

**Memorandum of Understanding
between the
Governor of the State of Idaho
and
Idaho Workforce Development Council
for implementation of the
Workforce Innovation and Opportunity Act**

This agreement is made and entered into by the Governor of the State of Idaho, hereinafter referred to as the Governor and the Idaho Workforce Development Council, hereinafter referred to as the Council.

WHEREAS, the United States Congress has established the Workforce Innovation and Opportunity Act, hereinafter referred to as WIOA, and charged the State of Idaho with the establishment of local workforce development areas; and

WHEREAS, the Governor is the chief elected official for the State of Idaho; and

WHEREAS, the Governor has designated the Director of the Idaho Department of Labor, hereinafter referred to as the Department, as his designee to act in all matters regarding the State of Idaho's administrative responsibilities under WIOA; and

WHEREAS, the Governor designated the Idaho Workforce Development Council as the state workforce development board to carry out the functions required in WIOA; and

WHEREAS, the Idaho Workforce Development Council serves to carry out the functions of the local workforce development board under WIOA in a statewide regional planning area;

WHEREAS, the CFR 20 §679.430 requires a written agreement between the Council and the Governor to clarify how the Idaho Department of Labor will carry out its responsibilities when performing multiple functions under WIOA; and

WHEREAS, the Governor, the Council, and the Idaho Department of Labor are partners in the implementation of the WIOA;

NOW, THEREFORE, BE IT RESOLVED, that the following agreement between the Governor of the State of Idaho and the Idaho Workforce Development Council shall when signed, constitute a proper and valid agreement between the two parties for the purpose of determining the roles and responsibilities for implementation of the WIOA.

ARTICLE I

Role of Idaho Workforce Development Council

Responsibilities of the Idaho Workforce Development Council are outlined in the Governor's Executive Order 2016-04 and expanded in WIOA Sec. 101(d).

Under the Idaho WIOA State Plan waiver granted by the U.S. Department of Labor Employment and Training Administration through June 30, 2018, the Governor hereby designates the Idaho

Workforce Development Council to carry out the roles and responsibilities of the local boards in the state as described in the WIOA Sec. 107(d). It is the intention of the Governor for the state to be a statewide planning region acting as a single area state.

The Governor shall retain his authority as provided under the WIOA; however the Idaho Workforce Development Council may assist the Governor by approving policy and requirements related to the Governor's authority, such as State Plan submission, Eligible Training Provider requirements, performance measures, establishment of one-stop delivery systems, or other workforce system policies and oversight required by the implementation of the WIOA.

The Governor shall retain his authority as Chief Local Elected Official. However the Idaho Workforce Development Council may assist the Governor in that role by conducting charges under the WIOA such as oversight of youth workforce activities, adult and dislocated worker employment and training activities, and selection of the one-stop operator and service delivery providers.

ARTICLE II

Administrative Roles of the Idaho Department of Labor

The Governor hereby designates the Idaho Department of Labor as the **Grant Recipient** and **Fiscal Agent** for funds allocated by the Workforce Innovation and Opportunity Act (WIOA). This designation does not relieve the Governor of the liability for any misuse of grant funds per WIOA Sec. 107(d)(12)(B)(i).

As **Fiscal Agent** (20 CFR §679.420), the Idaho Department of Labor is responsible for the receipt, disbursement, accounting and reporting of all funds related to WIOA program operations including collection and disposition of program income generated by WIOA program activities pursuant to federal regulations. The Department shall establish and maintain sound fiscal practices and procedures which will ensure that all funds are managed in accordance with the Idaho State Code and the WIOA. The Department shall also be responsible for immediate disbursement of grant funds for workforce investment activities at the direction of the Idaho Workforce Development Council.

The **Governor** hereby designates the Idaho Department of Labor to act in his stead to carry out the administrative functions of the Act. The Governor and Council hereby agree that the Idaho Department of Labor, Division of Administrative Services, Bureau of Workforce Programs Administration will be **the Administrative Entity** under the WIOA.

The parties to this agreement acknowledge that while the WIOA funds reserved for statewide workforce investment activities are the sole responsibility of the Governor, this Agreement grants administration of those funds to the Idaho Department of Labor as the **Administrative Entity**.

On behalf of the **Governor**, the Idaho Department of Labor **Director** shall certify to the Secretary of the U.S. Department of Labor that the State:

- Has implemented the uniform administrative requirements for grants and agreements as promulgated in circulars or rules of the U.S. Office of Management and Budget.

- Conducted annual onsite monitoring of each local area within the State to ensure compliance with the uniform administrative requirements and taken appropriate action to secure compliance.

As **Administrative Entity**, the Idaho Department of Labor, Division of Administrative Services, Bureau of Workforce Programs Administration shall

- Establish and maintain sound fiscal practices and procedures which will ensure that all funds are managed in accordance with the Idaho State Code and the WIOA;
- Administer all WIOA programs described in titles I and III of the Act;
- Administer any other programs agreed to by the Governor and the Council;
- Develop and maintain a Management Information System to monitor eligibility, intake, performance, and compliance with contracts, the WIOA State Plan, and regulations under the Act;
- Report on operations, federal performance measures and expenditures of WIOA programs as required by the U.S. Secretary of Labor, the Governor and the Council;
- Manage request for proposal process, review and evaluate proposals, execute contracts and review and monitor contract performance, except as specified within Article VI (Conflict of Interest) of this Agreement;
- Take prompt and appropriate corrective action upon learning of violations of agreements, contracts, the Act or Regulations;
- With concurrence of the Council, establish and maintain a procedure for handling grievances, investigations, and hearings as required under the Act;
- Develop an Annual Budget for the Administrative Entity;
- Establish and maintain eligibility determination, intake, assessment and referral procedures for those enrolled in WIOA programs; and
- Ensure that an appropriate list of eligible providers be made available to such participants and the public through the one-stop system as described in WIOA Sec. 122(d);

ARTICLE III

Idaho Department of Labor **Staff to the Council**

The Governor and the Council hereby agree that staff from the Idaho Department of Labor, Division of Administrative Services, Bureau of Workforce Policy and Operations shall provide assistance to the Council in developing policy to carry out the functions of the state workforce development board as described in WIOA Sec. 101(d) and the functions of the local workforce development board as described in WIOA Sec. 107(d). Per 20 CFR §679.400(d), staff to the Idaho Workforce Development Council may only assist the Council fulfill the required functions of the WIOA.

The Idaho Department of Labor, Division of Administrative Services shall also provide administrative support to the Workforce Development Council as directed in Executive Order 2016-04.

This document serves as the written agreement required under 20 CFR §679.400(e) to clarify roles and responsibilities of the Idaho Department of Labor as the entity staffing the workforce development board as well as providing additional workforce functions.

ARTICLE IV

Idaho Department of Labor as **Service Provider**

The Governor has designated the Idaho Department of Labor as the state employment service administrator for the purpose of performing the functions of the Wagner-Peyser Act. Employment Services shall be provided by merit staff employees of the Idaho Department of Labor.

The Idaho Department of Labor, Workforce Services Division may submit competitive proposals to provide WIOA Youth workforce investment activities and/or WIOA Adult and Dislocated Worker employment and training services.

The Idaho Department of Labor as one of the entities under 20 CFR §678.600 may submit competitive proposals to provide One-Stop Operator services under the WIOA.

ARTICLE V

Idaho Department of Labor as **Labor Market Information Program**

The Governor hereby designates the Idaho Department of Labor as the State agency to be responsible for management of the workforce and **labor market information program** described in WIOA Sec. 308(b)(2). This function shall be provided by the Idaho Department of Labor, Communications and Research Division, Bureau of Research and Analysis.

ARTICLE VI

Conflict of Interest

The Governor and the Idaho Workforce Development Council agree that the Idaho Department of Labor functions simultaneously in the following roles under the WIOA: Grant Recipient,

State and Local Fiscal Agent, Administrative Entity, policy and administrative staff support for the Idaho Workforce Development Council for the functions of both the State and Local boards, and direct provider of Employment Services. The Department of Labor may also compete or be designated as a direct provider of WIOA Youth workforce investment activities, WIOA Adult and Dislocated Worker employment and training services, and/or a One-Stop operator. The Department will maintain separate divisions to demonstrate internal control and compliance with the WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and the Idaho Workforce Development Council's conflict of interest policy.


When the Idaho Department of Labor intends to submit proposals for competitive contracts for service delivery such as One-Stop Operator, WIOA service provider, or other program overseen by the Workforce Development Council, the council staff employed by the Idaho Department of Labor will work with the Idaho Department of Administration, Division of Purchasing, to avoid the appearance of conflict of interest. The Idaho Department of Labor assures that the staff from the service delivery units of the Department will not directly participate in the development of proposal criteria or selections made by the Idaho Workforce Development Council.

ARTICLE VII

As this agreement indicates that a partnership exists between the Governor and the Council, any disagreements between the parties affecting this Agreement shall be resolved by mutually satisfactory negotiations. Any modification or addition hereto shall not become binding upon either party until accepted by both parties, reduced to writing, and attached hereto as an amendment to this Agreement. In cases where accord cannot be reached, the dispute will be submitted to the U.S. Secretary of Labor's Office for resolution.

This agreement shall be in effect until it is replaced or canceled by mutual agreement of all parties.

We, the undersigned, the Governor of the State of Idaho and the Chairman of the Idaho Workforce Development Council enter into this agreement on the 7th of February, 2017.



Kenneth D. Edmunds
Director, Idaho Department of Labor



Tim Komberéc
Chair, Workforce Development Council

for
C.L. "Butch" Otter
Governor of the State of Idaho