

## Northwest TN Workforce Board Executive Committee Meeting

April 26, 2023 – 10:00 a.m.

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

### Minutes

**Committee Members Attending:** Ted Piazza, Jimmy Williamson; **via Zoom:** Rita Alexander, Mayor John Penn Ridgeway, Mayor Jake Bynum, Lori Burdine, Ben Marks

**Staff Members and Contractors Attending in person:** Jennifer Bane, Gina Johnson, LeAnn Lundberg, Erica Nance (OSO); **via Zoom:** Ginger Powell, Lana Burchfiel

**Others Attending via Zoom:** Kristie Bennett, Brenda Vogley (TPMA), Michaela Wischmeier (TPMA)

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

**Review and Approval of Minutes:** Minutes for the 1/25/23 meeting were reviewed.

- **MOTION:** Mayor Ridgeway moved to approve the 1/25/23 Executive Committee minutes as presented, and Ben Marks seconded the motion. All were in favor and the motion carried.

**Facilities and Technology:** LeAnn Lundberg shared that inventory has been completed. There is quite a bit of surplus tagged equipment for the state to pick up. TCAT will help dispose of the non-tagged equipment.

**Performance & Program Oversight:** Jennifer Bane 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:** Monthly fiscal monitoring is continuing and we are working on a 6-month monitoring report. A draft copy is attached. The only concerns noted were continued low traffic in the AICs, no new access points being added, and a few Key Performance Indicator (KPI) goals not being met.
- **PAR & Data Validation Update:** The PAR monitoring report is included in the handouts. There were no findings but a few concerns were noted from the programmatic part of the review. Several items have already been addressed. The preliminary results from data validation were received and corrections submitted. Final results are still pending, but it is expected that we will be under the 5% error threshold.
- **Local Performance Results—Estimated PY22Q2 Results:** The attached report of estimated results was reviewed. All measures are being met with Dislocated Worker employment for second quarter after exit being the only measure below 100% of the goal, but still above the 90% required to be passing.

### **Budget & Administration Reports:**

- **Financial Status Report & Budget Update:** Gina Johnson presented the attached Financial Status Report detailing expenditure and obligation rates as of March, as well as fiscal performance results for the minimum participant cost rate (MPCR), Work Experience expenditures, PY 21 Out-of-School Youth expenditures, and In-School Youth (ISY) expenditures under the PY 22 funds. All measures are being met.
- **PY23 Budget:** Jennifer Bane presented the attached estimated budget for Program Year (PY) 2023. Local allocations have not yet been received, but the State's allocations were cut about 4% for Adult and Youth, and about 8% for Dislocated Worker. The estimated local allocations are allocations from last year minus the state's cut. With the new TANF GROWWTH grant, about \$683,000 is being added to the budget for a total estimated budget of \$2.75 million. After accounting for about \$2.05 million in operating expenses, and carryover needed for the first quarter of PY 2024, only about \$630,000 will be available for participants, which would result in only a 36% MPCR. An additional \$112,000 in participant funding would need to be requested to reach a 40% MPCR. Lori Burdine inquired if any funding would be added for the EDA Good Jobs Grant and Jennifer clarified that our partnership on the grant would not include any funding.
  - **MOTION:** Jimmy Williamson moved to approve the budget as presented and Lori Burdine seconded the motion. All were in favor and the motion carried.
- **One-Stop Operator Procurement Results:** Michaela Wischmeier of Thomas P. Miller & Associates (TPMA) gave a brief summary of the request for proposal (RFP) process and results as outlined in the attached

recommendation report. Two bids were received for both NW and SW from Mid-Cumberland Human Resource Agency (MCHRA) and the University of Tennessee Center for Industrial Services (UT CIS). MCHRA had an average score among the three TPMA reviewers that was 5.03 points higher than the UT CIS average score and proposed the allotted budget of \$165,000 while UT CIS proposed \$223,000. TPMA staff recommended MCHRA to be the contractor for OSO services. Jennifer Bane reported that during review of MCHRA's financial statements, it was noted that a finding from a prior year for an employee accepting cash and improper reconciliation procedures had been resolved. Ted Piazza asked for additional information on the proposed budget for UT CIS being higher than the budget identified in the RFP. Jennifer noted that it appeared the main difference was due to the proposed One-Stop Assistant salary being more in line with the current OSO salary, and the proposed OSO salary being higher than the current salary. The UT CIS indirect rate, though reduced, is also higher than the MCHRA rate.

- **MOTION: Rita Alexander moved to approve the recommendation of MCHRA as the OSO contractor and Jimmy Williamson seconded the motion. All were in favor and the motion carried.**

**Other Business:** Jennifer Bane presented the following:

- **Bylaws Changes:** All materials were provided ahead of time and proposed changes are indicated in red. The majority of changes included updates and additional details to describe processes as required in the State's revised Local Governance policy. The majority definition for private-sector representatives was changed to "defined as the greater sum of the whole (largest percentage)" to match the State's policy, but it is recommended that 51% still be the goal. The requirements for the Vice-Chair for the AJC and Outreach & Opportunities Committee and the Regional Representative for the Board of Directors were updated to include representatives of a labor organization, apprenticeship program, or economic and community development entity in addition to a private business in order to expand those eligible to serve.
  - **MOTION: Rita Alexander moved to approve the changes to the Bylaws as presented and Jimmy Williamson seconded the motion. All were in favor and the motion carried.**
- **Recission of Partnership Agreement:** The State's revised Local Governance policy removes the requirement to have a separate partnership agreement between the mayors and board as the majority of items are already covered in the Bylaws and Interlocal Agreement. Staff recommended rescinding the existing Partnership Agreement as it is no longer required.
  - **MOTION: Jimmy Williamson moved to approve the rescinding of the Partnership Agreement and Lori Burdine seconded the motion. All were in favor and the motion carried.**
- **State Workforce Board Updates:** Jennifer reported that we should be getting summer youth funding starting as early as mid-May through next August. The majority of funding will be non-WIOA funding, which will allow more youth-aged individuals to qualify. Changes to two policies will also be presented at the next meeting which may require updates to our local policies. KPI negotiations for the next program year have not yet begun, so it is not expected that the State Board will take action on those at the next meeting.
- **Adult Education Proposals:** Two proposals were submitted to the Adult Education (AE) Division of the TN Department of Labor & Workforce Development and sent to the local board for review to ensure compliance with the local plans. Jennifer reviewed and submitted comments. It was noted that neither proposal covered Benton County, but the AE Division staff will work with the bidders to ensure all counties are covered.
- **Other:** Committee members were asked if there were other business items to be addressed, but none were raised.

**Future Meeting Dates & Upcoming Events:** Ted Piazza reviewed the upcoming meeting dates and events listed on the agenda. Jennifer Bane noted that the next Board meeting will include a strategy session. We are working on a survey to get feedback from the Board to help steer that meeting. Margaret Prater will be facilitating the session. Members are encouraged to attend in-person if at all possible. Jennifer also asked the mayors when a good time for a required mayors' meeting would be and will check on June 23<sup>rd</sup> as suggested.

*Respectfully submitted,  
Lana Burchfiel, Public Information Specialist*

**Northwest TN Workforce Board  
Executive Committee Meeting**  
April 26, 2023 – 10:00 a.m.

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

[Join Zoom Meeting](#)  
Meeting ID: 841 0884 4472  
Passcode: 030815

Agenda

Welcome and Call to Order Ted Piazza, Chair  
Review and Approval of Minutes of 1/25/23 Meeting **(Vote Required)**

Facilities and Technology LeAnn Lundberg

Performance & Program Oversight Laura Speer

- Quarterly Complaint Logs Update
- Monitoring Status Report
  - OSO 6-Month Monitoring Update
- PAR Update & Data Validation Updates
- Local Performance - Estimated PY 22 Q3 Results

Budget & Administration

- Financial Status Report & Budget Update Gina Johnson
- PY 2023 Budget **(Vote Required)** Jennifer Bane
- 10:30 am, One-Stop Operator Procurement **(Vote Required)** Thomas P. Miller & Associates

Other Business Jennifer Bane

- Bylaw Changes **(Vote Required)**
- Recission of Partnership Agreement **(Vote Required)**
- State Workforce Board Updates
- Adult Education Proposals
- Other

Future Meeting Dates & Upcoming Events

<i>Meeting / Event</i>	<i>Date and Time</i>	<i>Location</i>
West Tennessee Regional Planning Council Meeting	May 17 <sup>th</sup> , 10:00 am	Zoom
State Board Meeting	May 19 <sup>th</sup> , 8:30 am – 12:00 pm	Nashville / YouTube
Northwest Tennessee Workforce Board Meeting / Strategy Session	May 23 <sup>rd</sup> , 10:00 am	NW HRA/DD & Zoom (124 Weldon Dr., Martin)
Virtually Speaking Webinar: Addressing Workforce Childcare Challenges	June 1 <sup>st</sup> , 9:00 am	Zoom
Future 2023 Committee Meetings	July 26 <sup>th</sup> , and October 25 <sup>th</sup> , 10:00 am	TBD / Zoom
Future 2023 Board Meetings	August 22 <sup>nd</sup> , (annual / joint meeting with SW), November 28 <sup>th</sup>	TBD / Zoom
Future Virtually Speaking Webinars	September 7 <sup>th</sup> , and December 7 <sup>th</sup> , 9:00 am	Zoom

**Northwest TN Workforce Board Executive Committee Meeting**  
January 25, 2023 – 10:00 a.m.  
Administrative Office, 208 N. Mill Ave., Ste. B, Dyersburg, TN 38024

**Minutes**

**Committee Members Attending:** Ted Piazza, Mayor John Penn Ridgeway **via Zoom:** Ben Marks

**Staff Members Attending in person:** Jennifer Bane, Gina Johnson, 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 10/26/22 meeting were reviewed.

- **MOTION: Mayor Ridgeway moved to approve the 10/26/22 Executive Committee minutes as presented, and Ben Marks seconded the motion. All were in favor and the motion carried.**

**Facilities and Technology Update:** Jennifer Bane reported remote software has been installed and is working well so far. LeAnn Lundberg is also working on inventory and has been addressing damage at a Southwest American Job Center (AJC) after a pipe burst.

**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.
  - **CSP 6-Month Monitoring Report:** Monthly monitoring is continuing and we are working on a 6-month monitoring report.
- **PAR & Data Validation Update:** The PAR review is underway, and Data Validation is scheduled for the week of March 6<sup>th</sup>. Four representatives from Northwest (NW) and four from Southwest (SW) will participate. Last year we were able to appeal results due to information being present but not counted and met the required less than 5% error threshold. Jennifer Bane also noted that this year's PAR review will include a programmatic component with reviews of the AJCs and staff taking place during the on-site review.
- **Local Performance Results—Estimated PY22Q2 Results:** Laura reviewed the attached report of estimated results. Only one measure is below the required 90% threshold, but predictive reports indicate the measure will be met by the end of the program year as some old data will fall off. We have a small number of participants that fall into the Dislocated Worker population which can skew the numbers.

**Budget & Administration Update:**

- **Financial Status Report & Budget Update:** Gina Johnson presented the attached Financial Status Report. We will not receive any reimbursements and cannot request new reimbursements until the State gets our name changed on all contracts. We were not made aware of this in advance. Once the modifications to change the name are received and signed, we should receive the previously submitted reimbursement requests in about two weeks. We did not receive a timeline for when the modifications will be sent.
- **One-Stop Operator Proposed Procurement Process & Timeline:** Jennifer Bane presented the attached handouts detailing the scope of work and timeline for the selected procurement manager. Thomas P. Miller and Associates (TPMA) was the only entity to submit a proposal. Their timeline is slightly different from what Jennifer presented last time, but still within the timeframe needed.

**Other Business:** Jennifer Bane presented the following:

- **Administrative Policy Manual Changes:** This is a continuation of aligning NW and SW language, with only very minor changes proposed for the NW policies as outlined in red and green in the attached handouts. The green language is incorporated from SW policy. Other minor updates were made to reflect and refer to current State policy and processes, including an updated definition of relatives.
  - **MOTION: Mayor Ridgeway moved to approve the Administrative Policy Manual Changes as presented and Ben Marks seconded the motion. All were in favor and the motion carried.**

- American Job Center (AJC) Certifications: AJCs must be certified every three years and are due to be re-certified. The OSO made any necessary updates to the certification applications for each AJC. The applications were reviewed by a certification committee of partner programs, who also conducted an on-site review, including speaking with staff when needed. Each committee member completed a checklist and then participated in the development of the master checklist included in the handouts. Recommendations are noted on the checklist for each AJC and are essentially the same for each. ADA surveys were conducted by Vocational Rehabilitation with only a recommendation for Dresden to add signage. The committee recommends certifying the centers with these recommendations for improvement.
  - **MOTION: Mayor Ridgeway moved to approve the re-certification of the Carroll, Dyer, and Weakley County American Job Centers as presented and Ben Marks seconded the motion. All were in favor and the motion carried.**
- Other: Ted Piazza mentioned that during the other committee meetings there was discussion on how to incorporate more strategy and discussion into meetings. Since we have become so efficient with our meetings, there is an opportunity to discuss how to drive our local agenda and think creatively on how to expand the services to our area. The group discussed ways to do this, including the possibility of an in-person only strategy meeting, at least annually. Jennifer noted that the State Board does have a brainstorming strategy meeting once a year. Ted encouraged the group to reach out to him or Jennifer with other suggestions.

**Future Meeting Dates & Upcoming Events**: Jennifer reviewed the upcoming meeting dates and events listed on the agenda.

*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:
2303-2406-OJT-45-5257134 Big Bore, LLC Attn: Ira Sellers and/or Jennea Jenkins 165 Mockingbird Avenue Henry, TN 38231 (731) 243-7494 Office@bigbore.com	On-the-Job Training: 03-06-23 to 03-05-24	Scheduled: 03-29-23	Phone Interview: 03-29-2023 Fiscal:	Programmatic:	Letter Mailed:
2211-2311-OJT-47-4589822 Develey Mustard and Condiment Corp. 1845 Mustard Lane Dyersburg, TN 38024 Kelly Darnell, HR Assistant 731-259-6538 kelly.darnell@develeyusa.com	On-the-Job Training: 11-04-22 to 11-04-23	Scheduled:	Phone Interview: 02-23-23 Fiscal:	Programmatic:	Letter Mailed:
2210-2306-OJT-45-5067121 Twin Oaks Technology, LLC 1604 W. Reelfoot Avenue Suite A City, TN 38261 Union Attn: Nicole Kincade 731-281-1212 nicole.kincade@twinoakstech.com	On-the-Job Training: 10-31-22 to 06-01-23	Scheduled: 11-17-22	Phone Interview: 11-17-22 Fiscal: 03-01-23	N/A	Letter Mailed: 03-01-2023
2210-2310-OJT-75-3130734 Allegion/Republic Doors and Frames, LLC 155 Republic Drive McKenzie, TN 38201 731-352-1969 Chad Brawner, HR Manager chad.brawner@allegion.com	On-the-Job Training: 10-10-22 to 10-01-23	Scheduled: 11-02-2022	Phone Interview: 11-02-22 Fiscal: 01-10-23	N/A	Letter Mailed: 01-11-2023
2208-2308-OJT-37-1830395 Granges Americas, Inc. 400 Bil Brooks 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: 01-03-23	N/A	Letter Mailed: 01-03-23
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 04-01-23	Scheduled: 09-27-2022	Phone Interview: 09-27-2022 Fiscal: 01-03-23	N/A	Letter Mailed: 01-03-23
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: 01-03-23	N/A	Letter Mailed: 01-03-23
2206-2306-OJT-26-1318112 Dana Sealing Products, LLC 100 Plumley Drive TN 38242 Paris, Attn: Carla Mindingall, HR Manager carla.mindingall@dana.com (731) 231-1540	On-the-Job Training: 06-01-22 to 06-01-23	Scheduled: 10-31-2022	Phone Interview: 10-31-22 Fiscal: 01-27-23	N/A	Letter Mailed: 01-27-2023
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	

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**DRAFT**



**Northwest Tennessee  
WORKFORCE BOARD**

Workforce Innovations, Inc.  
208 N. Mill Ave.  
Dyersburg, TN 38024  
Phone: (731)286-3585  
TDD 7-1-1  
[www.nwtjobs.org](http://www.nwtjobs.org)

May 10, 2023

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. At least one access point should be added per quarter, but none were added during the review period.
3. Several KPI Goals for the quarter were not met. As shown below, one goal fell into the needs improvement category, one fell into the needs significant improvement category, and four fell into the unacceptable category as of March 2023.

We look forward to continuing our relationship during this contract. If you have, any questions please feel free to contract me.

Sincerely,

Laura Speer  
Director of Performance & Compliance

Cc: Jennifer Bane, Derrick Quinn, Erica Nance, James Starnes  
Documents attached: Fiscal Requests and Corrections, Performance Evaluation

## One-Stop Operator (OSO) Performance Evaluation

October 2022 – March 2023

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 notification of changes.	Pass	
Maintain current listing of partner programs, staff, and contact information to ensure direct	Pass	



linkage and ease of referrals.		
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.	N/A	Fiscal Agent Staff elected to complete the process internally.
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	Final results pending.
Performance Accountability Review requirements	Needs Improvement	<p>Key Concerns from Workforce Services staff were noted during the PAR visit:</p> <ul style="list-style-type: none"> <li>American Job Center (AJC) staff do not appear to have an updated Veteran triage form.</li> <li>Not all programmatic files were properly secured at the Dyersburg AJC.</li> <li>The Equal Opportunity (EO) signage at the Dyersburg AJC was not predominately displayed in the reception area.</li> <li>There appears to be a lack of strong communication or disconnect between the Business Service Team (BST) to the Board and the BST within the AJC.</li> </ul>
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
March 2023 Actual	46	159	288	493
Difference from Goal	-153	-375	-77	-605
Percentage of Goal Met	23%	30%	79%	45%

### (4) Access Point Expansion

Component/Benchmark	Pass / Fail / Needs Improvement	Improvements Needed
Add at least one new Access Point each quarter.	Fail	No access points added in the second or third quarter.
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 or needs significant improvement.
Referrals and Co-Enrollments between partner programs to include a minimum of 10% of RESEA participants referred to the Title I program.	Pass	Between January and March 2023, 367 individuals were scheduled for an initial RESEA appointment. There were 53, or 14%, referred to Title I, and 2, or 4%, were enrolled in Title I. The TDLWD requests at least 25% of those referred be co-enrolled.

Program	Jan. – Mar. Goal	Results	Percentage of Goal
Adult / Dislocated Worker New Enrollments	52	41	79%
Jobs for Veterans State Grants New Enrollments	6	9	150%

Re-Entry New Enrollments (all partners)	9	98	1,089%
RESEA Co-Enrollments	4	0	0%
SNAP E&T AE Co-Enrollments	1	0	0%
SNAP E&T Job Retention Services	2	0	0%
SNAP E&T Job Search Training	1	0	0%
Wagner Peyser New Enrollments	195	233	119%
ISY New Enrollments	7	7	100%
Youth New Enrollments	23	8	35%
TAA Co-Enrollment in Title I DW	90%	n/a – no new TAA enrollments	

*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 March 2023 (official results pending). <b>Note: DW Q2 Enrollment met at least 90% of the goal but was below 100%.</b>

Adult Measures	Goals	Estimated Results
Employment Rate 2 <sup>nd</sup> Quarter After Exit	83%	87.3%
Employment Rate 4 <sup>th</sup> Quarter After Exit	83%	85.9%
Median Earnings 2 <sup>nd</sup> Quarter After Exit	\$6,900	\$8,084.60
Credential Attainment Within 4 Quarters After Exit	69%	80.4%
Measurable Skills Gain	62%	72.4%

**Dislocated Worker Measures:**

Employment Rate 2 <sup>nd</sup> Quarter After Exit	83%	77.3%
Employment Rate 4 <sup>th</sup> Quarter After Exit	83%	87.3%
Median Earnings 2 <sup>nd</sup> Quarter After Exit	\$7,110	\$7,679.14
Credential Attainment Within 4 Quarters After Exit	70.6%	80.8%
Measurable Skills Gain	61.2%	72.7%

**Youth Measures:**

Employment Rate 2 <sup>nd</sup> Quarter After Exit	77.5%	84.2%
Employment Rate 4 <sup>th</sup> Quarter After Exit	76.5%	84.7%
Median Earnings 2 <sup>nd</sup> Quarter After Exit	\$3,720	\$4,203.70
Credential Attainment Within 4 Quarters After Exit	70.5%	77.1%
Measurable Skills Gain	54.2%	66.7%

**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): 36.6%
- 20% expenditure rate on Youth Work Experience: 54.0%
- 40% expenditure rate on direct participant cost: 41.2%

**Fiscal Monitoring Results:**

<u>INVOICE</u>	<u>DATE RECEIVED</u>	<u>CORRECTIONS MADE</u>
Oct-22	11/7/22	Requested proof of payment for four items and corrected travel amounts for two staff.
Nov-22	12/7/22	Requested proof of payment for two items and additional travel and indirect documentation for quarterly monitoring. Corrected travel amounts for one staff.
Dec-22	1/9/23	Requested proof of payment for two items.
Jan-23	2/9/23	Requested proof of payment for two items and additional supporting documentation for percentages charged. Corrected travel amounts for one staff.
Feb-23	3/8/23	Requested clarification on allocations for three items, proof of payment for one item, and corrected travel amounts for one staff.
Mar-23	4/10/23	Pending.



# Northwest Local Workforce Development Area

Tennessee Department of Labor and Workforce Development  
Office of Program Accountability Review  
Subrecipient Monitoring Report | March 2023





March 28, 2023

The Honorable John Penn Ridgeway  
Henry County Mayor  
Northwest Local Workforce Development Area, CLEO  
101 Washington Street  
Paris, Tennessee 38242

Jennifer Bane, Executive Director  
Workforce Innovations/Northwest Tennessee Workforce Board  
208 N. Mill Ave.  
Dyersburg, TN 38024

Dear Mayor Ridgeway and Ms. Bane,

Program Accountability Review (PAR) has completed its monitoring of Northwest Local Workforce Development Area Local Workforce Development Area, which included activities by board staff, fiscal agent, one-stop operator, and career service provider. The Tennessee Department of Labor and Workforce Development (TDLWD) has grant agreements with Workforce Innovations/Northwest Tennessee Workforce Board. The monitored grants are listed at the end of the monitoring report. A copy of the monitoring report is attached.

Sincerely,

A handwritten signature in blue ink that reads 'Christopher A. Risher'.

Christopher Risher  
Director of Internal Audit

cc: Deniece Thomas, Commissioner TDLWD  
Dewayne Scott, TDLWD  
Steve Playl, TDLWD  
James Roberson, TDLWD  
Jaylene Younge, TDLWD  
Ivan Greenfield, TDLWD  
Justin Attkisson, TDLWD  
Kristie Bennett, TDLWD  
Jimmy Williamson, LWDB Chair  
Comptroller of the Treasury, State of Tennessee

# Executive Summary

On February 28, 2023, staff from the Tennessee Department of Labor and Workforce Development (TDLWD), Office of Program Accountability Review (PAR), completed an on-site review of Northwest Local Workforce Development Area Local Workforce Development Area, which included activities by board staff, fiscal agent, one-stop operator, and career service provider. The Tennessee Department of Labor and Workforce Development (TDLWD) has grant agreements with Workforce Innovations / Northwest Tennessee Workforce Board. Refer to the end of the report for a listing of the monitored grants.

## ***Disclaimer***

This report does not contain the results of participant program monitoring, including reviewing participant files for eligibility documentation and case management. These files will be reviewed by staff in the Workforce Services Division and they will separately report their results. PAR did not review the participant files and, accordingly, does not express an opinion or any assurance regarding the participant eligibility documentation or case management.

## ***Key Findings from Program Accountability and Review***

- No findings were noted.

## ***Key Concerns from Workforce Services Division***

- The local program participant policy is preventing co-enrolling Re-employment Trade Adjustment Assistance (RTAA) participants in Title I programs.
- American Job Center (AJC) staff do not appear to have an updated Veteran triage form.
- Not all programmatic files were properly secured at the Dyersburg AJC.
- The Equal Opportunity (EO) signage at the Dyersburg AJC was not predominately displayed in the reception area.
- There appears to be a lack of strong communication or disconnect between the Business Service Team (BST) to the Board and the BST within the AJC.

# Northwest Local Workforce Development Area

## ***Introduction***

On February 28, 2023, staff from PAR completed an on-site monitoring visit of Northwest Local Workforce Development Area Local Workforce Development Area, which included activities by board staff, fiscal agent, one-stop operator, and career service provider. The Tennessee Department of Labor and Workforce Development (TDLWD) has grant agreements with Workforce Innovations / Northwest Tennessee Workforce Board. Monitoring included a review of the grants with TDLWD. Refer to the end of the report for a listing of the monitored grants.

PAR conducted the monitoring review in accordance with the Department of General Services, Central Procurement Office, *Policy 2013-007, Grant Management and Subrecipient Monitoring Policy and Procedures*, Amended February 15, 2018.

Monitoring objectives were to:

- assess the reliability of internal controls,
- verify that program objectives are being met,
- verify that civil rights requirements are being met,
- test the reliability of the financial and programmatic reporting,
- test if costs and services are allowable and eligible, and
- verify grant compliance.

A monitoring review is substantially less in scope than an audit. PAR did not audit the financial statements and, accordingly, does not express an opinion or any assurance regarding the financial statements of Workforce Innovations / Northwest Tennessee Workforce Board. Also, this report does not contain the results of participant program monitoring, including reviewing participant files for eligibility documentation and case management. These files will be reviewed by staff in the Workforce Services Division and they will separately report their results. PAR did not review the participant files and, accordingly, does not express an opinion or any assurance regarding the participant eligibility documentation or case management.

## ***Were any issues noted during the on-site review from Program Accountability and Review's staff?***

1. No findings were noted.



***Were there any observations / concerns / promising practices from Workforce Services Division's staff?***

<b>Observations / Concerns / Promising Practices</b>	<b>Details</b>
Concern	The local program participant policy is preventing co-enrolling Re-employment Trade Adjustment Assistance (RTAA) participants into Title I programs.
Concern	American Job Center (AJC) staff do not appear to have an updated Veteran triage form.
Concern	Not all programmatic files were properly secured at the Dyersburg AJC.
Concern	The Equal Opportunity (EO) signage at the Dyersburg AJC was not predominantly displayed in the reception area.
Concern	There appears to be a lack of strong communication or disconnect between the Business Service Team (BST) to the Board and the BST within the AJC.
Promising Practices	Staff in the Northwest Workforce Development Area are using DocuSign for capturing documents and participant's signatures.

**Figure 1.** Listing of Workforce Services Division's noted items.

***Which grants were monitored?***

<b>Service Provided</b>	<b>Grant Number</b>	<b>Grant Period</b>	<b>Grant Max. Liability</b>
Adult	**LWNWF211ADULT21	10/01/20 – 06/30/22	\$584,906.11
Adult	**LWNWP211ADULT22	07/01/21 – 06/30/23	\$120,946.93
Adult	LWNWF221ADULT22	10/01/21 – 06/30/23	\$570,036.64
Adult	LWNWP221ADULT23	07/01/22 – 06/30/24	\$111,998.00
Adult	*LWNWF231ADULT23	10/01/22 – 06/30/24	\$500,499.00
Dislocated Worker	**LWNWF211DSLWK21	10/01/20 – 06/30/22	\$489,175.04
Dislocated Worker	LWNWP211DSLWK22	07/01/21 – 06/30/23	\$92,275.81

<b>Service Provided</b>	<b>Grant Number</b>	<b>Grant Period</b>	<b>Grant Max. Liability</b>
Dislocated Worker	LWNWF221DSLWK22	10/01/21 – 06/30/23	\$392,636.97
Dislocated Worker	LWNWP221DSLWK23	07/01/22 – 06/30/24	\$90,001.00
Dislocated Worker	*LWNWF231DSLWK23	10/01/22 – 06/30/24	\$357,556.00
Youth	**LWNWP201YOUTH21	04/01/20 – 06/30/22	\$698,842.95
Youth	**LWNWP211YOUTH22	04/01/21 – 06/30/23	\$683,885.21
Youth	LWNWP221YOUTH23	04/01/22 – 06/30/24	\$606,322.00
Statewide Activities	**LWNWF221APSWA22	10/01/21 – 06/30/22	\$67,200.00
Statewide Activities	*LWNWF231APSWA23	07/01/22 – 06/30/23	\$86,127.00
Statewide Activities	**LWNWP191CESWA20	05/02/22 – 06/30/22	\$45,000.00
National Dislocated Worker Grant	**LWNWF201DRDWG20	07/01/20 – 06/30/22	\$290,876.32
National Dislocated Worker Grant	**LWNWF205DRDWG20	11/01/20 – 06/30/22	\$516,901.46
National Dislocated Worker Grant	LWNWF202DRDWG20	07/01/22 – 06/30/23	\$469,121.19
National Dislocated Worker Grant	*LWNWF206DRDWG20	07/01/22 – 06/30/23	\$17,610.02
Infrastructure Funding Agreement	LWNWP221ESIFA23	07/01/22 – 06/30/23	\$303,362.75
Statewide Activities	**LWNWP191IWSWA20	12/09/21 – 06/30/22	\$325,000.00
Rapid Response	**LWNWF221LARSP22	01/01/22 – 06/30/22	\$57,455.00
Statewide Activities	L**WNWP193MNSWA20	01/01/22 – 06/30/22	\$2,872.75
Statewide Activities	**LWNWP194MNSWA20	05/02/22 – 06/30/22	\$5,000.00
Statewide Activities	LWNWP201MNSWA21	07/01/22 – 06/30/23	\$19,572.50
Apprenticeship	**LWNWP191NATAP20	09/15/19 – 10/31/21	\$55,555.00
Re-employment Services & Eligibility Assessment	**LWNWF201RESEA20	07/01/21 – 06/30/22	\$197,285.00
Re-employment Services & Eligibility Assessment	**LWNWF202RESEA20	01/01/22 – 09/30/22	\$233,332.00
Re-employment Services & Eligibility Assessment	LWNWF211RESEA21	10/01/22 – 09/30/23	\$37,856.00
Statewide Activities	**LWNWF221RYSWA22	02/01/22 – 06/30/22	\$35,641.00
Statewide Activities	LWNWF211SESWA21	07/01/21 – 06/30/23	\$665,725.00

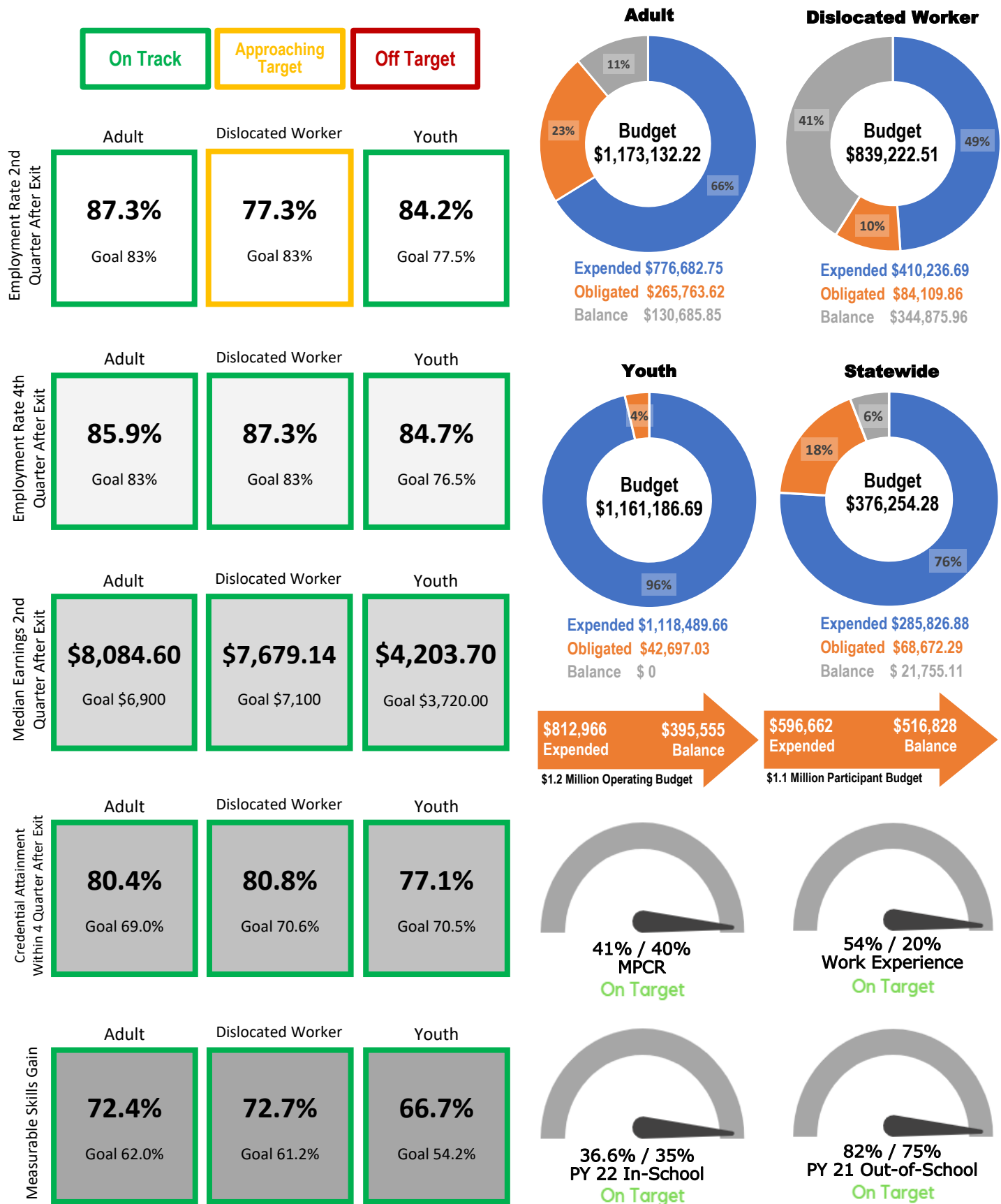
<b>Service Provided</b>	<b>Grant Number</b>	<b>Grant Period</b>	<b>Grant Max. Liability</b>
Statewide Activities	**LWNWP191WBSWA20	5/17/21 – 10/15/21	\$101,088.00

**Figure 2.** Listing of monitored grants.

\* Grant had no expenditures as of the date of the monitoring review.

\*\* Grant was closed as of the monitoring date.

# Performance & Fiscal



<b>DRAFT Northwest PY 23 Budget Rev. April 2023</b>	<b>Admin. (Title I + RESEA)</b>	<b>Adult Prg (w/ Adult Transfer)</b>	<b>DW Prg (w/o AT)</b>	<b>Youth Program</b>	<b>Title I Program Total</b>	<b>Total Title I Budget</b>	<b>RESEA Program</b>	<b>GROWWTH Admin / Program</b>	<b>Total Budget</b>
<b>Estimated PY 22 Carryover</b>	\$ 95,579.94	\$ 284,581.85	\$ 116,825.96	\$ (35,464.65)	\$ 365,943.16	\$ 461,523.10	\$ 3,300.00	\$ 297,314.99	\$ <b>762,138.09</b>
<b>Estimated PY 23 Allocations*</b>	\$ 157,778.85	\$ 528,866.66	\$ 369,408.80	\$ 521,734.21	\$ 1,420,009.67	\$ 1,577,788.52	\$ 25,555.50	\$ 385,565.32	\$ <b>1,988,909.34</b>
<b>Total PY 23 Funding Available</b>	\$ <b>253,358.79</b>	\$ <b>813,448.51</b>	\$ <b>486,234.76</b>	\$ <b>486,269.56</b>	\$ <b>1,785,952.83</b>	\$ <b>2,039,311.62</b>	\$ <b>28,855.50</b>	\$ <b>682,880.31</b>	\$ <b>2,751,047.43</b>

*\*PY 22 Allocations minus PY 23 State Decrease, Local Allocation still TBD*

IFA Expenses (including OSO)	\$ 1,997.33	\$ 46,708.04	\$ 17,433.94	\$ 29,087.64	\$ 93,229.62	\$ 95,226.95	\$ 1,512.14	\$ 48,361.87	\$ <b>145,100.96</b>
Career Service Provider	\$ -	\$ 320,640.00	\$ 119,680.00	\$ 199,680.00	\$ 640,000.00	\$ 640,000.00	\$ 27,343.36	\$ 467,502.15	\$ <b>1,134,845.51</b>
Board / Fiscal Agent Expenses	\$ 241,002.67	\$ 190,354.77	\$ 71,050.58	\$ 118,544.29	\$ 379,949.64	\$ 620,952.31	\$ -	\$ 145,921.02	\$ <b>766,873.33</b>
<b>Total Operating Expenses*</b>	\$ <b>243,000.00</b>	\$ <b>557,702.81</b>	\$ <b>208,164.52</b>	\$ <b>347,311.93</b>	\$ <b>1,113,179.26</b>	\$ <b>1,356,179.26</b>	\$ <b>28,855.50</b>	\$ <b>661,785.04</b>	\$ <b>2,046,819.80</b>

*\*May be adjusted between line items / programs*

<b>Balance for Participants (Minus PY 24 Q1 Expenses)</b>	\$ 213,025.79	\$ 278,070.24	\$ 138,957.63	\$ <b>630,053.66</b>
			<i>Revised Participant % of Program Funds</i>	36%
			<i>Amount Needed to Reach 40% MPCR</i>	\$ <b>112,065.85</b>



THOMAS P. MILLER & ASSOCIATES

**PROPOSAL FOR:**

Northwest & Southwest Tennessee

# One-Stop Operator Procurement Recommendation Report

**SUBMITTED TO**

WORKFORCE  
INNOVATIONS, INC

**SUBMITTED BY**

Dr. Ben Wilson  
Christina Ortega  
TPMA

# Introduction

Thomas P. Miller and Associates (TPMA) was contracted by the Workforce Innovations, Inc. to act as the third-party procurement agent for the local workforce area's One-Stop Operator.

As the third-party procurement agent, TPMA was responsible for developing the Request for Proposal (RFP), soliciting bids, facilitating the Q&A period, creating a tailor-made scoresheet for each contract, evaluating bids, and identifying our recommendation for contract to the Board. All bids were submitted directly to TPMA for evaluation, and we scored each bid for its effectiveness in responding to the Scope of Work outlined in the RFP. TPMA's team of evaluators scored each bid independently then convened to discuss their scores and agree upon a recommendation.

Upon completing the evaluation of all bids, TPMA presents Workforce Innovations, Inc. with this evaluation report. This report serves simply as a recommendation to the Board. Because we are not involved either contractually or in-kind with the Board, we do not present any conflict of interest and have made the following recommendations based on our evaluation. The final decision for contracting is the responsibility of the Board.

TPMA received the following proposals from interested bidders for each contract:

## One-Stop Operator in Northwest Tennessee

- Mid-Cumberland Human Resource Agency
- University of Tennessee Center for Industrial Services

## One-Stop Operator in Southwest Tennessee

- Mid-Cumberland Human Resource Agency
- University of Tennessee Center for Industrial Services





# Procurement Preparation

TPMA launched the procurement process by facilitating a conversation with Workforce Innovations, Inc. staff to determine the ideal roles and responsibilities of the One-Stop Operator in addition to what is required by U.S. Department of Labor and Tennessee guidance. Next, TPMA requested and reviewed all relevant documents from the Workforce Innovations, Inc.

TPMA developed one RFP branded on TPMA letterhead, and provided it to Workforce Innovations, Inc. to review. We incorporated applicable edits into the final version of the RFPs and prepared them for release. The timeline for the procurement was as follows:

ACTION	DATE
RFP Release	2/13/2023
Deadline for Bidder Questions	2/20/2023
Response to Bidder Questions Posted	2/27/2023
Proposal Deadline (email only)	3/20/2023
LWDB Approval	6/1/2023
Notification to All Bidders	6/2/2023
Contract Begin Date	6/15/2023

To ensure open and fair competition, Workforce Innovations, Inc. advertised the RFP in several sources. In addition, TPMA e-mailed the RFP to contacts that Workforce Innovations, Inc. supplied and TPMA created a procurement page <https://www.tpma-inc.com/workforce-innovations-procurement/>, that housed all information related to the procurement (e.g., timeline, RFPs, contact information, questions, and answers, etc.).

Upon release of the RFPs, a one-week question period was permitted. TPMA did not receive any questions for the One-Stop Operator RFP.





# Evaluation of Bids

## [CONTRACT (E.G., ONE-STOP OPERATOR, WIOA TITLE I ADULT & DISLOCATED WORKER PROVIDER, WIOA TITLE I YOUTH SERVICES PROVIDER)]

TPMA developed an evaluation scoresheet to score bids that was based upon criteria listed in the One-Stop Operator RFP:

PROPOSAL COMPONENT	POINTS
Organizational Experience & Capacity	15
Performance & Accountability	15
Partnerships & Community Engagement	15
Program Service Delivery Model	20
Technology, Data, & Reporting	10
Financial & Fiscal Capabilities & Budget	20
Instructions, Attachments & Formatting	5
Northwest/Southwest Alignment Bonus	10
<b>TOTAL</b>	<b>110</b>

The table below details the scores of each evaluator as well as the combined average score of all three evaluators.

BID	SCORE 1	SCORE 2	SCORE 3	AVERAGE SCORE
Mid-Cumberland Human Resource Agency	72.75	90.75	90.17	84.56
University of Tennessee Center for Industrial Services	66.83	83.08	88.67	79.53

The total annual budget allocated for the One-Stop Operator contract, per the RFP, is \$165,000.

BID	TOTAL ANNUAL BUDGET
Mid-Cumberland Human Resource Agency	\$165,000
University of Tennessee Center for Industrial Services	\$223,000



# Proposal Summaries

## MID-CUMBERLAND HUMAN RESOURCE AGENCY

### SUMMARY

Mid-Cumberland Human Resource Agency (MCHRA) was created in 1964; their mission is to “help people help themselves by providing knowledge and resources.” Besides providing social service programs, they also have experience in workforce development. They are currently operating as a One-Stop Operator in two local areas and have previously worked as a One-Stop Operator in six local areas. Their proposal answered all the questions and contained all the required documents. Mid-Cumberland Human Resource Agency proposes a budget of \$165,000 and their audits did not produce any findings.

### STRENGTHS & WEAKNESSES

The organization and formatting really stood out at first glance of MCHRA’s RFP. It was easy to follow and well-written. Another strength was the clarity and examples of their answers. When talking about providing services and ensuring compliance, MCHRA provided specific examples of how these tasks would be accomplished. They had a detailed plan for outreach to connect with more partners. Their explanation of customer flow was also very thorough and they provided a customer flow model to help demonstrate their plan. One other strength was the way their language tied back to the guidance.

While MCHRA’s proposal was easy to follow and many of their answers were detailed, there were a few answers that could have been more specific and a couple that were not as clear. For instance, there was not a detailed explanation of how to work with partners and there was no discussion of how they would evaluate the customer experience. Another brief answer was the mention of using “removable cameras for virtual workshop and meetings,” but no more information or explanation was given about these technological devices.

## UNIVERSITY OF TENNESSEE CENTER FOR INDUSTRIAL SERVICES

### SUMMARY

The University of Tennessee Center for Industrial Services (CIS) was created in 1963 and is one of six UT Institute for Public Services agencies. CIS adheres to what they refer to as the Pillars of Professionalism (Innovation, Honesty, Engagement, Accountability, and Respect) and focuses on helping their customers to achieve their goals. CIS has previously served as the One-Stop Operator for the East Tennessee Workforce Development area and has nearly 40 years of experience in successfully managing federal contracts. Their proposal answered all the questions and contained all the required documents. University of Tennessee Center for Industrial Services proposes a budget of \$223,000 and their audits did not produce any findings.

### STRENGTHS & WEAKNESSES

One strength that stood out in CIS’ proposal was their specifics when they talked about their managing of federal grants; they have successfully done so for nearly 40 years and mentioned specific projects in their proposal; some of their references also spoke highly of CIS’ management of federal grants and programs. Throughout their 60 years in business, CIS has also made many connections especially to higher education institutions, which is another plus. This proposal also did a good job of backing up their answers with specifics and details.

One flaw in this proposal is the reference to the current One-Stop Operator. CIS mentioned several times that if they won the bid they would rely on and work with the One-Stop Operator for specific tasks rather than propose how they would handle the tasks on their own. Another concern is the proposed budget. CIS is proposing a budget that is \$58,000 over the budget set by Workforce Innovations, Inc. While the budget was explained and CIS said that they are open for negotiations, the RFP clearly stated that the budget should not exceed \$165,000.



## RECOMMENDATION FOR ONE-STOP OPERATOR

Based on the evaluation of the bids, TPMA recommends that Workforce Innovations, Inc. contract with Mid-Cumberland Human Resources Agency for One-Stop Operator services. Their proposal scored an average of 5.03 points higher than the University of Tennessee Center for Industrial Services and demonstrated an understanding of the region's workforce needs.









THOMAS P. MILLER & ASSOCIATES



**BYLAWS FOR THE  
NORTHWEST TENNESSEE WORKFORCE BOARD  
LOCAL WORKFORCE DEVELOPMENT AREA**

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## Article I: Name & Establishment

**§ 1.1 Name:** This body shall be known as Northwest Tennessee Workforce Board, for the Northwest Tennessee Local Workforce Development Area (NWTN LWDA); hereinafter referred to as “the Board”. The Board is established in accordance with Workforce Innovation and Opportunity Act of 2014 (WIOA), Section 107(b)(2) as an entity within Tennessee’s workforce development system.

## Article II: Location

**§ 2.1 Location:** The principal office of the Board shall be located at 208 North Mill Avenue in Dyersburg, Tennessee, 38024. The Board may have such other offices, either within or without the State of Tennessee, as the Board of Directors may designate or as the affairs of the Board may require.

## Article III: Mission and Purpose

**§ 3.1 Mission and Purpose of the Board:** The purpose of this body is to provide policy guidance and exercise oversight with respect to activities under the Workforce Innovation and Opportunity Act of 2014 (WIOA) (or subsequent federal law) in partnership with the units of local government for Northwest TN LWDA. The Board is organized and shall be operated exclusively for charitable, scientific, literary and educational purposes. This Board supports WIOA activities that develop a quality workforce system to meet the needs of area employers and job seekers, so that Northwest Tennessee is an area where business and industry thrive based on the availability of a skilled workforce and a robust talent pipeline, and where increasing wealth fuels prosperous communities and a high quality of life.

In furtherance of such purposes, the Board intends to operate in the Local Workforce Development Area, established by the Governor of the State of Tennessee, encompassing Benton, Carroll, Crockett, Dyer, Gibson, Henry, Lake, Obion, and Weakley counties of Tennessee.

**§ 3.2 Term of the Bylaws:** ~~The term of the bylaws cannot exceed two (2) years.~~ These bylaws are effective beginning July 1, 2023 ~~with an end date of June 30, 2024.~~ Bylaws must be reviewed every two years from the effective date.

## Article IV: Functions of Local Board

**§ 4.1 Roles and Responsibilities:** Consistent with WIOA section 107(d) and Tennessee Department of Labor and Workforce Development (TDLWD) requirements in partnership with the Local Elected Officials (LEOs) the following roles and responsibilities of the functions of the local board shall include the following:

- (1) LOCAL PLAN – Develop and submit a Strategic Plan in partnership with the Local Elected Officials (LEOs) (as defined in 29 - 29 USC 3123) within the LWDA for submission to the Governor of the State of Tennessee ~~by the Local Board Chair. The LEOs, Chief Local Elected Official (CLEO), and Local Board will collaborate to write and approve the Local Strategic Plan utilizing the board committee structure, including seeking input from appropriate staff to the board and one-stop partner staff, as needed. The Local Strategic Plan will be published for public comment according to TDLWD policy prior to submission to the State Workforce Board.~~ If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2);
- (2) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS – In order to assist in the development and implementation of the local plan, the Board shall:
  - A. Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) and regularly update such information; and

- B. Assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act, specifically in the collection, analysis, and utilization of workforce and labor market information; and
  - C. Conduct other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders.
- (3) CONVENING, BROKERING, LEVERAGING – The Board shall convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources.
- (4) EMPLOYER ENGAGEMENT – The Board shall lead efforts to engage with a diverse range of employers:
- A. To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Board; and
  - B. To develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities; and
  - C. To ensure that workforce development activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
  - D. To develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships).
- (5) CAREER PATHWAYS DEVELOPMENT – The Board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
- (6) PROVEN AND PROMISING PRACTICES – The Board shall lead efforts to:
- A. Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and
  - B. Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
- (7) TECHNOLOGY – The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—
- A. Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
  - B. Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
  - C. Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
  - D. Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
- (8) PROGRAM OVERSIGHT.—The local board, in partnership with the local elected officials for the local area, shall conduct oversight of the One-Stop System, including all WIOA activities and —
- A. (i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and
  - (ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and
  - B. for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.



(9) NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—The local board, the local elected officials, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).

(10) SELECTION OF OPERATORS AND PROVIDERS.—

A. SELECTION OF ONE-STOP OPERATORS.—Consistent with section 121(d), the local board and the LEOs, subject to the approval of the chief elected official for the local area—

(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A) and (B), an eligible entity (which may be a consortium of entities) shall be designated or certified as a one-stop operator through a competitive process consistent with federal, state, and local procurement requirements. Procurement results shall be presented to the Executive Committee of the Board, which includes the CLEO as a member, for approval or recommendation to the full Workforce Board, including LEOs serving as ex-officio members; and

(ii) may terminate for cause the eligibility of such operators based on documentation through monitoring and oversight conducted of non-compliance with the contractual agreement for services procured. Documentation shall be presented to the Executive Committee for approval or recommendation to the full Workforce Board, including LEOs serving as ex-officio members..

B. SELECTION OF YOUTH PROVIDERS.—Consistent with section 123, the local board—

(i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis consistent with federal, state, and local procurement requirements (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and

(ii) may terminate for cause the eligibility of such providers.

C. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.—Consistent with section 122, the local board shall identify eligible providers of training services in the local area, including cost and performance data.

D. IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts through a competitive process, consistent with federal, state, and local procurement requirements. Procurement results shall be presented to the Executive Committee of the Board, which includes the CLEO as a member, for approval or recommendation to the full Workforce Board, including LEOs serving as ex-officio members. The Career Service Provider may be terminated for cause based on documentation through monitoring and oversight conducted of non-compliance with the contractual agreement for services procured. Documentation shall be presented to the Executive Committee for approval or recommendation to the full Workforce Board.

E. CONSUMER CHOICE REQUIREMENTS.—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.

(11) COORDINATION WITH EDUCATION PROVIDERS.—

A. IN GENERAL.—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).

B. APPLICATIONS AND AGREEMENTS.—The coordination described in subparagraph (A) shall include—

- (i) consistent with section 232—
    - I. reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and
    - II. making recommendations to the eligible agency to promote alignment with such plan; and
  - (ii) replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.
  - C. COOPERATIVE AGREEMENT.—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.
- (12) BUDGET AND ADMINISTRATION.—
- A. BUDGET.—The local board shall develop a budget, with input from the LEOs through participation on the Executive Committee and as ex-officio members of the Workforce Board, for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the Board Chair prior to submission to a majority of the Chief Local Elected Officials— for final approval and submission to the Tennessee Department of Labor and Workforce Development (TDLWD) prior to each program year in accordance with Workforce Services Policy – Local Governance.
  - B. ADMINISTRATION.—
    - (i) GRANT RECIPIENT.—
      - I. IN GENERAL.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.
      - II. DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).
      - III. DISBURSAL.—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.
    - (ii) GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.
    - (iii) TAX-EXEMPT STATUS.—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.
- (13) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.— The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one stop centers in the local area. The Executive Committee of the Board shall assess and reassess the physical

and programmatic accessibility on an annual basis or when physical and programmatic changes that may impact access are made.

Note: Except as provided in sec. 107(g)(1)(B), pursuant to a request from the local board, the Governor may grant a written waiver of training prohibition, no local board may provide training services.

**Other LWDB roles and responsibilities include:**

- (a) Elect a private-sector business representative as LWDB Chair; and
- (b) In accordance with WIOA Section 107(f) the Board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).

QUALIFICATIONS.—The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

APPOINTMENT.—Pursuant to the above, the Board of Directors are authorized to appoint an Executive Director who is authorized to appoint additional staff to carryout the functions of the Board and Fiscal Agent.

- (c) Create an annual report that must be submitted to the State Office as per guidelines established by the TDLWD; and
- (d) Promote American Job Center programs and activities; and
- (e) Assist the State Office in developing the statewide employment statistics system under the Wagner-Peyser Act; and
- (f) Coordinate with economic development strategies and establish employer linkages with workforce development activities; and
- (g) Carry out regional planning responsibilities as required by the TDLWD; and
- (h) Conduct business in an open manner by making available to the public information about the activities of the LWDB, including the local Strategic Plan before submission, membership, designation of the local Workforce System Operator, the awards of grants or contracts, and minutes of LWDB meetings; and
- (i) Establish or revise local policy through a process of Staff to the Board consulting with either the Board of Directors or a Standing Committee of the LWDB or presenting directly to the LWDB to respond to the policy consideration by vote. All policies will reflect the signature of the LWDB Chair to demonstrate that they have been formally reviewed and approved by the LWDB.

## **Article V: Membership and Committees**

**§ 5.1 Membership:** The Board shall be established and certified by the Governor of the State to carry out the functions described in Article IV (and any functions specified for the local board under WIOA.) The Chief Local Elected Officials in Northwest TN LWDA are is authorized to appoint the members of the Board in accordance with the State criteria. Authority to appoint members to the LWDB lies solely with the Chief Local Elected Official.

The number of the members of the Board shall be not less than the minimum number required under the Act as set forth in the Workforce Innovation and Opportunity Act of 2014, as amended from time to time. The number of members may be increased or decreased from time to time by the Chief Local Elected Officials, in consultation with the LEOs of the counties as needed, within the LWDA, but no decrease shall have the effect of shortening the term of an incumbent officer or member or reducing the number of members below the minimum number required under the Act.

The Local Elected Official of each of the counties encompassed within the LWDA may solicit nominations of members of the Board in accordance with the criteria established by the Governor of the State of Tennessee as described in Workforce Services Policy – Local Governance, as amended from time to time, and in

accordance with the requirements of LWDB composition as described below. Nominations must come from the heads of organizations—specifically those representing businesses, labor, education, and economic and community development—to align the workforce and education needs within the State.

The CLEO acts as the signatory on behalf of the other LEOs and has final authority to select members to serve on the LWDB. To approve the nomination of each individual selected to serve on the LWDB, the following documentation is required:

- A Nomination Form signed by the CLEO; and
- A Conflict of Interest Form signed by the nominee to the LWDB; and
- ~~A recommendation letter from the head of the organization the nominee represents, a Chamber of Commerce within the LWDA, or the LEO for the nominee's county. This letter must identify the individual being nominated and must also acknowledge the nominee's optimum policymaking authority, as it aligns with a curriculum vita, resume, or work history, to support the qualifications of the nomination.~~

Completed nomination forms must be submitted to the TDLWD 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 LWDB until a certification letter from TDLWD has been received to affirm the nomination.

A majority – **defined as the greater sum of the whole (largest percentage)** - of the members of the local board shall be representatives of the private sector as described in paragraph (2)(A) in the WIOA, Section 107. The local elected officials within the LWDA may execute an agreement that specifies the respective roles of the individual local elected officials (a) in the appointment of the members in accordance with the criteria established as provided below; and (b) in carrying out any other responsibilities assigned to such officials under the Workforce Innovation and Opportunity Act of 2014.

As ex-officio members of the Board, the **chief local** elected officials have all rights and privileges stated within these by-laws. **As ex-officio members of the Workforce Board, LEOs/CLEO receive notices and all materials and are encouraged to participate in quarterly and special called board meetings. This includes collaborating with the Local Board on the following:**

- Meeting Agendas are set in consultation with the Board Chair and CLEO and will include Board Committee Reports, as well as an “other” agenda item to promote membership contributions.
- Communicating the shared vision, goals and workforce development needs of local communities through attending presentations and review/comment on quarterly and annual reports; and
- Reviewing, monitoring, sharing and communicating with responsible staff/contractors to determine outcomes of performance metrics and any necessary adjustments for improvement.

- (1) STATE CRITERIA: The Governor, in partnership with the State board, shall establish criteria for use by the chief elected official in Northwest TN LWDA for appointment of members of the Board in accordance with the requirements of paragraph (2). Further, in accordance with Workforce Services Policy – Local Governance, nominations shall be solicited by the Chief Local Elected Official from entities of business, government or community development. The nominator shall be of a management capacity representing business, labor, education and economic community development. The staff to the LWDB, fiscal agent staff, staff employed by One-Stop Operators, and contracted service providers are prohibited from both nominating members to the board or serving on the board to avoid conflicts of interest.
- (2) COMPOSITION.—Such criteria shall require that, at a minimum—
  - A. **Representatives of Business** - a ~~minimum of 51%~~ **majority – defined as the greater sum of the whole (largest percentage)** - of the members of each local board shall be representatives of business in the local area, who—
    - (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

- (ii) represent businesses, including small businesses ~~(at minimum 2 members)~~, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and
  - (iii) are appointed from among individuals nominated by local business organizations and business trade associations.
- B. **Labor Organization Representatives** - A minimum of 20% of the membership shall be representatives of the workforce within the local area, who—
  - (i) shall include two (2) or more representatives of labor organizations nominated by local labor federations in local areas where employers are represented by labor organizations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;
  - (ii) shall include ~~a one~~ **(1) or more** representative, who shall be a member of a labor organization or a training director, from a joint labor-management **registered** apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;
  - (iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
  - (iv) may include (optional) representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of WIOA eligible youth, including representatives of organizations that serve out of school youth;
- C. **Representatives of Education & Training** - each local board shall include representatives of entities administering education and training activities in the local area, who—
  - (i) shall include **at least one (1)** representative of eligible providers administering adult education and literacy activities under WIOA title II;
  - (ii) shall include **at least one (1)** representative of institutions of higher education providing workforce investment activities (including community colleges);
  - (iii) may include (optional) representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.
- D. **Representatives of Government, Economic and Community Development** - each local board shall include representatives of governmental and economic and community development entities serving the local area, who—
  - (i) shall include **at least one (1)** representative of economic and community development entities **in the LWDA**;
  - (ii) shall include ~~at least one (1)~~ appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
  - (iii) shall include ~~at least one (1)~~ appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;
  - (iv) may include (optional) representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and
  - (v) may include (optional) representatives of philanthropic organizations serving the local area; and
- E. **Discretionary Representatives** - each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.
- F. **County Representatives** - The CLEO must establish a LWDB that reflects the diversity of the counties that comprise the LWDA by requiring at least one (1) nomination per county. LWDB representation must be fair and equitable across the LWDA and is in accordance with WIOA policy regarding LWDB member nominations. LWDB members must exhibit the demographic diversity of the counties within their respective LWDA.



- (3) **AUTHORITY OF BOARD MEMBERS.**—Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking **or hiring** authority within the organizations, agencies, or entities. The members of the board shall represent diverse geographic areas and demographic make-up, in accordance with the most recent US Census, within the local area, as much as possible.
- (4) **SPECIAL RULE.**—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (2)(C), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

**§ 5.2 Standing Committees:** The Board, in accordance with WIOA Section 107(b)(4)(A), may designate and direct the activities of standing committees to provide information and to assist the Board in carrying out activities authorized in this section. 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 LWDB. Such standing committees shall have a Chair **and Vice-Chair** who is a member of the Board representing private business **and a Vice-Chair who is a member of the Board representing a private-business, labor organization, apprenticeship program, or economic and community development entity**; may include other members of the Board; and shall include other individuals appointed by the Board who are not members and who are determined to have appropriate experience and expertise. At a minimum, the Board may designate each of the following:

- (1) The American Job Center (AJC) Services Committee will provide information and assist with operational and other issues relating to the one-stop delivery system, which may include representatives of the one-stop partners. This committee will oversee activities related to AJC Technology Services; Coordination with education providers; and Employer engagement functions as outlined in Section 4.1. This committee also supports the Career Development Services Team in their efforts to provide job seekers with opportunities to explore career options, identify barriers, access resources, develop skills, and apply for jobs and the Business Services Team in providing employers with opportunities to identify potential workers, assess skill gaps, and facilitate training of employees to meet employer needs.
- (2) The Outreach and Opportunities Committee will be responsive to the provision of services to individuals with particular service needs, such as veterans, youth ages 16-24, individuals with a disability, dislocated workers, offenders, and others with barriers to employment. The committee will lead local workforce development efforts in the functions related to Career pathways development by recommending alignment of employment, training, education, and supportive services and proven and promising practices identification in meeting the needs of customers of the **American Job Career** Center system and disseminating this information to the Board. This committee will also support the staff in seeking supplemental grant funds to support workforce development efforts in Northwest TN LWDA.
- (3) The Executive Committee shall have the authority to act on behalf of the Board between its business meetings, make recommendations to the Board, and such other duties as specified in these By-laws. The Executive Committee shall be subject to the order of the Board, and none of its acts shall conflict with these By-laws or stated policies of the Board. The Executive Committee will be made up of the chairpersons of each of the aforementioned standing committees, the Vice-Chair of the Board, the Secretary, the Chief Local Elected Official, the Vice Chief Local Elected Official, and the Board Chair. The Board Vice-Chairperson will serve as the Chair of the Executive Committee. This committee will be instrumental in performing the following functions of the Board as outlined in Section 4.1 Development of the Local Strategic Plan: Workforce research and regional labor market analysis; Convening, brokering, and leveraging stakeholders; Program oversight; Selection of Operators and providers; Approval of providers for Eligible Training Provider List; Negotiation of local performance accountability measures; and Budget and administration. In keeping with the requirements for the Accessibility function of the Board outlined in Section 4.1 (13), this committee shall annually assess

the physical and programmatic accessibility of all one stop centers in the local area, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

- (4) When deemed necessary or appropriate the chairperson of the Board shall have the authority to appoint temporary or ad hoc committees, including the chairperson of said committee, for the purpose of special projects.

**5.2.1** Members of Standing Committees not appointed to the Board may attend all meetings of the Board, but shall not have voting rights. Standing Committee members shall serve at the pleasure of the Board and shall advise and counsel the Board on appropriate matters.

**§ 5.3 Terms:** The terms of members of the Board shall be four (4) years. Member terms will be staggered so all terms do not expire at the same time. Members in good standing will automatically renew for subsequent terms until the Board member properly notifies the Chairperson of the Board of the intent to no longer serve. **In accordance with Workforce Services Local Governance, documentation for renewal of a Local Board member's nomination or their conflict-of-interest form must be received within one (1) full calendar quarter following expiration. The CLEO will sign and submit a Renewal Form to extend the tenure of LWDB members in good standing. The Renewal Form 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, and
- The member's new begin and end dates of service, in compliance with the term limits of the Local Board's bylaws.

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

**§ 5.4 Board Vacancy:** Any vacancy occurring on the Board will be filled ~~in the period between the date of resignation and the date of the second subsequent meeting, no later than the subsequent~~ within one (1) full calendar quarter from ~~expiration or~~ the last official day that the member served on the LWDB, **including all documentation submitted, approved and confirmed.** This includes vacancies created by the removal of members for cause. LWDB members replacing out-going individuals at mid-term will serve the remainder of the out-going member term. Any action taken by the Board, with a vacancy or term expiration beyond the time period described in the by-laws must be approved through a waiver from the TDLWD prior to the Board meeting of such action. Waivers are to be requested in writing to the Assistant ~~Commissioner~~ Administrator of Workforce Services 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.

**§ 5.5 Removal:** Any member of the Board will be removed for cause by the Chief Elected Official (CLEO), if any of the following occurs: (a) documented violation of conflict of interest; (b) failure or refusal to work cooperatively with the Board and to abide by the By-Laws as stated in 5.4; (c) documented proof of fraud and/or abuse and (d) failure to meet board member representation requirements defined in WIOA; (e) other causes as determined by the Board. Removal of a member shall also constitute removal as an officer of the Board and as a member of all committees of the Board. Intent to remove a member must be stated in the call of the meeting and be provided to all voting members at least five (5) days prior to the meeting. Removal of a member requires a two-thirds (2/3) vote at the Board meeting, at which a quorum is present.

**5.5.1** Any board member missing three consecutive meetings may be replaced at the sole discretion of the Chief Local Elected Official.

**5.5.2** A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Officials immediately as a representative of that entity.

Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary. A Board member subject to removal will be notified, in writing, within fifteen (15) days of the decision and will be provided the reason for removal. A Board member subject to removal may appeal by submitting a letter in writing within 30 days of notice of removal to the CLEO stating reasons to remain as an active member of the Board. The appeal must be sent by certified mail (return receipt) to the CLEO in care of Executive Director, at 208 N. Mill Ave., Dyersburg, TN 38024. A committee of LEOs will review the appeal and make a decision prior to the next scheduled date of the Board.

**§ 5.6 Resignation:** A member may resign his or her membership at any time by tendering his or her resignation in writing to the Chairperson, or in the case of the resignation of the Chairperson, to the Vice-Chairperson or the Secretary. A resignation shall become effective upon the date specified in such notice or, if no date is specified, upon receipt of the resignation by the Board.

**§ 5.7 Board Certification:** The TDLWD will certify that the composition of each LWDB, including the appointment process, complies with the criteria outlined in WIOA Section 107 and with the Workforce Services Policy – Local Governance. The composition of each LWDB will be evaluated quarterly by TDLWD staff and will coincide with State Workforce Development Board (SWDB) meetings.

**5.7.1** LWDB Recertification will be conducted by the TDLWD once every two (2) years to ensure the local workforce activities support meeting local performance measures, as outlined in the local grant agreement, to include LWDB composition requirements. If an LWDB meets all membership requirements but fails to meet all performance measures (**90% of target or higher**), 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.

**5.7.2** The Governor shall have the authority to decertify a LWDB at any time after providing written notice and opportunity for comment, under the following conditions: (1) Documentation of fraud or abuse; (2) Failure to meet the local performance accountability measures for **2 three (3)** consecutive program years; (3) Failure to meet all LWDB certification requirements; or (4) Failure to carry out the required functions of the LWDB. If the Governor decertifies a LWDB, the Governor may require that a new LWDB be appointed and certified for the LWDA. Certifying a new LWDB will take place pursuant to a reorganization plan developed by the Governor, in consultation with the LEOs, which is consistent with WIOA Section 107(b).

## **Article VI: Officers**

**§ 6.1 Board Officers:** There shall be a Chairperson, a Vice-Chairperson, and a Secretary of the Board, each of whom shall be elected in accordance with the provisions of this article (§ 6.2). In accordance with WIOA sec. 107(3)(A), the Chair and thus the Vice-Chair shall be representatives of business in the local area. The Board may also elect such other assistant officers as the Board may from time to time deem necessary or appropriate. Any two or more offices may be held by the same person, except for that of the offices of Chairperson, Vice-Chairperson, and Secretary.

**§ 6.2 Election and Term of Office:** The officers of the Board shall be elected every two years by the Board members, during the designated annual meeting. Each officer shall hold office for a term of two (2) years or until his or her resignation, death or removal from office in the manner provided in these By-laws. An officer may succeed himself or herself in office.

**§ 6.3 Board Chairperson:** The Chairperson of the Board shall

- (1) be elected from among the members of the Board;
- (2) be a representative of the private sector;



- (3) be designated as the Chairperson of the Board and shall in general be primarily responsible for the management of the programmatic affairs of the Board and for implementing the policies and directives of the Board;
- (4) preside at all meetings of the Board; and
- (5) have authority to **approve and** sign, with the Vice-Chairperson, Secretary or any other proper officer thereunto authorized by the Board, **Local Board budget**, contracts, proposals, **local and regional** plans, **selection and certification of One-Stop Operators and Career Service Providers**, **negotiated local performance measures**, **assessment of programmatic and physical accessibility** or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or these By-laws to some other officer or agent of the Board, or shall be required by law to be otherwise signed or executed. Each chairperson shall hold office until his or her term shall have expired and his or her successor shall have been elected and qualified, or until his or her resignation, removal from office, or death. A chairperson may succeed himself or herself. ~~The chairperson shall be natural persons who have attained the age of twenty-one (21) years.~~

**§ 6.4 Vice-Chairperson:** The Vice-Chairperson shall

- (1) be elected from among the members of the Board;
- (2) be a representative of the private sector;
- (3) preside over the Executive Committee meetings;
- (4) preside at all meetings of the Board during the absence or disability of the Chairperson of the Board;
- (5) be primarily responsible for the general management of the business of the Board and for implementing the policies and directives of the Board in the absence or disability of the Chairperson of the Board;
- (6) have authority to sign, with the Secretary or any other proper officer thereunto authorized by the Board, contracts, proposals, plans, or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or these By-laws to some other officer or agent of the Board, or shall be required by law to be otherwise signed or executed; and
- (7) perform such other duties as from time to time may be assigned by the Chairperson of the Board.

**§ 6.5 Secretary:** The Secretary shall perform the following functions or shall oversee staff to the Board to

- (1) keep the minutes of the proceedings of the Board;
- (2) ensure that all notices are duly given in accordance with the provisions of these By-laws;
- (3) keep a register of the mailing address and electronic addresses of each member of the Board, as furnished to the Secretary by each member; and
- (4) in general perform all duties pertinent to the office of Secretary and such other duties as may from time to time be assigned by the Chairperson of the Board.

**§ 6.6 Vacancies:** A vacancy in any office, as a result of death, resignation, removal, disqualifications, or otherwise, may be filled by the affirmative vote of a majority of the Board at a meeting, at which a quorum is present, for the unexpired portion of the term of his or her predecessor, and until the next election of officers at the boards annual meeting.

**§ 6.7 Recall of Officers:** Pursuant to Section 5.4 of these By-Laws the Board may by a two-thirds (2/3) vote at a meeting, at which a quorum is present, remove any officer when, in its judgment, the best interest of the Board will be served thereby. Intent to recall or remove an officer must be stated in the call of the meeting with notice provided to the officer to be removed and all other voting members at least five (5) days prior to the meeting.

**§ 6.8 Resignation:** An officer may resign his or her office at any time by tendering his or her resignation in writing to the Chairperson or, in the case of the resignation of the Chairperson, to the Vice-Chairperson, or Secretary. A resignation shall become effective upon the date specified in such notice, or if no date is specified, upon receipt of the resignation by the Board. An officer may resign his or her position as an officer of the board, but retain his or her position as a member of the board.

**§ 6.9 Board of Directors:** The Board of Directors includes the Chief Local Elected Official, the Vice Chief Local Elected Official, the Board Chairperson, the Vice Board Chairperson from the Northwest and Southwest local areas and one regional private sector, labor organization, apprenticeship program, or economic and community development entity representative selected by the other Directors. The Northwest Board Chairperson will serve as the President, the Southwest Board Chairperson as Vice-President, and the regional private sector representative as Secretary of the entity selected to serve as Fiscal Agent/Staff to the Board. The Board of Directors will serve as the administrative authority in oversight of day-to-day operations in conducting the functions of the board and fiscal agent. The Board of Directors shall have the authority to supervise and manage the employees of the entity serving in the capacity of staff to the Board and Fiscal Agent. The Board of Directors shall be subject to the order of the Board, and none of its acts shall conflict with these By-laws or stated policies of the Board. The Board of Directors shall be responsible for ensuring board actions comply with federal, state and local laws, regulations and policies.

## **Article VII: Meetings**

**§ 7.1 Regular and Annual meetings:** The Board and its committees shall meet at least quarterly for the purpose of transacting business according to the current workforce development needs. There will be one board meeting designated as the annual meeting for the purpose of receiving annual reports from the Administrative Entity, electing officers of the Board and transacting any other Board business. The Chairperson shall fix the time and place and provide notice to all voting members prior to the meeting. The notice shall state the location or means of communication for the meeting (including conference telephone or electronic communications, wherein all Board members have access to the discussion and vote of all participating members), in addition to the time and date. The local board shall make available to the public, through electronic means and print media, notice of upcoming open meetings.

**§ 7.2 Special or Called Meetings:** Special meetings of the Board may be called by the Chairperson or at the request of the Executive Director. Special meetings may also be called upon the written request of five members of the Board. Special or called meetings may be held under certain circumstances where a pertinent issue needs to come before the Board prior to the next scheduled meeting. This meeting can take place by means of conference telephone or electronic communications, wherein all Board members have access to the discussion and vote of all participating members. The purpose of the meeting shall be stated in the notice and no other business shall be transacted at the meeting. The Chairperson shall fix the time and place and provide notice to all voting members at least five (5) business days prior to the meeting. The notice shall state the location or means of communication for the meeting, in addition to the time and date. The local board shall make available to the public, through electronic means and print media, notice of upcoming open meetings.

**§ 7.3 Quorums:** One-third (1/3) of the voting members of the Board will constitute a quorum for the transaction of business at any meeting thereof. Action of the Board must be authorized by the affirmative vote of a majority of all voting members present at a meeting at which a quorum is present.

**§ 7.4 Participation in Meetings:** Each regular Board member, shall be entitled to one (1) vote on any matter properly submitted for a vote to the Board. The affirmative vote of a majority of the members present at a meeting, at which a quorum is present, shall be the act of the Board, except as may otherwise be specifically provided by law, by the Charter, or by these By-laws. Members of the Board absent from any meeting shall be permitted to vote at such a meeting by written proxies. The members of the Board, or any committee designated by the Board, may participate in a meeting of the Board, or of such committee, by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear one another; and participation in a meeting pursuant to this provision shall constitute presence in person at such meeting. The members shall be furnished a copy of the minutes of the meetings of the Board prior to the next regularly scheduled meeting.

**§ 7.5 Open Meeting Requirement:** All meetings and actions of the Board must comply with the Tennessee Open Meeting Act, Tenn. Code Ann. 8-44-101 *et seq.*, along with WIOA Section 107(d), 20CFR 679.390, 20CRF 679.550(b)(5) and Tenn Code Ann 10-7-503(a)(2)(A)(B). Public records must be open to public scrutiny and transparency and accountability must be a part of the function and duties of the LWDB. Business conducted in an

open manner and with accommodations when needed ensures that the public, including people with disabilities, can access information concerning board meetings. The following local policy is set forth:

- Notice of Northwest TN LWDA Board Meetings, including location, date, and time, will be posted on the Board's website and social media page, ~~sent to area newspapers as a public service announcement~~, and be emailed to Board Members and Local Elected Officials for distribution thirty (30) days prior to the meeting ~~and will also serve as public outreach to encourage community engagement.~~
- Board meetings will be conducted in an open manner and available to the public.
- Arrangements will be made upon request for all individuals, including those with disabilities to have physical and electronic access to Board meetings, including appropriate accommodations, such as documents in Braille and large print, sign language interpreters, wheelchair accessibility, and closed captioning.
- 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. Unless otherwise provided by State law, minutes of Board meetings will be made available to the public upon request and will also be available on its website within fifteen (15) business days of the Board's approval of the meeting minutes. Only the formal minutes will be posted on the website; no attachments of presentations at the board meeting will be posted unless the Local Board believe that these attachments are necessary.
- Along with the board minutes, the LWDB must provide the updated LWDB roster to be uploaded on the LWDB's website ~~by the next quarterly calendar board meeting. Failure to do so will result in technical assistance. Multiple offenses may result in a corrective action plan or sanction. The State will maintain and internal comprehensive roster sheet for monitoring purposes.~~ The public-facing roster must include the following information:
  - The name of the LWDB,
  - The date the member was confirmed to serve on the LWDB,
  - The member's first and last name,
  - The member's county of ~~residence~~ representation, and
  - The organization the member represents.
  - ~~The beginning and end dates of the member's conflict of interest statement;~~
  - ~~The category the member represents;~~
  - ~~The nominator's first and last name;~~
  - ~~The organization the nominator represents, and~~
  - ~~Whether the member serves on the Executive Committee.~~

**§ 7.6 Presumption of Assent:** A member of the Board who is present at a meeting of the Board at which action on any Board matter is taken shall be presumed to have assented to the action taken, unless his or her dissent shall be entered in the minutes of the meeting, or unless he or she shall file his or her written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof, or forward such dissent by registered mail to the Secretary of the Board immediately after the adjournment of the meeting. Such right to dissent shall not apply to a member who voted in favor of such action.

**§ 7.7 Expenses and Compensation:** No member shall be entitled to receive compensation for services rendered to the Board, as a member of the Board or as a member of any committee thereof. However, upon prior approval by the Board, a member may be paid for reasonable expenses incurred by the member, which directly related to the affairs of the Board upon proper substantiation of such expenses. No such payments shall preclude any member from serving the Board in any other capacity and receiving compensation therefore.

**§ 7.8 Vote by Proxy:** Any member of the Board may proxy to another sitting board member by completing and filing the Member Proxy Form. Duly executed proxies must be filed with the Board Chairperson prior to the commencement of the board meeting in which the board member is to be absent. The board member accepting such proxy must be in good standing with the Northwest Tennessee Workforce Board. Any Board member may proxy to another Board member once per year. TDLWD policy prohibits proxy voting more than once per calendar year without written approval from the Board Chair. Such proxies shall be considered valid votes in matters considered by the Board, and shall constitute member participation in absentia.

## Article VIII: Staff to the Board

**§ 8.1 Staff:** In general, the Board and/or the fiscal agent may hire an executive director and other staff to assist in carrying out the functions described in WIOA sec. 107, subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4). Pursuant to the above, the Board of Directors are authorized to appoint an Executive Director. The Executive Director is authorized to appoint additional staff to carry out the functions of the Board and Fiscal Agent.

**§ 8.2 Qualifications:** The Board and/or the fiscal agent shall establish and apply a set of objective qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

**§ 8.3 Limitation on Rate:** The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

## Article IX: Amendment of the By-Laws

**§ 9.1 Amendment of By-Laws:** These By-Laws may be altered, amended, or repealed, upon the affirmative two-thirds (2/3) vote of the voting members of the Board at any regular meeting at which a quorum is present, provided that the amendment has been submitted to the voting members of the Board in writing two weeks prior to the meeting at which the vote on the amendment(s) is to be taken.

## Article X: Conflict of Interest

**§ 10.1 Conflict of Interest:** Board members and members of Standing Committees shall adhere to the following in regard to conflict of interest- WIOA Sec. 102 (b)(2)(E)(i) and Sec. 107 (h)(1)(2). A Board member may not vote on or participate in any decision-making regarding any matter that would provide direct financial benefit to the member, the members' immediate family, or any organization the member is or a member represents, or on matters of the provision of services by the member or the entity the member represents.

- (1) Board members shall avoid even the appearance of a conflict of interest. Prior to taking office, Board members must provide to the Board Chair a written declaration of all substantial business interests or relations they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the Board. Such declarations shall be updated annually ~~or within 30 days of changes in business~~ to reflect any changes in such business interests or relationships. The Board shall appoint an individual to timely review the disclosure information and advise the Local Board Chair and appropriate members of potential conflicts. Board members shall recuse themselves from official board duties if they are involved in a conflict of interest.
- (2) Declarations must be maintained by the Board staff for five (5) years from the original signature date. TDLWD staff will conduct an annual on-site review of all LWDB member's conflict of interest forms in each LWDA. All LWDB member's conflict of interest forms must be available to staff conducting the on-site review and must be verified as current during the review. Expired conflict of interest forms will be noted and documented as a finding.
- (3) LWDB staff must monitor the expiration dates for all LWDB members.
- (4) Prior to a discussion, vote, or decision on any matter before the Board, if a member, or a person in the immediate family of such member, has a substantial interest in or relations to a business entity, organization, or property that would be affected by any official Board action, the member shall disclose the nature and extent of the interest or relationship and shall abstain from discussion and voting on or in any other way participate in the decision on the matter. Board members shall seek the opinion of the

- Board if there are any doubts whether specific situations involve a conflict of interest. All abstentions shall be recorded in the minutes of the Board meeting and be maintained as part of the official record.
- (5) It is the responsibility of the Board Chair to monitor the potential conflict of interest and bring it to the Board's attention in the event the member does not make a self-declaration.
  - (6) The CLEO is prohibited from appointing members to the LWDB that are employed by the Fiscal Agent, LWDB staff, or LWDB staff entity (e.g. OSO, or CSP).
  - (7) The Board shall ensure that the Board, its members or its employees do not directly control the daily activities of its workforce service providers, its workforce system partners, or its contractors.
  - (8) Board members or their organizations may receive services as a customer of a local workforce service provider.
  - (9) Board members shall not accept bribes, kickbacks or any gift, rebate, money or anything of value whatsoever, or any promise, obligation or contract for future reward, compensation, property or item of value, including intellectual property, for the purpose or result of causing detriment to another and/or bringing about some benefit to oneself or others.
  - (10) The Board shall select or designate an organization to perform duties related to WIOA such as developing a written agreement with the Board and Local Elected Official, which shall clarify how the organization will carry out its multiple responsibilities while demonstrating compliance with WIOA, corresponding regulations, relevant Office Management and Budget circulars, and with the Workforce Services Policy - WIOA (Conflict of Interest Policy), minimize fiscal risk, and develop appropriate steps within the single entity performing multiple functions.
  - (11) In the event the Board is selected as a One-Stop Operator, through a competitive process conducted by a third party, the Board shall establish sufficient "firewalls" and conflict of interest policies and procedures consistent with the Workforce Services Policy - WIOA (Conflict of Interest Policy). The Board shall also ensure that all new staff members and providers are informed about this policy, and that appropriate staff members are familiar with it and its requirements in order to prepare state or local plans and the conflict of interest policy.
  - (12) The Board shall also ensure training concerning internal conflicts of interest for any entities directly involved with making assessments and determining the eligibility of participants. Documentation of training must be maintained and made available for review and audit purposes.

## **Article XI: Compliance with Law**

**§ 11.1 Compliance with Law:** The Board acknowledges that in execution of its business, the Board shall:

- (1) Comply with all applicable Tennessee statutes and regulations including, but not limited to, the governing procurement standards or regulations for the LWDA, Sunshine Law, and the State Travel Regulations;
- (2) Comply with Workforce Innovation and Opportunity Act of 2014 (WIOA) and other appropriate regulations, as well as, policies and directives from the Tennessee Department of Labor and Workforce Development and the State Workforce Board.
- (3) Local Boards shall be subject to TCA 10-7-503(a)(2)(A)(B):
  - (2)(A) Records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.
  - (2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall, within seven (7) business days, from the date of the Local Board meeting:
    - (i) Make the information available to the requestor;
    - (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or

- (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce the record or information.

## Article XII: Rules of Order

**§ 12.1 Rules of Order:** The Board will adhere to Robert's Rules of Order; Revised. In the Event any provision of these By-Laws conflict with Robert's Rules of Order; Revised, the provisions of these By-Laws shall govern.

### Signatures

*Revisions approved by Northwest Tennessee Workforce Board on 5/23/2023*

*As signed by:*

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Mr. Jimmy Williamson, Chairman  
1230 S Main Dyersburg, TN 38024  
731-288-6001  
[jimmy\\_williamson@att.net](mailto:jimmy_williamson@att.net)

Date

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Ted Piazza, Vice-Chairman  
6 Industrial Park Drive Dyer, TN 38330  
731-692-3424  
[tpiazza@advancetabco.com](mailto:tpiazza@advancetabco.com)

Date

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Brad Hurley, Secretary  
Carroll County Chamber of Commerce  
P.O. Box 726, 20740 East Main Street Huntingdon, TN 38344  
731-986-4664  
[cchamber@earthlink.net](mailto:cchamber@earthlink.net)

Date

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John Penn Ridgeway, Chief Local Elected Official  
Henry County Mayor  
101 W. Washington Street  
Paris, TN 38242  
731-642-5212  
[jpridgeway@henrycountyttn.org](mailto:jpridgeway@henrycountyttn.org)

Date



# LOCAL ELECTED OFFICIALS AND LOCAL WORKFORCE DEVELOPMENT BOARD PARTNERSHIP AGREEMENT

## Northwest Tennessee Local Elected Officials Northwest Tennessee Workforce Board

In accordance with Workforce Innovation and Opportunity Act (WIOA) of 2014, Section 107(b)(1), the Governor, in partnership with the State Workforce Board shall establish criteria for the appointment of Local Workforce Development Board members by the Local Elected Officials. The Tennessee Department of Labor and Workforce Development (TDLWD), as the designated representative of the Governor, provides guidance on the required inclusions of such an agreement. For Northwest TN Workforce Development Area (NWTN WDA), the Local Elected Officials (LEOs) include the county mayors/executives from the following counties in Tennessee: Benton County, Carroll County, Crockett County, Dyer County, Gibson County, Henry County, Lake County, Obion County, and Weakley County.

Whereas, the local elected officials, within the meaning of the Workforce Development Act, are the County Mayors/Executives of each county referenced above; and,

Whereas, the WIOA requires the establishment of a Local Workforce Development Board (LWDB) to provide policy guidance for, and exercise oversight with respect to, activities under the job training program for its workforce development region in partnership with the general local governments within its LWDA; and,

Whereas, per WIOA Section 107(c)(1)(A), it is the responsibility of the Chief Local Elected in the LWDA to appoint members of the Local Workforce Development Board in accordance with the WIOA and an Agreement entered into by the County Mayor of each county.

The following provisions, as included in the Local Elected Official Interlocal Agreement, the Northwest TN Workforce Board Bylaws, Tennessee Department of Labor and Workforce Development Services Policy - Interlocal and Partnership Agreements and Local Workforce Development Board Nomination Process, are agreed upon by all parties to this agreement:

### **1. Local Board Membership**

WIOA Section (107)(c)(1)(A) authorizes the CLEO to appoint the members of the LWDB in accordance with the criteria established under Section 107(b) of the WIOA. Authority to appoint members to the LWDB lies solely with the Chief Local Elected Official. As ex-officio members of the Board, the local elected officials have all rights and privileges stated within the bylaws of the Northwest TN Workforce Board.

**Membership:** The number of the members of the Board shall be not less than the minimum number required under the Act as set forth in the Workforce Innovation and Opportunity Act of 2014, as amended from time to time. The number of members may be increased or decreased from time to time by the chief elected officials of the counties within the LWDA, but no decrease shall have the effect of shortening the term of an incumbent officer or member or reducing the number of members below the minimum number required under the Act.

The Local Elected Official of each of the counties encompassed within the LWDA may solicit nominations of members of the Board in accordance with the criteria established by the Governor of the State of Tennessee as described in Workforce Services Policy – Local Governance, as amended from time to time, and in accordance with the requirements of LWDB composition as described below.

A majority of the members of the local board shall be representatives of the private sector as described in paragraph (2)(A) in the WIOA, Section 107. The local elected officials within the

LWDA may execute an agreement that specifies the respective roles of the individual local elected officials (a) in the appointment of the members in accordance with the criteria established as provided below; and (b) in carrying out any other responsibilities assigned to such officials under the Workforce Innovation and Opportunity Act of 2014.

The Governor, in partnership with the State board, shall establish criteria for use by chief local elected official in a LWDA for appointment of members of the Board. Such criteria shall require that, at a minimum—

- (a) **Representatives of Business** - a minimum of 51% of the members of each local board shall be representatives of business in the local area, who—
  - (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
  - (ii) represent businesses, including small businesses (at minimum 2 members), or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and
  - (iii) are appointed from among individuals nominated by local business organizations and business trade associations;
- (b) **Labor Organization Representatives** - A minimum of 20% of the membership shall be representatives of the workforce within the local area, who—
  - (i) shall include two (2) or more representatives of labor organizations nominated by local labor federations in local areas where employers are represented by labor organizations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;
  - (ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;
  - (iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
  - (iv) may include (optional) representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of WIOA eligible youth, including representatives of organizations that serve out of school youth;
- (c) **Representatives of Education & Training** - each local board shall include representatives of entities administering education and training activities in the local area, who—
  - (i) shall include a representative of eligible providers administering adult education and literacy activities under WIOA title II;
  - (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);
  - (iii) may include (optional) representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;
- (d) **Representatives of Government, Economic and Community Development** - each local board shall include representatives of governmental and economic and community development entities serving the local area, who—
  - (i) shall include a representative of economic and community development entities;
  - (ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
  - (iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;

- (iv) may include (optional) representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and
- (v) may include (optional) representatives of philanthropic organizations serving the local area; and
- (e) **Discretionary Representatives** - each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

**SPECIAL RULE.**—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (c), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

**Terms:** The terms of the Board membership shall be four (4) years. Member terms will be staggered so all terms do not expire at the same time. Members in good standing will automatically renew for an additional four (4) year term until the Board member properly notifies the Chairman of the Board of the intent to no longer serve. The CLEO will make all reappointments of LWDB members by one full quarter of the term of expiration.

**Nomination:** Nominations shall be solicited by the Chief Local Elected Official from entities of business, government or community development. Nominations must come from the heads of organizations—specifically those representing businesses, labor, education, and economic and community development—to align the workforce and education needs within the State. The CLEO acts as the signatory on behalf of the other LEOs and has final authority to select members to serve on the LWDB. To approve the nomination of each individual selected to serve on the LWDB, the following documentation is required:

- A Nomination Form signed by the CLEO; and
- A Conflict of Interest Form signed by the nominee to the LWDB; and
- A recommendation letter from the head of the organization the nominee represents, a Chamber of Commerce within the LWDA, or the LEO for the nominee's county. This letter must identify the individual being nominated and must also acknowledge the nominee's optimum policymaking authority, as it aligns with a curriculum vita, resume, or work history, to support the qualifications of the nomination.

Additionally, the LWDB officers and CLEO shall ensure that the composition of the LWDB reflects the demographics of the LWDA in accordance with the most recent US Census and represents diverse geographic areas within the local area, as much as possible, by requiring at least one (1) nomination per county.

**Prohibition:** Staff to the Board, Fiscal Agent staff, staff employed by One-Stop Operators, and contracted service providers shall be prohibited from both nominating members to the board or serving on the board to avoid conflicts of interest.

**Appointment and Certification:** LWDB member appointments must be signed by the appointing CLEO and submitted to the Staff to the Board using the appropriate Workforce Development Board Nomination Form. Completed nomination forms and required documents as listed above must be submitted to the Tennessee Department of Labor and Workforce Development at [Workforce.Board@tn.gov](mailto:Workforce.Board@tn.gov) for review. Once the form has been reviewed the Local Board will receive a follow-up letter of certification or denial within five (5) business days; the letter will also make a request for additional information when submitted documentation is insufficient to make a determination. The member must not be seated on to the Local Board until a certification letter from TDLWD has been received to affirm the nomination.

**Change in Status:** A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Official immediately as a representative

of that entity. Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary.

**Mid-Term Appointment:** LWDB members replacing out-going individuals at mid-term will serve the remainder of the out-going member term.

**Vacancies:** Any vacancy occurring on the Board will be filled in a reasonable time period, as defined as the period between the date of resignation and the date of the second subsequent regularly scheduled Board meeting, no later than the subsequent calendar quarter from the last official day that the member served on the LWDB. The CLEO in a LWDA is authorized to make all reappointments of members. Any action taken by the Board, with a vacancy or term expiration beyond the time period described in the by-laws must be approved through a waiver from the TDLWD prior to the Board meeting of such action. Waivers are to be requested in writing to the Assistant Commissioner of Workforce Services with an explanation of why a vacancy was not filled in the defined timeframe and a description of the process underway to fill the vacancy.

**Removal:** Any member of the Workforce Development Board will be removed for cause by the Chief Local Elected Official (CLEO), if any of the following occurs: (a) documented violation of conflict of interest; (b) failure or refusal to work cooperatively with the Board and to abide by the By-Laws as stated in 5.4; (c) documented proof of fraud and/or abuse; (d) failure to meet Board member representation requirements as defined in WIOA; and (e) other causes as determined by the Board. Removal of a member shall also constitute removal as an officer of the Board and as a member of all committees of the Board. Intent to remove a member must be stated in the call of the meeting and be provided to all voting members at least five (5) days prior to the meeting. Removal of a member requires a two-thirds (2/3) vote at the Board meeting, at which a quorum is present.

Any board member missing three (3) consecutive meetings may be replaced at the sole discretion of the Chief Local Elected Official.

A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Official immediately as a representative of that entity.

Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary. A Board member subject to removal will be notified, in writing, within fifteen (15) days of the decision and will be provided the reason for removal. A Board member subject to removal may appeal by submitting a letter in writing within 30 days of notice of removal to the CLEO stating reasons to remain as an active member of the Board. The appeal must be sent by certified mail (return receipt) to the CLEO, in care of Executive Director, at 208 N. Mill Ave., Dyersburg, TN 38024. A committee of LEOs will review the appeal and make a decision prior to the next scheduled date of the Board.

## **2. Relationship Between Chief Elected Officials and the Local Workforce Development Board**

**Local Plan Requirements:** Consistent with Section 108, NWTN WDA, in partnership with the local elected officials for the local area involved, shall develop and submit a local plan to the Governor that is consistent with the State's Plan. Upon issuance of guidance from the Tennessee Department of Labor and Workforce Development, the Staff to the Board, in conjunction with the LWDB and LEOs, shall develop all Agreements, Memorandums of Understanding, Assurances and other documents required by Workforce Innovation and Opportunity Act legislation and Tennessee Department of Labor and Workforce Development Workforce Services Division policies. Additionally, the local strategic plan will be published for public comment for a minimum of fifteen days upon approval by the LWDB and prior to submission to the State Workforce Board. If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2).

**Budget and Approval:** Annually, in accordance with WIOA Section 107(12)(A), the LWDB will develop the LWDA budget upon notification of allocations from the Tennessee Department of Labor and Workforce Development. The LWDB will approve the budget by majority vote and present to the LEOs for approval by a majority vote. The Executive Director will advise the Board Chairman and CLEO of additional funding opportunities and special projects between regular meetings and report opportunities and projects to the standing committees for presentation to the full board, including LEO at regular meetings.

**Workforce System Operator and Service Provider(s):** Consistent with WIOA Section 107(d)(10) and the Workforce Services Policy regarding One-Stop Delivery and Design System, paragraph (D) of the Local Board Responsibilities section, LWDBs, in consultation with the LEOs, are responsible for the oversight and selection of the Operator and Career Service Provider(s) of the local Workforce System. In accordance with the Regional Planning Council, LWDBs must designate an Operator for their LWDA that will ensure seamless service delivery within each center. Consistent with section 121(d), the local board, with the agreement of a majority vote of local elected officials for the local area—

- (i) shall designate or certify one-stop operators and service providers as described in section 121(d)(2)(A); and
- (ii) may terminate for cause the eligibility of such operators and services providers as documented through regular monitoring and oversight, and reporting to the Board, as outlined in the Board's policies.

In order to conduct a competitive process for the selection of a one-stop operator and service providers in accordance with 121(d)(2)(A), the Board, with the agreement of the LEOs, shall issue a Request for Proposals for a designated time period, with public notice being provided through print media and / or electronic means. Proposals received shall be reviewed by a committee approved by the Board and LEOs. The review committee shall make a recommendation to the Board and CLEO for selection of the Operator and service provider(s). The selected Operator and service provider(s) shall enter into a contract with the Board as developed by the fiscal agent.

In the event the Board is selected as a One-Stop Operator, through a competitive process conducted by a third party, the Board shall establish sufficient “firewalls” and conflict of interest policies and procedures consistent with the Workforce Services Policy - WIOA (Conflict of Interest Policy). The Board shall also ensure that all new staff members and providers are informed about this policy, and that appropriate staff members are familiar with it and its requirements in order to prepare state or local plans and the conflict of interest policy.

**Standing Committees:** In accordance with WIOA Section 107(b)(4)(A), the Board may designate and direct the activities of standing committees to provide information and to assist the Board in carrying out activities authorized in this section. 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 LWDB. Such standing committees shall have a Chair and Vice-Chair representing private business; may include other members of the Board; and shall include other individuals appointed by the Board who are not members and who are determined to have appropriate experience and expertise. At a minimum, the Board may designate each of the following:

- (i) The American Job Center Services Committee;
- (ii) The Outreach and Opportunities Committee;
- (iii) The Executive Committee; and
- (iv) When deemed necessary or appropriate the chairperson of the Board shall have the authority to appoint temporary or ad hoc committees, including the chairperson of said committee, for the purpose of special projects.

**Board of Directors:** The Board of Directors includes the Chief Local Elected Official, the Vice Chief Local Elected Official, the Board Chairperson, the Vice Board Chairperson from the Northwest and Southwest local areas and one regional private sector representative selected by the other Directors. The Northwest Board Chairperson will serve as the President, the Southwest Board Chairperson as Vice-President and the

regional private sector representative as Secretary of the entity selected to serve as Fiscal Agent/Staff to the Board. The Board of Directors will serve as the administrative authority in oversight of day-to-day operations in conducting the functions of the board and fiscal agent. The Board of Directors shall have the authority to supervise and manage the employees of the Northwest Tennessee Workforce Board, Inc. serving in the capacity of staff to the Board and Fiscal Agent. The Board of Directors shall be subject to the order of the Board, and none of its acts shall conflict with these By-laws or stated policies of the Board. The Board of Directors shall be responsible for ensuring board actions comply with federal, state and local laws, regulations and policies.

**Local Board Policy:** As the Staff to the Board finds the need to adopt, amend or discard local policy regarding services and functions for consumers of training and educational services allowed by the Workforce Innovation and Opportunity Act, the Staff to the Board will either consult with the Board of Directors, a Standing Committee of the LWDB or present directly to the LWDB on the need for policy implementation or amendment. At such point where it is appropriate, the Committee will make a recommendation to the LWDB, which includes the LEOs of all counties in NWTN WDA, to respond to the policy consideration. The LWDB, with the ability and flexibility to make decisions regarding local and regional workforce development needs, will adopt or disallow the policy consideration by a majority of its voting members. All policies will reflect the signature of the LWDB Chair to demonstrate that they have been formally reviewed and approved by the LWDB.

### 3. **Local Board Roles and Responsibilities**

**In partnership with the Local Elected Officials and the Local Workforce Development Board, consistent with WIOA Section 107(d)8, the following roles and responsibilities will be:**

- (a) **LOCAL PLAN** – Develop and submit a Strategic Plan in partnership with the Local Elected Officials (LEOs) (as defined in 29 - 29 USC 3123) within the LWDA for submission to the Governor of the State of Tennessee. If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2);
- (b) **WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS** – In order to assist in the development and implementation of the local plan, the Board shall:
  - (i) Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) and regularly update such information; and
  - (ii) Assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act, specifically in the collection, analysis, and utilization of workforce and labor market information; and
  - (iii) Conduct other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders.
- (c) **CONVENING, BROKERING, LEVERAGING** – The Board shall convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources.
- (d) **EMPLOYER ENGAGEMENT** – The Board shall lead efforts to engage with a diverse range of employers:
  - (i) To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Board; and
  - (ii) To develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities; and
  - (iii) To ensure that workforce development activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and



- (iv) To develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships).
- (e) **CAREER PATHWAYS DEVELOPMENT** – The Board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
- (f) **PROVEN AND PROMISING PRACTICES** – The Board shall lead efforts to:
  - (i) Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and
  - (ii) Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
- (i) **TECHNOLOGY** – The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—
  - (ii) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
  - (iii) Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
  - (iv) Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
  - (v) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
- (g) **PROGRAM OVERSIGHT.**—The local board, in partnership with the local elected officials for the local area, shall conduct oversight of the One-Stop System, including all WIOA activities and —
  - (i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and
  - (ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and
  - (iii) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.
- (h) **NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.**—The local board, the local elected officials, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).
- (i) **SELECTION OF ONE-STOP OPERATORS.**—Consistent with section 121(d), the local board and the LEOs, with the agreement of the chief elected official for the local area—
  - (i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and
  - (ii) may terminate for cause the eligibility of such operators.
- (j) **SELECTION OF YOUTH PROVIDERS.**—Consistent with section 123, the local board—
  - (i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and
  - (ii) may terminate for cause the eligibility of such providers.
- (k) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.**—Consistent with section 122, the local board shall identify and include eligible providers of training services in the

local area on the Statewide Eligible Training Provider List which includes cost and performance data.

- (l) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.**—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.
- (m) **CONSUMER CHOICE REQUIREMENTS.**—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.
- (n) **COORDINATION WITH EDUCATION PROVIDERS.**—
  - (i) **IN GENERAL.**—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).
  - (ii) **APPLICATIONS AND AGREEMENTS.**—The coordination described in subparagraph (A) shall include—
    - consistent with section 232— reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and making recommendations to the eligible agency to promote alignment with such plan; and
    - replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

**COOPERATIVE AGREEMENT.**—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.
- (o) **BUDGET AND ADMINISTRATION.**—
  - A. **BUDGET.**—The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of a majority of the local elected officials and submitted to the Tennessee Department of Labor and Workforce Development (TDLWD) prior to each program year in accordance with Workforce Services Policy – Local Governance.
  - (i) **ADMINISTRATION.**—
 

**GRANT RECIPIENT.**—

    - **IN GENERAL.**—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

- **DESIGNATION.**—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).
- **DISBURSAL.**—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

**GRANTS AND DONATIONS.**—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

**TAX-EXEMPT STATUS.**—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

- (p) **ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.**— The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.), of all one stop centers in the local area. Assessments will be formally conducted through the certification process, to include an ADA review from Vocational Rehabilitation. Continued compliance will be ensured through monitoring and oversight of the One-Stop Operator and service provider(s), which may include periodic site visits.

Note: Except as provided in sec. 107(g)(1)(B), pursuant to a request from the local board, the Governor may grant a written waiver of training prohibition, no local board may provide training services.

**Other LWDB roles and responsibilities include:**

- (a) Elect a private-sector business representative as LWDB Chair; and
- (b) In accordance with WIOA Section 107(f) the Board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).

**QUALIFICATIONS.**— The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

**LIMITATION ON RATE.**—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

**APPOINTMENT.**—Pursuant to the above, the Board of Directors are authorized to appoint an Executive Director of the Northwest Tennessee Workforce Board, Inc. and additional staff to carryout the functions of the Board and Fiscal Agent.

- (c) Create an annual report that must be submitted to the State Office as per guidelines established by the TDLWD; and
- (d) Promote American Job Center programs and activities; and
- (e) Assist the State Office in developing the statewide employment statistics system under the Wagner-Peyser Act; and
- (f) Coordinate with economic development strategies and establish employer linkages with workforce development activities; and
- (g) Carry out regional planning responsibilities as required by the TDLWD; and
- (h) Conduct business in an open manner by making available to the public information about the activities of the LWDB, including the local Strategic Plan before submission, membership, designation of the local Workforce System Operator, the awards of grants or contracts, and minutes of LWDB meetings.

#### 4. **Communication**

Whenever a party desires to give notice unto the other, notice must be given in writing or electronic communication. Notices of quarterly meetings of the LWDB will be sent to all LEOs as an invitation to meet jointly with the LWDB. These notices will be sent through electronic means by a designated member of the staff to the Board. There will be one meeting designated as the annual meeting for the purpose of receiving annual reports from the Staff to the Board, electing officers of the Board and transacting any other Board business. Called meetings will be held as deemed necessary and will be coordinated by the Board Chair or CLEO with assistance from staff to the Board. Meeting Agendas are set in consultation with the Board Chair and CLEO and will include Board Committee Reports, as well as, an "Other" agenda item to promote membership contribution. The LEOs serve as ex-officio members of the Northwest TN Workforce Board and are encouraged to attend all meetings to communicate shared goals and assure that the vision and needs of their communities are addressed. Detailed reports are provided to the American Job Center Committee and Outreach and Opportunity Committee to assure resources are utilized for workforce development across the LWDA. The committees report to the full board at quarterly meetings.

#### 5. **Oversight and Performance Review**

A primary function of the LWDB and LEOs is to provide oversight. The Staff to the Board, including the Executive Director, Director of Finance & Administrative Services, and the Director of Performance & Compliance, provide detailed fiscal, monitoring, and performance reports for the LWDA and One-Stop Operator to the appropriate Standing Committee of the LWDB throughout the year. Each standing committee provides a report to the full LWDB. The Executive Committee, which includes members of the LEOs, reviews the fiscal, monitoring, and performance reports to assure the One-Stop system maintains an efficient and effective capacity to serve the LWDA, and to ensure each county's workforce goals and needs are addresses according to the local plan. A Financial Status report including budget and expenditures is included on the agenda for each workforce board meeting. In addition to local instruments, the Staff to the Board includes oversight information provided by the State such as Report Cards, Dashboards, Score Cards, etc. to communicate performance related to fiscal, monitoring and oversight of the programs.

#### 6. **Amendments, Changes, Term, Disputes and Election**

**Modification, Amendment or Alteration:** It is agreed that no modification, amendment or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith. Any amendment or change to the Partnership Agreement, notice of an election of a new CLEO/LEO or notice of an election of a new LWDB Chair shall be maintained by the LWDA Staff to the Board and be available for review by the Tennessee Department of Labor and Workforce Development.

**Effective/Termination/Duration of Agreement:** This Agreement and any amendments hereto shall be effective between and among each county adopting this Agreement as of the specified effective date, pursuant to the Governor's designation of the aforementioned nine (9) counties, for execution of activities authorized by the Workforce Innovation and Opportunity Act. This Agreement becomes effective upon acceptance by all parties for execution of activities authorized by the Workforce Innovation and Opportunity Act and shall remain in force until such time as the Chief Local Elected Official or Board Chairman calls for a modification, amendment, alteration of the terms or conditions contained herein or a maximum of two (2) years from the latest fully executed agreement.


**Dispute Resolution:** In the event that an impasse should arise between the LEOs and the Board regarding the terms and conditions, the performance, or administration of this Agreement, the parties agree to attempt to resolve disputes by mutually satisfactory negotiations in lieu of litigation. To this effect, they shall consult and negotiate with each other in good faith, and recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to all parties. After discussion of all disputed items, the Executive Committee of the Board, which includes members of both parties, will vote, with the majority ruling. The

committee shall be the final adjudicator and report the resolution to the full Board and LEOs. Continued performance during disputes is assured.

**Election:** A newly elected Board Chair or CLEO, either participating as a signatory on the Agreement or as a participating LEO, shall submit an addendum acknowledging that he or she has read, understands, and will comply with this Agreement, and reserves the option to request negotiations to amend the Partnership Agreement at any time during the official's tenure as a LEO.

7. **Authorized Signatures**

This Agreement shall be effective July 1, 2022–June 30, 2024, and is entered into by and on the behalf of:

  
Jimmy Williamson, Chairman, Northwest TN Workforce Board  
1230 S Main  
Dyersburg, TN 38024  
(731) 288-6001  
jimmy\_williamson@att.net

5/17/2022  
Date

  
Gary Reasons, Chief Elected Official, Northwest TN Consortium of LEOs  
Crocket County Mayor  
1 South Bells, Suite 3  
Alamo, TN 38001  
(731) 696-5460  
crockettcountymayor@gmail.com


5-17-22  
Date

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(731) 288-6001  
jimmy\_williamson@att.net

5/17/2022  
Date

DocuSigned by:



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5/25/2022

John Penn Ridgeway, Elected Chief Elected Official, Northwest TN Consortium of LEOs Date

**County Mayor - Henry County**

Street Address: 101 W. Washington St.

City, State, Zip Code: Paris, TN 38242

Phone Number: 731-642-5212

Email Address: jpridgeway@henrycountyttn.org