

## **Governor's Workforce Investment Division Policy No. 10-00**

**Subject: Memorandum of Understanding (MOU)**

**Effective Date: September 12, 2000**

**Purpose:** To provide policy guidance to local Workforce Investment Boards and Mandated partners on the development of local WORKFORCE West Virginia memorandums of understanding.

**Reference:** Workforce Investment Act of 1998; Chapter 3, Section 121(c).

**Background:** A Memorandum of Understanding is an agreement executed between the local Workforce Investment Board (in agreement with the Chief Local Elected Official), and all of the Workforce Investment Act (WIA) mandated partners in the local WORKFORCE West Virginia system. The MOU is one of the important accountability tools the Act provides to local boards to help foster partner cooperation, service quality and continuous improvement as we build our WORKFORCE West Virginia service delivery system. It is intended to clearly define the roles and responsibilities of the local WIB, the One-Stop Operator and the mandatory One-Stop partners.

A One-Stop Operator may be a single entity or a consortium of entities with demonstrated effectiveness in providing employment and training services. The local WIB, in agreement with the Chief Local Elected Official are responsible for the selection of the One-Stop Operator (WORKFORCE West Virginia Operator) or Operators for their local workforce area. They may do this through a competitive process or through recognition of a consortium of at least three of the mandated WORKFORCE West Virginia partners.

A mandated WORKFORCE West Virginia partner is responsible to the system for the following:

- Provide core services at WORKFORCE West Virginia Centers
- Provide access to other services
- Use portion of funds to help establish and operate the WORKFORCE West Virginia One-Stop System

**Policy:** Recognizing the diversity of West Virginia, the state expects and understands that local MOUs will be different. To ensure a level of consistency in system development and compliance with the Act, the following are the minimum elements required in all local MOUs:

- The services to be provided by each mandated partner through the WORKFORCE West Virginia system

- How the cost of the services and the operating cost of the system will be funded, including the method for determining proportionate cost allocation
- The method of referral of customers between WORKFORCE West Virginia

partners

- The duration of the MOU
- The procedures for amending the MOU
- The identification of the parties to the agreement
- The resolution process for impasse situations

A Workforce Board may choose to develop one MOU that covers the provisions for all of the mandated partners, or they may decide to execute separate MOUs for each partner, or a combination of approaches. We encourage local WIBs to do what meets local needs, including adding provisions that go beyond the minimum elements described above.

### **Impasse Situations**

There is always the potential that a local WIB and WORKFORCE West Virginia partner(s) may not be able to reach an agreement. The Governor's Workforce Investment Division is available to assist in resolving issues between the local WIB and the partner(s). We will attempt to work with the appropriate local entities and their state or federal counterpart to help work out an agreement.

The local WIB must report any failure to execute an MOU with a mandatory partner to GWID, and the Chief Local Elected Official. GWID is required to report the impasse to the US Department of Labor and to the head of the federal agency responsible for the oversight of the partner's program if different from the Department of Labor.

Any partner that fails to execute an MOU with a local Board may not be permitted representation on the local Workforce Investment Board. Failure could also result in the workforce area not being eligible for state incentive grants that rewards areas for effective coordination of services.

**Action:** Local Workforce Investment Boards must execute an MOU for each WORKFORCE West Virginia Operator selected in the area, with inclusion of all mandated partners.

**Questions:** Questions should be directed to the Governor's Workforce Investment Division. Building 6, Room B617, 1900 Kanawha Boulevard, East, Charleston, WV 25305. Toll Free Phone No: 1-877-967-5498.

**Expiration Date:** Effective until rescinded or modified by the West Virginia Workforce Investment Council.