

**Northwest TN Workforce Board
Executive Committee Meeting
October 26, 2022 – 10:00 a.m.
Zoom / Administrative Office, 208 N. Mill, Dyersburg, TN**

Minutes

Committee Members Attending: Ted Piazza, Jimmy Williamson; **via Zoom:** Ben Marks, Rita Alexander, Mayor John Penn Ridgeway, Brad Hurley

Staff Members Attending in person: Jennifer Bane, Gina Johnson, LeAnn Lundberg, Laura Speer; **via Zoom:** Ginger Powell, Lana Burchfiel, Kena Hamm

Welcome and Call to Order: Ted Piazza welcomed everyone and confirmed that a quorum was present.

Review and Approval of Minutes: Minutes for the 7-27-22 Executive Meeting were reviewed.

- **MOTION: Mayor Ridgeway moved to approve the 7-27-22 Executive Committee minutes as presented and Brad Hurley seconded the motion. All were in favor and the motion carried.**

Facilities and Technology Update: LeAnn Lundberg stated that remote access is being installed on staff and resource computers in order to decrease travel time and allow LeAnn to respond more immediately to computer issues. The resource computers will be able to be accessed without permission needing to be grant for access.

Performance & Program Oversight: Laura Speer presented the following reports:

- Quarterly Complaint Logs: No complaints have been received.
- Monitoring Status Report: No issues to report. The full report is attached.
- OSO 6-Month Monitoring Report: A draft report was presented. There are no major concerns but Jennifer Bane noted that continued outreach is needed as AJC traffic continues to be low. Several KPI goals were not met for the quarter based on estimated results, and the MCPR was below the required 40% at 32.6%. This is not uncommon for the first quarter as most fall expenses aren't seen until the second quarter.
- Local Performance Results: Final program year (PY) 21 results included in the attached handouts were reviewed for the state and the West TN region. All measures were met except median wages for Dislocated Workers. Targets and results will be adjusted after the first of the year based on the characteristics of the participants served.
- New PY 22&23 Goals: Laura presented the attached negotiated targets for PY 22 and PY 23 and the estimated PY 22 Q1 results. All measures are estimated to be met above the 90% required for passing.

Budget & Administration Update:

- Financial Status Report: Gina Johnson presented the attached Financial Status Report as of September 30, 2022. Our Adult funds are 88%, Dislocated Worker 75% obligated, and Youth funds 81% obligated. We expended / obligated 82.18% of our formula program funds with 40.97% on participants. We expended / obligated nearly \$2.9 million of the nearly \$3.7 million awarded. We have met and exceeded the requirements for 20% youth work experience expenditures at 55.5% and have a participant cost rate of 32.62%, below the 40% minimum due to fall training expenses typically being recognized in the second quarter.
- PY 22 Budget Update: Jennifer Bane reviewed the attached budget update through 9/30/22. We expended 14% of our formula participant budget, ~~2560~~25% of our operating budget, 29% of our administrative budget, and 20% of our RESEA budget. RESEA funding was significantly increased last year and some funds will be returned. The budget is significantly less for this year.
- One-Stop Operator Proposed Procurement Process & Timeline: Jennifer reviewed the attached proposed OSO procurement timeline since it is time for re-procurement. The proposed process / timeline includes procuring a third-party procurer for a shared RFP with SW, if approved by SW since they are not yet due for renewal. The RFP would have two components, one for NW and one for SW, with bidders being allowed to bid on one or both. Due to decreasing budgets, there may be less funding available for the NW OSO contract.

Other: Jennifer Bane provided the following reports:

- **State Workforce Board (SWB) Updates—KPI Goals & Policy Changes:** The negotiated KPI targets are included in the handouts. Jennifer is concerned about meeting the youth goal due to very limited youth money. The In-School Youth goal is new, the SNAP goal has changed, and apprenticeship completions is a pilot. KPIs did not change that much. The SWB's policies to be reviewed at the November 4th meeting were also included in the handouts, along with comments submitted by Jennifer during the public comment period. Board agreements may have to be updated, but the major concerns surround sanctions / incentives related to KPIs, and the 6-month notice requirement for closures or relocations of AJCs.
- **2023 Committee Meetings Dates/Format:** The committee discussed the proposed dates for 2023 and elected to continue with a hybrid format.
- **2023 Board Meeting Dates:** The committee discussed the proposed dates for 2023 and a change in the meeting time. Jennifer suggested moving to a morning meeting since WIOA funding cannot be used for lunch and it is difficult to arrange a lunch speaker and the group agreed. A proposed annual joint meeting with SW is included for August.

Future Meeting Dates & Upcoming Events: Jennifer reviewed the upcoming meeting dates and events listed on the agenda. She also mentioned the Red, White and You Veterans Hiring Event scheduled for November 10th. An event will be held that day in each of the local areas in West TN.

Respectfully submitted,
Lana Burchfiel
Public Information Specialist

Northwest TN Workforce Board
Executive Committee
October 26, 2022 – 10:00 a.m.

Administrative Office
208 N. Mill Ave., Ste. B
Dyersburg, TN 38024

[Join Zoom Meeting](#)
Meeting ID: 865 3624 9981
Passcode: 622557

Agenda

- | | | |
|---|-------------------|--|
| Welcome and Call to Order | Ted Piazza, Chair | |
| Review and Approval of Minutes of 7/27/22 Meeting (Vote Required) | | |
| | | |
| Facilities and Technology Updates | LeAnn Lundberg | |
| | | |
| Performance & Program Oversight | Laura Speer | |
| <ul style="list-style-type: none">• Quarterly Complaint Logs Update• Monitoring Status Report<ul style="list-style-type: none">○ OSO 6-Month Monitoring Report• Local Performance<ul style="list-style-type: none">○ Final PY 21 Results○ New PY 22 & 23 Goals<ul style="list-style-type: none">▪ Estimated PY 22 Q1 Results | | |
| | | |
| Budget & Administration Update | | |
| <ul style="list-style-type: none">• Financial Status Report• PY 22 Budget Update• One-Stop Operator Proposed Procurement Process & Timeline | | Gina Johnson
Jennifer Bane
Jennifer Bane |
| | | |
| Other | Jennifer Bane | |
| <ul style="list-style-type: none">• State Workforce Board Updates – KPI Goals & Policy Changes• 2023 Committee Meeting Dates / Format<ul style="list-style-type: none">○ Wednesday, 10:00 am, January 25th, April 26th, July 26th, October 25th○ Hybrid, In-Person Only, or Zoom Only format?• 2023 Board Meeting Dates: Tuesdays,<ul style="list-style-type: none">○ February 28th, May 23rd, August 22nd (annual / joint meeting with SW), November 28th○ Time? At 12:00 pm (lunch at 11:30 am) or morning meeting? | | |
| | | |
| Future Meeting Dates & Upcoming Events | | |
| <ul style="list-style-type: none">• State Board Meeting: November 4th (Nashville / YouTube)• Next Board Meeting: Tuesday, November 15th at 11:30 am, Northwest HRA / Development District (Martin) and Zoom• Virtually Speaking Webinar: December 1st, 9:00 am (Zoom)• Annual Conflict of Interest Forms: Due December 31, 2022 | | |

Northwest TN Workforce Board Executive Committee Meeting

July 27, 2022 – 10:00 a.m.

Zoom / Dyersburg AJC

Minutes

Committee Members Attending: Ted Piazza, Jimmy Williamson; **via Zoom:** Ben Marks, Mayor Jake Bynum, Rita Alexander, Lana Hammons

Staff Members Attending in person: Jennifer Bane, Gina Johnson, LeAnn Lundberg, Lana Burchfiel; **via Zoom:** Ginger Powell, Laura Speer

Welcome and Call to Order: Ted Piazza welcomed everyone and confirmed that a quorum was present.

Review and Approval of Minutes: Minutes for the 4-27-22 Executive Meeting were reviewed.

- **MOTION:** Jimmy Williamson moved to approve the 4-27-22 Executive Committee minutes as presented and Ben Marks seconded the motion. All were in favor and the motion carried.

Facilities and Technology Update

- **AJC Relocation Updates:** LeAnn Lundberg explained that we are now down to 3 centers in the NW area. In Dyersburg we have 15-19 computers at the center. Huntingdon has about 23 computers available, and they get a lot of high school groups. Dresden has about 10 computers. We are transferring a couple of computers to the access points, former AJC locations, in Lake, Benton, and Henry Counties. The former Crockett County AJC is also now an access point and we are hopeful we can use the former Gibson County location as an access point as well. All phone numbers are still active on Vonage except for the Paris phone number which couldn't be transferred from Spectrum to Vonage. We will have surplus equipment. Some will be transferred to SW and some will be picked up by the state.

Performance & Program Oversight: Laura Speer presented the following reports:

- **Quarterly Complaint Logs Update:** No complaints have been received.
- **Monitoring Status Report:** No issues to report. The full report is attached.
- **Local Performance Results:** Jennifer Bane reviewed the following information:
 - **PY20 Adjusted Results:** The attached handout shows the original performance targets and results and then the adjusted targets and results based on the characteristics of the participants served. All targets were still met except for median wages for Dislocated Workers (DW). Our original result was 89.32% of the goal and then 89.39% of the adjusted goal, just barely below the 90% needed for passing. The wage goals are hard because they are out of our control.
 - **Estimated PY21Q4 Results:** Estimates listed on the attached handout show all measures are being met except for DW median wages which we are currently at 89.92% of the goal, below the required 90%. Laura Speer has run reports and sent instructions to the Career Service Provider (CSP) to make sure all data is keyed, but this will not impact wage results. Negotiations with the state for new targets for the new program year should occur within the next few weeks.
- **Data Validation Results:** Laura reviewed the attached handout detailing the results of data validation. Numbers in red are the original results and then the numbers in green are final results after Laura reviewed all issues and provided documentation that the required information was present in the electronic file. We met all our measures by achieving less than a 5% error rate for each.

Budget & Administration Update:

- **Financial Status Report:** Gina Johnson presented the attached Financial Status Report as of June 30, 2022. We expended 25.97% of our program formula funds on participants, expended 74.14% of our total formula program funds, and obligated 92.14% of our formula program funds. We expended about \$5.8 million of the nearly \$7.2 million awarded and have expended / obligated over \$6.57 million. We have met and exceeded the requirements for 20% youth work experience expenditures at 48.40% and for a 40% minimum participant cost rate at 47.26%.
- **PY 21 Budget Update:** Jennifer Bane reviewed the attached budget update through 6/30/22. We expended 64% of our formula participant budget, which means we got extra funds to put toward participants and are able to carryover formula funds, 91% of our operating budget, 92% of our administrative budget, and 74% of our RESEA budget, but we have another quarter to finish RESEA.

- PY 22 Budget Update: Jennifer Bane reviewed the attached updated draft budget. For Northwest, we are estimating carryover of \$117k in admin funds, \$493K in Title I program funds, and \$166K in RESEA program funds, which is more than originally anticipated, except for Youth, which is about negative \$40,000 since we fully expended last year's grant and had to use our new youth money that actually started in April but we don't normally use until July. We are projecting about \$178K available for youth participants, which is quite a bit less than the almost \$300,000 spent on youth this year. There's a chance we can request more funding. The National DW grant will continue for another year. On the operating side, it helps our budget quite a bit to be sharing staff with SW. Cutting down on centers also helped with staffing costs as the CSP was able to not fill a few vacancies.

Other: Jennifer Bane provided the following reports:

- Southwest Partnership Update: We have interviews on Friday for two Business Services Representatives for SW counties and have a good candidate for the fiscal position. Lucy Locke and Kena Hamm were the only full-time staff who came over with SW. Mark Chandler came over as a part-time temporary. Contracts are on the way from the state with the correct date. Margaret Prater is still working part-time to assist with the "Workforce Innovations" name change and on reviewing policies to align SW and NW. We are still looking for new spaces for the five SW AJCs that were unexpectedly relocated.
- State Workforce Board (SWB) Updates: The final KPI results are not in yet, but it looks like we will pass in most measures. We are working on negotiated rates for next year which will be approved at the next SWB meeting. Jennifer submitted proposed goals yesterday, with Title I goals based on allocations, which means our proposed goals are lower than this year's goals. The state did receive a waiver to spend up to 50% on In-School Youth (ISY) and added a new KPI for ISY enrollments. We are required to co-enroll 100% of TAA in Title I. We have had five new TAA enrollments so far, and only two co-enrolled, so we are only at 40%. Two were over income and one declined Title I services. Since the measure is cumulative, it will be very unlikely we will get to the minimum of 90% requested by the state since TAA enrollments have been low. We proposed a goal of 57% based on estimating two new TAA enrollments to be co-enrolled. They also added an apprenticeship completion goal. The state also recently hired another consultant, UTCIS, to review the workforce system. A preliminary report should be presented at the next SWB meeting.

Future Meeting Dates & Upcoming Events: Jennifer reviewed the upcoming meeting dates and events listed on the agenda prior to adjourning the meeting. She mentioned moving the AJC committee meeting to 9:30 am and Outreach & Opportunities to 11:30 am, and both from Mondays to Tuesdays.

Respectfully submitted,

Lana Burchfiel
Public Information Specialist

Northwest TN Workforce Board MONITORING STATUS REPORT

Subcontractor	Purpose of Subcontract	Scheduled	Date of Review (s)	Corrective Action Needed	Letter Mailed:
2209-2309-OJT-26-3132856 B.A.M. 2, Inc. Attn: Jamie Phillips, Office Manager 107 West Union Street Gleason, TN 38229 office@bam2inc.com (731) 681-0097	On-the-Job Training: 09-15-22 to 09-15-23	Scheduled:	Phone Interview: Fiscal:	Programmatic:	Letter Mailed:
2208-2308-OJT-37-1830395 Granges Americas, Inc. 400 Bil Broks Drive Huntingdon, TN 38344 Attn: Jennifer Burnine jennifer.burnine@granges.com (731) 986-2746	On-the-Job Training: 08-23-22 to 08-22-23	Scheduled: 09-20-22	Phone Interview: 09-20-22 Fiscal:	Programmatic:	Letter Mailed:
2208-2211-OJT-61-1350626 Amteck, LLC Attn: Jonathan Dougherty, Education Director 1106 East Court Street Dyersburg, TN 38024 (859) 621-5113	On-the-Job Training: 08-19-22 to 11-01-22	Scheduled: 09-27-22	Phone Interview: 09-27-22 Fiscal:	Programmatic:	Letter Mailed:
2207-2304-OJT-62-1576561 Hornsby's Garage Inc. Terry Hornsby 820 West Main Street Union City, TN 38261 (731) 335-2020 hornsby@bellsouth.net	On-the-Job Training: 07-05-22 to 04-01-22	Scheduled: 09-27-2022	Phone Interview: 09-27-2022 Fiscal:	Programmatic:	Letter Mailed:

Northwest TN Workforce Board MONITORING STATUS REPORT

Subcontractor	Purpose of Subcontract	Scheduled	Date of Review (s)	Corrective Action Needed	Letter Mailed:
2207-2307-OJT-62-6000282 City of Dyersburg Sue Teague, HR Manager 425 West Court Street Dyersburg, TN 38024 (731) 288- 7607 steague@dyersburgtn.gov	On-the-Job Training: 07-01-22 to 07-01-23	Scheduled: 09-21-22	Phone Interview: 09-21-22 Fiscal:	Programmatic:	Letter Mailed:
2206-2306-OJT-2478166 Thor Boats, LLC 1420 North 5th Street Union City, TN 38261 J. Paul Jackson, Chief Operating Officer (731) 507-0800 Jpaul@thorboats.com	On-the-Job Training: 06-29-22 to 06-21-23	Scheduled: 09-21-2022	Phone Interview: 09-21-22 Fiscal:	Programmatic:	Letter Mailed:
2206-2306-OJT-47-3701669 Auston Mealer's Restaurant Equipment P.O. Box 872 Dyersburg, TN 38024 Loretta Mealer, Administration (731) 445-4380 loretta@austonmealer.com	On-the-Job Training: 06-04-22 to 06-04-23	Scheduled: 09-01-2022	Phone Interview: 09-01-2022 Fiscal:	Programmatic:	Letter Mailed:
2204-2304-OJT-94-3273443 Hitachi Energy Attn: Suzie McCadams 1133 South Cavalier Drive Alamo, TN 38001 (870) 278-2278 suzie.mccadams@hitachienergy.com	On-the-Job Training: 04-25-22 to 04-01-23	Scheduled: 06-13-22	Phone Interview: 06-13-22 Fiscal: 08-12-2022	Programmatic:	Letter Mailed: 08-15-2022

Northwest TN Workforce Board MONITORING STATUS REPORT

Subcontractor	Purpose of Subcontract	Scheduled	Date of Review (s)	Corrective Action Needed	Letter Mailed:
2204-2304-OJT-94-3273443 Hitachi Energy Attn: Suzie McCadams 1133 South Cavalier Drive Alamo, TN 38001 (870) 278-2278 suzie.mccadams@hitachienergy.com	On-the-Job Training: 04-25-22 to 04-01-23	Scheduled: 06-13-22	Phone Interview: 06-13-22 Fiscal: 08-12-2022	Programmatic:	Letter Mailed: 08-15-2022
2204-2302-OJT-81-2608176 Pediatric Associates of West TN, PLLC Attn: Ms. Tobicallens 1501 Brayton Avenue Dyersburg, TN 38024 4111 tobicallens@outlook.com	On-the-Job Training: 04-25-22 to 02-01-23	Scheduled: 05-17-2022	Phone Interview: 05-17-2022 Fiscal: 08-15-2022	Programmatic:	Letter Mailed: 08-15-2022
2203-2211-OJT-62-0916675 Traf-Mark Industries, LLC 12575 Lexington Street Huntingdon, TN 38344 Monica Mays (731) 986-9035 monica@traf-mark.com	On-the-Job Training: 03-25-22 to 11-01-22	Scheduled: 05-12-2022	Phone Interview: 05-12-22 Fiscal: 06-26-22	Programmatic:	Letter Mailed: 07-05-22
2109-2206-OJT-26-1318112 Dana Sealing Products, LLC 100 Plumley Drive Paris, TN 38242 Andrea Gooch, HR Manager (731) 231-1540 endrea.gooch@dana.com	On-the-Job Training: 09-13-21 to 06-01-22	Scheduled: 05-04-22	Phone Interview: 05-04-22 Fiscal: 06-26-2022	Programmatic:	Letter Mailed: 07-05-22

Northwest TN Workforce Board MONITORING STATUS REPORT

Subcontractor	Purpose of Subcontract	Scheduled	Date of Review (s)	Corrective Action Needed	Letter Mailed:
2106-2206-OJT-47-3701669 Auston Mealer's Restaurant Equipment Services P.O. Box 872 Dyersburg, TN 38024 Attn: Jessica Sanders, Director of Operations (731) 445-4380 jessica@austonmealer.com	On-the-Job Training: 06-04-21 to 06-04-22	Scheduled: 04-27-22	Phone Interview: 04-27- 22 Fiscal: 06-26-22	Programmatic:	Letter Mailed: 07- 05-22
RFP CONTRACTS THROUGH					
2206-2306-CSP-62-0800930-MULTI Dyersburg State Community College 1510 Lake Road Dyersburg, TN 38024 Dr. Cook, President	Career and Business Services	Dates: 06-27-22 to 06-30- 23		Invoices Checked Monthly per Executive Director	
1909-2009-OSO-62-0923487-SHARE Mid-Cumberland Human Resource Agency 1101 Kermit Drive, Suite 300 Nashville, TN 37217 jhamrick@mchra.com (615) 850-3907	One-Stop Operator Services:	Expires: 06-30-23		Invoices Checked Monthly per Executive Director	

November 1, 2022

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 following items needing improvement in order to meet the Performance Goals:

1. Although average monthly traffic count has increased, goals are not being met for the American Job Centers (AJCs), indicating a need for additional outreach and promotion of the AJCs.
2. Several KPI Goals for the quarter were not met. As shown below, three programs fell into the needs improvement category, one fell into the needs significant improvement category, and two fell into the unacceptable category as of September 2022.
3. Direct participant cost rate of 32.6% is below the required 40%. It is noted that first quarter participant expenses are not typically billed by training providers until second quarter.
4. The 31% expenditure rate on in-school youth for PY 2022 funds is below the required 35%.

We look forward to continuing 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

April – September 2022

The following performance goals, per the contract, are 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.	Pass	
Promote the AJCs and maintain a log of outreach activities conducted.	Needs Improvement	AJC traffic counts continue to be down, indicating 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	Pass	

notification of changes.		
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 Intake 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	Pass	
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 maintaining average traffic flow as shown below. Targets were adjusted due to COVID-19 and re-designation of several AJCs to part-time centers.	Fail	Individual visit goals are not being met.

Individual Visit Monthly Average	Dresden	Dyersburg	Huntingdon	Total AJC
Goal	199	534	365	1,098
Sept. 2022 Actual	78	175	194	446
Difference from Goal	-121	-359	-171	-652
Percentage of Goal Met	39%	33%	53%	41%

(4) Access Point Expansion

Component/Benchmark	Pass / Fail / Needs Improvement	Improvements Needed
Add at least one new Access Point each quarter.	Pass	
Visit AJC Access Points periodically to maintain partnerships, provide technical assistance, etc.	Pass	
Conduct quarterly training / technical assistance for AJC Access Point partners.	Pass	
Assist AJC Access Point partners in tracking customer data, such as number referred to and / or receiving AJC services.	Pass	Please ensure developed tools are utilized.
Provide progress updates in monthly reports to the Board.	Pass	

(5) 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 outlined below.	Fail	Several KPI Goals for the quarter were not met. As shown below, several programs fell into the unacceptable, needs significant improvement, or needs improvement categories.
Referrals and Co-Enrollments between partner programs to include a minimum of 10% of RESEA participants referred to the Title I program.	Pass	Of the 90 individuals completing a first scheduled RESEA appointment between July and September 2022, 10, or 11%, were referred to Title I. Of those, 2, or 20%, were enrolled in Title I. The TDLWD requests at least 25% of those referred be co-enrolled.

Program	July - Sept. 22 Goal	Results	Percentage of Goal
Adult / Dislocated Worker New Enrollments	104	76	73.1%
Jobs for Veterans State Grants New Enrollments	6	29	483.3%
Re-Entry New Enrollments (all partners)	8	57	712.5%
RESEA Co-Enrollments	3	2	66.7%
SNAP E&T AE Co-Enrollments	1	0	0.0%
SNAP E&T Job Retention Services	1	0	0.0%
SNAP E&T Job Search Training	1	0	0.0%
Wagner Peyser New Enrollments	195	249	127.7%
ISY New Enrollments	9	2	22.2%
Youth New Enrollments	31	16	51.6%

TAA Co-Enrollment in Title I DW	90%	n/a	n/a
Apprenticeship Completions (Pilot)	3	0	0.0%

TDLWD Achievement Levels per KPI Policy

Achievement Level	Threshold
0 – Unacceptable	0 to 20%
1 – Needs Significant Improvement	21 to 50%
2 – Needs Improvement	51 to 70%
3 – Approaching Target	71 to 90%
4 – Target Achieved	91 to 100%
5 – Best Practice, Significantly Above Target	110%+

(6) 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	All measures are estimated to be passing as of September 2022 (official results pending). Note: DW Median Earnings failed for PY 21 at 89.92% of the goal.

Adult Measures

	Goals	Estimated Results
Employment Rate 2 nd Quarter After Exit	83%	89.6%
Employment Rate 4 th Quarter After Exit	83%	82.1%
Median Earnings 2 nd Quarter After Exit	\$6,900	\$7,862.95
Credential Attainment Within 4 Quarters After Exit	69%	85.8%
Measurable Skills Gain	62%	71.0%

Dislocated Worker Measures:

Employment Rate 2 nd Quarter After Exit	83%	90.0%
Employment Rate 4 th Quarter After Exit	83%	88.7%
Median Earnings 2 nd Quarter After Exit	\$7,110	\$7,131.48
Credential Attainment Within 4 Quarters After Exit	70.6%	92.9%
Measurable Skills Gain	61.2%	70%

Youth Measures:

Employment Rate 2 nd Quarter After Exit	77.5%	85.7%
Employment Rate 4 th Quarter After Exit	76.5%	80.7%
Median Earnings 2 nd Quarter After Exit	\$3,720	\$6,035.26
Credential Attainment Within 4 Quarters After Exit	70.5%	82.6%
Measurable Skills Gain	54.2%	65.0%

Note: Estimated Results. Official performance results from the TDLWD through September 2022 are still pending.

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:

- 35% expenditure rate on in-school youth (PY 2022 funds): **31%**

- 20% expenditure rate on Youth Work Experience: 55.5%
- 40% expenditure rate on direct participant cost: 32.6%

Note: First quarter participant expenses not typically billed by training providers until second quarter.

Fiscal Monitoring Results:

<u>INVOICE</u>	<u>DATE RECEIVED</u>	<u>CORRECTIONS NEEDED</u>
Apr-22	5/10/2022	Added \$0.15 to Benton professional services direct costs for the audit and this cause a penny increase in indirect.
May-22	6/2/2022	No changes made.
Jun-22	7/12/2022	<ul style="list-style-type: none"> • Added WCTN amounts that were not included in benefits on the MCHRA invoice – benefits increased by \$95.34. • Travel was monitored, we paid exact mileage and MCHRA had rounded up – travel decreased by \$3.83. • Third Party charges: \$6.11, \$5.98, \$6.08 and WC charges for each county were different. MCHRA had a \$5.99 charge on some counties, no backup for this amount – third party decreased by \$24.19. • Changes above increased indirect amount. – indirect increased by \$3.58.
Jul-22	8/9/2022	No changes were made.
Aug-22	9/7/2022	Made adjustment to James Starnes meal per diem. If food is provided by the conference, we cannot provide a per diem reimbursement for it.
Sep-22	10/6/2022	Review in progress.

WIOA Federal Reporting Score Card

PY21 Annual WIOA Core Performance Measures	Tennessee						
Adult Measures	Pass/Fail		Pass	Dislocated Worker	Pass/Fail		Pass
	Negotiated	Actual	% of Goal		Negotiated	Actual	% of Goal
Exiters		3253		Exiters		1067	
Participants Served		7041		Participants Served		2150	
EER 2nd Qtr after exit	82.50%	81.8%	99.15%	EER 2nd Qtr after exit	82.50%	82.6%	100.12%
EER 4th Qtr after exit	82.50%	79.2%	96.00%	EER 4th Qtr after exit	82.50%	82.0%	99.39%
Med. Earnings	\$ 6,680.00	\$ 7,517	112.53%	Med. Earnings	\$ 7,650.00	\$ 8,762	114.54%
Cred. Attainment	63.50%	73.1%	115.12%	Cred. Attainment	67.00%	70.4%	105.07%
MSG	53.00%	72.7%	137.17%	MSG	49.00%	73.7%	150.41%
Youth	Pass/Fail		Pass	Wagner-Peyser	Pass/Fail		Fail
	Negotiated	Actual	% of Goal		Negotiated	Actual	% of Goal
Exiters		1822		Exiters		18251	
Participants Served		4057		Participants Served		20509	
EER 2nd Qtr after exit	77.00%	81.5%	105.84%	EER 2nd Qtr after exit	70%	59.7%	85.90%
EER 4th Qtr after exit	76.00%	77.7%	102.24%	EER 4th Qtr after exit	67%	62.8%	93.73%
Med. Earnings	\$ 3,400	\$ 4,819	141.74%	Med. Earnings	\$ 4,800	\$ 5,901	122.94%
Cred. Attainment	70.00%	64.8%	92.57%				
MSG	47.00%	61.9%	131.70%				

WIOA Federal Reporting Score Card

[illegible]

[illegible]

PY22 Q1WIOA Core Performance Measures 4 Rolling Quarters		10/7/2022	
		47145 Northwest Tennessee	
Adult Measures	Pass/Fail		Pass
	Negotiated	Actual	% of Goal
Exiters	0	189	
Participants Served	0	457	
EER 2nd Qtr after exit	83.0%	89.6%	108.0%
EER 4th Qtr after exit	83.0%	82.1%	98.92%
Med. Earnings	\$ 6,900.00	\$ 7,862.95	113.96%
Cred. Attainment	69.0%	85.8%	124.35%
MSG	62%	71.0%	114.52%
Dislocated Worker	Pass/Fail		Pass
	Negotiated	Actual	% of Goal
Exiters	0	42	
Participants Served	0	82	
EER 2nd Qtr after exit	83.0%	90.0%	108.43%
EER 4th Qtr after exit	83.0%	88.7%	106.87%
Med. Earnings	\$ 7,110.00	\$ 7,131.48	100.30%
Cred. Attainment	70.6%	92.9%	131.59%
MSG	61.2%	70.0%	114.38%
Youth	Pass/Fail		Pass
	Negotiated	Actual	% of Goal
Exiters	0	44	
Participants Served	0	173	
EER 2nd Qtr after exit	77.5%	85.7%	110.58%
EER 4th Qtr after exit	76.5%	80.7%	105.49%
Med. Earnings	\$ 3,720.00	\$ 6,035.26	162.24%
Cred. Attainment	70.5%	82.6%	117.16%
MSG	54.2%	65.0%	119.93%

FINANCIAL STATUS REPORT FOR MONTH ENDING 9/30/2022								
	CONTRACT BUDGET 9/30/2022	CUM. EXPENSE 9/30/2022	CURRENT MO ACCRUALS 9/30/2022	TOTAL EXP/ACCR 9/30/2022	OBLIGATIONS 9/30/2022	TOTAL EXP ACCR & OBLG 9/30/2022	DEOBLIGATED FUNDS 9/30/2022	UNOBLIGATED BALANCE 9/30/2022
AS OF DATE								
FORMULA PROGRAM FUNDS				invoiced not pd	July-Jan 18 not pd			
ADULT OPERATIONS	\$ 433,609.93	\$ 261,327.16	\$ 24,894.19	\$ 286,221.35	\$ 23,330.87	\$ 309,552.22	\$ -	\$ 124,057.71
ADULT PARTICIPANT	\$ 289,073.29	\$ 125,363.81	\$ 9,214.48	\$ 134,578.29	\$ 195,045.52	\$ 329,623.81	\$ -	\$ (40,550.52)
ADULT TOTAL	\$ 722,683.22	\$ 386,690.97	\$ 34,108.67	\$ 420,799.64	\$ 218,376.39	\$ 639,176.03	\$ -	\$ 83,507.19
PERCENTAGE PARTICIPANT	40.00%	32.42%	27.02%	31.98%	89.32%	51.57%	#DIV/0!	
PERCENTAGE EXP/OBLG						88%		
DSLWK OPERATIONS	\$ 310,453.51	\$ 327,231.54	\$ 18,935.05	\$ 346,166.59	\$ 24,112.51	\$ 370,279.10	\$ -	\$ (59,825.59)
DLSWK PARTICIPANT	\$ 206,969.00	\$ 1,794.54	\$ 287.69	\$ 2,082.23	\$ 17,173.90	\$ 19,256.13	\$ -	\$ 187,712.87
DSLWK TOTAL	\$ 517,422.51	\$ 329,026.08	\$ 19,222.74	\$ 348,248.82	\$ 41,286.41	\$ 389,535.23	\$ -	\$ 127,887.28
PERCENTAGE PARTICIPANT	40.00%	0.55%	1.50%	0.60%	41.60%	4.94%	#DIV/0!	146.78%
PERCENTAGE EXP/OBLG						75%		
YOUTH OPERATIONS	\$ 580,593.35	\$ 446,800.47	\$ 20,505.45	\$ 467,305.92	\$ 17,815.61	\$ 485,121.53	\$ -	\$ 95,471.81
YOUTH PARTICIPANT	\$ 580,593.35	\$ 322,136.21	\$ 27,302.95	\$ 349,439.16	\$ 110,163.23	\$ 459,602.39	\$ -	\$ 120,990.96
YOUTH TOTAL	\$ 1,161,186.69	\$ 768,936.68	\$ 47,808.40	\$ 816,745.08	\$ 127,978.84	\$ 944,723.92	\$ -	\$ 216,462.77
PERCENTAGE PARTICIPANT	50.00%	41.89%	57.11%	42.78%	86.08%	48.65%	#DIV/0!	55.89%
PERCENTAGE EXP/OBLG						81%		

FORMULA PERCENTAGES

TOTAL FORMULA OPERATIONS	\$ 1,324,656.78	\$ 1,035,359.17	\$ 64,334.69	\$ 1,099,693.86	\$ 65,258.99	\$ 1,164,952.85	\$ -	\$ 159,703.93
TOTAL FORMULA PARTICIPANT	\$ 1,076,635.64	\$ 449,294.56	\$ 36,805.12	\$ 486,099.68	\$ 322,382.65	\$ 808,482.33	\$ -	\$ 268,153.31
TOTAL ALL FORMULA	\$ 2,401,292.42	\$ 1,484,653.73	\$ 101,139.81	\$ 1,585,793.54	\$ 387,641.64	\$ 1,973,435.18	\$ -	\$ 427,857.24
PERCENTAGE PARTICIPANT	44.84%	30.26%	36.39%	30.65%	83.17%	40.97%	#DIV/0!	62.67%
PERCENTAGE EXPENDED /OBL				66.04%		82.18%	0.00%	
YOUTH OUT OF SCHOOL	\$ 989,100.34	\$ 612,837.19	\$ 31,821.54	\$ 644,658.73	\$ 127,517.15	\$ 772,175.88		\$ 216,924.46
PERCENTAGE OUT SCHOOL	85.18%	79.70%	66.56%	78.93%	99.64%	81.74%		
YOUTH WORK EXPERIENCE	\$ 290,296.67	\$ 424,919.43	\$ 28,653.23	\$ 453,572.66	\$ 276.27	\$ 453,848.93		\$ (163,552.26)
PERCENTAGE WORK EXP	25.00%	55.26%	59.93%	55.53%	0.22%	48.04%		
OTHER FUNDS								
Re-Entry Funding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
National DW Grant	\$ 15,849.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,849.00
STATEWIDE / Apprenticeship	\$ 747,546.00	\$ 445,558.39	\$ 10,542.00	\$ 456,100.39	\$ 195,788.60	\$ 651,888.99	\$ -	\$ 95,657.01
RESEA	\$ 210,000.00	\$ 68,450.08	\$ 8,108.52	\$ 76,558.60	\$ 11,545.49	\$ 88,104.09	\$ -	\$ 121,895.91
TOTAL OTHER FUNDS	\$ 973,395.00	\$ 514,008.47	\$ 18,650.52	\$ 532,658.99	\$ 207,334.09	\$ 739,993.08	\$ -	\$ 233,401.92
TOTAL PROG FORMULA/OTHER	\$ 3,374,687.42	\$ 1,998,662.20	\$ 119,790.33	\$ 2,118,452.53	\$ 594,975.73	\$ 2,713,428.26	\$ -	\$ 661,259.16
ADMINISTRATION	\$ 315,781.66	\$ 160,507.58	\$ 422.43	\$ 160,930.01	\$ 3,309.73	\$ 164,239.74	\$ -	\$ 151,541.92
TOTAL ALL FUNDS	\$ 3,690,469.08	\$ 2,159,169.78	\$ 120,212.76	\$ 2,279,382.54	\$ 598,285.46	\$ 2,877,668.00	\$ -	\$ 812,801.08
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PARTICIPANT % ALL FUNDS								
TOTAL FORMULA OPERATIONS	\$ 1,324,656.78	\$ 1,035,359.17	\$ 64,334.69	\$ 1,099,693.86	\$ 65,258.99	\$ 1,164,952.85	\$ -	\$ 159,703.93
TOTAL FORMULA PARTICIPANT	\$ 1,076,635.64	\$ 449,294.56	\$ 36,805.12	\$ 486,099.68	\$ 322,382.65	\$ 808,482.33	\$ -	\$ 268,153.31
CONS. BUSINESS-IWT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
CONS. BUSINESS-OJT / RA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,849.00
STATEWIDE / Apprenticeship	\$ 747,546.00	\$ 445,558.39	\$ 10,542.00	\$ 456,100.39	\$ 195,788.60	\$ 651,888.99	\$ -	\$ 95,657.01
TOTAL FORMULA-CB-RR-RAMP	\$ 3,148,838.42	\$ 1,930,212.12	\$ 111,681.81	\$ 2,041,893.93	\$ 583,430.24	\$ 2,625,324.17	\$ -	\$ 539,363.25
TOTAL PARTICIPANT- CB - RR	\$ 1,824,181.64	\$ 894,852.95	\$ 47,347.12	\$ 942,200.07	\$ 518,171.25	\$ 1,460,371.32	\$ -	\$ 379,659.32
PERCENTAGE PARTICIPANT*	58%	46%	42%	46%	89%	56%	#DIV/0!	70%

*Prior Year Expenditures / Accruals Not Excluded

MINIMUM PARTICIPANT COST RATE	
Total YTD Participant Expenditures	\$ 147,064.62
Total YTD Program Expenditures	\$ 450,814.51
YTD MPCR	32.62%

Northwest PY 2022 Budget - Revised Aug. 2022
vs. YTD Expenditures as of 9/30/22

	Budget	July - Sept. 2022	Percentage of Budget
Participant Budget	\$ 737,235.81	\$ 100,434.95	14%
Operating Budget	\$ 1,208,520.41	\$ 302,130.10	25%
IFA Expenses (including OSO)	\$ 107,649.75	\$ 21,422.55	20%
Career Service Provider (w/o DWG)	\$ 640,000.00	\$ 177,161.29	28%
Board / Fiscal Agent Expenses	\$ 460,870.66	\$ 105,166.05	23%
Total Operating Expenses	\$ 1,208,520.41	\$ 303,749.89	25%
<i>Remaining Balance</i>	<i>\$ -</i>	<i>\$ (1,619.79)</i>	<i>0%</i>
RESEA Program Operating Budget	\$ 166,635.22	\$ 33,193.82	20%
<i>(through 9/30/22)</i>			
Administrative Budget (all grants)	\$ 232,799.94	\$ 66,703.05	29%
Adult & DW Part. & Program	\$ 1,439,943.28	\$ 244,832.53	17%
Youth Part. & Program	\$ 505,812.94	\$ 159,352.31	32%
Total Part. & Program	\$ 1,945,756.22	\$ 404,184.84	21%
<i>Remaining Balance</i>	<i>\$ -</i>	<i>\$ 1,541,571.38</i>	<i>79%</i>
Adult & DW Program Only	\$ 880,854.98	\$ 209,234.35	24%
Youth Program Only	\$ 327,665.43	\$ 94,515.54	29%
Total Program	\$ 1,208,520.41	\$ 303,749.89	25%
<i>Remaining Balance</i>	<i>\$ -</i>	<i>\$ 904,770.52</i>	<i>75%</i>

DRAFT One-Stop Operator (OSO) RFP Process & Timeline

Workforce Board Approval of RFP Process	October 27, 2022 (SW) & November 15, 2022 (NW)
Procure / Select Third-Party Procurer	By December 15, 2022
RFP Release	January 30, 2023
Deadline for Bidders Questions	February 15, 2023
Response to Bidder Questions Posted Online	February 22, 2023
Proposal Deadline (email only)	March 31, 2023
Third-Party RFP Committee Review	April 1-13, 2023
Executive Committee Review & Recommendation	April 26, 2023 (NW) & May 4, 2023 (SW)
Workforce Board & LEOs Review & Selection	May 17, 2023 (NW) & June 1, 2023 (SW)
Notification to all Bidders	June 5, 2023
Contract Begin Date	July 1, 2023

Component # 1: One-Stop Operator for the Northwest LWDA. [Adjust Staffing - Welcome Function vs. part-time OSO Assistant?](#)

Component # 2: One-Stop Operator for the Southwest LWDA.

An entity may bid on one or both components; however, contracts will be awarded based on the individual components, and may be awarded to different entities.

Negotiated Targets for NW KPIs (pending SWDB approval)

Program	NW Target	Q1	Q2	Q3	Q4
Adult and Dislocated Worker New Enrollments	281	104	52	52	73
Apprenticeship Completions (Pilot)	12	3	3	3	3
Jobs for Veterans State Grants New Enrollments	24	6	6	6	6
Re-Entry New Enrollments (all partners)	50	8	17	9	16
RESEA Co-Enrollments	15	3	4	4	4
SNAP E&T AE Co-Enrollments	4	1	1	1	1
SNAP E&T Job Retention Services	5	1	1	2	1
SNAP E&T Job Search Training	4	1	1	1	1
TAA Co-Enrollments	90.0%	90.0%	90.0%	90.0%	90.0%
Wagner Peyser New Enrollments	781	195	195	195	196
ISY New Enrollments	24	9	4	7	4
Youth New Enrollments	80	31	14	23	12
DWG (pending)	76	28	20	21	7

Comments Submitted During Public Comment Period

Allowable and Unallowable Costs Policy

How can entities ensure only American-made equipment and programs are purchased? Can additional guidelines be added to the policy for clarification?

Local Governance

Section 1: Please clarify the timeline for reappointments. Is it within the quarter AFTER the expiration? For example, if a board member's term ends in May, is the reappointment due by June 30th or September 30th?

1.1: Will a resume or nomination letter no longer be required?

1.2: Should the third bullet state they must also refrain from discussions?

1.5: Will a renewal form be provided?

Section 2: Is it necessary to require that all start and end dates be the same? If this remains, how does this affect current agreements? Would we all be required to have new agreements starting in October 2023 even if our current bylaws are not yet due to be renewed? Current agreements should be grandfathered in.

2.7: Could the last statement be revised to state that "Local board members may be removed FOR CAUSE for other factors outlined...."

2.8: Local Board Standing Committees: Please clarify how the "composition" of each committee should be stated in the bylaws. I assume the expectation is not to list members by name?

Section 3.2: TEGL 11-19 states that decertification for failing to meet local performance measures must occur after a 3rd year, not two consecutive years. Can the policy be revised to align to the TEGL? Also, please specify what constitutes failure – below 90% for any individual performance measure? Or an overall score of less than 90% as outlined in the TEGL?

Section 4: Is it necessary to require that all start and end dates be the same? If this remains, how does this affect current agreements? Would we all be required to have new agreements starting in October 2023 even if our current agreement is not yet due to be renewed? Current agreements should be grandfathered in. Also, with new mayors beginning in September during election years, it would be incredibly difficult to ensure new mayors are able to meet and approve a new agreement so soon after election.

4.1: This section states the agreement cannot exceed four years even though the section about it states two years. Since LEOs serve four-year terms, the agreement should be allowed to be in place for four years.

4.8: The bylaws section states that the CLEO has final approval of board members, but that isn't stated here. Can it be added for clarification?

4.13: As long as the new mayor is notified within 30 days, is it allowable for them to take additional time to review and sign off on the agreement if needed? It is an incredibly busy time for new mayors and the extra time would be appreciated.

4.15 Does the requirement of this clause eliminate the need for a separate Board and LEO Partnership agreement? There is a lot of overlap in the partnership agreement with information already included in the Interlocal Agreement and Bylaws anyways. It states that the Chair's signature cannot be more than two years old, but if a four-year agreement is in place, it seems this should also be four years (unless a new Chair is elected).

Section 5: Are certain forms of public notice required? For example, do ads need to still be placed in the paper? Or is notice on the area's website and social media pages sufficient?

5.1: Is it really necessary to have a policy to address board meeting minutes? Isn't all of this already covered in the Bylaws?

One-Stop Certification

Section 2.3: The two-year requirement is for reviewing certification criteria not completion of certification, correct?
Item 2.2 states certification must happen every three years.

Section 4: Six months' notice for a relocation seems unnecessary and unreasonable, especially if state staff are not located in the AJC. If 6-months' notice is required for relocation, it is not going to be feasible to provide the exact location, time, savings, etc. Any available location at the time of the notice is not going to be held by a landlord for six months. Also, as stated in the below comments, 6-months' notice is really not always financially feasible.

Section 5: If a closure of an AJC is necessary due to insufficient funds, six months' notice is unreasonable. By the time we receive our estimated allocations, drastic cuts in funding may require very swift action. We cannot remain in an AJC if we literally don't have the funds to do so. We received a 12% cut in NW this year, and about that much last year, and have been financially forced into closing AJCs. Is the state going to provide funding to keep the AJC open during the required period if the area does not have the funds?

One-Stop Design

"County Mayor/ Local Elected Official (LEO)/ Chief Local Elected Official (CLEO)

This entity:

- o Is the recipient of and responsible for WIOA Title I funds for their established LWDA
- o Establishes the Local Workforce Development Board"

This section should be clarified to distinguish between the LEOs vs. CLEO. The CLEO is designated by the LEOs to be the recipient and has final approval of board members. The way it currently reads, it sounds like all LEOs do this.

Section 1.1: Title I is required in a comprehensive AJC, but not Wagner Peyser?

1.2: Can the OSO request Wagner Peyser staff be present in an Affiliate AJC on a regular basis as long as other partner staff are present at least 50% of the time the AJC is open?

1.4: How can access points track services if they aren't allowed to be listed as an AJC location in VOS?

Section 2: Do affiliates and specialized AJCs still have to use a lowercase branding? Our preference would be for all AJCs to have the same brand (with capitalization).

KPIs

SWDB Staff: It would be much more efficient for proposed local goals to be provided rather than regional goals, with regions being able to propose revisions. LWDB staff spend a lot of time dissecting the regional goal (even though the SWDB staff already have this information) to propose goals, only to participate in negotiations and be given a different goal. It would be much more efficient to treat KPI negotiations like federal performance negotiations – each local area is given a proposed goal and has the option to negotiate, with the understanding that each local area must work with the other areas in the region to ensure the regional goal is met between the three areas.

Also, goals should account for funding decreases. If an area has a 12% cut to funding, like NW did this year, then they shouldn't be expected to attain the same goals as the prior year. We cannot maintain, let alone increase, services and enrollments as our resources decrease every year.

Local providers: This section isn't clear. The first bullet seems to say the RPC submits the targets, but the next bullet says the Executive Director negotiates them? Each provider should be required to propose and negotiate their own goals through the formstack. The LWDBs have no direct oversight besides Title I Adult, DW, and Youth and shouldn't be negotiating goals on behalf of the other programs. I also think it would create more buy-in from partners if they had to propose and negotiate goals for their own programs.

3.3: Appeals should be initiated by the local provider requesting an appeal.

3.4: Sanctions and incentives should be targeted to specific providers. The LWDB should not be excluded from receiving an incentive, or be sanctioned, if a partner program that it has no direct authority over fails to meet its goal.



State of Tennessee
State Workforce Development Board

220 French Landing Drive, 4A

Nashville, TN 37243-1002

(615) 741-0409

State Workforce Development Board Policy Allowable and Unallowable Costs

Effective Date: November 4, 2022

Expiration Date: Automatic Annual Renewal

Purpose

To ensure that Local Workforce Development Board (LWDB) oversight of WIOA Title I funds are allowable and support workforce development activities in the Local Workforce Development Area (LWDA). This policy defines allowable and unallowable expenses and provides scenarios where providing food and beverages during meetings is allowable.

Scope

- Fiscal Agent
- One-Stop Operator
- State Workforce Development Board
- Local Workforce Development Board

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Definitions¹

Allocable Cost: A cost to a particular award or other cost objective if the goods or services involved are chargeable or assignable to the award or cost objective in accordance with relative benefits received.

Award: Any money, loans, non-cash assistance, granted to the State (from the federal government)—or granted by the State to a person or legal entity for furnishing by the State of assistance— whether financial or otherwise, to any person or entity to support a program authorized by law.

Conference: A conference is defined as a meeting, retreat, seminar, symposium, workshop or event whose primary purpose is the dissemination of technical information beyond the non-Federal

¹Tennessee Central Procurement Policy Number 2013-007

entity and is necessary and reasonable for successful performance under the Federal award.

Contractor: An entity that receives a contract as defined in the US OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as "a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term as used in this part does not include a legal instrument, even if the non-federal entity considers it a contract when the substance of the transaction meets the definition of a federal award or sub-award."

External Customers: Participants and/or employers are considered external customers. Professional colleagues would normally be considered individuals outside of the organizations influence but sharing common interests and goals of the organization.

Grantee: The person or entity receiving an Award.

Grantor State Agency: State agency that provides an Award to a person or entity.

Internal Customers: Employees and sub-recipients are considered internal customers to include Local Workforce Development Board members and County Mayors.

Reasonable Costs: A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

State Agency: Departments, agencies, and entities of the State of Tennessee.

Subrecipient: A non-federal entity that receives an award from a pass-through entity to carry out part of a federal or state program; this does not include an individual that is a beneficiary of such a program. A sub-recipient may also be a recipient of other federal awards directly from a federal awarding agency.

1. Allowable Cost Provisions

Expenditures of WIOA Title 1-B funds are allowable only for those activities permitted by the WIOA regulations. For the Adult and Dislocated Worker programs, allowable activities include basic career², individualized career³, and training services⁴. Allowable activities include youth services⁵.

² 20 CFR 678.430(a)

³ 20 CFR 678.430(b)

⁴ 20 CFR 680.200

⁵ 20 CFR 681.460

1.1 Applicable Cost Principles⁶

The following chart lists the kinds of organizations and the applicable cost principles.

For the cost Incurred by:	Use the principles in:
State, local or Indian tribal government	OMB Circular A-87 (as codified at 2 CFR Part 225).
Private nonprofit organization other than an: (1) institution of higher education (2) hospital, or (3) organization named in OMB Circular A-122 (as codified at 2 CFR part 230) as not subject to that circular	OMB Circular A-122 (as codified at 2 CFR Part 230).
Educational institutions	OMB Circular A-21 (as codified at 2 CFR Part 220).
For-profit organization other than a hospital and an organization named in OMB Circular A- 122 (as codified at 2 CFR part 230) as not subject to that circular	48 CFR Part 31. Contract Cost Principles and Procedures, or uniform cost accounting standards that comply with cost principles acceptable to the Federal agency.

1.2 Allowable Costs⁷

Except where otherwise authorized by statute, costs must meet the following general criteria to be allowable under federal awards:

- Be necessary and reasonable for the performance of the federal award and be allocable under these principles.
- Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
- Be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the non-federal entity.
- Be accorded consistent treatment. A cost may not be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the federal award as an indirect cost.
- Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.
- Not be included as a cost or used to meet cost sharing or matching requirements of any other federally financed program in either the current or a prior period. See also 2 CFR 200.306(b).
- Be adequately documented⁸.

⁶ 29 CFR 97.22

⁷ 2 CFR 200.403

⁸ 2 CFR 200.300 through 2 CFR 200.309

1.3 Outreach Allowability⁹

Outreach costs (examples could include - flyers, brochures, banners, and other promotional material) associated with promoting WIOA program services, including American Job Center (AJC) location information and participant recruitment at job fairs in the LWDA are allowable.

When participating in employer outreach activities, management must ensure that the participation is:

- Necessary and reasonable
- Directly related to placing eligible individuals in training
- Directly related to placing WIOA participants into employment; and
- Furthering the delivery of WIOA services.

In addition, management must ensure that any funds spent on employer outreach activities meet allowable costs standards. Employer outreach and job development activities may include, but are not limited to:

- Contacts with potential employers for the purpose of placement of WIOA participants.
- Participation in business associations (such as Chambers of Commerce), joint labor management committees, labor associations, and resource centers; or
- WIOA staff participation on economic development boards and commissions, and work with economic development agencies to provide information about WIOA programs.

1.4 Conference Costs Allowability

Costs of meetings and conferences, the primary purpose of which is the dissemination of technical information, are allowable. This includes costs of meals if the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award¹⁰.

1.5 Travel Costs Allowability¹¹

Costs incurred by employees and officers for travel—to include subsistence and incidental expenses—must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the non-federal entity. Costs for meals during travel must justify that:

- Participation of the individual is necessary to the federal award; and
- The costs are reasonable and consistent with the non-federal entity's established travel policy.

⁹ 20 CFR 683.245

¹⁰ 2 CFR 200.404

¹¹ 2 CFR 200.475

1.6 Working Lunches¹²

The cost of a "working lunch", with external customers and other colleagues, is considered reasonable and necessary when there is adequate documentation for the necessity of having a meeting during a mealtime instead of during normal business hours. This validating documentation must specify:

- Which employment, training, and administration-related subjects (e.g. technical assistance components) were discussed;
- Include a list of participants; and
- Dated, itemized meal cost receipts.

2. Unallowable Cost Provisions

All costs associated with noncompliance are considered unallowed costs, regardless of their permissibility under other circumstances. Examples of unallowable activities include, but are not limited to:

- Any legal expenses incurred for the prosecution of claims against the government are unallowable. This includes appeals to the Administrative Law Judge of disallowed costs or other claims and civil actions where the Federal government is a defendant¹³.
- The costs of construction or purchase of facilities or buildings or other capital expenditures for improvements to land or buildings, are unallowable for all WIOA Title 1-B programs, except with prior written approval from the U.S. Department of Labor¹⁴.
- Public service employment, except when authorized under Title I of WIOA.
- Employment-generating activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, economic development activities or similar activities. An exception is made only for those employer outreach and job development activities directly related to participants.
- The wages of incumbent workers during participation in economic development activities provided through the state workforce system.
- Foreign travel and first-class airline tickets.
- Employment or training programs for sectarian activities. This section does not prohibit the provision of services by faith-based organizations unless those services are sectarian in nature.
- Expenses prohibited under any other federal, state, or local law or regulation.
- Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable¹⁵.

¹² Tennessee Department of Finance and Administration Policy 8 - Comprehensive Travel Regulations & 2 CFR 200.474(b)

¹³ 2 CFR 200.435(g)

¹⁴ 20 CFR 683.235

¹⁵ 2 CFR 200.438

- Costs of promotional items and memorabilia, including models, gifts, and souvenirs are unallowable¹⁶.

2.1 Employment-Generating Activities¹⁷

LWDBs must ensure WIOA Title I funds are not spent on the following items unless they are directly related to training for eligible individuals.

- Employment generating activities
- Investment in revolving loan funds
- Capitalization of businesses
- Investment in contract bidding resource centers
- Economic development activities

2.2 Contributions and Donations¹⁸

LWDBs must ensure WIOA Title I funds are not used to:

- Sponsor third-party events, such as a Chamber of Commerce event.
- Pay sponsorship costs of contributions and donations including:
 - Cash
 - Property
 - Services
- Sponsor events by purchasing tables
- Pay to have entity's name placed on event material
- Purchase tickets to an event

3. Restrictions for Cost Provisions

3.1 Salary and Bonus Restrictions Using WIOA Funds

In instances where funds awarded under WIOA Title I or the Wagner-Peyser Act pay only a portion of the salary or bonus, the WIOA Title I or Wagner-Peyser Act funds may only be charged for the share of the employee's salary or bonus attributable to the work performed on the WIOA Title I or Wagner-Peyser Act grant. The restriction applies to the sum of salaries and bonuses charged as either direct costs or indirect costs under WIOA Title I and the Wagner-Peyser Act¹⁹.

¹⁶ 2 CFR 200.421(e)

¹⁷ 20 CFR 683.245

¹⁸ 2 CFR 200.434

¹⁹ 20 CFR 683.290(b)

3.2 Procurement Restrictions²⁰

WIOA Title 1-B funds must be expended on only American-made equipment and programs as required by the Buy American Act. Sub-awards or contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal programs or activities are prohibited.

4. General Guidelines

As the grantee of WIOA funding, Local Workforce Development Boards (LWDBs) and subrecipients must comply with the federal allowable cost principles that apply to their organization²¹. Each LWDB and each grant recipient must make readily accessible reports concerning its operations and expenditures²².

5. Automatic Renewal Process

All policies approved by the State Workforce Development Board will be automatically renewed, on an annual basis, July 1 of every year. A list of policies that will be automatically renewed are submitted to the State Workforce Development Board during the meeting prior to July 1 every year. If a policy requires any type of substantial change, the policy will be resubmitted to the State Workforce Development Board for a new approval and will not be subject to the annual renewal process.

Contact

For any questions related to this policy, please contact the Program Integrity Unit at Workforce.Board@tn.gov.

Tim Berry, State Workforce Development Board Chair

²⁰ 20 CFR 683.200(f)

²¹ 2 CFR Subpart E

²² WIOA Section 185(c)(1)



State of Tennessee
State Workforce Development Board

220 French Landing Drive, 4A

Nashville, TN 37243-1002

(615) 741-0409

State Workforce Development Board Policy

Local Governance

Effective Date: November 4, 2022

Expiration Date: Automatic Annual Renewal

Purpose

This policy provides membership requirements to serve on the Local Workforce Development Board (Local Board), including how the members create the Local Board Bylaws to define the roles, responsibilities, and authority of the Local Board's oversight of workforce development programs in the Local Workforce Development Area (local area).

Additionally, this policy provides requirements for the Local Elected Officials (LEOs) to enter an Interlocal Agreement to select a Chief Local Elected Official (CLEO) to act as the signatory for the consortium. This agreement also defines how the LEOs, and the Local Board will jointly administer workforce development activities regarding the American Job Centers.

Finally, this policy provides transparency requirements regarding quarterly meeting minutes documenting the activities of the Local Board.

Scope

- State Workforce Development Board
- Local Workforce Development Board
- Chief Local Elected Officials
- Local Elected Officials
- WIOA Required Partners

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Definitions

Chief Local Elected Official (CLEO): A county mayor designated as the signatory on behalf of the consortium of county mayors.

Local Elected Official (LEO): County mayors of a respective Local Workforce Development Area.

Local Workforce Development Area (Local Area): A geographical location of Tennessee, determined by county, so that programs can be allocated by location.

Local Workforce Development Board (LWDB): A board that administers and monitors workforce development activities in a local area,

Local Workforce Development Board Chair (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.

Workforce Innovation and Opportunity Act (WIOA): Law designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.¹

1. Local Board Nomination, Membership

The requirements for Local Board representation² must be considered by the CLEO when selecting individuals to serve on the board. The CLEO acts as the signatory on behalf of the other LEOs and has final authority to select members to serve on the LWDB.³

The CLEO must:

- Receive and sign the nomination form required for all Local Board nominees;
- Approve the removal of any member, who does not resign, if that member becomes ineligible to serve on the Local Board; and
- Make all reappointments of Local Board members by one full quarter of the term of expiration.

1.1 Documentation to Support Nomination

To appoint an individual to serve on the Local Board, the following documentation is required:

- A Nomination Form or signed by the CLEO; and

¹<https://www.dol.gov/agencies/eta/wioa>

² WIOA Section 107(b)

³ WIOA Section 107(c)(1)(A)

- A Conflict-of-Interest Form signed by the nominee to the Local Board

1.2 Conflict of Interest Form

Before taking office, Local Board members must provide a written declaration to the Local Board Chair to disclose all substantial business interests or relationships they, or their immediate families⁴, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the Local Board. Local Board members must sign an acknowledgment form to confirm that they will adhere to the following:

- Such declarations must be updated annually to reflect any changes in business interests or relationships
- Declarations must be maintained by the LWDB staff for five (5) years from the original signature date
- LWDB members must not vote on any matter that would provide direct financial benefit to the member or the member's immediate family, or on matters of the provision of services by the member, or the entity the member represents
- All abstentions must be recorded in the minutes of the Local Board and be maintained as part of the official record

The Local Board Chair must monitor for potential conflicts of interest and bring them to the Local Board's attention in the event the member does not make a self-declaration.

1.3 Nominee Certification by the State of Tennessee

Completed nomination forms must be submitted to the Workforce Services Division—at Workforce.Board@tn.gov—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.

Nominees will not be approved until all supporting documentation is complete, accurate, and contained in one (1) submission.

The member must not be seated onto the Local Board until a certification letter has been received to affirm the nomination.

1.4 Compliance with Policy

Documentation for renewal of a Local Board member's nomination or their conflict-of-interest form must be received within one (1) full calendar quarters following expiration. If a member's term expires after January 1, 2022 (Q1 CY 2022) then all documentation must be submitted, approved, and confirmed between April and June 2022 (Q2 CY 2022).

⁴ Parents, [siblings](#), [spouses](#), [partners](#), [children](#), [grandparents](#), [grandchildren](#), [aunts](#), [uncles](#), [siblings-in-law](#), [half-siblings](#), [cousins](#), adopted children and step-parents/step-children, and cohabiting partners

Updated documented must be submitted to the TDLWD Central Office at Workforce.Board@tn.gov

1.5 Term Renewal Documents

The CLEO will sign and submit a Renewal Form to extend the tenure of LWDB members in good standing. The Renewal Waiver must acknowledge:

- The member's organization that they indicated on the nomination form
- The member has a conflict-of-interest form signed within 365 days of membership renewal
- The member has not violated the Local Board's bylaws that would bring cause to the termination of their appointment
- The member's new begin and end dates of service, in compliance with the term limits of the Local Board's bylaws

All membership renewals due to change in employment must include anew nomination form and conflict of interest form signed by the LWDB member (if expired or not on file at the time of renewal).

1.6 Board Roster Availability to the Public

LWDBs must create, maintain, and present an updated board roster for their respective boards. This roster must be located on the LWDB's website and must be easily accessible and visible to the public. The comprehensive board roster must include the following information (in no standardized order) for each LWDB board member:

- Date Certified to Serve
- Board Member Name
- County Member Represents
- Board Member Employer, Organization
- Special Board Composition Requirement the Board Member fulfills under WIOA (ex. WIOA 107(b)(2)(A))
- Nominator Name
- Nominator Organization
- Begin and End Dates of Appointment
- Conflict of Interest Dates of Tenure

The State will maintain an internal comprehensive roster sheet for each of the LWDBs for monitoring purposes. Boards will be expected to send new and updated board member documentation to the Program Integrity Unit to assist with monitoring being conducted. Boards, and their staff, are responsible for ensuring that their comprehensive, public facing roster is updated by their next quarterly calendar board meeting. Failure to do so will result in technical assistance being conducted by the Program Integrity Unit to ensure documentation is updated by the proceeding quarterly calendar board meeting. Multiple offenses may result in a Corrective Action Plan or sanction explained in the State's *Sanctions for Failure to Meet Federal and State Standards* policy.

2. Local Workforce Development Board Bylaws

Bylaws establish the powers, duties, and grounds for the dissolution of an organization. Bylaws are the rules and regulations enacted by the Local Board to provide a framework for their operation and management. Bylaws will have a term limit of two years. The start of this term will **begin October 1 and end September 30** after every **two years** (ex. October 2022 - September 2024). LWDBs must submit their bylaws **within fifteen 15 business days** of signing their updated Bylaws. Bylaws specify the qualifications, rights, and liabilities of membership. The LWDB must establish bylaws that include:

2.1 Purpose of the Bylaws

The bylaws must:

- State the name of the Local Board
- Identify the Local Board as an entity that oversees job training and placement programs within Tennessee's workforce development system

2.2 Local Board Chairperson

The bylaws must:

- Describe the process to elect the Local Board Chair from among the Local Board members representing business entities⁵
- Define term limits of the Local Board Chair's tenure.
- The LWDB Chair acts as the signatory on behalf of the entire LWDB regarding the following:
 - Local Board budget approval⁶
 - Regional and Local Plans⁷
 - Selection, Certification of One-Stop Operators and Career Service Providers⁸
 - Negotiated local performance measures⁹
 - Assessment of programmatic and physical accessibility¹⁰

2.3 Composition of the Local Workforce Development Board¹¹

Business Representation

⁵ WIOA Section 107(b)(3)

⁶ WIOA Section 107(d)(12)

⁷ WIOA Section 107(d)(1)

⁸ WIOA Section 107(d)(10)

⁹ WIOA Section 107(d)(9)

¹⁰ WIOA Section 107(d)(13)

¹¹ WIOA Section 107(b)(2)

A majority—defined as the greater sum of the whole (largest percentage)—of Local Board members must be representatives who are owners, other business executives, or employers with optimum policymaking or hiring authority.

Workforce Representation

Not less than twenty percent (20%) of the members must be workforce representatives. Such representatives must include:

- Two (2) or more representatives of labor organizations; and
- One (1) or more representatives of a joint labor-management registered apprenticeship program

Education Representation

- At least one (1) member must be a representative of a provider of adult education and literacy activities under WIOA Title II; and
- At least one (1) member must be a representative of an institution of higher education that provides workforce training (including community colleges)

Government or Community Development Representation

The members must include at least one (1) representative of each of the following:

- Economic or community development entities in the LWDA;
- The State Employment Service Office, under Wagner-Peyser, serving the LWDA; and
- Programs carried out under Title I of the Rehabilitation Act of 1973

2.4 Local Board Member Election

The bylaws must include a description of:

- The process used to select Local Board members,
- Local Board member terms of appointment
- Local Board member removal
- Local Board member reappointments

The bylaws must acknowledge that LWDB members who no longer hold the position or status that made them eligible to serve must resign, or be removed by the CLEO, immediately as a representative of that entity.

2.5 Local Board Member Terms

The bylaws must:

- Establish term limits to define when a Local Board member's service tenure expires.

2.6 Local Board Member Mid-Term Appointment

Local Board member replacements made mid-term will serve the remainder of the out-going Local Board member's term. Local Board vacancies must be filled within one (1) full calendar quarters following expiration. If a member resigns or is removed between January and March 2022 (Q1 CY 2022) then all documentation must be submitted, approved, and confirmed between April and June 2022 (Q2 CY 2022).

Any action taken by an Local Board, with a vacancy or term expiration beyond the time period described in the Local Board bylaws, will be void unless the Local Board has an approved waiver from the Assistant Administrator of the Workforce Services Division—at Workforce.Board@tn.gov—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.

2.7 Local Board Member Removal

Local Board members must be removed by the CLEO if any of the following occurs:

- Documented violation of conflict of interest;
- Failure to meet Local Board member representation requirements; or
- Documented proof of fraud and/or abuse

The agreement must define:

- The specific criteria that will be used to establish just cause for such removal
- The process required to document proof
- The steps to file an appeal or petition for arbitration

Local Board members may be removed for other factors outlined in the Local Board bylaws, such as attendance.

2.8 Local Board Member Roles and Responsibilities¹²

Budget Approval¹³

The Local Board must develop a budget to provide workforce development services. The budget must be approved by the Local Board Chair prior to final approval by the CLEO. The final Local Board budget must be submitted to Workforce.Board@tn.gov prior to each program year. The agreement must describe how the Local Board will develop the local area budget, how the LEOs will participate in drafting the budget, and specify the process to obtain the CLEO's approval.

¹² WIOA Section 107(d)

¹³ WIOA Section 107(d)(12)

Local Plan

The Local Board must develop the Local Plan consistent with WIOA and Tennessee Department of Labor and Workforce Development (TDLWD) requirements¹⁴, submitted to the Governor by the Local Board Chair. The agreement must define how the LEOs, CLEO, and the Local Board will collaborate to write and approve the Local Plan.

Selection, Certification of OSO and CSP¹⁵

The Local Board must establish the guidelines to:

- Select the One-Stop Operator (OSO) and Career Service Provider (CSP)
- The process to obtain the CLEO's approval of the selection
- The process to terminate for cause the eligibility of the OSO and CSP
- The process to document determination to terminate for cause

American Job Center (AJC) System Oversight

The Local Board must:

- Conduct oversight of the American Job Center system, including all WIOA activities¹⁶
- Negotiate local performance measures¹⁷
- Select the OSO and CSP¹⁸, subject to approval by the Chief Local Elected Official (CLEO)
- Maintain a list of eligible training providers¹⁹, including cost and performance data
- Select eligible CSPs to provide youth services²⁰ and adult and dislocated services²¹ consistent with federal, state, and local procurement requirements; and
- Appoint a Youth Council to advise the LWDB on youth activities²² (optional).

Physical and Programmatic Accessibility (ADA) Oversight

The bylaws must describe the process of how the Local Board will assess the physical and programmatic accessibility on an annual basis.

Local Board Policy

¹⁴ WIOA Section 107(d)(1)

¹⁵ WIOA Section 107(d)(10)

¹⁶ WIOA Section 107(d)(8)

¹⁷ WIOA Section 107(d)(9)

¹⁸ WIOA Section 107(d)(10)

¹⁹ WIOA Section 107(d)(10)

²⁰ WIOA Section 107(d)(10)(B)

²¹ WIOA Section 107(d)(10)(D)

²² WIOA Section 107(b)(4)(C)

The bylaws must describe the process to draft, review, and approve Local Board policy. All policies must reflect the signature of the Local Board Chair to demonstrate that they have been formally reviewed and approved by the full Local Board.

Other Local Board Roles and Responsibilities

- Elect a private-sector business representative as LWDB Chair²³;
- Create an annual report that must be submitted to the TDLWD, per guidelines established by TDLWD
- Promote American Job Center programs and activities
- Assist the State to develop a statewide employment statistics system under the Wagner-Peyser Act;
- Coordinate with economic development strategies and establish employer links with workforce development activities²⁴; and
- Carry out regional planning responsibilities, as required by the State.

Relationship Between the Local Board and County Mayors

The bylaws must establish how the Local Board will collaborate with the CLEO, to include:

- How meeting agendas are set;
- How the CLEO and the Local Board will communicate to share the vision, goals, and workforce development needs of local communities; and
- How performance metrics will be reviewed, monitored, shared, and communicated, to include staff responsible for each task.

The bylaws must establish requirements for the Local Board to regularly inform the CLEOs and LEOs regarding activities, performance outcomes, and budgets a joint meeting held annually between CLEO/LEOs and the Local Board. LEOs must meet once a year with the Local Board.

Local Board Meetings

The bylaws must include detailed information concerning meetings, to include:

- Information on how often LWDB and standing committee meetings are held
- Acknowledgment of compliance with open meeting requirements²⁵
- Description of the process to announce regular and special meetings
- Description of the public-outreach process to encourage community engagement
- Acknowledgment that a quorum must consist of at least one-third (1/3, or 33%) of the currently appointed membership, and;
- Clarification as to whether phone and web-based meetings will be permitted

²³ WIOA Section 107(b)(3)

²⁴ WIOA Sections 107(d)(4) and 107(d)(5)

²⁵ WIOA Section 107(e)

Proxy Votes

The bylaws must include:

- Instruction on when a Local Board member may utilize a proxy to cast a vote
- The process that a Local Board member must follow to select a proxy to vote on their behalf
- Acknowledgement that this policy prohibits proxy voting more than one (1) time in a calendar year without written approval from the Local Board Chair

Local Board Standing Committees²⁶

The bylaws must include a list of standing committees, including descriptions and composition for each. Standing committees must meet the standards outlined in WIOA Section 107(b)(4). 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 Local Board.

Compensation and Reimbursement of Expenses

The bylaws must outline Local Board member compensation and expense reimbursement.

Amendments to Bylaws

The bylaws must include a description of the process to make amendments to the bylaws, to include the voting majority required to approve changes.

Compliance with Law

The bylaws must acknowledge all applicable Tennessee statutes and regulations including, but not limited to, the governing procurement standards or regulations for the local area, the Sunshine Law, and state travel regulations. In the execution of its business, the Local Board must comply with WIOA regulations, to include adherence to all policies and directives approved by the State Workforce Development Board (State Board).

3. Local Workforce Development Board Certification²⁷

The State will certify that the composition of each Local Board, including the appointment process, complies with WIOA Section 107 and this policy. The composition of each Local Board will be evaluated quarterly by Program Integrity staff and will coincide with SWDB meetings.

3.1 Local Board Re-Certification

Re-certification will be conducted by the State once every two (2) years to ensure the local workforce

²⁶ WIOA Section 107(b)(4)

²⁷ WIOA Section 107(c)(2)

activities support meeting local performance measures, as outlined in the local grant agreement, to include Local Board composition requirements.

If a Local Board 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.

3.2 Local Board Decertification²⁸

The Governor shall have the authority to decertify a Local Board at any time after providing written notice and opportunity for comment, under the following conditions:

- Documentation of fraud and/or abuse
- Failure to meet the local performance accountability measures for two (2) consecutive program years
- Failure to meet all Local Board certification requirements or
- Failure to carry out the required functions of the Local Board

If the Governor decertifies a Local Board, the Governor may require that a new Local Board be appointed and certified for the local area. Certifying a new Local Board will take place pursuant to a reorganization plan developed by the Governor, in consultation with the LEOs, consistent with WIOA Section 107(b).

4. Interlocal Agreement

The chief executive officer of a county government can serve as the grant recipient and act as a LEO or CLEO. The county mayors are the LEOs of their serving area. Counties in Tennessee contain municipalities; however, the mayors of those municipalities are not considered to be the LEOs and are ineligible to serve as WIOA grant recipients. Interlocal Agreements will have a term limit of two years. The start of this term will **begin October 1 and end September 30** after every **two years** (ex. October 2022 - September 2024). LWDBs must submit their interlocal agreement **within fifteen 15 business days** of signing their updated interlocal agreement. The following must be included in the Interlocal Agreement:

4.1 Purpose of the Interlocal Agreement

The agreement must describe the purpose and the term of the Interlocal Agreement, to include a statement that the term of the agreement cannot exceed four (4) years, to include begin and end dates of the agreement.

²⁸ WIOA Section 107(c)(3)

4.2 Participating Local Elected Officials

The agreement must contain the name, representation, contact information, and signature of each LEO in the local area.

4.3 Designation of a Chief Local Elected Official

The LEOs must select a CLEO who will act on behalf of the other LEOs. If the CLEO is not performing their function, then the LEOs may unseat the CLEO by a two-thirds (2/3 or 66%) majority vote. If this occurs, staff in the Program Integrity unit must be notified immediately by sending correspondence to Workforce.Board@tn.gov.

Designation of a CLEO must include the following:

- The appointment process and term of the CLEO
- Designation of the CLEO to serve as the signatory for the LEOs
- Decisions that may be made by the CLEO on behalf of the LEOs
- Name, title, and contact information of the appointed CLEO

4.4 Grant Recipient and Signatory²⁹

The agreement must acknowledge the CLEO, and their respective county, as the grant recipient for all local WIOA funds, or state that the CLEO has designated grant recipient authority to a Fiscal Agent. In either case, contracts related to the expenditure of WIOA funds must be signed by the CLEO as the signatory for the LEOs.

4.5 Liability of Funds³⁰

The liability of individual jurisdictions must be included in the agreement if disbursed among all local units of government, including the method to define how liability was calculated. The agreement must outline the process to determine each county's share of responsibility for the expenditure of WIOA funds. This determination of liability could be based on allocation, population, expenditures, or other criteria determined by the CLEO.

4.6 Fiscal Agent, Grant Sub-Recipient Designation

The CLEO may designate an entity to serve as the Fiscal Agent or grant sub-recipient for WIOA funds. If the Fiscal Agent is competitively procured, the agreement must describe the competitive process used to designate the Fiscal Agent.

²⁹ WIOA Section 107(d)(12)(B)(i)(I)

³⁰ 20 CFR 683.710(b)(2)

Such designation does not relieve the CLEO of the liability for any misuse of grant funds as apportioned in the Interlocal Agreement.

4.7 Resolving Disallowed Costs

Since the liability of funds rests with all counties within the local area, LEOs must outline the process used to negotiate contracts and correct disallowed costs. The Interlocal Agreement must contain:

- A detailed process to reconcile disallowed costs
- Acknowledgment that liability for costs rests with the entity responsible for incurring the cost, in most cases, which are recommended for disallowance, and which are not resolved
- In the event the entity responsible cannot or will not assume the liability, the agreement must provide the process on how funds will be reimbursed

4.8 Local Board Member Representation

All LEOs in the LWDA must:

- Enter into an agreement that determines how the Local Board nominees will be selected, appointed, removed, or reappointed³¹
- Outline the Local Board member nomination process within the agreement

The agreement must outline how LEOs will ensure Local Board representation is fair and equitable across the local area and is in accordance with WIOA policy through Local Board member nominations. An attempt must be made that each county within the local area is represented by at least one (1) Local Board member. The agreement must reflect that term limits have been established per Local Board bylaws, including replacement if a member's position becomes vacant mid-term.

4.9 Communication between Local Board and County Mayors

The agreement must include a description of how the LEOs will communicate with each other regarding Local Board activities, including how many times a year the LEOs will meet and how often a joint meeting with the Local Board will be held. The LEOs must meet at least one (1) time a year with the Local Board and one (1) time a year separately as LEOs to discuss the shared vision, goals, and strategy.

4.10 Local Board Budget Approval

The agreement must describe the process used by the LWDB to create the annual LWDA budget, to include the process used among the LEOs to review and approve the budget. All LWDA budgets are

³¹ TEGL 27-14

subject to approval by the CLEO.³² Fiscal oversight and fiscal performance reviews must take place throughout the year and should occur quarterly.

4.11 Programmatic and Fiscal Performance

The agreement must determine how the CLEO and LEOs, in collaboration with the Local Board, will monitor and review the programmatic and fiscal performance of the local area and OSO to ensure each county's workforce goals and needs are addressed according to the Local Plan. More information regarding monitoring is available in the TDLWD Monitoring Guide.

4.12 Dispute Resolution

The agreement must state how disputes among LEOs will be resolved regarding Local Board appointments, budget approval, and execution of other responsibilities under WIOA.

4.13 Election of a New County Mayor

If a new county mayor is elected, the LWDB must inform the new LEO(s)—within thirty (30) business days—of their responsibilities and liabilities, as well as the need to review and update any written agreements among the LEOs.³³ Once the new LEO has had an opportunity to review the Interlocal Agreement they must submit an addendum to the Local Board acknowledging that they:

- Have read, understood, and will comply with the current Interlocal Agreement; and
- Reserve the option to request negotiations to amend the Interlocal Agreement at any time during the official's tenure as a LEO.

4.14 Amendment to the Interlocal Agreement

The agreement must have a section that outlines the process for amendments or changes to the Interlocal Agreement. All amendments or changes must be submitted to The Program Integrity Unit by sending an attachment to Workforce.Board@tn.gov.

Once completed with all LEO signatures recorded on the Interlocal Agreement, the agreement must be sent to Workforce.Board@tn.gov.

4.15 Agreement Between Board Chairperson and CLEO

At the end of the interlocal agreement, there must be an additional clause that covers the relationship between the LWDB Chairperson and the respective LWDA CLEO. This clause must express that the LWDB Chairperson agrees with all aspects set forth by the interlocal agreement and adheres to organizing and facilitating a joint effort in collaborating with their respective consortium of LEOs. This clause must contain the signature of the LWDB Chairperson along with a date of signature. This clause

³² WIOA Section 107(d)(12)(A)

³³ 20 CFR 683.710(b)(3)

will be rendered non-compliant and expired if there is a change in the LWDB Chairperson representation, a change in CLEO, or two (2) calendar years have elapsed since date of signature.

5. Local Board Meeting Minutes

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. This information must be made available upon request and on the LWDA's website. Also, records must be open to the public.³⁴

Local Boards must give the public adequate notice (30 calendar days) of these meetings.

5.1 Local Board Meeting Minutes Policy

Each Local Board must create a policy that complies with this Workforce Services Division policy, including all federal rules and regulations. Local policy must reflect the signature of the Local Board Chair to demonstrate that it has been formally reviewed and approved by the Local Board. This policy must outline the process and should highlight, at a minimum, the following points:

- Give adequate notice to the public about its upcoming meetings
- Conduct its business of those meetings in an open manner
- Arrange for all individuals, including those with disabilities, to have physical and electronic access to Local Board meetings, including appropriate accommodations
- Arrange for the public to have access to the LWDB meeting minutes and any other pertinent information related to Local Board business

5.2 Access to Minutes on Local Board Website

Meeting minutes must be on the Local Board's website within fifteen (15) business days of the Local Board's approval. For example, the Quarter 1 meeting minutes must be approved and uploaded to the LWDB website within fifteen (15) business days of the Quarter 2 Local Board meeting. Only the formal minutes must be posted on the website; no attachments of presentations at the board meeting are needed unless the Local Board believes that these attachments are necessary.

5.3 Access to Minutes for Those with Disabilities

Public records must be open to public scrutiny.³⁵ Transparency and accountability must be a part of the function and duties of the Local Board; business conducted in an open manner and with appropriate accommodations ensures that the public, including people with disabilities, can access information concerning board meetings.

³⁴ TCA 10-7-503(a)(2)(A)-(B)

³⁵ TCA 10-7-503

Each Local Board must ensure that appropriate accommodation—such as documents in Braille and large print, sign language interpreters, wheelchair accessibility, and closed captioning—are made so that those with disabilities have access to all its public meetings and pertinent records.

6. Monitoring, Enforcement

State monitoring of compliance of local governance activities conducted by the Local Board and CLEO will be conducted by the Program Integrity unit of the Workforce Services Division. Monitoring will be conducted throughout the year. Compliance status can be requested through Workforce.Board@tn.gov and a response will be issued within five (5) business days.

7. Automatic Renewal Process

All policies approved by the State Workforce Development Board will be automatically renewed, on an annual basis, July 1 of every year. A list of policies that will be automatically renewed are submitted to the State Workforce Development Board during the meeting prior to July 1 every year. If a policy requires any type of substantial change, the policy will be resubmitted to the State Workforce Development Board for a new approval and will not be subject to the annual renewal process.

Contact

For any questions related to this policy, please contact the **Program Integrity Unit** at Workforce.Board@tn.gov.

Tim Berry, State Workforce Development Board Chair



State of Tennessee
State Workforce Development Board

220 French Landing Drive, 4A

Nashville, TN 37243-1002

(615) 741-0409

State Workforce Development Board Policy One-Stop Certification

Effective Date: November 4, 2022

Expiration Date: Automatic Annual Renewal

Policy Statement

This policy ensures that expectations for one-stop certification are clearly outlined. This policy furthers the State Workforce Development Board's commitment to transparency and adherence to federal regulations.

Purpose

To provide guidance to Local Workforce Development Boards on the process and procedures for evaluating and certifying American Job Centers (AJCs) under the Workforce Innovation and Opportunity Act (WIOA).

Scope

- American Job Center Partners
- Fiscal Agent
- Local Workforce Development Board
- One-Stop Operator
- State Workforce Development Board
- Workforce Innovation and Opportunity Act Core Partners

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Important Notice

AJCs are portals to Tennessee's workforce system that provide a broad array of career services, business services, and resources for jobseekers. AJCs are designed to have two (2) primary functions: help individuals acquire the skills necessary to gain meaningful employment and assist businesses to access talent to meet their needs. Under the Workforce Innovation and Opportunity Act (WIOA), state and local partners share common performance goals and are mandated to collaborate in the development and implementation of a One-Stop service delivery system where services are customer-focused, resources are leveraged for maximum efficiency, and continuous improvement is the hallmark. The certification process assures the LWDBs shall oversee the delivery of employment and training programs of the highest level of effectiveness and sustainability within their communities.

1. What is Certification?

The criteria established by the State Workforce Development Board (SWDB) to certify an American Job Center (AJC) include¹:

- An evaluation of effectiveness to include:
 - Integration of available services that meets the needs for participants and businesses
 - Cost-efficiency for operation
 - An established process for coordination of services among the one-stop partner programs
 - Access to partner program services to the maximum extent practicable
 - Including providing services outside of regular business hours where there is a workforce need, as identified by the Local WDB
 - Customer Feedback (participants and business)
- An evaluation of programmatic and physical access to include:
 - An assessment of the physical and programmatic accessibility conducted by Vocational Rehabilitation (VR) partners
 - Access to a translation service procured or identified by the LWDB
 - Evaluations of how well the one-stop center ensures equal opportunity for individuals with disabilities to participate in or benefit from one-stop center services, to include:
 - Providing reasonable accommodations for individuals with disabilities;
 - Making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities;
 - Administering programs in the most integrated setting appropriate;
 - Communicating with persons with disabilities as effectively as with others;
 - Providing appropriate auxiliary aids and services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity; and
 - Providing for the physical accessibility of the one-stop center to individuals with disabilities.
- An evaluation of continuous improvement to include:
 - The AJCs support in achieving the LWDBs negotiated local levels of performance and key performance indicators
 - The process for identifying and addressing the training needs of all staff

The Local Workforce Development Boards (LWDBs) must include the above criteria in the certification of the American Job Centers (AJCs) and may establish additional criteria to further strengthen the

¹ 20 CFR 678.800(b) & 20 CFR 678.800(c)

certification process. If the LWDB establishes additional criteria, that must be recorded in written procedures and communicated to the SWDB².

2. What Must be Certified?

The following American Job Centers must be certified per the requirements of this policy in order to utilize infrastructure funding:

1. Comprehensive AJC
2. Affiliate AJC
3. Specialized AJC
4. Mobile AJC

The following center does not need to be certified but must have a memorandum of understanding between the LWDB and the partner agency:

1. Access Point

2.1 Why is an AJC Certified?

Local WDBs must certify one-stop centers in order to be eligible to use infrastructure funding described in 20 CFR 678.700.³

2.2 How Often to certify an AJC?

LWDBs must recertify each applicable AJC every three (3) years, at a minimum.⁴

2.3 What is Expected of the LWDB?

The LWDBs must meet the following requirements to certify their AJCs:

- Establish LWDB criteria for certification that meets the requirements of this policy and, if applicable, includes additional criteria established by the LWDB. This must be reviewed every two (2) years, at a minimum.⁵
- Establish a Certification Review Team (CRT) that must consist of a representative from each of the core WIOA partners.
- Must establish a primary contact from a representative of the CRT, a LWDB member, or staff to the LWDB to oversee the certification process.

² 20 CFR 687.800(d)

³ 20 CFR 678.800(d)

⁴ 20 CFR 678.800(d)

⁵ 20 CFR 678.800(d)

- The CRT must utilize the certification tools established by the SWDB to assess the AJCs based on the LWDBs established criteria.
- The One-Stop Operator (OSO) must be established as the representative of the AJC to be certified and be the lead in responding to the CRT
- The CRT must provide a written recommendation signed by all CRT members to the LWDB to approve an AJCs certification once that AJC successfully passes all established LWDB criteria.
- The LWDB must vote to certify an AJC based on the recommendation from the CRT
- A notice, signed by the LWDB Chairperson on LWDB letterhead, must be sent to the Tennessee Department of Labor and Workforce Development (TDLWD) at Workforce.Board@tn.gov to recommend the certifications of any AJC within their LWDA. This notice must include all applicable documentation used by the CRT along with the recommendation made to the LWDB.
- A written notice will be provided from the TDLWD Commissioner, or their representative, to the LWDB approving or denying the certification of an AJC.
 - An approval of an AJC certification will allow for that AJC to continue or begin providing services.
 - A denial of an AJC certification will require services to stop pending required action from TDLWD. A denial of an AJC certification can be appealed as defined in this policy

3. Appeals Process for Certification Denial

The following steps outline the appeal process if a LWDB wishes to contest a decision made by TDLWD concerning One-Stop certification.

- An appeal must be made by the LWDB Chairperson, in writing and signed, within fourteen (14) days following notification of the decision.
- The appeal must contain a clear statement that provides a specific justification for the appeal.
- The appeal must be sent to the SWDB Chairperson within thirty (30) calendar days of a SWDB meeting.
- The final decision, which rests with the SWDB, will be made during the next SWDB meeting.

4. Relocation of an American Job Center

If an LWDB decides to relocate a current certified AJC they must:

- Ensure that at least one (1) comprehensive AJC remains certified in the LWDA
- Immediately notify the TDLWD Commissioner, or their representative, of the intent to relocate.
- Provide a 6-month (180-day) timeframe between notification to the TDLWD Commissioner and the date of relocation
- Provide data to show the benefit of the relocation including financial and service level data.
- Receive approval from the TDLWD Commissioner, or their representative, prior to relocating an AJC.

A certified AJC will retain its certification upon being relocated. However, a newly relocated center must receive an ADA survey of the new site for the AJC prior to the relocation

5. Closure of an American Job Center

If an LWDB decides to close an AJC, they must:

- Ensure that at least one (1) comprehensive AJC remains certified in the LWDA
- Immediately notify the TDLWD Commissioner, or their representative, of the intent to close.
- Provide a 6-month (180-day) timeframe between notification to the TDLWD Commissioner and the date of closure
- Provide data to demonstrate that service levels will not be negatively affected and the plan to continue providing services in that county(s).
- Receive approval from the TDLWD Commissioner, or their representative, prior to closing an AJC.

6. Automatic Renewal Process

All policies approved by the State Workforce Development Board will be automatically renewed, on an annual basis, July 1 of every year. A list of policies that will be automatically renewed are submitted to the State Workforce Development Board during the meeting prior to July 1 every year. If a policy requires any type of substantial change, the policy will be resubmitted to the State Workforce Development Board for a new approval and will not be subject to the annual renewal process.

Contact

For any questions related to this policy, please contact the **Program Integrity Unit at Workforce.Board@tn.gov**.

Tim Berry, State Workforce Development Board Chair



**State of Tennessee
State Workforce Development Board**

220 French Landing Drive, 4A
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State Workforce Development Board Policy One Stop Design

Effective Date: November 4, 2022

Expiration Date: Automatic Annual Renewal

Purpose

To establish the Local Workforce Development Areas (LWDAs) and the requirements and expectations of the American Job Center (AJC) system within those LWDAs. This policy will establish the LWDAs, definitions of the entities involved in the AJC system, the types of AJCs, and the functions that must take place within the AJCs.

Scope

- American Job Center Partners
- Fiscal Agent
- Local Workforce Development Board
- One-Stop Operator
- State Workforce Development Board
- Workforce Innovation and Opportunity Act Core Partners
- Chief Local Elected Officials (CLEOs)

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Definitions

Establishment of Regions/LWDAs: Tennessee’s workforce development system is divided into nine (9) Local Workforce Development Areas (LWDAs) across three (3) Grand Planning Regions:

East Region	Middle Region	West Region
Northeast LWDA	Northern Middle LWDA	Northwest LWDA
East LWDA	Southern Middle LWDA	Southwest LWDA
Southeast LWDA	Upper Cumberland LWDA	Greater Memphis LWDA

The LWDAs align the State’s workforce and economic development regions. Each LWDA is established with an agreement amongst all the Local Elected Officials (LEOs), also referred to as County Mayors, who select a Chief Local Elected Official (CLEO) to act as the signatory for the LWDA. An agreement

between the elected CLEO and Local Workforce Development Board (LWDB) chairperson is established to confirm the establishment of the LWDA and how it will operate¹.

Entities and Required Partners of the American Job Center System: The following are the major entities and their role in the AJC system:

- **County Mayor/ Local Elected Official (LEO)/ Chief Local Elected Official (CLEO)**

This entity:

- Is the recipient of and responsible for WIOA Title I funds for their established LWDA
- Establishes the Local Workforce Development Board

- **Local Workforce Development Board/Chairperson**

This entity will be responsible for carrying out all functions of WIOA sec. 107(d) and may utilize staff known as LWDB Staff to complete these daily functions.

- **Regional Planning Council**

This council must consist of the following entities:

- Title I- Workforce Development Activities
- Title II- Adult Education and Literacy
- Title III- Amendments to the Wagner-Peyser Act
- Title IV- Amendments to the Rehabilitation Act of 1973

This council should also include the following partners:

- Career and Technical Education
- Post-secondary Representatives
- Department of Human Services
 - Temporary Assistance for Needy Families (TANF)
 - Supplemental Nutrition Assistance Program (SNAP)
- Economic and Community Development
- Department of Corrections
- Other partners required to meet the State Vision, Goals, and Objectives

This entity's role is to:

- Conduct regional strategic planning
- Execute regional sector initiatives
- Align regional business outreach and services
- Meet quarterly to advise and recommend action plans for the Local Workforce Development Areas (LWDAs)
- Ensure the WIOA regional plan streamlines regional workforce systems by focusing on key State goals and objectives provided in the Regional and Local Plan policy
- Set WIOA implementation schedules and meetings with stakeholders

- **One-Stop Operator²**

The oversight for this agency is with the Local Workforce Development Board. This entity can be³:

- A public, private, or non-profit organization
- A consortium, which must include at least three (3) required WIOA partners
- An institution of higher education

¹ 20 CFR 679.210

² 20 CFR 662.400

³ 20 CFR 662.400(a)

- A State Wagner-Peyser Employment Agency
- A community based, non- profit organization
- Interested Organizations such as local Chamber of Commerce, business or labor organization

This entity's role is to:

- Manage Daily AJC Operations
- Ensure Coordination of Partner Programs within the AJC system
- Evaluate Customer Experience
- Evaluate Negotiated Performance Measures
- Be the primary Functional Leader for the AJC System
- **Title I- Adult, Dislocated Worker, and Youth⁴**
The oversight for this agency is with the Local Workforce Development Board.
- **Title II- Adult Education⁵**
The oversight for this agency is with the Tennessee Department of Labor and Workforce Development, Division of Adult Education
- **Title III- Wagner-Peyser⁶**
The oversight for this agency is with the Tennessee Department of Labor and Workforce Development, Division of Workforce Services.
- **Title IV- Vocational Rehabilitation⁷**
The oversight for this agency is with the Tennessee Department of Human Services, Division of Vocational Rehabilitation

1. Types of AJCs

1.1 Comprehensive American Job Centers (AJCs)⁸

A Comprehensive AJC is a physical location where job seeker and employer customers can access the programs, services, and activities of all required one-stop partners⁹. A Comprehensive AJC must:

- Have at least one (1) Title I staff person physically present¹⁰
- Have at least one (1) non-Title I staff member physically present ¹¹
- Provide Career Services as defined in 20 CFR 678.430¹²
- Provide access to training services as described in 20 CFR 680.200¹³
- Provide access to employment and training activities as described in WIOA sec. 134(d)¹⁴
- Provide access to workforce and labor market information¹⁵

⁴ WIOA Sec. 101 through 195

⁵ WIOA Sec. 201 through 243

⁶ WIOA Sec. 301 through 308

⁷ WIOA Sec. 401 through 492

⁸ 20 CFR 678.305

⁹ 20 CFR 678.410

¹⁰ 20 CFR 678.305(a)

¹¹ 20 CFR 678.305(d)(2)

¹² 20 CFR 678.305(b)(1)

¹³ 20 CFR 678.305(b)(2)

¹⁴ 20 CFR 678.305(b)(3)

¹⁵ 20 CFR 678.305(b)(5)

- Make direct linkage, through technology, to a program staff member who is not physically present to provide meaningful information or services¹⁶
- Be physically and programmatically accessible to individuals with disabilities, per WIOA sec. 188¹⁷
- Be certified¹⁸ by the LWDB to utilize infrastructure funding¹⁹

1.2 Affiliate American Job Centers²⁰

An Affiliate American Job Center is a physical location to provide access to program services in addition to a Comprehensive AJC. An Affiliate AJC must:

- Provide access to one or more of the programs, services, and activities
- Determine the frequency of staff that will be physical present²¹ through the LWDA Memorandum of Understanding (MOU)
- Not include Wagner-Peyser staff if one or more partner staff is not physically present 50 percent or more of the time in which the AJC is open²²
- Be physically and programmatically accessible to individuals with disabilities, per WIOA sec. 188²³
- Be certified²⁴ by the LWDB to utilize infrastructure funding²⁵

1.3 Specialized American Job Centers²⁶

A Specialized American Job Center is a physical location that addresses specific needs, including those of dislocated workers, youth, or key industry sectors, or clusters. A specialized AJC must:

- Identify a specific need(s) that is supported by labor market data
- Provide access or direct linkage to services not offered at the AJC
- Provide flexible hours to meet the needs of the identified need(s)
- Be physically and programmatically accessible to individuals with disabilities, per WIOA sec. 188²⁷
- Be certified by the LWDB in order to utilize infrastructure funding²⁸

¹⁶ 20 CFR 678.305(d)(3)

¹⁷ 20 CFR 678.305 (e)

¹⁸ 20 CFR 678.800

¹⁹ 20 CFR 678.700

²⁰ 20 CFR 678.310

²¹ 20 CFR 678.310 (a)

²² 20 CFR 678.315 (b)

²³ 20 CFR 678.310(d)

²⁴ 20 CFR 678.800

²⁵ 20 CFR 678.700

²⁶ 20 CFR 678.300(d)(3)

²⁷ 20 CFR 678.310(d)

²⁸ 20 CFR 678.700

1.4 Access Points

Access Points are sites established by non-traditional partners, such as non-profit agencies, to provide a connection to the workforce system structure. The agencies that are assessed to serve as access points will connect clients to the public workforce system by referring clients and providing access to training and limited support based on the resources that the non-traditional partner can provide. Access Points must:

- Not be certified by the LWDB
- Not utilize infrastructure funding
- Have a Memorandum of Understanding in place with the LWDB
- Track services

2. Branding of AJCs

The branding of the American Job Centers is the responsibility of the LWDB to oversee. The branding of the AJC must:

- Follow the guidelines established by the State Workforce Development Board (SWDB)
- Contain the common identifier “American Job Center” or “a proud partner of the American Job Center network” in all communication²⁹

3. AJC Hours/Closures

All Comprehensive AJCs must be open during statewide core hours at a minimum of 8:00 a.m. to 4:30 p.m. during weekdays. Additional certified AJCs must have hours that are agreed upon in the Memorandum of Understanding with all applicable partners. All AJCs that the LWDB oversees must have their address and working hours posted on the LWDB website and updated, when necessary

4. Firewall

The AJC system firewall establishes that each entity involved in the system has its own role to serve within the system and should not deviate from that role. The purpose of the firewall is to ensure that one entity is not providing service and overseeing the compliance of that service. A natural firewall has been established in Tennessee to ensure that no one entity will serve multiple roles within the AJC system.

²⁹ 20 CFR 678.900

5. Functional Teams

Each LWDA must establish the three primary functional teams listed below. The leader for these functional teams is the One-Stop Operator (OSO) and it is that entity's role to coordinate the functional teams and assign leaders for each individual team.

5.1 Welcome Team

The Welcome Team is a shared function amongst all core partners that focuses on the customer's entry point into the AJC system. This team can include an independent staff supervised by the OSO and paid through the Infrastructure Funding Agreement (IFA). This function must focus on:

- Provision of basic career services
- Monitoring AJC traffic
- Collection and review of VOS greeter data
- Initial assessment of customer needs
- Referral to WIOA partner programs for eligibility determination
- Orientation of AJC services and labor market data
- Resource Room assistance

5.2 Skill Development (Case Managers)

The Skill Development Team will consists of staff from all core and required partners that are present under the LWDBs Memorandum of Understanding. This team will consist primarily of individuals who are considered Case Manager. This team's focus will be to:

- Comprehensive and specialized assessments of skills levels and service needs
- Determine eligibility for their respective program
- Provide basic and individualized career services³⁰
- Referrals to partner programs and services provided within the AJC system

5.3 Business Services

The Business Service Team will consist of staff that have a primary focus on serving the employers within the LWDA. This team's focus will be to:

- Act as a resource for business customers; to answer questions, address concerns, and provide resources
- Work with Tennessee Economic and Community Development (TNECD) to promote job expansion and attract new businesses

- Establish a process to deliver employer services through a functionally aligned, seamless delivery system
- Use the AJC brand to market a consistent message and image to employers

6. Automatic Annual Renewal

All policies approved by the State Workforce Development Board will be automatically renewed, on an annual basis, July 1 of every year. A list of policies that will be automatically renewed are submitted to the State Workforce Development Board during the meeting prior to July 1 every year. If a policy requires any type of substantial change, the policy will be resubmitted to the State Workforce Development Board for a new approval and will not be subject to the annual renewal process.

Contact

For any questions related to this policy, please contact the Program Integrity Unit at Workforce.Board@tn.gov.

Tim Berry, State Workforce Development Board Chair



**State of Tennessee
State Workforce Development Board**

220 French Landing Drive, 4A

Nashville, TN 37243-1002

(615) 741-0409

State Workforce Development Board Policy Key Performance Indicators

Effective Date: November 4, 2022

Expiration Date: Automatic Annual Renewal

Purpose

The purpose of this policy is to establish key performance indicators (KPIs) as hard targets and to define the KPI performance period. Tennessee's KPIs streamline service delivery and quality collaboration among all partners within the Tennessee American Job Center (AJC) network. Each year, the latest set of KPI metrics are approved by the State Workforce Development Board (SWDB). Each quarter and following the close of each Program Year (PY), the SWDB reviews KPI achievement-fostering sustained excellence, improved outcomes, an opportunity to focus on long term objectives, and the promotion of workforce services to the greatest number of individuals with significant barriers to employment (SBE).

Scope

- American Job Center Partners
- Fiscal Agents
- Local Workforce Development Boards
- One-Stop Operators
- State Workforce Development Board
- Workforce Innovation and Opportunity Act Core Partners

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KPIs Further the Workforce Innovation and Opportunity Act

- Increased access to education, training, and employment- particularly for people with significant barriers to employment.
- A comprehensive, high-quality workforce development system by aligning workforce investment, education, and economic development.
- Improvement in the quality and labor market relevance of workforce investment, education and economic development efforts.
- Improvement in the structure and delivery of services.
- Increased family-sustaining employment, meet employer need, and enhance the productivity and competitiveness of Tennessee.

1. Key Performance Indicator (KPI) Oversight

Key performance indicators are designed to best implement the Workforce Innovation and Opportunity Act within the fiscal and programmatic context of Tennessee. The following are lists of KPI subjects. Key performance indicators are designed to deal with all WIOA programs, the administration of all WIOA programs, SBE groups, specialized populations as determined by the governor's state workforce development board, and the connections between them. These lists are

not exhaustive. Programs, groups, or sub-groups may be added or removed in alignment with state, regional, and local priorities.

1.1 Programs

- Business Solutions
- Jobs for Veterans State Grants
- Reemployment Services and Eligibility Assessment
- Senior Community Service Employment Program
- SNAP Employment and Training
- Temporary Assistance for Needy Families (TANF)
- Trade Adjustment Assistance
- WIOA Title I - Adult and Dislocated Worker and Youth
- WIOA Title II -Adult Basic Education and Integrated English Language and Civics Education
- WIOA Title III - Wagner-Peyser
- WIOA Title IV - Vocational Rehabilitation
- YouthBuild

1.2 Significant Barrier to Employment (SBE) Groups

- Displaced homemakers¹
- Low-income individuals or recipients of income-based public assistance²
- Native Americans³
- Individuals with mental or physical disabilities, including the recipients of Social Security Disability Insurance⁴
- Those age 55 and older⁵
- Justice-involved individuals⁶
- Individuals experiencing or have experienced homelessness⁷
- Youth in or have aged out of the foster care system
- Individuals who are
 - English language learners⁸
 - Individuals who have low levels of literacy- unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in an individual's family, or in society
 - Individuals facing substantial cultural barriers - participants, at program entry, perceives themselves as possessing attitudes, beliefs, customs, or practices that

¹ WIOA Section 3(16)

² WIOA Section 3(36)

³ WIOA Section 166(b)

⁴ WIOA Section 3(25)

⁵ WIOA Section 3(39)

⁶ WIOA Section 3(38)

⁷ 'Homeless individual' is defined in the Violence Against Women Act of 1994 Section 41403(6); 'Homeless children and youths' is defined in the McKinney-Vento Homeless Assistance Act Section 725(2)

⁸ WIOA Section 203(7)

influence a way of thinking, acting, or working that may serve as a hindrance to employment including non-traditional employment⁹

- Eligible migrant and seasonal farmworkers¹⁰
- Individuals within two years of exhausting lifetime TANF eligibility
- Single parents - including pregnant women
- Long-term unemployed - unemployed for 27 or more consecutive weeks¹¹
- Other groups as the Governor determines to have barriers to employment

2. Key Performance Indicator Roles and Responsibilities

2.1 Roles and Responsibilities

The following identifies roles and responsibilities relating to KPIs:

State Workforce Development Board (SWDB)

- Provides the strategic vision for Tennessee's public workforce system
- Upon review of SWDB staff recommendation, determines state annual KPI targets
- Approves quarterly and annual KPI targets
- Monitors, on a quarterly and annual basis, KPI achievement

State Workforce Development Board Staff (SWDB Staff)

- Recommends the adoption or revision of piloted or established KPI measuring devices
- Recommend state target guidelines and for each KPI measuring device
- Divides annual state target guidelines into Grand Planning Regions
- Reviews and analyzes local provider KPI target proposals
- Leads KPI target negotiations with local providers
- Following the KPI negotiations, submit a KPI target proposal to the SWDB by date (March 31st)
- Runs and analyzes targeted KPI reports to identify trends, best practices, and areas for significant improvement
- Analyzes the efficiency of WIOA funds in relation to KPIs
- Facilitates and leads quarterly internal & external KPI-related technical assistance
- Provides opportunities for improvement using monitoring, sanctions, and corrective action
- Escalate protracted opportunities of improvement to the state workforce development board
- Publish and disseminate data/trends timely including the creation of public facing dashboards

Regional Planning Councils

- Identify and respond to regional strengths, weaknesses, opportunities, and threats

⁹ WIOA Section 3(37)

¹⁰ WIOA Section 167(i)(1-3)

¹¹ As defined by the United States Bureau of Labor Statistics' Current Population Survey

- Make a proposal to local providers on how best to divide regional KPI guidelines into LWDAs

Local Providers

This group will consist of Local Workforce Development Boards (LWDBs) and providers of programs listed under the scope of this policy.

- Consider the KPI target proposal of the respective Regional Planning Council before independently submitting quarterly and annual proposed KPI targets to SWDB staff for review
- The Executive Director negotiates KPI targets with SWDB staff
- Following KPI negotiation, submit a KPI target proposal to the SWDB staff

3. Monitoring and Technical Assistance

The KPI assessment weight and the KPI achievement scale are the two tools for KPI evaluation. SWDB staff use these tools to monitor each KPI measuring device and rapidly implement a graded response in accordance with each KPI achievement level and subject-matter expertise.

3.1 Assessment Weight

The KPI assessment weight tool will display the percentage each evaluation period is valued relative to the final KPI score. Subsequent guidance will be released, after consultation and approval from each responsible program, that outlines how each period of evaluation will be weighted.

3.2 Achievement Scale

The KPI achievement scale will display multiple levels of KPI achievement, with each level denoting the progress each responsible entity and program has made towards fulfilling their negotiated target. Refer to the latest key performance indicator guidance which sets the bounds of each achievement level. The below table displays the universal achievement level that will be used to determine the progress, per program, towards the defined KPI goal.

<u>KPI Achievement Levels:</u>
Best Practice
Target Achieved
Approaching Target
Needs Improvement
Needs Significant Improvement
Unacceptable

3.3 Appealing Assigned KPI Targets

A Local Workforce Development Board (LWDB) has twenty-one (21) calendar days to appeal KPI targets based on final notice of assigned targets. The appeal must be submitted with an LWDB letterhead signed by the LWDB chairperson to workforce.board@tn.gov. The appeal must be addressed to the SWDB chairperson and sent thirty (30) days prior to the SWDB quarterly meeting. Final decisions regarding KPI targets will be determined by the SWDB.

3.4 Incentives & Sanctions

Key performance indicators determine in part to how incentives or sanctions will be awarded or issued. In combination with fiscal and compliance-based metrics, KPI achievement levels of “Target Achieved” and “Best Practice” may be eligible to receive public recognition by the state workforce board and performance incentive contracts.

4. Automatic Renewal Process

All policies approved by the State Workforce Development Board will be automatically renewed, on an annual basis, July 1 of every year. A list of policies that will be automatically renewed are submitted to the State Workforce Development Board during the meeting prior to July 1 every year. If a policy requires any type of substantial change, the policy will be resubmitted to the State Workforce Development Board for a new approval and will not be subject to the annual renewal process.

Contact

For any questions related to this policy, please contact the **Program Integrity Unit at Workforce.Board@tn.gov**.

Tim Berry, State Workforce Development Board Chair