# **Tool Kit: The Memorandum of Understanding with the Local Workforce Development Board**

## **Purpose:**

This tool kit was developed at the request of State Vocational Rehabilitation Agency Directors in meetings facilitated by CSAVR during the summer and fall of 2016. Guidance to Local Workforce Boards in these agreements parallel SVRA Director interest in similar guidance for MOU’s with State Medicaid/Mental Health/Intellectual Disability and Developmental Disability Organizations and with Education Agencies.

The Local Workforce Development Board is required to establish an agreement or agreements with the Core and Required Partner Agencies that operate within the region and through the American Job Centers. These agreements reflect the integrity of local direction of a region’s Career Pathway model in response to the needs of area Business Sector Groups. It is important to remember that each Local Workforce Development Board (LWDB) can add additional partner agencies as recognized to be necessary in creating a Career Pathway system that is equally responsive to all members of the community as is possible.

With the LWDB, the Core, Required, and other partner agencies articulate a service system in the MOU that meets the vision noted on Page 3 for RSA TAC-15-01:

*“Under WIOA, partner programs and entities that are jointly responsible for workforce and economic development, educational, and other human resource programs collaborate to create a seamless customer-focused one-stop delivery system that integrates service delivery across all programs and enhances access to the programs’ services.”*

## **Background:**

Role of the Local Workforce Development Board

The Governance Structure for the collaborative workforce in each state is established in Title I of WIOA, along with the establishment of several service programs. The role of the LWDB as established in § 679.300of the regulations is to:

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

(2) Assist in the achievement of the State’s strategic and operational vision and goals as outlined in the Unified State Plan or Combined State Plan; and

(3) Maximize and continue to improve the quality of services, customer satisfaction, effectiveness of the services provided.

Who are the Core and Required Partner Agencies?

Many interpret the guidance in WIOA (and WIA before it) to establish a workforce system that includes the “labor” programs. The other required agencies are “partners” to that workforce system. This is a subtle deviation from the vision described in RSA TAC-15-01 (and other similar guidance provided through DOL and OCTAE). In this vision, the combination of the expertise in all core, required, and additional partners is the workforce system. The AJC does not make referrals to the VR agency because the VR agency is a part of the AJC. Other Core and Required Partner agencies make referrals to the VR agency, within the AJC system.

Core Partner Agencies Include (RSA TAC-15-01):

*“The one-stop delivery system includes six* ***core programs*** *(Title I adult, dislocated worker, and youth programs; Title II adult education and literacy programs; Title III Wagner-Peyser program; and Title IV vocational rehabilitation program), as well as other required and optional partners identified in WIOA.”*

Required Partner Agencies Include (§ 361.400):

* Section V of the Older Americans Act (SCSEP)
* Carl D. Perkins Act programs (post-secondary)
* Trade Act programs
* Community Services Block Grant (CSBG) Employment and Training programs
* Housing and Urban Development (HUD) Employment and Training programs
* Unemployment Insurance
* Veterans Services authorized under Chapter 41, Article 38
* Programs under the Second Chance Act (Corrections)
* Temporary Assistance to Needy Families (TANF)
* Other Title I Programs (Job Corps, Migrant and Seasonal Farmworkers, Native American, YouthBuild)

LWDBs (Local Workforce Development Boards) are encouraged in the Act and the regulations to engage other agencies as well, in establishing the strongest possible Career Pathway system to meet the community business needs and fully engage the skills and talents of all who live in the community.

## **Considerations:**

Single Region or Multiple Region States

There are a few states that are established as “single region” states, while most states have multiple regions. Where states have multiple regions, the structure and guidance as described for local boards and their responsibilities for planning, oversight, and establishing the American Job Center (AJC) system through the local Memorandum of Understanding applies. For those States with single regions, WIOA specifies that the State Board will assume the local board role (Section 107 of the Act) with the exception of negotiating and reporting “local” performance.

What are the Benefits to the Vocational Rehabilitation Agency by having a strong MOU?

A strong local MOU establishes a number of things that facilitate the ability of the VR agency to meet its objectives. Among them:

1. The process in developing and articulating an integrated and aligned service system for job seeking customers establishes means in which the expertise of the VR professionals can be engaged to improve the AJC’s overall impact for these customers. The increased responsiveness to these customers by the greater system can improve service outcomes for customers enrolled in VR services, and the ability of the agency to serve more individuals.
2. Expectations of how agencies share costs for operations and service are clarified. A good agreement will allow to ability for agencies to make changes as customer and economic conditions change, as well as possible changes within the different funding streams.
3. The development of a collaborative business service team can be articulated in this agreement. This process reinforces the expertise offered by the VR agency to all business sectors operating in the region.
4. Clear expectations are established across the system on topics including:
   1. Disability disclosure
   2. Service accommodation
   3. How customers are “shared” across agencies within the system, including strategies for shared case management.
   4. Data sharing
   5. SSA Ticket to Work Assignment (if there are multiple ENs operating within the AJC)
   6. Support for strategies that increase the opportunity for individuals with disabilities to benefit from the common Career Pathway strategies including:
      1. SSA disability benefits advisement and planning
      2. Customized and Supported Employment services
      3. Financial education and planning

How is guidance provided to Local Workforce Development Boards in developing these MOU’s with Partner Agencies in your state?

For those states with multiple regions, there are individual Local Workforce Development Boards for each region. Each of these boards receives guidance from your Governor through the State Board that support them in the development of their MOU’s with Core, Required and Other workforce partner agencies.

At the state level, in many states, the Core Partner agencies work with the State Board to develop this guidance to the local boards. Strong participation by the SVRA in the development of this guidance is strongly advised for a number of reasons, including:

1. Cost and Resource Agreements (referred to in guidance as “Infrastructure Funding Agreements” (IFAs) will be developed within a structure that is permissible within the federal guidance provided to the Core partner agencies. This will facilitate the overall agreement and approval process.
2. Common structure can be suggested to support cross agency customer strategies known to increase customer outcomes.
3. Ability of the SVRA as a Core Partner agency to impact the physical and programmatic access of the AJC’s Career Pathway model for individuals with disabilities.

Massachusetts is an example of a state where the Core Partners worked with the State Board to establish guidance for LWDBs which is included in the Unified State Plan.

## **MOU Requirements:**

Between Board, Chief Elected Official and Workforce Partner Agencies, regarding  
One-Stop Delivery System

1. Services provided in system, and how coordinated and delivered
2. System Operating Costs – how covered through resource sharing, including infrastructure costs (Resource Source Sharing Agreement as an attachment)
3. Methods of referral
4. How individuals with barriers are included, and center accessibility
5. Duration of Agreement
6. Other – as State or Local Board may require

## **Review of State Examples and Suggestions:**

In the late summer and fall of 2016, several states provided CSAVR and WINTAC with examples of Local MOU’s. These agreement examples varied widely in regard to structure. The suggestions in this tool kit are based upon past SVRA experiences in developing these agreements combined with the guidance cited below in the suggested outline for a Local WDB MOU:

**DRAFT SEPTEMBER 10, 2016**

**Outline for MOU**

**MEMORANDUM OF UNDERSTANDING**

***between***

**(Local or Region Identifier)**

**REGIONAL WORKFORCE DEVELOPMENT BOARD,**

**(CHIEF ELECTED OFFICIALS),**

***and***

**WORKFORCE DEVELOPMENT PARTNERS**

1. **Purpose**

(*Examples provided also included differently titled sections that could be included in an initial section here:*

* *Background*
* *Development Process*
* *Vision/Goals*
* *Definitions*
* *Legal Obligations*

*Reference:*

§ 361.500 What is the Memorandum of Understanding for the one-stop delivery system and what must be included in the Memorandum of Understanding?

1. **Parties**

*(Suggested especially if this is an agreement between the Local Workforce Development Board and more than one of the Core/Required Partners – can include identification of the “One-Stop Operator” rather than have a separate agreement between the Operator and the WDB)*

*Reference:*

§ 361.400 Who are the required one-stop partners?

§ 361.505 Is there a single Memorandum of Understanding for the local area, or must there be different Memoranda of Understanding between the Local Workforce Development Board and each partner?

1. **Description of Services – Services and how Coordinated/Aligned and Delivered**

**(including role of One-Stop Operator in System Operation)**

*References:*

Guidance in State Unified Plan on Service Design and Strategy

Description in State Unified Plan of Career Pathways Model

§ 361.420 What are the roles and responsibilities of the required one-stop partners?

§ 361.430 What are career services?

§ 361.435 What are the business services provided through the one-stop delivery system, and how are they provided?

1. **System Operating Costs** 
   1. **Infrastructure Costs**
   2. **Shared Operational Costs**

*Reference:*

§ 361.700 What are the one-stop infrastructure costs?

§ 361.715 How are one-stop infrastructure costs funded in the local funding mechanism?

§ 361.720 What funds are used to pay for infrastructure costs in the local one-stop infrastructure funding mechanism?

1. **Customer Sharing / Method of Referral**
2. **How Individuals with Barriers are Included, and Center Accessibility**

(description in § 361.500)Methods to ensure that the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the one-stop delivery system;

1. **Duration of Agreement/Provisions for Amendment**
2. **Assurances**

(description in § 361.500)Assurances that each MOU will be reviewed, and if substantial changes have occurred, renewed, not less than once every three-year period to ensure appropriate funding and delivery of services.

***…other provisions as Governor, State Board and/or Local Board may require. Examples from samples provided include (though some of these may have been addressed in the Service Description Section above):***

1. Performance Reporting/Common Performance Measures/Data Sharing Provisions
2. Dispute resolution
3. Confidentiality / Information Sharing
4. Co-location and how partner or satellite offices are included in overall “system operation”
5. Monitoring / WDB Oversight (including oversight of One-Stop Operator)
6. Meeting of Business needs (although suggested to be included in service description above)
7. Ownership of Materials
8. Communication / Notices
9. Staff Development
10. Insurance
11. Assignment/Delegation/Sub-Contracts

***Required Attachments:***

1. ***IFA (Infrastructure Funding Agreement) if components are not fully included in the infrastructure costs section in the MOU main document (this is not a separate agreement, but a part of the MOU) - any changes in this portion require MOU modification and re-signing.***

***Possible Attachments:***

1. ***System Shared Costs***
2. ***Confidentiality Policy (Local)***
3. ***Data Sharing Policy (Local)***

***Signature Page***