

PARTNERSHIP AGREEMENT
Between the
CHIEF LOCAL ELECTED OFFICIAL, LOCAL ELECTED OFFICIALS
And the
SOUTHEAST TENNESSEE LOCAL WORKFORCE DEVELOPMENT BOARD

A. PURPOSE OF THE AGREEMENT

The Mayor of Hamilton County, acting on the authority as Chief Local Elected Official (CLEO) for the Local Elected Officials (LEOs) of Bledsoe, Bradley, Grundy, Hamilton, Marion, Meigs, McMinn, Polk, Rhea and Sequatchie Counties, representing the Southeast Tennessee Local Workforce Development Area (STLWDA), enter into this Partnership Agreement with the Southeast Tennessee Local Workforce Development Board (STLWDB) in accordance with the Workforce Innovation and Opportunity Act WIOA 107(c)(1)(b). The agreement describes how the STLWDB will work together jointly with the LEOs to administer the local governance activities of the STLWDA for a period of no more than two (2) years and to be effective beginning October 1, 2022 and ending on September 30, 2024.

Definitions:

- a. Workforce Innovation and Opportunity Act (WIOA)— Public Law No. 113-128 passed by Congress and signed into law July 22, 2014.
- b. Chief Local Elected Official (CLEO) – The CLEO is the chief local elected official elected from a Consortium of Local Elected Officials in the Local Workforce Development Area.
- c. Local Elected Official (LEO) – Local elected officials of general government within a county typically designated as a county mayor.
- d. Local Workforce Development Board (LWDB) – A local workforce development board established under Section 107.
- e. Southeast Tennessee Local Workforce Development Board Chair – The members of the Local Board shall elect a chairperson from among the business representatives. The Board Chair is tasked with leading activities, setting the agenda, and approving documentation on behalf of the full board.
- f. Southeast Tennessee Local Workforce Development Area (STLWDA)— The local workforce development area in the 10-county region of Southeast Tennessee.
- g. Southeast Tennessee Local Workforce Development Board (STLWDB)— The official name of the local workforce development board in Southeast Tennessee.

B. LOCAL BOARD MEMBERSHIP

WIOA requires that Board appointments meet the required board composition and minimum number as prescribed by law. The selection process, therefore, is constrained to these parameters. Board appointments across STLWDA will be achieved by the selection requirements. At a minimum, the LEOs may nominate one representative from his/her county. The authority to appoint a Board member lies solely with the CLEO.

This agreement acknowledges that WIOA Section 107(c)(1)(A) authorizes the CLEO to appoint members to the STLWDB per the criteria established under WIOA section 107(b). The CLEO has the sole authority to appoint members to the Board through his/her role as the official signatory on behalf of the LEOs as outlined in the Interlocal Agreement between the LEOs of the ten-county region comprising the STLWDA. It is therefore the responsibility of the CLEO to appoint members to satisfy the required Board composition as prescribed by law.

The CLEO strives to establish a Board that reflects the diversity of the counties that comprise STLWDA and ensures that appointments are fair and equitable. Board members must exhibit the demographic diversity of the counties within their respective local area. The Board shall consist of membership as outlined in **Section 107(b)(2)** of the Act and representation may be determined by recommendation of the LEOs of each of the ten (10) counties that comprise STLWDA.

The Board shall include representatives of business in the local area, workforce, education, and government and community development as noted below.

- Business: A majority of local Board members, at least 51%, must be representatives who are owners, chief executive or operating officers, or other business executives, or employers with optimum policymaking or hiring authority;
- Workforce: Not less than twenty (20) percent of the members must be workforce representatives. Such representatives must include:
 - Two or more representatives of labor organizations; and
 - One or more representatives of a joint labor-management registered apprenticeship program; and
- Education: Members included in this category shall include the following:
 - At least one member must be a representative of a provider of adult education and literacy activities under Title II of WIOA.
 - At least one member must be a representative of an institution of higher education that provides workforce training (including community colleges).
- Governmental or Community Development: The Members must include at least one representative of each of the following:
 - Economic or community development entities in the local area;
 - State Employment Service Office, under Wagner-Peyser, serving the local area; and
 - Programs carried out under Title I of the Rehabilitation Act of 1973.

Approval of the nomination of each individual selected to serve on the Board requires the following documentation:

- A Nomination Form signed by the CLEO

- A Conflict-of-Interest Form signed by the nominee to the STLWDB

Staff to the STLWDB will compile all required paperwork for Board members and will monitor Board compliance with WIOA. Completed nomination forms shall be submitted to TDLWD at workforce.board@tn.gov for review.

The Board Chair must be selected from members representing the business and industry category. Nominations must be business owners, chief executives, operating officers, or others with optimum policy-making or hiring authority.

The number and distribution of board membership shall be determined collectively by the LEOs, consistent with the provisions of the state plan and Section 107(b) of the WIOA, and Tennessee Department of Labor and Workforce Development Workforce Services Local Governance policy.

The term limits for Board members shall be two (2) years. Member terms will be staggered so all terms do not expire at the same time so long as the required Board composition remains compliant. Midterm vacancies shall be communicated via email or phone to the CLEO immediately upon occurrence.

Membership on the STLWDB shall cease in case of death, resignation, documented violation of conflict of interest, failure to meet Board member representation requirements, or documented proof of fraud and/or abuse. Such action may be as a direct removal by the CLEO or a recommendation to the CLEO by the respective LEO in which the member represents; however, the CLEO remains the sole authority for appointment and removal of board members. Any member that has been recommended for removal may appeal to the CLEO within thirty (30) days. The CLEO shall have the authority to resolve such appeal to the extent that such action does not violate any law, regulation, or policy.

Nomination and replacement of the Board member shall occur within one (1) full calendar quarter after the reported vacancy. Membership is continuously monitored by STLWDB staff in order to ensure sustainable compliance.

In accordance with the criteria established under WIOA Section 107(b) and the Workforce Services Policy—Local Governance, the CLEO shall:

- Receive and sign the required nomination form for all local Board nominees;
- Approve the removal of any member who does not resign if that member becomes ineligible to serve on the Board; and
- Make all reappointments of Board members by one full quarter of the term of expiration.
- Ensure that employees of entities serving as the Fiscal Agent, Board Staff, One-Stop Operator(s), and American Job Center Career Services provider(s) are prohibited from serving on the Board.

Any action taken by the local Board with a vacancy or term expiration beyond the time described in the local Board Bylaws shall be void unless the Board has an approved waiver from TDLWD prior to the Board meeting. Waivers shall be requested in writing to the Assistant Commissioner of Workforce Services with an explanation of why a vacancy was not filled in the defined timeframe and description of the process underway to fill the vacancy.

C. RELATIONSHIP BETWEEN CLEO, LEOS, and the LOCAL BOARD

WIOA 107(f)(1) provides provision for the STLWDB to hire a director and other staff to assist in carrying out the functions of the Board. This Partnership Agreement authorizes the Southeast Tennessee Development District, a special purpose unit of government serving the 10-county local area in Southeast Tennessee, to hire and serve as the employer of record for staff to the Board to assist in the management and oversight of the functions of the Board as outlined in WIOA 107(d).

The CLEO shall be engaged with the Board and Fiscal Agent regarding activities, performance outcomes, and budgets via electronic communication (see Communication Section) and quarterly Board meetings. The CLEO and LEOs, who are Board members on the Executive Committee of the Chattanooga Area Regional Council of Governments will convene at least one joint meeting with the STLWDB annually.

Meeting Agendas

The STLWDB meeting agendas shall be determined by the Board Chair with input from the CLEO and facilitated by staff to the Board. Quarterly Board meeting agenda items may be determined by new or modified state and federal policies, guidance, or other directives, and should align with approved plan strategies.

Collective Communication of Vision, Shared Goals, and Workforce Development Needs

The CLEO, LEOs, and Board shall communicate the vision, shared goals, and workforce development needs for the STLWDA. The local plan provides the CLEO, LEOs, and Board members the opportunity to review the local economic data and provide input for the vision and goals for future workforce needs.

The quarterly Board meetings will provide a platform to provide updates to goals and expectations of local Board. Performance metrics will be reviewed, monitored, shared, and communicated quarterly during Board meetings. As previously noted, the Board, CLEO, and LEOs have at least one joint meeting annually to identify workforce development needs as well as program year progress.

Monitoring, Performance and Oversight

Consistent with an approved State plan and with the agreement of the LEOs, the STLWDB shall conduct oversight with respect to the One-Stop delivery system in the local area.

The Administrative and Fiscal Agent, Southeast Tennessee Development, has dedicated staff that provides monitoring of fiscal, programmatic, and policy compliance on behalf of the Board and LEOs.

The STLWDB and its staff will be responsible for performing the functions of monitoring, performance, and oversight of the workforce system. All reports will be distributed to the Operations Committee of the STLWDB, with summary reports being provided to the full Board and CARCOG Executive Committee.

When findings are identified in program activity or expenditures the Board staff shall require corrective actions in order to remedy said findings. If corrective actions do not remedy the findings, the Board staff shall provide technical assistance to address the finding(s) and correct the process or outcome. The Board may approve other locally developed monitoring procedures consistent with WIOA.

Workforce activity reports and the financial reports will be presented at each of the STLWDB's quarterly meetings. The reports serve as "scorecards" and contain dashboard information and other relevant data. The CLEO and Board members received these reports either via electronic communication or at the meeting. The CLEO, LEOs, and Board members will be able to monitor local public workforce system utilizing these data.

Criteria used to measure performance of the local American Job Center System may be identified by the CLEO, STLWDB, Board staff, and American Job Center partners. The centerpiece of the criteria is data that include employer and individual activities occurring in the American Job Centers (comprehensive and affiliate) from all required and additional partners in the system whether the partners are co-located or not. Fiscal policy alignment, unemployment insurance, area demographics, labor markets, customer surveys, and other data are provided to stakeholders when appropriate to review. The clearinghouse for all local area data is www.jobs4tn.gov and TNDLWD WIRED. Other data sources such as U.S. Census and its American Community Survey, and Lightcast may also be employed.

D. LOCAL PLAN REQUIREMENTS

In partnership, the CLEO, LEOs, and STLWDB shall develop and submit to the Governor regional and local plan every four years. The plan shall identify and describe strategies carried out in the Southeast local area and aligned with the state and regional plan. At the end of the first two (2) years, the CLEO, LEOs, and local Board shall review the local plan and collectively prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the plan. For each iteration of the plan, the Board must provide a fifteen (15) to thirty (30) day period for public comment prior to the plan package submittal to TDLWD. The plan shall be submitted after the CLEO and Board Chair have approved the plan. The plan shall be submitted to Workforce.Board@tn.gov.

E. BOARD BUDGET

Upon notification of local area allocations from TDLWD, the Board in partnership with the CLEO and LEOs shall develop a budget for the activities of the Board in the local area consistent with the local plan and the duties of the local board. The Board shall develop and approve the annual budget for the following program year during the fourth quarter of each fiscal year (April 1-June 30) unless the Notice of Obligation(s) is delayed. In the event this occurs, the Executive Committee will convene within 30 days of receipt of the NOO. The budget will be subject to the approval of the CLEO.

The LEOs shall have the opportunity to voice support or opposition to the proposed budget by providing feedback during the June Executive Committee meeting of the Chattanooga Area Regional Council of Governments. The CLEO will submit any feedback or concerns via electronic communication to the Board Chair. If necessary, the Board Chair will convene the Executive Committee to address the issue, and committee members will weigh on each comment/opinion of the LEOs. If there is an issue with the budget, the Executive Committee will find a reasonable resolution. If applicable, the revised budget will then be submitted to the CLEO for approval. If this does not resolve the issue, the process is repeated until a consensus is reached.

Quarterly financial statements are prepared for each STLWDB meeting and are shared with the LEOs prior to the quarterly meeting. If the LEOs are unable to attend the STLWDB meeting, a Workforce Development report is given at the LEO's Executive Committee meeting later in the month. The reports provide detail of the current year-to-date budget expenditures and current contract revenues. The STLWDB members and LEOs convene at a minimum for one quarterly joint meeting.

F. SELECTION OF OSO AND CSP

Consistent with Section 134(c)(2), the STLWDB shall identify and competitively procure the One-Stop Operator, Career Services Provider(s) and Youth Providers following a competitive procurement process. The Request for Proposals (RFP) shall be posted for interested bidders; a Board-appointed review committee shall independently review and score each proposal following the scoring matrix outlined in the RFP and make a recommendation to the Executive Committee of the Board. The Executive Committee will review the recommendation and make a motion to approve to the Board for final vote.

G. YOUTH COMMITTEE

The STLWDB elected to carry over the WIA Youth Council as the Standing Youth Committee. The committee will provide information and assist with planning, operational, and other issues relating to the provision of services to youth which shall include community-based organizations with a demonstrated record of success in serving eligible youth. When appropriate, the Youth Committee will make recommendations to the Executive Committee or full Board for consideration on policies and providers of Youth services.

H. ACCESSIBILITY REVIEW

The Board ensures that all partners cooperate with compliance monitoring that is conducted at the local level to ensure that all AJC system-wide programs, services, technology, and materials are physically and programmatically accessible and available to all individuals, including those with disabilities. Additionally, staff members will be trained to provide services to all, regardless of range of abilities, mobility, age, language, learning style, or comprehension or education level. An interpreter will be provided in real time or, if not available, within a reasonable timeframe to any customer with a language barrier. Assistive devices, such as screen-reading software programs and assistive listening devices must be available to ensure physical and programmatic accessibility within the local AJC system. The board is responsible for annually certifying the American Job Centers to ensure that they are physically and programmatically accessible to individuals with disabilities and may do so in coordination with Vocational Rehabilitation.

I. LOCAL BOARD POLICY

Board policies are drafted when State Workforce Development Board releases policies for the state's public workforce system or when the STLWDB determines a policy is necessary to provide guidance to the STLWDA. The local Board responds to the state's policy by crafting its own policy for its unique needs while adhering key federal and state policy requirements. The Operations Committee receives the draft version of a policy, formally reviews the policy, and approves the policy during the quarterly meeting. The Operations Committee submits the approval in the form of a motion to the STLWDB. The Board votes on the motion and it is approved or not approved. The Board Chair and the Director of Workforce Development provide official signatories for the policy demonstrating that the policy has been formally reviewed and approved by the Board.

J. AMENDMENTS, CHANGE, OR ELECTION

This Agreement may be amended at any time by the written, signed consent of all the parties. Any amendments will be maintained at the principle office of the Board at 1000 Riverfront Parkway, Chattanooga, TN 37405 and available for monitoring by the State Office.

The process for officially amending the Partnership Agreement, such as when there is newly elected CLEO in the area or a change in the STLWDB Board Chair, shall commence within 60 days after the party assumes her/his position. In the event of any type of required amendment to the Agreement, the amendment and details concerning the amendment shall be provide at the next STLWDB's quarterly meeting. The amendment shall be brought up for formal discussion and must be approved by the STLWDB and CLEO.

The activities surrounding the amendment process shall be facilitated by the staff to the Board. Input from the from the CLEO, LEOs, and Board members will be obtained

for all amendments.

Authorized Signatures

This agreement shall become effective October 1, 2022, by and between the CLEO, LEOs and the Southeast Tennessee Workforce Development Board and shall remain in effect through September 30, 2024. A signed copy will be provided to the CLEO, LEOs, and Board members.

Chief Local Elected Official

Board Chair



Honorable Mayor Weston Wamp
Hamilton County Mayor
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Date 9/27/2022

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