

MEMORANDUM OF UNDERSTANDING

between the

GOVERNOR OF THE STATE OF DELAWARE

and the

DELAWARE WORKFORCE INVESTMENT BOARD

This agreement is made and entered into by and between the Governor of the State of Delaware, hereinafter referred to as the Chief Elected Official (CEO) and the Delaware Workforce Investment Board, hereinafter referred to as the (WIB); and

WHEREAS: the United States Congress has established the Workforce Investment Act (WIA) and charged the State of Delaware with the establishment of Workforce Investment Areas; and

WHEREAS: the Governor of the State of Delaware has, by his authority, designated the entire State as a single Workforce Investment Area for the cities and counties within the confines of its boundaries; and

WHEREAS: the Governor of the State of Delaware is the Chief Elected Official (CEO) of the Workforce Investment Area; and

WHEREAS: the Act requires the establishment of a Workforce Investment Board to provide policy guidance and oversight with respect to Workforce Investment activities; and

WHEREAS: the Chief Elected Official and the WIB are partners in the implementation of the Act; and

WHEREAS: the parties desire to enter into an agreement to provide job training and job placement services to eligible residents of Delaware;

NOW, THEREFORE, BE IT RESOLVED that the following agreement between the Governor of the State of Delaware and the Workforce Investment Board shall when signed, constitute a proper and valid agreement between the two parties for the purpose of determining responsibility for the development of the Workforce Investment State Plan, selection of a grant recipient and entity to administer the Workforce Investment Plan.

ARTICLE I

Development of Delaware's Five-Year Strategic Plan

The CEO and the WIB hereby agree that a draft of the WIA State Plan shall be developed by staff of the Department of Labor's Division of Employment and Training (DOL/DET) and the WIB for review and endorsement by the Policy and Planning Committee and approval by the WIB.

ARTICLE II

GRANT RECIPIENT AND ADMINISTRATIVE ENTITY

The CEO and the WIB hereby agree that the DOL/DET and the WIB will jointly be the Administrative Entity under the WIA.

The CEO designates the DOL/DET to act in his stead to carry out the administrative functions of the Act.

The CEO and the WIB hereby designate the DOL/DET as the One-Stop Operator.

The CEO and the WIB hereby designate the DOL/DET as the Grant Recipient for funds allocated by the Workforce Investment Act (WIA).

ARTICLE III

Responsibilities of the Workforce Investment Board

The Workforce Investment Board shall assist the CEO to:

- Develop a five-year strategic plan to be submitted to the U.S. DOL;
- Develop the statewide one-stop, workforce investment system;
- Develop linkages to ensure coordination and non-duplication;
- Develop allocation formulas;
- Develop performance measures;
- Develop an Annual Report;
- Develop a Labor Market Information System; and,
- Raise and receive funds and in kind services, and/or leverage private sector resources for the benefit of the programs.

The Workforce Investment Board in partnership with the CEO shall:

- Select the one-stop operator;
- Develop and enter into a memorandum of understanding with the one-stop partners;
- Appoint a Youth Council;
- Select the youth providers;
- Identify and select eligible providers of Adult and Dislocated Worker Intensive Services and Training Services;
- Identify and select eligible providers of activities funded by the Blue Collar Act;
- Maintain a list of eligible providers with performance and cost information;
- Conduct oversight of youth activities, employment and training activities and the one-stop system authorized under the Act; and,
- Negotiate Performance Measures.

Article IV

Responsibilities of the Delaware Department of Labor's Division of Employment and Training

The Delaware Department of Labor's Division of Employment and Training shall:

- Receive and disburse all WIB funds;
- Establish and maintain sound fiscal practices and procedures which will ensure that all funds are managed in accordance with the Delaware State Code, the WIA, and the parties to this agreement;
- Administer all WIA programs covered by this agreement;
- Administer any other programs agreed to by the CEO and the WIB;
- Review and evaluate proposals and contractors for services with the assistance of the WIB;
- Develop and maintain a Management Information System to monitor eligibility, intake, performance, and compliance with contracts, the WIB Plan, and regulations under the Act;
- Report on operation and expenditures of all WIA programs as required by the U.S. Secretary of Labor, the CEO, and the WIB;
- With the concurrence of the WIB, take prompt and appropriate corrective action upon learning of violations of the Act or Regulations;
- With the WIB, establish and maintain a procedure for handling grievances, investigation, and hearings as required under the Act;
- Develop an Annual Budget for the Administrative Entity;
- Establish and maintain eligibility determination, intake, assessment and referral procedures for those enrolled in WIA programs; and,
- Provide training for all staff involved in the implementation of WIA.

ARTICLE V

The parties to this agreement acknowledge that while funds reserved for State Activities are the sole responsibility of the Governor, this Agreement grants administration of those funds to the DOL/DET and WIB, the Administrative Entity.

ARTICLE VI

The WIB and the CEO agree that appointment of members for the WIB is the responsibility of the Governor. Recommendations of the candidates will follow the requirements of the Act. Removal of the WIB members for valid causes is the responsibility of the WIB with the approval of the Governor.

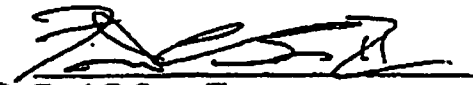
As this Agreement indicates that a partnership exists between the WIB and the CEO, any disagreements between the partners affecting this Agreement shall be resolved by mutually satisfactory negotiations. Any modification or addition hereto shall not become binding upon either party until accepted by both parties, reduced to writing, and attached hereto as an amendment to this Agreement. In cases where accord cannot be reached, the dispute will be submitted to the U. S. Secretary of Labor's Office for resolution.

This Agreement shall be in effect until it is replaced or canceled by mutual agreement of both parties.

We, the undersigned, the Governor of the State of Delaware and the Chairman of the Workforce Investment Board, enter into this agreement on the 22ND day of November, 1999.



Thomas R. Carper
Governor
State of Delaware



Fred C. Sears II
Chairman
Workforce Investment Board

**Addendum to the
Memorandum of Understanding
Between the
GOVERNOR OF THE STATE OF DELAWARE
And the
Delaware Workforce Investment Board
Dated November 22, 1999**

This agreement is made and entered into by and between the Governor of the State of Delaware, hereinafter referred to as the Chief Elected Official (CEO) and the Delaware Workforce Investment Board, hereinafter referred to as the (WIB).

The primary mission of the Workforce Investment Board is to provide policy guidance and oversight with respect to Workforce Investment Act (WIA) activities. Further the CEO and the WIB are partners in the development and implementation of all WIA activities to support the citizens of the State of Delaware that will include but not be limited to the creation of the necessary WIA strategic plan, development of new initiatives and staff coordination to insure "best practice" service delivery.


In an effort to streamline and improve coordination of WIA initiatives, be it resolved that the following occur:

- All WIB staff will continue to be employees of the Delaware Department of Labor.
- All WIB staff, in an effort to improve overall service delivery and coordination of staff efforts in support of the WIB, and the CEO shall be co-located in the Wilmington offices of the Delaware Department of Labor effective December 31, 2005. All WIB staff will be co-located with the Division of Employment and Training on the 3rd floor at Fox Valley with transitional activities beginning October 1, 2005 and completed by the December 31st effective date. This cooperative action is being taken to improve upon overall communications of all WIB staff and will result in a partnership approach in support of all Delaware WIA activities.
- All WIB staff will be required to follow all fiscal and human resources policies and procedures, including purchasing, travel and reimbursement guidelines of the Delaware Department of Labor and the State of Delaware.

This addendum is put forth in the spirit of cooperation between all stakeholders so that the great State of Delaware will continue to develop "best practices" that will ensure a high-quality workforce that will meet Delaware's economic needs in the 21st Century. It is imperative that every effort be undertaken to ensure a single delivery service model exists that is neither fragmented nor inflexible and one that serves the needs of Delaware residents.

We, the undersigned, the Governor of the State of Delaware and the Chairman of the Delaware Workforce Investment Board, enter into this agreement on the 27 day of

~~September~~
2005.


Ruth Ann Minner
Governor
State of Delaware


John J. McMahon, Chairman
Delaware Workforce Investment Board