it is appropriate, the Executive Committee will make a recommendation to the LWDB, which includes the LEOs of all counties in the LWDA, to respond to the policy consideration. The LWDB, with the ability and flexibility to make decisions regarding local and regional workforce development needs, will adopt or disallow the policy consideration by a majority of its voting members.~~

~~3. Local Board Roles and Responsibilities~~

~~In partnership with the Local Elected Officials and the Local Workforce Development Board, consistent with WIOA Section 108, the following roles and responsibilities will be:~~

- ~~(a) LOCAL PLAN—Develop and submit a Strategic Plan in partnership with the Chief Elected Officials (CEOs) (as defined in 29 USC 3123) within the LWDA for submission to the Governor of the State of Tennessee. If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(e)(2);~~
- ~~(b) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS—In order to assist in the development and implementation of the local plan, the Board shall:~~
 - ~~(i) Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) and regularly update such information; and~~
 - ~~(ii) Assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner Peyser Act, specifically in the collection, analysis, and utilization of workforce and labor market information; and~~
 - ~~(iii) Conduct other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders.~~
- ~~(c) CONVENING, BROKERING, LEVERAGING—The Board shall convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources.~~
- ~~(d) EMPLOYER ENGAGEMENT—The Board shall lead efforts to engage with a diverse range of employers:~~
 - ~~(i) To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Board; and~~
 - ~~(ii) To develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities; and~~
 - ~~(iii) To ensure that workforce development activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and~~
 - ~~(iv) To 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.~~
- ~~(e) CAREER PATHWAYS DEVELOPMENT—The Board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.~~
- ~~(f) PROVEN AND PROMISING PRACTICES—The Board shall lead efforts to:~~
 - ~~(i) Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and~~
 - ~~(ii) Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.~~
- ~~(g) TECHNOLOGY—The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—~~

- ~~(i) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;~~
- ~~(ii) Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;~~
- ~~(iii) Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and~~
- ~~(iv) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.~~
- ~~(h) PROGRAM OVERSIGHT. — The local board, in partnership with the chief elected official for the local area, shall —~~
 - ~~(i) conduct oversight for local youth workforce investment activities authorized under section 129(e), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and~~
 - ~~(ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and~~
 - ~~(iii) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.~~
- ~~(i) NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES. — The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).~~
- ~~(j) SELECTION OF ONE STOP OPERATORS. — Consistent with section 121(d), the local board, with the agreement of the chief elected official for the local area —~~
 - ~~(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and~~
 - ~~(ii) may terminate for cause the eligibility of such operators.~~
- ~~(k) SELECTION OF YOUTH PROVIDERS. — Consistent with section 123, the local board —~~
 - ~~(i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)); based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and~~
 - ~~(ii) may terminate for cause the eligibility of such providers.~~
- ~~(l) IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES. — Consistent with section 122, the local board shall identify and include eligible providers of training services in the local area on the Statewide Eligible Training Provider List which includes cost and performance data.~~
- ~~(m) IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES. — If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.~~
- ~~(n) CONSUMER CHOICE REQUIREMENTS. — Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.~~
- ~~(o) COORDINATION WITH EDUCATION PROVIDERS. —~~
 - ~~(i) IN GENERAL. — The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act~~

~~of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).~~

~~(ii) APPLICATIONS AND AGREEMENTS.—The coordination described in subparagraph (A) shall include—~~

- ~~• consistent with section 232—reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and making recommendations to the eligible agency to promote alignment with such plan; and~~
 - ~~• replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.~~
- ~~COOPERATIVE AGREEMENT.—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.~~

~~(p) BUDGET AND ADMINISTRATION.—~~

~~(i) BUDGET.—The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of chief elected officials.~~

~~(ii) ADMINISTRATION.—~~

~~GRANT RECIPIENT.—~~

- ~~• IN GENERAL.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.~~
- ~~• DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).~~
- ~~• DISBURSAL.—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.~~

~~GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.~~

~~TAX-EXEMPT STATUS.—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.~~

~~(q) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if~~

~~applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one stop centers in the local area.~~

~~Note: Except as provided in sec. 107(g)(1)(B), pursuant to a request from the local board, the Governor may grant a written waiver of training prohibition, no local board may provide training services.~~

~~3.2 Other LWDB roles and responsibilities include:~~

- ~~(a) Elect a private sector business representative as LWDB Chair; and~~
- ~~(b) In accordance with WIOA Section 107(f) the Board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).~~

~~QUALIFICATIONS.—The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.~~

~~LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).~~

~~APPOINTMENT.—Pursuant to the above, the Board of Directors are authorized to appoint an Executive Director of the Northwest Tennessee Workforce Board, Inc. and additional staff to carry out the functions of the Board and Fiscal Agent.~~

- ~~(c) Create an annual report that must be submitted to the State Office as per guidelines established by the TDLWD; and~~
- ~~(d) Promote American Job Center programs and activities; and~~
- ~~(e) Assist the State Office in developing the statewide employment statistics system under the Wagner Peyser Act; and~~
- ~~(f) Coordinate with economic development strategies and establish employer linkages with workforce development activities; and~~
- ~~(g) Carry out regional planning responsibilities as required by the TDLWD; and~~
- ~~(h) Conduct business in an open manner by making available to the public information about the activities of the LWDB, including the local Strategic Plan before submission, membership, designation of the local Workforce System Operator, the awards of grants or contracts, and minutes of LWDB meetings.~~

10. Dispute Resolution

In the event that an impasse should arise between the LEOs regarding **LWDB appointments, budget approval, the terms and conditions, the performance, or administration of this Agreement, or the execution of other responsibilities under WIOA**, the parties agree to attempt to resolve disputes by mutually satisfactory negotiations in lieu of litigation. To this effect, they shall consult and negotiate with each other in good faith, and recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to all parties. If a committee is formed from members of the body to resolve the dispute, the committee shall **be the final adjudicator and** report the resolution to the full LEOs. Continued performance during disputes is assured.

11. Local Board Budget Approval

Annually, in accordance with WIOA Section 107(12)(A), the LWDB will develop the LWDA budget upon notification of allocations from the Tennessee Department of Labor and Workforce Development. The LWDB will approve the budget by majority vote and present to the LEO for approval by a 65% supermajority vote. The Executive Director will advise the Board Chairman and CLEO of additional funding opportunities and special projects between regular meetings and report opportunities and projects to the standing committees for presentation to the full board, including LEOs at regular meetings. **Fiscal oversight and performance reviews will occur quarterly at joint LWDB and CLEO meetings.**

12. Amendment(s)

It is agreed that no modification, amendment or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith. All amendments or changes must be submitted to the Local Workforce Development Board and the Tennessee Department of Labor and Workforce Development.

13. Effective Date

This Agreement and any amendments hereto shall be effective between and among each county adopting this Agreement as of the date of the signing by the CLEO, pursuant to the Governor's designation of the aforementioned nine (9) counties, for execution of activities authorized by the Workforce Innovation and Opportunity Act.

14. Termination/Duration of Agreement

This Agreement becomes effective upon acceptance by all parties for execution of activities authorized by the Workforce Innovation and Opportunity Act and shall remain in force until such time a County Mayor calls for a modification, amendment, alteration of the terms or conditions contained herein or a maximum of two (2) years from the latest fully executed agreement.

15. Communication of LEOs

Whenever a party desires to give notice unto the other, notice must be given in writing or electronic communication. Notices of quarterly meetings of the LWDB will be sent to all LEOs as an invitation to meet jointly in the capacity of ex-officio members with the LWDB. These notices will be sent through electronic means by a designated member of the staff to the Board. Called meetings will be held as deemed necessary and will be coordinated by the CLEO with assistance from staff to the Board. Decisions made by the CLEO as a member of the LWDB Executive Committee and Board of Directors will be included as updates at quarterly meetings of the LWDB. Meeting Agendas are set in consultation with the Board Chair and CLEO and will include Board Committee Reports, as well as, an "Other" agenda item to promote membership contribution **regarding the shared vision, goals, and strategy**. The LEOs serve as ex-officio members of the Northwest TN Workforce Board and are encouraged to attend all meetings to communicate shared goals and assure that the vision and needs of their communities are addressed. Detailed reports are provided to the American Job Center Committee and Outreach and Opportunity Committee to assure resources are utilized for workforce development across the LWDA. The committees report to the full board at quarterly meetings. **LEOs will also meet separately annually.**

16. Oversight and Performance Review

A primary function of the LWDB and LEOs is to provide oversight. The Staff to the Board provide detailed fiscal, monitoring and performance reports **for the LWDA and One-Stop Operator** to the appropriate Standing Committee of the LWDB throughout the year. Each standing committee provides a report to the full LWDB. The Executive Committee, which includes members of the LEOs, reviews the fiscal, monitoring and performance reports to assure the One-Stop system maintains an efficient and effective capacity to serve the LWDA, **and to ensure each county's workforce goals and needs are addresses according to the local plan**. A Financial Status report including budget and expenditures is included on the agenda for each workforce board meeting. In addition to local instruments, the Staff to the Board includes oversight information provided by the State such as Report Cards, Dashboards, Score Cards, etc. to communicate performance related to fiscal, monitoring and oversight of the programs.

This Agreement is entered into by and on the behalf of:

Brett Lashlee, Benton County Mayor

Date

1 Court Square, Room 102

Camden, TN 38320

(731) 584-6011

brett.lashlee@benton.tn.org

Joseph Butler, Carroll County Mayor

Date

625 High Street, Suite 101

Huntingdon, TN 38344

(731) 986-1936

jbutler@carroll.tn.org

Chris Young, Dyer County Mayor

Date

Dyer County Courthouse

PO Box 1360

Dyersburg, TN 38024

(731) 286-7800

countymayor@co.dyer.tn.us

Tom Witherspoon, Gibson County Mayor

Date

Gibson County Courthouse

Suite 200

Trenton, TN 38382

(731) 855-7613

gcmayortomwitherspoon@gmail.com

Brent Greer, Henry County Mayor

Date

101 W Washington St

Paris, TN 38242

(731) 642-5212

bgreer@henrycountyttn.org

Denny Johnson, Lake County Mayor

Date

PO Box 1

Tiptonville, TN 38079
(731) 253-7382
Denny.Johnson@vcourthouse.com

Benny McGuire, Obion County Mayor
PO Box 236
Union City, TN 38261
(731) 885-9611
obioncountymayor@ken-tennwireless.com

Date

Jake Bynum, Weakley County Mayor
116 West Main Street, Room 106
Dresden, TN 38225
(731) 364-5413
countymayor@weakleycountytn.gov

Date

This agreement is effective July 1, 2020 as signified by signature of the Chief Elected Official.

Gary Reasons, Chief Local Elected Official
Crockett County Mayor
1 South Bells, Suite 3
Alamo, TN 38001
(731) 696-5460
crockettcountymayor@gmail.com

Date

Fiscal Agent Contact

In accordance with WIOA Sec. 107(d)(12)(B)(i)(II), the parties to this Agreement have agreed the **Northwest Tennessee Workforce Board, Inc. shall serve as Fiscal Agent for the Northwest TN Workforce Development Area.** The name, representation, contact information and signature of the Fiscal Agent is as follows. By signing this document the Fiscal Agent verifies he/she has read and understands the responsibilities and liabilities of the role as sub-recipient described in WIOA Sec. 107(d)(12)(B)(i)(II). Change in Fiscal Agent will require a new Appendix A signed by all parties.

Jimmy Williamson, President/Chairman
 Northwest TN Workforce Board, Inc.
Jimmy.williamson@att.net
 731-445-1007

Date

Jennifer Bane, Executive Director
 Northwest TN Workforce Board, Inc.
jbane@nwtntworks.org
 731-286-3585

Date

Gary Reasons, Chief Local Elected Official
 Northwest TN Local Elected Official Co

Date

New Local Elected Official or Chief Local Elected Official:

A newly elected Local Elected Official or Chief Local Elected Official shall sign this addendum acknowledging he/she has read, understands and will comply with this LOCAL ELECTED OFFICIALS INTERLOCAL CONSORTIUM AGREEMENT for Northwest Tennessee Workforce Development Area including Benton, Carroll, Crockett, Dyer, Gibson, Henry, Lake, Obion, and Weakley Counties. The newly elected CLEO or LEO reserves the option to request negotiations to amend the LEO Interlocal Consortium Agreement at any time during the official's tenure as a LEO.

_____, County Mayor Date

Address:
 City, State, Zip:
 Phone:
 Email:

Gary Reasons, Chief Local Elected Official Date
 Northwest TN Local Elected Official Consortium

**LOCAL ELECTED OFFICIALS AND
LOCAL WORKFORCE DEVELOPMENT BOARD
PARTNERSHIP AGREEMENT**

**Northwest Tennessee Local Elected Officials
Northwest Tennessee Workforce Board, Inc.**

In accordance with Workforce Innovation and Opportunity Act (WIOA) of 2014, Section 107(b)(1), the Governor, in partnership with the State Workforce Board shall establish criteria for the appointment of Local Workforce Development Board members by the Local Elected Officials. The Tennessee Department of Labor and Workforce Development (TDLWD), as the designated representative of the Governor, provides guidance on the required inclusions of such an agreement. For Northwest TN Workforce Development Area (NWTN WDA), the Local Elected Officials (LEOs) include the county mayors/executives from the following counties in Tennessee: Benton County, Carroll County, Crockett County, Dyer County, Gibson County, Henry County, Lake County, Obion County, and Weakley County.

Whereas, the local elected officials, within the meaning of the Workforce Development Act, are the County Mayors/Executives of each county referenced above; and,

Whereas, the WIOA requires the establishment of a Local Workforce Development Board (LWDB) to provide policy guidance for, and exercise oversight with respect to, activities under the job training program for its workforce development region in partnership with the general local governments within its LWDA; and,

Whereas, ~~per WIOA Section 107(c)(1)(A), it is the responsibility of the Chief Local Elected County Mayor/Executive of each county~~ in the LWDA to appoint members of the Local Workforce Development Board in accordance with the WIOA and an Agreement entered into by the County Mayor of each county.

The following provisions, as included in the Local Elected Official Interlocal Agreement, the Northwest TN Workforce Board Inc. By-laws, Tennessee Department of Labor and Workforce Development Services Policy - ~~Interlocal and Partnership Agreements #6-11~~ and Local Workforce Development Board Nomination Process, are agreed upon by all parties to this agreement:

1. Local Board Membership

WIOA Section (107)(c)(1)(A) authorizes ~~the CLEOs~~ to appoint the members of the LWDB in accordance with the criteria established under Section 107(b) of the WIOA. Authority to appoint members to the LWDB lies solely with the Chief Local Elected Official. As ex-officio members of the Board, the local elected officials have all rights and privileges stated within the by-laws of the Northwest TN Workforce Board, Inc.

Membership: The number of the members of the Board shall be not less than the minimum number required under the Act as set forth in the Workforce Innovation and Opportunity Act of 2014, as amended from time to time. The number of members may be increased or decreased from time to time by the chief elected officials of the counties within the LWDA, but no decrease shall have the effect of shortening the term of an incumbent officer or member or reducing the number of members below the minimum number required under the Act.

The Local Elected Official of each of the counties encompassed within the LWDA ~~shall appoint the~~ ~~may solicit nominations of~~ members of the Board in accordance with the criteria established by the Governor of the State of Tennessee as described in Workforce Services Policy ~~#16-11~~ – Local Governance, as amended from time to time, ~~and in accordance with the requirements of LWDB composition as described below.~~

A majority of the members of the local board shall be representatives of the private sector as described in paragraph (2)(A) in the WIOA, Section 107. The local elected officials within the

LWDA may execute an agreement that specifies the respective roles of the individual local elected officials (a) in the appointment of the members in accordance with the criteria established as provided below; and (b) in carrying out any other responsibilities assigned to such officials under the Workforce Innovation and Opportunity Act of 2014.

The Governor, in partnership with the State board, shall establish criteria for use by chief local elected official in LWDA 12 for appointment of members of the Board. Such criteria shall require that, at a minimum—

- (a) **Representatives of Business** - a minimum of 51% of the members of each local board shall be representatives of business in the local area, who—
 - (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
 - (ii) represent businesses, including small businesses (at minimum 2 members), or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and
 - (iii) are appointed from among individuals nominated by local business organizations and business trade associations;
- (b) **Labor Organization Representatives** - A minimum of 20% of the membership shall be representatives of the workforce within the local area, who—
 - (i) shall include **two (2) or more** representatives of labor organizations nominated by local labor federations in local areas where employers are represented by labor organizations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;
 - (ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;
 - (iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
 - (iv) may include (optional) representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of WIOA eligible youth, including representatives of organizations that serve out of school youth;
- (c) **Representatives of Education & Training** - each local board shall include representatives of entities administering education and training activities in the local area, who—
 - (i) shall include a representative of eligible providers administering adult education and literacy activities under WIOA title II;
 - (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);
 - (iii) may include (optional) representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;
- (d) **Representatives of Government, Economic and Community Development** - each local board shall include representatives of governmental and economic and community development entities serving the local area, who—
 - (i) shall include a representative of economic and community development entities;
 - (ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
 - (iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;

- (iv) may include (optional) representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and
- (v) may include (optional) representatives of philanthropic organizations serving the local area; and
- (e) **Discretionary Representatives** - each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

SPECIAL RULE.—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (c), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

Terms: The terms of the Board membership shall be four (4) years. Member terms will be staggered so all terms do not expire at the same time. Members in good standing will automatically renew for an additional four (4) year term until the Board member properly notifies the Chairman of the Board of the intent to no longer serve. **The CLEO will make all reappointments of LWDB members by one full quarter of the term of expiration.**

Nomination: Nominations shall be solicited by the Chief Local Elected Official from entities of business, government or community development. Nominations must come from the heads of organizations—specifically those representing businesses, labor, education, and economic and community development—to align the workforce and education needs within the State. The CLEO acts as the signatory on behalf of the other LEOs and has final authority to select members to serve on the LWDB. To approve the nomination of each individual selected to serve on the LWDB, the following documentation is required:

- A Nomination Form signed by the CLEO; and
- A Conflict of Interest Form signed by the nominee to the LWDB; and
- A recommendation letter from the head of the organization the nominee represents, a Chamber of Commerce within the LWDA, or the LEO for the nominee’s county. This letter must identify the individual being nominated and must also acknowledge the nominee’s optimum policymaking authority.

~~There are three (3) types of board representatives that require uniquely mandated nominations. These are representatives for Business, Labor and Education. Only organizations specifically involved with these three classifications may nominate such respective board members. Nominations for these three types of board representatives specifically require a Chief Executive Officer or head official from one of the organizations pertaining respectively to business, labor or education to perform the following tasks:~~

- ~~—(a) An appointment form referenced in Section 4 (Appointment) below; and~~
- ~~—(b) A signed letter identifying the individual being nominated by his or her organization. This letter must also acknowledge the nominee’s optimum policy making authority and include documentation in the form of curriculum vitae, resume’ or work history supporting the qualifications of the nomination;~~
- ~~—(c) Submission of the signed letter to the appointing LEO of the LWDA; and~~
- ~~—(d) A Conflict of Interest form signed by the nominee to the board.~~

~~In furtherance of Workforce Services Policy # 16-11 Local Governance and Workforce Services guidancee —(Local Workforce Development Board Member Nomination Process)—WIOA, all other recommendations will follow the same procedures outlined above.~~ Additionally, the LWDB officers and CLEOs shall ensure that the composition of the LWDB reflects the demographics of the LWDA in accordance with the most recent US Census and represents diverse geographic areas within the local area, as much as possible, **by requiring at least one (1) nomination per county,**

Prohibition: Staff to the Board, Fiscal Agent staff, staff employed by One-Stop Operators, and contracted service providers shall be prohibited from both nominating members to the board or serving on the board to avoid conflicts of interest.

Appointment and Certification: LWDB member appointments must be signed by the appointing CLEO and submitted to the Staff to the Board using the appropriate Workforce Development Board Nomination Form. Completed nomination forms ~~and required documents as listed above~~ must be submitted to the Tennessee Department of Labor and Workforce Development at Workforce.Board@tn.gov for review. Once the form has been reviewed the Local Board will receive a follow-up letter of certification or denial within ~~five (5) seven (7)~~ business days; the letter will also make a request for additional information when submitted documentation is insufficient to make a determination. The member must not be seated on to the Local Board until a certification letter from TDLWD has been received to affirm the nomination.

Change in Status: A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Official immediately as a representative of that entity. Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary.

Mid-Term Appointment: LWDB members replacing out-going individuals at mid-term will serve the remainder of the out-going member term.

Vacancies: Any vacancy occurring on the Board will be filled in a reasonable time period, as defined as the period between the date of resignation and the date of the second subsequent regularly scheduled Board meeting, ~~no later than the subsequent calendar quarter from the last official day that the member served on the LWDB not to exceed two full quarters.~~ The CLEOs in a LWDA ~~is are~~ authorized to make all reappointments of members. Any action taken by the Board, with a vacancy or term expiration beyond the time period described in the by-laws must be approved through a waiver from the TDLWD prior to the Board meeting of such action. Waivers are to be requested in writing to the ~~Assistant Commissioner Administrator~~ of Workforce Services with an explanation of why a vacancy was not filled in the defined timeframe and a description of the process underway to fill the vacancy.

Removal: Any member of the Workforce Development Board will be removed for cause by the Chief Local Elected Official (CLEO), if any of the following occurs: (a) documented violation of conflict of interest; (b) failure or refusal to work cooperatively with the Board and to abide by the By-Laws as stated in 5.4; (c) documented proof of fraud and/or abuse; (d) failure to meet Board member representation requirements as defined in WIOA; and (e) other causes as determined by the Board. Removal of a member shall also constitute removal as an officer of the Board and as a member of all committees of the Board. Intent to remove a member must be stated in the call of the meeting and be provided to all voting members at least five (5) days prior to the meeting.

Any board member missing three (3) consecutive meetings may be replaced at the sole discretion of the Chief Local Elected Official ~~from the county represented.~~

A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Official immediately as a representative of that entity. Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary.

A Board member subject to removal may appeal by submitting a letter in writing within 30 days of notice of removal to the CLEO stating reasons to remain as an active member of the Board. A committee of LEOs will review the appeal and make a decision prior to the next scheduled date of the Board.

2. Relationship Between Chief Elected Officials and the Local Workforce Development Board

Local Plan Requirements: Consistent with Section 108, NWTN WDA, in partnership with the ~~local chief~~ elected officials for the local area involved, shall develop and submit a local plan to the Governor that is consistent with the State's ~~Integrated~~ Plan. Upon issuance of guidance from the Tennessee Department of Labor and Workforce Development, the Administrative Entity, in conjunction with the LWDB and LEOs, shall develop all Agreements, Memorandums of Understanding, Assurances and other documents required by Workforce Innovation and Opportunity Act legislation and Tennessee Department of Labor and Workforce Development Workforce Services Division policies. Additionally, the local strategic plan will be ~~developed in accordance with the appropriate Tennessee Center for Performance Excellence Criteria and~~ published for public comment for a minimum of ~~thirty fifteen days prior to~~ upon approval by the LWDB and ~~prior to~~ submission to the State Workforce Board. If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2).

Budget and Approval: Annually, in accordance with WIOA Section 107(12)(A), the LWDB will develop the LWDA budget upon notification of allocations from the Tennessee Department of Labor and Workforce Development. The LWDB will approve the budget by majority vote and present to the LEOs for approval by a 65% supermajority vote. The Executive Director will advise the Board Chairman and CLEO of additional funding opportunities and special projects between regular meetings and report opportunities and projects to the standing committees for presentation to the full board, including LEO at regular meetings.

Workforce System Operator and Service Provider(s): Consistent with WIOA Section 107(d)(10) and the Workforce Services Policy regarding One-Stop Delivery and Design System, paragraph (D) of the Local Board Responsibilities section, LWDBs, in consultation with the LEOs, are responsible for the oversight and selection of the Operator ~~and Career Service Provider(s)~~ of the local Workforce System. In accordance with the Regional Planning Council, LWDBs must designate an Operator for their LWDA that will ensure seamless service delivery within each center. Consistent with section 121(d), the local board, with the agreement of a 65% supermajority vote of local elected officials for the local area—

- (i) shall designate or certify one-stop operators ~~and service providers~~ as described in section 121(d)(2)(A); and
- (ii) may terminate for cause the eligibility of such operators ~~and services providers as documented through regular monitoring and oversight, and reporting to the Board, as outlined in the Board's policies.~~

In order to conduct a competitive process for the selection of a one-stop operator ~~and service providers~~ in accordance with 121(d)(2)(A), the Board, with the agreement of the LEOs, shall issue a Request for Proposals for a designated time period, with public notice being provided through print media and / or electronic means. Proposals received shall be reviewed by a committee approved by the Board and LEOs. The review committee shall make a recommendation to the ~~Board and CLEO of Directors~~ for selection of the Operator ~~and service provider(s)~~. The selected Operator ~~and service provider(s)~~ shall enter into a contract with the Board as developed by the fiscal agent.

In the event the Board is selected as a One-Stop Operator, through a competitive process conducted by a third party, the Board shall establish sufficient “firewalls” and conflict of interest policies and procedures consistent with the Workforce Services Policy - WIOA (Conflict of Interest Policy). The Board shall also ensure that all new staff members and providers are informed about this policy, and that appropriate staff members are familiar with it and its requirements in order to prepare state or local plans and the conflict of interest policy.

Standing Committees: In accordance with WIOA Section 107(b)(4)(A), the Board may designate and direct the activities of standing committees to provide information and to assist the Board in carrying out activities authorized in this section. ~~The primary purpose of standing committees shall be to consider and~~

recommend actions—and propose policies—in the functional areas under their jurisdictions, subject to final approval by the LWDB. Such standing committees shall have a Chair and Vice-Chair representing private business; may include other members of the Board; and shall include other individuals appointed by the Board who are not members and who are determined to have appropriate experience and expertise. At a minimum, the Board may designate each of the following:

- (i) The American Job Center Services Committee;
- (ii) The Outreach and Opportunities Committee;
- (iii) The Executive Committee; and
- (iv) When deemed necessary or appropriate the chairperson of the Board shall have the authority to appoint temporary or ad hoc committees, including the chairperson of said committee, for the purpose of special projects.

Board of Directors: The Board of Directors includes the Chief Local Elected Official, the Vice Chief Local Elected Official, the Board Chairperson, the Vice Board Chairperson and one private sector representative selected by the other Directors from the membership at large. The Board Chairperson will serve as the President, the Vice Board Chairperson as Vice President and the private sector representative as Secretary of the Northwest TN Workforce Board, Inc. The Board of Directors will serve as the administrative authority in oversight of day-to-day operations in conducting the functions of the board and fiscal agent. The Board of Directors shall have the authority to supervise and manage the employees of the Northwest Tennessee Workforce Board, Inc. serving in the capacity of staff to the Board and Fiscal Agent as described in Article VIII. The Board of Directors shall be subject to the order of the Board, and none of its acts shall conflict with these By-laws or stated policies of the Board. The Board of Directors shall be responsible for ensuring board actions comply with federal, state and local laws, regulations and policies.

Local Board Policy: As the Staff to the Board finds the need to adopt, amend or discard local policy regarding services and functions for consumers of training and educational services allowed by the Workforce Innovation and Opportunity Act, the Staff to the Board will either consult with the Board of Directors, the Executive Committee of the LWDB or present directly to the LWDB on the need for policy implementation or amendment. At such point where it is appropriate, the Executive Committee will make a recommendation to the LWDB, which includes the LEOs of all counties in NWTN WDA, to respond to the policy consideration. The LWDB, with the ability and flexibility to make decisions regarding local and regional workforce development needs, will adopt or disallow the policy consideration by a majority of its voting members. All policies will reflect the signature of the LWDB Chair to demonstrate that they have been formally reviewed and approved by the LWDB.

3. Local Board Roles and Responsibilities

In partnership with the Local Elected Officials and the Local Workforce Development Board, consistent with WIOA Section 107(d)8, the following roles and responsibilities will be:

- (a) LOCAL PLAN – Develop and submit a Strategic Plan in partnership with the Local Chief Elected Officials (LCEOs) (as defined in 29 - 29 USC 3123) within the LWDA for submission to the Governor of the State of Tennessee. If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2);
- (b) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS – In order to assist in the development and implementation of the local plan, the Board shall:
 - (i) Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) and regularly update such information; and
 - (ii) Assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act, specifically in the collection, analysis, and utilization of workforce and labor market information; and
 - (iii) Conduct other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders.

- (c) **CONVENING, BROKERING, LEVERAGING** – The Board shall convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources.
- (d) **EMPLOYER ENGAGEMENT** – The Board shall lead efforts to engage with a diverse range of employers:
 - (i) To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Board; and
 - (ii) To develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities; and
 - (iii) To ensure that workforce development activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
 - (iv) To 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).
- (e) **CAREER PATHWAYS DEVELOPMENT** – The Board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
- (f) **PROVEN AND PROMISING PRACTICES** – The Board shall lead efforts to:
 - (i) Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and
 - (ii) Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
 - (i) **TECHNOLOGY** – The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—
 - (ii) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
 - (iii) Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
 - (iv) Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
 - (v) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
- (g) **PROGRAM OVERSIGHT.**—The local board, in partnership with the ~~local chief~~ elected officials for the local area, shall **conduct oversight of the One-Stop System, including all WIOA activities and —**
 - (i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and
 - (ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and
 - (iii) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.

- (h) **NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.**—The local board, the ~~chief local~~ elected officials, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).
- (i) **SELECTION OF ONE-STOP OPERATORS.**—Consistent with section 121(d), the local board ~~and the LEOs~~, with the agreement of the chief elected official for the local area—
- (i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and
 - (ii) may terminate for cause the eligibility of such operators.
- (j) **SELECTION OF YOUTH PROVIDERS.**—Consistent with section 123, the local board—
- (i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and
 - (ii) may terminate for cause the eligibility of such providers.
- (k) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.**—Consistent with section 122, the local board shall identify and include eligible providers of training services in the local area on the Statewide Eligible Training Provider List which includes cost and performance data.
- (l) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.**—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.
- (m) **CONSUMER CHOICE REQUIREMENTS.**—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.
- (n) **COORDINATION WITH EDUCATION PROVIDERS.**—
- (i) **IN GENERAL.**—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).
 - (ii) **APPLICATIONS AND AGREEMENTS.**—The coordination described in subparagraph (A) shall include—
 - consistent with section 232— reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and making recommendations to the eligible agency to promote alignment with such plan; and
 - replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.
- COOPERATIVE AGREEMENT.**—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State

designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

(o) BUDGET AND ADMINISTRATION.—

A. BUDGET.—The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of a 65% supermajority of the local ~~chief~~ elected officials and submitted to the Tennessee Department of Labor and Workforce Development (TDLWD) prior to each program year in accordance with Workforce Services Policy – Local Governance.

(i) ADMINISTRATION.—

GRANT RECIPIENT.—

- IN GENERAL.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.
- DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).
- DISBURSAL.—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

TAX-EXEMPT STATUS.—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

(p) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.— The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.), of all one stop centers in the local area. Assessments will be formally conducted through the certification process, to include an ADA review from Vocational Rehabilitation. Continued compliance will be ensured through monitoring and oversight of the One-Stop Operator and service provider(s), which may include periodic site visits.

Note: Except as provided in sec. 107(g)(1)(B), pursuant to a request from the local board, the Governor may grant a written waiver of training prohibition, no local board may provide training services.

Other LWDB roles and responsibilities include:

- (a) Elect a private-sector business representative as LWDB Chair; and
- (b) In accordance with WIOA Section 107(f) the Board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).

QUALIFICATIONS.— The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

APPOINTMENT.—Pursuant to the above, the Board of Directors are authorized to appoint an Executive Director of the Northwest Tennessee Workforce Board, Inc. and additional staff to carryout the functions of the Board and Fiscal Agent.

- (c) Create an annual report that must be submitted to the State Office as per guidelines established by the TDLWD; and
- (d) Promote American Job Center programs and activities; and
- (e) Assist the State Office in developing the statewide employment statistics system under the Wagner-Peyser Act; and
- (f) Coordinate with economic development strategies and establish employer linkages with workforce development activities; and
- (g) Carry out regional planning responsibilities as required by the TDLWD; and
- (h) Conduct business in an open manner by making available to the public information about the activities of the LWDB, including the local Strategic Plan before submission, membership, designation of the local Workforce System Operator, the awards of grants or contracts, and minutes of LWDB meetings.

4. Communication

Whenever a party desires to give notice unto the other, notice must be given in writing or electronic communication. Notices of quarterly meetings of the LWDB will be sent to all LEOs as an invitation to meet jointly with the LWDB. These notices will be sent through electronic means by a designated member of the staff to the Board. There will be one meeting designated as the annual meeting for the purpose of receiving annual reports from the Administrative Entity, electing officers of the Board and transacting any other Board business. Called meetings will be held as deemed necessary and will be coordinated by the Board Chair or CLEO with assistance from staff to the Board. Meeting Agendas are set in consultation with the Board Chair and CLEO and will include Board Committee Reports, as well as, an “Other” agenda item to promote membership contribution. The LEOs serve as ex-officio members of the Northwest TN Workforce Board and are encouraged to attend all meetings to communicate shared goals and assure that the vision and needs of their communities are addressed. Detailed reports are provided to the American Job Center Committee and Outreach and Opportunity Committee to assure resources are utilized for workforce development across the LWDA. The committees report to the full board at quarterly meetings.

5. Oversight and Performance Review

A primary function of the LWDB and LEOs is to provide oversight. The Staff to the Board, including the Executive Director, Director of Finance & Administrative Services, and the Director of Performance & Compliance, provide detailed fiscal, monitoring, and performance reports for the LWDA and One-Stop Operator to the appropriate Standing Committee of the LWDB throughout the year. Each standing committee provides a report to the full LWDB. The Executive Committee, which includes members of the LEOs, reviews the fiscal, monitoring, and performance reports to assure the One-Stop system maintains an efficient and effective capacity to serve the LWDA, and to ensure each county's workforce goals and needs are addresses according to the local plan. A Financial Status report including budget and expenditures is included on the agenda for each workforce board meeting. In addition to local instruments, the Staff to the Board includes oversight information provided by the State such as Report Cards, Dashboards, Score Cards, etc. to communicate performance related to fiscal, monitoring and oversight of the programs.

6. Amendments, Changes, Term, Disputes and Election

Modification, Amendment or Alteration: It is agreed that no modification, amendment or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith. Any amendment or change to the Partnership Agreement, notice of an election of a new CLEO/LEO or notice of an election of a new

LWDB Chair shall be maintained by the LWDA Staff to the Board and be available for review by the Tennessee Department of Labor and Workforce Development.

Effective/Termination/Duration of Agreement: This Agreement and any amendments hereto shall be effective between and among each county adopting this Agreement as of the date of the signing by the CLEO and Board Chair, pursuant to the Governor's designation of the aforementioned 11 counties, for execution of activities authorized by the Workforce Innovation and Opportunity Act. This Agreement becomes effective upon acceptance by all parties for execution of activities authorized by the Workforce Innovation and Opportunity Act and shall remain in force until such time as the Chief Local Elected Official or Board Chairman calls for a modification, amendment, alteration of the terms or conditions contained herein or a maximum of ~~two (2) five (5)~~ years from the latest fully executed agreement.

Dispute Resolution: In the event that an impasse should arise between the LEOs regarding the terms and conditions, the performance, or administration of this Agreement, the parties agree to attempt to resolve disputes by mutually satisfactory negotiations in lieu of litigation. To this effect, they shall consult and negotiate with each other in good faith, and recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to all parties. If a committee is formed from members of the body to resolve the dispute, the committee shall ~~be the final adjudicator and~~ report the resolution to the full LEO. Continued performance during disputes is assured.

Election: A newly elected Board Chair or CLEO, either participating as a signatory on the Agreement or as a participating LEO, shall submit an addendum acknowledging that he or she has read, understands, and will comply with this ~~LEO~~ Agreement, and reserves the option to request negotiations to amend the Partnership Agreement at any time during the official's tenure as a LEO.

7. **Authorized Signatures**

This Agreement shall be effective July 1, 2020–~~June 30, 2022~~, and is entered into by and on the behalf of:

Jimmy Williamson, Chairman, Northwest TN Workforce Board, Inc.

Date

1230 S Main
Dyersburg, TN 38024
(731) 288-6001
jimmy_williamson@att.net

**Gary Reasons, Chief Elected Official, Northwest TN Consortium of LEO
Crocket County Mayor**

Date

1 South Bells, Suite 3
Alamo, TN 38001
(731) 696-5460
crockettcountymayor@gmail.com

**BYLAWS FOR THE
NORTHWEST TENNESSEE WORKFORCE BOARD
LOCAL WORKFORCE DEVELOPMENT AREA**

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Article I: Name & Establishment

§ 1.1 Name: This body shall be known as Northwest Tennessee Workforce Board, Inc., Northwest Tennessee Local Workforce Development Board (NWTN LWDA); hereinafter referred to as “the Board”. The Board is established in accordance with Workforce Innovation and Opportunity Act of 2014 (WIOA), Section 107(b)(2) as an entity within Tennessee’s workforce development system.

Article II: Location

§ 2.1 Location: The principal office of the Board shall be located at 208 North Mill Avenue in Dyersburg, Tennessee, 38024. The Board may have such other offices, either within or without the State of Tennessee, as the Board of Directors may designate or as the affairs of the Board may require.

Article III: Mission and Purpose

§ 3.1 Mission and Purpose of the Board: The purpose of this body is to provide policy guidance and exercise oversight with respect to activities under the Workforce Innovation and Opportunity Act of 2014 (WIOA) (or subsequent federal law) in partnership with the units of local government for Northwest TN LWDA. The Board is organized and shall be operated exclusively for charitable, scientific, literary and educational purposes. This Board supports WIOA activities that develop a quality workforce system to meet the needs of area employers and job seekers, so that Northwest Tennessee is an area where business and industry thrive based on the availability of a skilled workforce and a robust talent pipeline, and where increasing wealth fuels prosperous communities and a high quality of life.

In furtherance of such purposes, the Board intends to operate in the Local Workforce Development Area, established by the Governor of the State of Tennessee, encompassing Benton, Carroll, Crockett, Dyer, Gibson, Henry, Lake, Obion, and Weakley counties of Tennessee.

§ 3.2 Term of the Bylaws: The term of the bylaws cannot exceed two (2) years. These bylaws are effective beginning July 1, 2020 with an end date of June 30, 2022.

Article IV: Functions of Local Board

§ 4.1 Roles and Responsibilities: Consistent with WIOA section 107(d)8, in partnership with the Local Elected Officials (LEOs) the following roles and responsibilities of the functions of the local board shall include the following:

- (1) LOCAL PLAN – Develop and submit a Strategic Plan in partnership with the Chief Local Elected Officials (CLEOs) (as defined in 29 - 29 USC 3123) within the LWDA for submission to the Governor of the State of Tennessee. If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2);
- (2) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS – In order to assist in the development and implementation of the local plan, the Board shall:
 - A. Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) and regularly update such information; and
 - B. Assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act, specifically in the collection, analysis, and utilization of workforce and labor market information; and

- C. Conduct other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders.
- (3) CONVENING, BROKERING, LEVERAGING – The Board shall convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources.
- (4) EMPLOYER ENGAGEMENT – The Board shall lead efforts to engage with a diverse range of employers:
 - A. To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Board; and
 - B. To develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities; and
 - C. To ensure that workforce development activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
 - D. To 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).
- (5) CAREER PATHWAYS DEVELOPMENT – The Board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
- (6) PROVEN AND PROMISING PRACTICES – The Board shall lead efforts to:
 - A. Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and
 - B. Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
- (7) TECHNOLOGY – The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—
 - A. Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
 - B. Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
 - C. Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
 - D. Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
- (8) PROGRAM OVERSIGHT.—The local board, in partnership with the ~~chief~~ local elected officials for the local area, shall **conduct oversight of the One-Stop System, including all WIOA activities and** —
 - A. (i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and
 - (ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and
 - B. for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.

(9) NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—The local board, the ~~chief-local~~ elected officials, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).

(10) SELECTION OF OPERATORS AND PROVIDERS.—

- A. SELECTION OF ONE-STOP OPERATORS.—Consistent with section 121(d), the local board and the LEOs, ~~with subject to the approval agreement~~ of the chief elected official for the local area—
 - (i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and
 - (ii) may terminate for cause the eligibility of such operators.
- B. SELECTION OF YOUTH PROVIDERS.—Consistent with section 123, the local board—
 - (i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and
 - (ii) may terminate for cause the eligibility of such providers.
- C. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.—Consistent with section 122, the local board shall identify eligible providers of training services in the local area.
- D. IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.
- E. CONSUMER CHOICE REQUIREMENTS.—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.

(11) COORDINATION WITH EDUCATION PROVIDERS.—

- A. IN GENERAL.—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).
- B. APPLICATIONS AND AGREEMENTS.—The coordination described in subparagraph (A) shall include—
 - (i) consistent with section 232—
 - I. reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and
 - II. making recommendations to the eligible agency to promote alignment with such plan; and
 - (ii) replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff,

technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

- C. COOPERATIVE AGREEMENT.—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

(12) BUDGET AND ADMINISTRATION.—

- A. BUDGET.—The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of a 65% supermajority of the local chief elected officials and submitted to the Tennessee Department of Labor and Workforce Development (TDLWD) prior to each program year in accordance with Workforce Services Policy – Local Governance.

- B. ADMINISTRATION.—

(i) GRANT RECIPIENT.—

I. IN GENERAL.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

II. DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).

III. DISBURSAL.—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

- (ii) GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

- (iii) TAX-EXEMPT STATUS.—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

(13) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.— The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one stop centers in the local area.

Note: Except as provided in sec. 107(g)(1)(B), pursuant to a request from the local board, the Governor may grant a written waiver of training prohibition, no local board may provide training services.

Other LWDB roles and responsibilities include:

- (a) Elect a private-sector business representative as LWDB Chair; and
(b) In accordance with WIOA Section 107(f) the Board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).

QUALIFICATIONS.— The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

APPOINTMENT.—Pursuant to the above, the Board of Directors are authorized to appoint an Executive Director of the Northwest Tennessee Workforce Board, Inc. and additional staff to carry out the functions of the Board and Fiscal Agent.

- (c) Create an annual report that must be submitted to the State Office as per guidelines established by the TDLWD; and
- (d) Promote American Job Center programs and activities; and
- (e) Assist the State Office in developing the statewide employment statistics system under the Wagner-Peyser Act; and
- (f) Coordinate with economic development strategies and establish employer linkages with workforce development activities; and
- (g) Carry out regional planning responsibilities as required by the TDLWD; and
- (h) Conduct business in an open manner by making available to the public information about the activities of the LWDB, including the local Strategic Plan before submission, membership, designation of the local Workforce System Operator, the awards of grants or contracts, and minutes of LWDB meetings.

Article V: Membership and Committees

§ 5.1 Membership: The Board shall be established and certified by the Governor of the State to carry out the functions described in Article IV (and any functions specified for the local board under WIOA.) The chief elected officials in Northwest TN LWDA are authorized to appoint the members of the Board in accordance with the State criteria. Authority to appoint members to the LWDB lies solely with the Chief Local Elected Official.

The number of the members of the Board shall be not less than the minimum number required under the Act as set forth in the Workforce Innovation and Opportunity Act of 2014, as amended from time to time. The number of members may be increased or decreased from time to time by the chief elected officials of the counties within the LWDA, but no decrease shall have the effect of shortening the term of an incumbent officer or member or reducing the number of members below the minimum number required under the Act.

The Local Elected Official of each of the counties encompassed within the LWDA ~~shall appoint the~~ **may solicit nominations of** members of the Board in accordance with the criteria established by the Governor of the State of Tennessee as described in Workforce Services Policy ~~#16-11~~ – Local Governance, as amended from time to time, **and in accordance with the requirements of LWDB composition as described below. Nominations must come from the heads of organizations—specifically those representing businesses, labor, education, and economic and community development—to align the workforce and education needs within the State.**

The CLEO acts as the signatory on behalf of the other LEOs and has final authority to select members to serve on the LWDB. To approve the nomination of each individual selected to serve on the LWDB, the following documentation is required:

- A Nomination Form signed by the CLEO; and
- A Conflict of Interest Form signed by the nominee to the LWDB; and
- A recommendation letter from the head of the organization the nominee represents, a Chamber of Commerce within the LWDA, or the LEO for the nominee's county. This letter must identify the individual being nominated and must also acknowledge the nominee's optimum policymaking authority.

Completed nomination forms must be submitted to the TDLWD for review. Once the form has been reviewed, the LWDB will receive a follow-up letter of certification or denial within five (5) business days. The member

must not be seated onto the LWDB until a certification letter from TDLWD has been received to affirm the nomination.

A majority of the members of the local board shall be representatives of the private sector as described in paragraph (2)(A) in the WIOA, Section 107. The local elected officials within the LWDA may execute an agreement that specifies the respective roles of the individual local elected officials (a) in the appointment of the members in accordance with the criteria established as provided below; and (b) in carrying out any other responsibilities assigned to such officials under the Workforce Innovation and Opportunity Act of 2014.

As ex-officio members of the Board, the chief elected officials have all rights and privileges stated within these by-laws.

- (1) STATE CRITERIA: The Governor, in partnership with the State board, shall establish criteria for use by the chief elected officials in Northwest TN LWDA for appointment of members of the Board in accordance with the requirements of paragraph (2). Further, in accordance with Workforce Services ~~Guidance—Local Workforce Development Board Member Nomination Process Policy – Local Governance~~, nominations shall be solicited by the Chief Local Elected Official from entities of business, government or community development. The nominator shall be of a management capacity representing business, labor, education and economic community development. The staff to the LWDB, fiscal agent staff, staff employed by One-Stop Operators, and contracted service providers are prohibited from both nominating members to the board or serving on the board to avoid conflicts of interest.
- (2) COMPOSITION.—Such criteria shall require that, at a minimum—
 - A. **Representatives of Business** - a minimum of 51% of the members of each local board shall be representatives of business in the local area, who—
 - (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
 - (ii) represent businesses, including small businesses (at minimum 2 members), or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and
 - (iii) are appointed from among individuals nominated by local business organizations and business trade associations;
 - B. **Labor Organization Representatives** - A minimum of 20% of the membership shall be representatives of the workforce within the local area, who—
 - (i) shall include **two (2) or more** representatives of labor organizations nominated by local labor federations in local areas where employers are represented by labor organizations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;
 - (ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;
 - (iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
 - (iv) may include (optional) representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of WIOA eligible youth, including representatives of organizations that serve out of school youth;

- C. **Representatives of Education & Training** - each local board shall include representatives of entities administering education and training activities in the local area, who—
 - (i) shall include a representative of eligible providers administering adult education and literacy activities under WIOA title II;
 - (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);
 - (iii) may include (optional) representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;
 - D. **Representatives of Government, Economic and Community Development** - each local board shall include representatives of governmental and economic and community development entities serving the local area, who—
 - (i) shall include a representative of economic and community development entities;
 - (ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
 - (iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;
 - (iv) may include (optional) representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and
 - (v) may include (optional) representatives of philanthropic organizations serving the local area; and
 - E. **Discretionary Representatives** - each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.
 - F. **County Representatives** - The CLEO must establish a LWDB that reflects the diversity of the counties that comprise the LWDA by requiring at least one (1) nomination per county. LWDB representation must be fair and equitable across the LWDA and is in accordance with WIOA policy regarding LWDB member nominations. LWDB members must exhibit the demographic diversity of the counties within their respective LWDA.
- (3) **AUTHORITY OF BOARD MEMBERS.**—Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse geographic areas and demographic make-up, in accordance with the most recent US Census, within the local area, as much as possible.
 - (4) **SPECIAL RULE.**—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (2)(C), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

§ 5.2 Standing Committees: The Board, in accordance with WIOA Section 107(b)(4)(A), may designate and direct the activities of standing committees to provide information and to assist the Board in carrying out activities authorized in this section. **The primary purpose of standing committees shall be to consider and recommend actions—and propose policies—in the functional areas under their jurisdictions, subject to final approval by the LWDB.** Such standing committees shall have a Chair and Vice Chair who is a member of the Board representing private business; may include other members of the Board; and shall include other individuals

appointed by the Board who are not members and who are determined to have appropriate experience and expertise. At a minimum, the Board may designate each of the following:

- (1) The American Job Center (AJC) Services Committee will provide information and assist with operational and other issues relating to the one-stop delivery system, which may include representatives of the one-stop partners. This committee will oversee activities related to AJC Technology Services; Coordination with education providers; and Employer engagement functions as outlined in Section 4.1. This committee also supports the Career Development Services Team in their efforts to provide job seekers with opportunities to explore career options, identify barriers, access resources, develop skills, and apply for jobs and the Business Services Team in providing employers with opportunities to identify potential workers, assess skill gaps, and facilitate training of employees to meet employer needs.
- (2) The Outreach and Opportunities Committee will be responsive to the provision of services to individuals with particular service needs, such as veterans, youth ages 16-24, individuals with a disability, dislocated workers, offenders, and others with barriers to employment. The committee will lead local workforce development efforts in the functions related to Career pathways development by recommending alignment of employment, training, education, and supportive services and proven and promising practices identification in meeting the needs of customers of the Career Center system and disseminating this information to the Board. This committee will also support the staff in seeking supplemental grant funds to support workforce development efforts in Northwest TN LWDA.
- (3) The Executive Committee shall have the authority to act on behalf of the Board between its business meetings, make recommendations to the Board, and such other duties as specified in these By-laws. The Executive Committee shall be subject to the order of the Board, and none of its acts shall conflict with these By-laws or stated policies of the Board. The Executive Committee will be made up of the chairpersons of each of the aforementioned standing committees, the Vice-Chair of the Board, the Secretary, the Chief Local Elected Official, the Vice Chief Local Elected Official, and the Board Chair. The Board Vice-Chairperson will serve as the Chair of the Executive Committee. This committee will be instrumental in performing the following functions of the Board as outlined in Section 4.1 Development of the Local Strategic Plan: Workforce research and regional labor market analysis; Convening, brokering, and leveraging stakeholders; Program oversight; Selection of Operators and providers; Approval of providers for Eligible Training Provider List; Negotiation of local performance accountability measures; and Budget and administration. In keeping with the requirements for the Accessibility function of the Board outlined in Section 4.1 (13), this committee shall annually assess the physical and programmatic accessibility of all one stop centers in the local area, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
- (4) When deemed necessary or appropriate the chairperson of the Board shall have the authority to appoint temporary or ad hoc committees, including the chairperson of said committee, for the purpose of special projects.

5.2.1 Members of Standing Committees not appointed to the Board may attend all meetings of the Board, but shall not have voting rights. Standing Committee members shall serve at the pleasure of the Board and shall advise and counsel the Board on appropriate matters.

§ 5.3 Terms: The terms of members of the Board shall be four (4) years. Member terms will be staggered so all terms do not expire at the same time. Members in good standing will automatically renew for subsequent terms until the Board member properly notifies the Chairperson of the Board of the intent to no longer serve.

§ 5.4 Board Vacancy: Any vacancy occurring on the Board will be filled in the period between the date of resignation and the date of the second subsequent meeting, ~~no later than the subsequent calendar quarter from the last official day that the member served on the LWDB not to exceed two full quarters.~~ This includes

vacancies created by the removal of members for cause. LWDB members replacing out-going individuals at mid-term will serve the remainder of the out-going member term.

§ 5.5 Removal: Any member of the Board will be removed for cause by the Chief Elected Officials (CLEOs), if any of the following occurs: (a) documented violation of conflict of interest; (b) failure or refusal to work cooperatively with the Board and to abide by the By-Laws as stated in 5.4; (c) documented proof of fraud and/or abuse and (d) failure to meet board member representation requirements defined in WIOA; (e) other causes as determined by the Board. Removal of a member shall also constitute removal as an officer of the Board and as a member of all committees of the Board. Intent to remove a member must be stated in the call of the meeting and be provided to all voting members at least five (5) days prior to the meeting.

5.5.1 Any board member missing three consecutive meetings may be replaced at the sole discretion of the Chief Local Elected Official ~~from the county represented.~~

5.5.2 A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Officials immediately as a representative of that entity. Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary. A Board member subject to removal may appeal by submitting a letter in writing within 30 days of notice of removal to the CLEO stating reasons to remain as an active member of the Board. A committee of CLEOs will review the appeal and make a decision prior to the next scheduled date of the Board.

§ 5.6 Resignation: A member may resign his or her membership at any time by tendering his or her resignation in writing to the Chairperson, or in the case of the resignation of the Chairperson, to the Vice-Chairperson or Vice President for Workforce Development for the Administrative Entity. A resignation shall become effective upon the date specified in such notice or, if no date is specified, upon receipt of the resignation by the Board.

§ 5.7 Board Certification: The TDLWD will certify that the composition of each LWDB, including the appointment process, complies with the criteria outlined in WIOA Section 107 and with the Workforce Services Policy – Local Governance. The composition of each LWDB will be evaluated quarterly by TDLWD staff and will coincide with State Workforce Development Board (SWDB) meetings.

5.7.1 LWDB Recertification will be conducted by the TDLWD once every two (2) years to ensure the local workforce activities support meeting local performance measures, as outlined in the local grant agreement, to include LWDB composition requirements. If an LWDB meets all membership requirements but fails to meet all performance measures, certification will be granted for review period of one (1) year instead of two (2) years. At the end of the one-year review period, the recertification process will be repeated with an updated review of performance and membership composition. If this review shows the LWDB is meeting all performance measures, the regular two-year certification will be continued.

5.7.2 The Governor shall have the authority to decertify a LWDB at any time after providing written notice and opportunity for comment, under the following conditions: (1) Documentation of fraud or abuse; (2) Failure to meet the local performance accountability measures for 2 consecutive program years; (3) Failure to meet all LWDB certification requirements; or (4) Failure to carry out the required functions of the LWDB. If the Governor decertifies a LWDB, the Governor may require that a new LWDB be appointed and certified for the LWDA. Certifying a new LWDB will take place pursuant to a reorganization plan developed by the Governor, in consultation with the LEOs, which is consistent with WIOA Section 107(b).

Article VI: Officers

§ 6.1 Board Officers: There shall be a Chairperson, a Vice-Chairperson, and a Secretary of the Board, each of whom shall be elected in accordance with the provisions of this article (§ 6.2). In accordance with WIOA sec. 107(3)(A), the Chair and thus the Vice-Chair shall be representatives of business in the local area. The Board may also elect such other assistant officers as the Board may from time to time deem necessary or appropriate. Any two or more offices may be held by the same person, except for that of the offices of Chairperson, Vice-Chairperson, and Secretary.

§ 6.2 Election and Term of Office: The officers of the Board shall be elected every two years by the Board members, during the designated annual meeting. Each officer shall hold office for a term of two (2) years or until his or her resignation, death or removal from office in the manner provided in these By-laws. An officer may succeed himself or herself in office.

§ 6.3 Board Chairperson: The Chairperson of the Board shall

- (1) be elected from among the members of the Board;
- (2) be a representative of the private sector;
- (3) be designated as the Chairperson of the Board and shall in general be primarily responsible for the management of the programmatic affairs of the Board and for implementing the policies and directives of the Board;
- (4) preside at all meetings of the Board and the Executive Committee; and
- (5) have authority to sign, with the Vice-Chairperson, Secretary or any other proper officer thereunto authorized by the Board, contracts, proposals, plans, or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or these By-laws to some other officer or agent of the Board, or shall be required by law to be otherwise signed or executed. Each chairperson shall hold office until his or her term shall have expired and his or her successor shall have been elected and qualified, or until his or her resignation, removal from office, or death. A chairperson may succeed himself or herself. The chairperson shall be natural persons who have attained the age of twenty-one (21) years.

§ 6.4 Vice-Chairperson: The Vice-Chairperson shall

- (1) be elected from among the members of the Board;
- (2) be a representative of the private sector;
- (3) preside at all meetings of the Board during the absence or disability of the Chairperson of the Board;
- (4) be primarily responsible for the general management of the business of the Board and for implementing the policies and directives of the Board in the absence or disability of the Chairperson of the Board;
- (5) have authority to sign, with the Secretary or any other proper officer thereunto authorized by the Board, contracts, proposals, plans, or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or these By-laws to some other officer or agent of the Board, or shall be required by law to be otherwise signed or executed; and
- (6) perform such other duties as from time to time may be assigned by the Chairperson of the Board.

§ 6.5 Secretary: The Secretary shall perform the following functions or shall oversee staff to the Board to

- (1) keep the minutes of the proceedings of the Board;
- (2) ensure that all notices are duly given in accordance with the provisions of these By-laws;
- (3) keep a register of the mailing address and electronic addresses of each member of the Board, as furnished to the Secretary by each member; and
- (4) in general perform all duties pertinent to the office of Secretary and such other duties as may from time to time be assigned by the Chairperson of the Board.

§ 6.6 Vacancies: A vacancy in any office, as a result of death, resignation, removal, disqualifications, or otherwise, may be filled by the affirmative vote of a majority of the Board at a meeting, at which a quorum is present, for the unexpired portion of the term of his or her predecessor, and until the next election of officers at the board's annual meeting.

§ 6.7 Recall of Officers: Pursuant to Section 5.4 of these By-Laws the Board may by a two-thirds (2/3) vote at a meeting, at which a quorum is present, remove any officer when, in its judgment, the best interest of the Board will be served thereby. Intent to recall or remove an officer must be stated in the call of the meeting with notice provided to the officer to be removed and all other voting members at least five (5) days prior to the meeting.

§ 6.8 Resignation: An officer may resign his or her office at any time by tendering his or her resignation in writing to the Chairperson or, in the case of the resignation of the Chairperson, to the Vice-Chairperson, or Secretary. A resignation shall become effective upon the date specified in such notice, or if no date is specified, upon receipt of the resignation by the Board. An officer may resign his or her position as an officer of the board, but retain his or her position as a member of the board.

§ 6.9 Board of Directors: The Board of Directors includes the Chief Local Elected Official, the Vice Chief Local Elected Official, the Board Chairperson, the Vice Board Chairperson and one private sector representative selected by the other Directors from the membership at large. The Board Chairperson will serve as the President, the Vice Board Chairperson as Vice President and the private sector representative as Secretary of the Northwest TN Workforce Board, Inc. The Board of Directors will serve as the administrative authority in oversight of day-to-day operations in conducting the functions of the board and fiscal agent. The Board of Directors shall have the authority to supervise and manage the employees of the Northwest Tennessee Workforce Board, Inc. serving in the capacity of staff to the Board and Fiscal Agent as described in Article VIII. The Board of Directors shall be subject to the order of the Board, and none of its acts shall conflict with these By-laws or stated policies of the Board. The Board of Directors shall be responsible for ensuring board actions comply with federal, state and local laws, regulations and policies.

Article VII: Meetings

§ 7.1 Regular and Annual meetings: The Board and its committees shall meet at least quarterly for the purpose of transacting business according to the current workforce development needs. There will be one board meeting designated as the annual meeting for the purpose of receiving annual reports from the Administrative Entity, electing officers of the Board and transacting any other Board business. The Chairperson shall fix the time and place and provide notice to all voting members prior to the meeting. The notice shall state the location or means of communication for the meeting, in addition to the time and date. The local board shall make available to the public, through electronic means and print media, notice of upcoming open meetings.

§ 7.2 Special or Called Meetings: Special meetings of the Board may be called by the Chairperson or at the request of the Executive Director. Special meetings may also be called upon the written request of five members of the Board. Special or called meetings may be held under certain circumstances where a pertinent issue needs to come before the Board prior to the next scheduled meeting. This meeting can take place by means of conference telephone or electronic communications, wherein all Board members have access to the discussion and vote of all participating members. The purpose of the meeting shall be stated in the notice and no other business shall be transacted at the meeting. The Chairperson shall fix the time and place and provide notice to all voting members at least five (5) business days prior to the meeting. The notice shall state the location or means of communication for the meeting, in addition to the time and date. The local board shall make available to the public, through electronic means and print media, notice of upcoming open meetings.

§ 7.3 Quorums: One-third (1/3) of the voting members of the Board will constitute a quorum for the transaction of business at any meeting thereof. Action of the Board must be authorized by the affirmative vote of a majority of all voting members present at a meeting at which a quorum is present.

§ 7.4 Participation in Meetings: Each regular Board member, shall be entitled to one (1) vote on any matter properly submitted for a vote to the Board. The affirmative vote of a majority of the members present at a meeting, at which a quorum is present, shall be the act of the Board, except as may otherwise be specifically provided by law, by the Charter, or by these By-laws. Members of the Board absent from any meeting shall be permitted to vote at such a meeting by written proxies. The members of the Board, or any committee designated by the Board, may participate in a meeting of the Board, or of such committee, by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear one another; and participation in a meeting pursuant to this provision shall constitute presence in person at such meeting. The members shall be furnished a copy of the minutes of the meetings of the Board prior to the next regularly scheduled meeting.

§ 7.5 Open Meeting Requirement: All meetings and actions of the Board must comply with the Tennessee Open Meeting Act, Tenn. Code Ann. 8-44-101 *et seq*, along with WIOA Section 107(d), 20CFR 679.390, 20CRF 679.550(b)(5) and Tenn Code Ann 10-7-503(a)(2)(A)(B). **Public records must be open to public scrutiny and transparency and accountability must be a part of the function and duties of the LWDB. Business conducted in an open manner and with accommodations when needed ensures that the public, including people with disabilities, can access information concerning board meetings.** The following local policy is set forth:

- Notice of Northwest TN LWDA Board Meetings, including location, date, and time, will be posted on the Board's website and social media page, sent to area newspapers as a public service announcement, and be emailed to Board Members and Local Elected Officials for distribution ~~seven (7)~~ **thirty (30)** days prior to the meeting.
- Board meetings will be conducted in an open manner and available to the public.
- Arrangements will be made upon request for all individuals, including those with disabilities to have physical and electronic access to Board meetings, including appropriate accommodations, **such as documents in Braille and large print, sign language interpreters, wheelchair accessibility, and closed captioning.**
- **WIOA Section 107(e)—along with 20 CFR 679.390—states that LWDBs must make available to the public, on a regular basis through electronic means and open meetings, certain information such as minutes of formal LWDB meetings.** Unless otherwise provided by State law, minutes of Board meetings will be made available to the public upon request and will also available on its website within fifteen (15) business days of the Board's approval of the meeting minutes. Only the formal minutes will be posted on the website; no attachments of presentations at the board meeting will be posted unless the Local Board believe that these attachments are necessary.
- **Along with the board minutes, the LWDB must provide the updated LWDB roster to be uploaded on the LWDB's website. The roster must include the following information:**
 - The name of the LWDB,
 - The date the member was confirmed to serve on the LWDB,
 - The member's first and last name,
 - The member's county of residence,
 - The organization the member represents,
 - The beginning and end dates of the member's conflict of interest statement,
 - The category the member represents,
 - The nominator's first and last name,
 - The organization the nominator represents, and
 - Whether the member serves on the Executive Committee.

§ 7.6 Presumption of Assent: A member of the Board who is present at a meeting of the Board at which action on any Board matter is taken shall be presumed to have assented to the action taken, unless his or her dissent shall be entered in the minutes of the meeting, or unless he or she shall file his or her written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof, or forward such dissent by registered mail to the Secretary of the Board immediately after the adjournment of the meeting. Such right to dissent shall not apply to a member who voted in favor of such action.

§ 7.7 Expenses and Compensation: No member shall be entitled to receive compensation for services rendered to the Board, as a member of the Board or as a member of any committee thereof. However, upon prior approval by the Board, a member may be paid for reasonable expenses incurred by the member, which directly related to the affairs of the Board upon proper substantiation of such expenses. No such payments shall preclude any member from serving the Board in any other capacity and receiving compensation therefore.

§ 7.8 Vote by Proxy: Any member of the Board may proxy to another sitting board member by completing and filing the Member Proxy Form. Duly executed proxies must be filed with the Board Chairperson prior to the commencement of the board meeting in which the board member is to be absent. The board member accepting such proxy must be in good standing with the Northwest Tennessee Workforce Board. Any Board member may proxy to another Board member once per year. **TDLWD policy prohibits proxy voting more than once per calendar year without written approval from the Board Chair** Such proxies shall be considered valid votes in matters considered by the Board, and shall constitute member participation in absentia.

Article VIII: Staff to the Board

§ 8.1 Staff: In general, the Board and/or the administrative entity/fiscal agent may hire an executive director and other staff to assist in carrying out the functions described in WIOA sec. 107, subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4). Pursuant to the above, the Board of Directors are authorized to appoint an Executive Director of the Northwest Tennessee Workforce Board, Inc. The Executive Director is authorized to appoint additional staff to carry out the functions of the Board and Fiscal Agent.

§ 8.2 Qualifications: The Board and/or the administrative entity/fiscal agent shall establish and apply a set of objective qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

§ 8.3 Limitation on Rate: The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

Article IX: Amendment of the By-Laws

§ 9.1 Amendment of By-Laws: These By-Laws may be altered, amended, or repealed, upon the affirmative two-thirds (2/3) vote of the voting members of the Board at any regular meeting at which a quorum is present, provided that the amendment has been submitted to the voting members of the Board in writing two weeks prior to the meeting at which the vote on the amendment(s) is to be taken.

Article X: Conflict of Interest

§ 10.1 Conflict of Interest: Board members and members of Standing Committees shall adhere to the following in regard to conflict of interest- WIOA Sec. 102 (b)(2)(E)(i) and Sec. 107 (h)(1)(2). A Board member may not vote on or participate in any decision-making regarding any matter that would provide direct financial benefit to the member, the members' immediate family, or any organization the member is or a member represents, or on matters of the provision of services by the member or the entity the member represents.

- (1) Board members shall avoid even the appearance of a conflict of interest. Prior to taking office, Board members must provide to the Board Chair a written declaration of all substantial business interests or relations 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 Board. Such declarations shall be updated annually or within 30 days of changes in business to reflect any changes in such business interests or relationships. The Board shall appoint an individual to timely review the disclosure information and advise the Local Board Chair and appropriate members of potential conflicts. Board members shall recuse themselves from official board duties if they are involved in a conflict of interest.
- (2) **Declarations must be maintained by the Board staff for five (5) years from the original signature date. TDLWD staff will conduct an annual on-site review of all LWDB member's conflict of interest forms in each LWDA. All LWDB member's conflict of interest forms must be available to staff conducting the on-site review and must be verified as current during the review. Expired conflict of interest forms will be noted and documented as a finding.**
- (3) **LWDB staff must monitor the expiration dates for all LWDB members.**
- (4) Prior to a discussion, vote, or decision on any matter before the Board, if a member, or a person in the immediate family of such member, has a substantial interest in or relations to a business entity, organization, or property that would be affected by any official Board action, the member shall disclose the nature and extent of the interest or relationship and shall abstain from discussion and voting on or in any other way participate in the decision on the matter. Board members shall seek the opinion of the Board if there are any doubts whether specific situations involve a conflict of interest. All abstentions shall be recorded in the minutes of the Board meeting and be maintained as part of the official record.
- (5) It is the responsibility of the Board **Chair** to monitor the potential conflict of interest and bring it to the Board's attention in the event the member does not make a self-declaration.
- (6) **The CLEO is prohibited from appointing members to the LWDB that are employed by the Fiscal Agent, LWDB staff, or LWDB staff entity (e.g. OSO, or CSP).**
- (7) The Board shall ensure that the Board, its members or its employees do not directly control the daily activities of its workforce service providers, its workforce system partners, or its contractors.
- (8) Board members or their organizations may receive services as a customer of a local workforce service provider.
- (9) Board members shall not accept bribes, kickbacks or any gift, rebate, money or anything of value whatsoever, or any promise, obligation or contract for future reward, compensation, property or item of value, including intellectual property, for the purpose or result of causing detriment to another and/or bringing about some benefit to oneself or others.
- (10) The Board shall select or designate an organization to perform duties related to WIOA such as developing a written agreement with the Board and Local Elected Official, which shall clarify how the organization will carry out its multiple responsibilities while demonstrating compliance with WIOA, corresponding regulations, relevant Office Management and Budget circulars, and with the Workforce Services Policy - WIOA (Conflict of Interest Policy), minimize fiscal risk, and develop appropriate steps within the single entity performing multiple functions.
- (11) In the event the Board is selected as a One-Stop Operator, through a competitive process conducted by a third party, the Board shall establish sufficient "firewalls" and conflict of interest policies and procedures consistent with the Workforce Services Policy - WIOA (Conflict of Interest Policy). The Board shall also ensure that all new staff members and providers are informed about this policy, and that appropriate staff members are familiar with it and its requirements in order to prepare state or local plans and the conflict of interest policy.

- (12) The Board shall also ensure training concerning internal conflicts of interest for any entities directly involved with making assessments and determining the eligibility of participants. Documentation of training must be maintained and made available for review and audit purposes.

Article XI: Compliance with Law

§ 11.1 Compliance with Law: The Board acknowledges that in execution of its business, the Board shall:

- (1) Comply with all applicable Tennessee statutes and regulations including, but not limited to, the governing procurement standards or regulations for the LWDA, Sunshine Law, and the State Travel Regulations;
- (2) Comply with Workforce Innovation and Opportunity Act of 2014 (WIOA) and other appropriate regulations, as well as, policies and directives from the Tennessee Department of Labor and Workforce Development and the State Workforce Board.
- (3) Local Boards shall be subject to TCA 10-7-503(a)(2)(A)(B):
 - (2)(A) Records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.
 - (2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall, within seven (7) business days, from the date of the Local Board meeting:
 - (i) Make the information available to the requestor;
 - (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
 - (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce the record or information.

Article XII: Rules of Order

§ 12.1 Rules of Order: The Board will adhere to Robert's Rules of Order; Revised. In the Event any provision of these By-Laws conflict with Robert's Rules of Order; Revised, the provisions of these By-Laws shall govern.

Signatures

Revisions approved by Northwest Tennessee Workforce Board on 6-10-20

As signed by:

Mr. Jimmy Williamson, Chairman
1230 S Main
Dyersburg, TN 38024
731-288-6001
jimmy_williamson@att.net

Date

Ted Piazza, Vice-Chairman
6 Industrial Park Drive
Dyer, TN 38330
731-692-3424
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Date

Brad Hurley, Secretary
Carroll County Chamber of Commerce
P.O. Box 726
20740 East Main Street
Huntingdon, TN 38344
731-986-4664
cchamber@earthlink.net

Date

[illegible]



April 21, 2020

Ms. Jane Hamrick, Executive Director
Mid-Cumberland Human Resource Agency
1101 Kermit Drive, Suite 300
Nashville, TN 37217

Dear Ms. Hamrick:

The Northwest Tennessee Workforce Board completed a six-month monitoring review of contract number 1909-2009-OSO-62-09-0923487-SHARE. The purpose of the review was to verify the following:

- Compliance with the Roles of the One-Stop Operator
- Timeliness of invoices submission
- Adequacy of documentation
- Proper completion of invoices
- Compliance within budget limits
- Performance Goals

We are pleased to report all areas of review were in accordance with the contract with the exception of the Performance Goals. With the exception of the Union City American Job Center (AJC), the average monthly traffic count goals were not met. Additionally, improvement is requested for a few items, as shown below, including:

1. Gathering success stories, at a minimum of quarterly.
2. Promoting the AJCs and maintaining a log of outreach activities conducted. AJC traffic goals not being met indicates a need for additional outreach.
3. Coordinating referrals and co-enrollments between partner programs to include a minimum of 10% of RESEA participants referred to the Title I program. At this time, 7% have been referred.
4. Coordinating referrals and co-enrollments to ensure Title I enrollment goals are met. At this time, Youth and Dislocated Worker enrollment goals are not on track to be met.
5. Ensuring Data Validation requirements are met. As of the January 2020 Data Validation review: 6.5% of elements failed for Adults, 7.5% for Dislocated Workers, and 1.6% for Youth.

We look forward to continue our relationship during this contract. If you have, any questions please feel free to contact me.

Sincerely

Laura Speer
Director of Performance & Compliance

Cc: Jennifer Bane, Derrick Quinn, Erica Nance, Jennifer Eppley

Documents attached: Fiscal Requests and Corrections, Performance Evaluation

One-Stop Operator (OSO) Performance Evaluation

October 2019 – March 2020

The following performance goals, as listed in the OSO contract, will be utilized to evaluate performance of the OSO provider.

(1) Compliance with the Scope of Work and Roles of the One-Stop Operator Provider

Component/Benchmark	Pass / Fail / Needs Improvement	Improvements Needed
Maintain a presence in the Comprehensive Centers two days per week each and rotating visits to the Affiliate / Specialized Centers one day per week.	Pass	
Compile and submit monthly reports to the NWTNWB in regards to progress towards identified objectives such as partner coordination, traffic counts, referrals, co-enrollments, jobseekers and employers served, customer satisfaction results, and results of quality reviews conducted.	Pass	
Gather and submit various VOS reports monthly as requested such as Traffic Counts, Visit Reasons, Registrations, Enrollments, Co-Enrollments, Referrals, Job Orders, Placements, etc.	Pass	
Gather partner reports and data, including success stories, at minimum of quarterly, for development of a Quarterly Dashboard and Annual Report.	Needs Improvement	Success stories are not being received quarterly
Promote the AJCs and maintain a log of outreach activities conducted.	Needs Improvement	Outreach log is not being maintained and AJC traffic goals not being met indicates a need for additional outreach
Maintain complaint logs for each AJC, reporting complaints immediately and submitting logs quarterly to the NWTNWB in accordance with state guidelines.	Pass	
Maintain professional office atmosphere, professional staff appearance, conduct and service to customers, and customer flow/meaningful access across all AJCs.	Pass	
Maintain building maintenance logs, report issues to the appropriate landlord and / or Director of Facilities & Computer Services as needed, and submit logs monthly to track any facilities issues.	Pass	

Maintain understanding of the Memorandum of Understanding (MOU), including the Infrastructure Funding Agreement (IFA) and report staffing or office usages changes which affect the MOU/IFA to the NWTNWB upon notification of changes.	Pass	
Maintain current listing of partner programs, staff, and contact information to ensure direct linkage and ease of referrals.	Pass	
Conduct monthly quality reviews of partner programs with a minimum sample size of 10 customers (e.g. selecting a sample of Evaluation of Service Need Forms to follow the customer through the AJC system and ensure appropriate referrals and / or services were provided, selecting a sample of enrolled participants in various programs to ensure participant needs are being met, tracking referrals to identify if co-enrollment resulted, etc.).	Pass	
Verify VOS Vouchers are attributed to the appropriate grant through the monthly reconciliation process.	Pass	
Arrange and / or conduct trainings quarterly, at a minimum, and other periodic meetings for all AJC staff to ensure continuous improvement.	Pass	
Request access to VOS for new staff, including partner staff, from the Director of Facilities & Computer Services and submit immediate notification to the NWTNWB of staffing changes resulting in the need for access to be terminated.	Pass	

(2) Compliance with all Federal, State, and Local legislation, policies, and regulations in regards to the role of the One-Stop Operator and One-Stop Delivery and Design

Component/Benchmark	Pass / Fail / Needs Improvement	Improvements Needed
Workforce Innovation and Opportunity Act and related Federal Regulations and Guidance	Pass	
Data Validation requirements	Needs improvement	Adults – 6.5% of elements failed Dislocated Workers – 7.5% of elements failed Youth – 1.6% of elements failed

Performance Accountability Review requirements	Pass	
Tennessee Department of Labor and Workforce Development Policies and Guidance	Pass	
Northwest Tennessee Workforce Board Policies and Guidance	Pass	

(3) American Job Center Customer Visits

Component/Benchmark	Pass / Fail / Needs Improvement	Improvements Needed
The contractor is responsible for increasing traffic flow by 20% above the below monthly level averaged for the prior program year (July 1, 2018 to June 30, 2019 as shown below.	Fail	With the exception of the Union City AJC, individual visit goals are not being met.

Individual Visit Monthly Average Goal

AJC	Camden	Alamo	Humboldt	Paris	Tiptonville	Union City	Dresden	Affiliate Subtotal	Dyersburg	Huntingdon	Comprehensive Subtotal	Total AJC
Goal	160	103	376	425	60	335	353	1,812	749	515	1,264	3,076
Current	104	53	322	287	18	388	211	1,383	593	388	981	2,364
Difference	-56	-50	-54	-138	-42	53	-142	-429	-156	-127	-283	-712
% of Goal	65%	52%	86%	68%	30%	116%	60%	76%	79%	75%	78%	77%

Due to a change in hours for several American Job Centers, Northwest Tennessee Workforce Board staff will review current goals and determine if adjustments are needed.

(4) Local Performance Measures

Component/Benchmark	Pass / Fail / Needs Improvement	Improvements Needed
The contractor is responsible for partner coordination to meet the local performance measures as outline below.	Needs Improvement	Youth and Dislocated Worker enrollment goals are not on track to be met at this time as shown below.
Referrals and Co-Enrollments between partner programs to include a minimum of 10% of RESEA participants referred to the Title I program.	Fail	Of the 218 individuals completing a first scheduled RESEA appointment, only 16, or 7%, were referred to Title I.

Enrollments in Training (Classroom, OJT and Work Experience) October 2019 – June 2020	Projected Enrollments for Funding (Oct. 19 – June 20)	Enrolled (Oct. 19 – Mar. 20)	Percentage of Contract Goal (50% through contract)
Adult	280	195	69.6%
Dislocated	39	17	43.6%
Youth	92	26	28.3%
Total	411	238	57.9%

(5) Federal Performance Measures

Component/Benchmark	Pass / Fail / Needs Improvement	Improvements Needed
The contractor is responsible for partner coordination to meet the local performance measures as outline below.	Pass	

Adult Measures

	Goals	Results
Employment Rate 2 nd Quarter After Exit	85%	89.4%
Employment Rate 4 th Quarter After Exit	84%	85.3%
Median Earnings 2 nd Quarter After Exit	\$6,483	\$6,756.58
Credential Attainment Within 4 Quarters After Exit	58%	89.8%

Dislocated Worker Measures:

Employment Rate 2 nd Quarter After Exit	83%	88.1%
Employment Rate 4 th Quarter After Exit	83%	87.9%
Median Earnings 2 nd Quarter After Exit	\$6,800	\$8,280
Credential Attainment Within 4 Quarters After Exit	68.5%	90.7%

Youth Measures:

Employment Rate 2 nd Quarter After Exit	79%	85.6%
Employment Rate 4 th Quarter After Exit	75%	80.4%
Median Earnings 2 nd Quarter After Exit	TBD (waived first 2 years)	n/a
Credential Attainment Within 4 Quarters After Exit	70%	84.4%

Employer Measures:

Employer Penetration Rate (percentage of employers using services in the State): TBD

Repeat Business Customer Rate (percentage of employers who receive core services more than once in the last three recording periods): TBD

Other State Required Measures:

Facilitate enrollments and services with the Title I Provider to meet the following:

75% expenditure rate on out-of-school youth: 95%

20% expenditure rate on Youth Work Experience: 41.93%

40% expenditure rate on direct participant cost (may be increased to 50% by the TN Dept. of Labor & Workforce Development): 46.04%



April 21, 2020

Dyersburg State Community College
Attn: Dr. Karen Bowyer
1510 Lake Road
Dyersburg, TN 38024

Dear Dr. Bowyer:

The Northwest Tennessee Workforce Board has completed a Performance review for the Career Service Provider, contract number 1909-2009-CSP-62-0800930-MULTI.

The purpose of the performance review (fiscal and programmatic) was to verify the following:

- Compliance with the Roles of Title I Provider
- New Enrollments in accordance with the number submitted
- Exits meeting the performance measures
- Enrollment and expenditure levels

The purpose of the fiscal monitoring review was to verify the following:

- Timeliness of invoice submission
- Adequacy of documentation
- Proper completion of invoice
- Compliance with budget limits

The purpose of the programmatic monitoring was to review:

- Adequacy of documentation
- Proper completion of paperwork and entry into State System, VOS
- Compliance of state and local policies
- Goals

Please see the attached report for the performance review. Due to the process we have for the monitoring of fiscal and programmatic reviews there are no findings, observations or corrective actions at this time.

Thank you for your cooperation. We look forward to continuing to work with Dyersburg State Community College in the future.

Sincerely,

Laura Speer
Director of Performance & Compliance

Cc: Jennifer Bane
Derrick Quinn
Connie Stewart

Career Services Provider Performance March 2020

The purpose of the performance review (fiscal and programmatic) was to verify the following:

- Compliance with the Roles of Title I Provider
- New Enrollments in accordance with the number submitted
- Exits Meeting the performance measures
- Enrollment and Expenditure levels

Compliance with the Roles of the Title I Provider

There were Monthly reports completed for the last 6 months. A 20% sample of participant (ITA & OJT) applications were reviewed after the 10th of the following month for eligibility/data validation/training documents. The OJT applications not included in the 20% sample were reviewed for eligibility/data validation only. All reports were shared with the CSP Quality Advisor and Executive Director of Workforce Services.

Due to the process we have for the monitoring of fiscal and programmatic reviews, any findings, observations or corrective actions have already been addressed. Please find below the results of the monthly monitoring review:

Summary:	October	November	December	January	February	March	Totals	%
Number of Participants Reviewed:	28	11	15	29	21	23	127	
Number / Percentage of Participants with Findings:	10	6	4	8	7	6	41	32%
1. Eligibility Findings:	0	1	0	3	2	1	7	17%
2. Data Validation Findings:	7	3	2	3	5	5	25	61%
3. Data Entry Findings:	2	0	1	0	0	1	4	10%
4. Case Management Findings:	2	2	2	2	1	3	12	29%
Number / Percentage of Participants with Observations:	8	9	10	20	18	15	80	63%
Number / Percentage of Participants with No Monitoring Issues:	15	0	5	7	3	7	37	29%

** Of the 7 Eligibility Findings, there were 0 of these which would cause money to have to be returned.

The low-to-moderate risk findings included:

- Incomplete and / or errors on paperwork
- Documents not uploaded to VOS
- Incomplete and / or errors on VOS keying
- Additional documentation needed

In addition to the monitoring conducted locally, a statewide data validation review was conducted in January of 2020. Elements with a 5% or greater rate of errors were considered to be failing. Below are the results for the Northwest area:

- Adults: four of 62 elements (6.5%) failed including: (1) low income status at program entry, (2) date of program exit, (3) other reasons for exit, and (4) date completed or withdrew from training.
- Dislocated Workers: five of 67 elements (7.5%) failed including: (1) date of actual disposition, (2) date of program exit, (3) date completed or withdrew from training, (4) date enrolled, during program participation, in education or training, and (5) date completed, during participation, an education or training program.
- Youth: one of 62 elements (1.6%) failed: date of program exit.

Northwest Tennessee Workforce Board staff will continue to provide technical assistance and training to the contractor and will monitor for continued improvement.

New Enrollments in accordance with the chart submitted in Attachment B of contract:

Projected Enrollments				TAA Co-Enrollment Goal = 50%
Adult	Dislocated Worker	Youth	Total	Actual amount = 2% (1 of 60 TAA participants)
280	39	92	411	
Enrolled 10/01/2019 to 03/31/2020				
195	17	26	238	
% Complete of Contract				
70%	44%	28%	58%	

Exits to meet the performance measures as stated in Attachment B of contract:

PY19 Q3 WIOA Core Performance Measures		47145 Northwest Tennessee		
Adult Measures		Pass/Fail		PASS
		Negotiated	Actual	% of goal
Exiters			290	
Participants Served			686	
EER 2nd Qtr. after Exit	86.00%		89.40%	103.95%
EER 4th Qtr. after Exit	85.00%		85.30%	100.35%
Median Earnings 2nd Quarter after exit	\$6,500.00		\$ 6,756.58	103.95%
Credential Attainment	59.00%		89.80%	152.20%
Measurable Skills Gains	Baseline		73.30%	
Dislocated Worker		Pass/Fail		PASS
		Negotiated	Actual	% of goal
Exiters			35	
Participants Served			82	
EER 2nd Qtr. after Exit	84.00%		88.10%	104.88%
EER 4th Qtr. after Exit	84.00%		87.90%	104.64%
Median Earnings 2nd Quarter after exit	\$6,842.00		\$8,280	121.02%
Credential Attainment	69.00%		90.70%	131.45%
Measurable Skills Gains	Baseline		72.90%	
Youth		Pass/Fail		PASS
		Negotiated	Actual	% of goal
Exiters			107	
Participants Served			151	
EER 2nd Qtr. after Exit	79.00%		85.60%	108.35%
EER 4th Qtr. after Exit	75.00%		80.40%	107.20%
Credential Attainment	70.00%		84.40%	120.57%
Measurable Skills Gains	Baseline		58.30%	

Enrollment and expenditure level to meet State required fiscal measures:

- 75% expenditure rate on out-of-school youth: 95%
- 20% expenditure rate on Youth Work Experience: 41.93%
- 40% expenditure rate on direct participant cost (may be increased to 50% by the TN Dept. of Labor & Workforce Development): 46.04%

Comments:

Overall CSP is within the contract agreement, but Youth enrollments are not on track to meet contract goals, and Dislocated Worker enrollments are slightly below the target. While the Youth Work Experience program typically sees a large number of enrollments in the summer months, the COVID-19 pandemic is expected to have a negative impact on the number of Work Experience participants enrolled. Summer enrollments for Occupational Skills Training are also likely to be negatively impacted. Northwest Tennessee Workforce Board staff will work with the contractor to increase enrollments, when feasible, and seek guidance from the Tennessee Department of Labor and Workforce Development regarding adjustments to Key Performance Indicator Enrollment Goals.



Project Summary: To promote career exploration and increase educational attainment and labor workforce participation rates, the NW area will utilize funding to expand technical education and employment opportunities to target populations in the area's at-risk and distressed counties through partnerships between the Northwest Tennessee Workforce Board (NWTNWB), American Job Centers (AJCs), County Mayors, sheriffs and county jails, postsecondary training providers, secondary schools, employers, chambers, and various community organizations:

Benton County – Work Opportunities for Rural Kids (WORK) Program: The WORK program, branded as #WORKlife, is a paid Work Experience (WE) program allowing participants to work up to 37.5 hours for up to 6 months. In addition to gaining valuable hands-on experience and learning general work skills (i.e. soft-skills), such as attendance, punctuality, professional communication, teamwork, etc., participants earn the higher of \$8.00 per hour or 80% of the typical wage paid for the position.

Carroll, Lake, Obion, and Weakley Counties – Re-Entry Advanced Manufacturing Program (RAMP): RAMP provides instruction in the Manufacturing Skills Standard Council (MSSC) Certified Production Technician (CPT) program to incarcerated individuals onsite at the jail. The credentials, currently recognized by local employers, include four (4) nationally recognized certifications – Safety, Quality, Manufacturing Processes, and Maintenance Awareness. The training program is also supported by other services offered through the American Job Centers (AJCs) including On-the-Job Training (OJT) grants to employers who hire eligible individuals either while still incarcerated or upon release. Carroll, Lake, and Obion counties are implementing the traditional RAMP model as described above, incorporating both the educational component of CPT training and the employment component through work release programs, while Weakley County will focus on the employment component utilizing OJT, transitional jobs, and / or paid work experience as incentives to employers in the area to hire individuals either during incarceration or upon release.

Progress towards Project Goals / Key Milestones

County	Project	Goal	Actual	% Towards Goal
Weakley	RAMP (Work Release)	17	0	0.00%
Obion	RAMP (CPT)	23	0	0.00%
Carroll	RAMP (CPT)	24	10	41.67%
Benton	WORKLife	21	2	9.52%
Lake	RAMP (CPT)	40	10	25.00%

Expenditures (as of 2/29/20*)

County	Funding Amount	Admin	Program	Total	% Expended
Weakley	\$ 46,119	\$ 1,644.56	\$ -	\$ 1,644.56	3.57%
Obion	\$ 50,045	\$ 1,784.56	\$ -	\$ 1,784.56	3.57%
Carroll	\$ 50,865	\$ 1,813.80	\$ -	\$ 1,813.80	3.57%
Benton	\$ 54,420	\$ 1,940.57	\$ 839.67	\$ 2,780.24	5.11%
Lake	\$ 171,698	\$ 6,122.59	\$ 22,000.00	\$ 28,122.59	16.38%

**Invoices pending for Carroll and Lake RAMP classes & Benton County WBL.*