

Memorandum of Understanding

between the

Governor of the State of Delaware

and the

Delaware Workforce Development 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 Development Board, hereinafter referred to as the (WDB): and

WHEREAS, the United States Congress has established the Workforce Innovation and Opportunity Act (WIOA) and charged the State of Delaware with the establishment of Workforce Development Areas; and

WHEREAS, the Governor of the State of Delaware has, by his authority, designated the entire State as a single Workforce Development 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 Development Area; and

WHEREAS, the Act requires the establishment of a Workforce Development Board to provide policy guidance and oversight with respect to the Workforce Innovation and Opportunity Act; and

WHEREAS, the Chief Elected Official and the WDB are partners in the implementation of the Act; and

WHEREAS, the parties desire to enter into an agreement to provide career services and training 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 Development 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 Development State Plan, selection of a grant recipient and entity to administer the Workforce Development Plan.

ARTICLE I

Development of Delaware's Four-Year Strategic Plan

The CEO and the WDB hereby agree that a draft of the WIOA State Plan shall be developed by staff of the Department of Labor's Division of Employment and Training (DOL/DET) and the WDB for review and endorsement by the Policy and Planning Committee and approval by the WDB. This plan shall address the core program requirements of WIOA Section 102.

ARTICLE II

Grant Recipient and Administrative Entity

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

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

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

The CEO and the WDB hereby designate the DOL/DET as the Grant Recipient for funds.

Allocated by the Workforce Innovation and Opportunity Act (WIOA).

ARTICLE III

Membership of the Workforce Development Board

The Workforce Development Board (hereinafter "the Board") shall not exceed 53 voting members, shall represent diverse geographic areas of the state, including urban, rural, and suburban areas, and shall be comprised of:

- The Governor;
- 2 members of the Senate, and 2 members of the House of Representatives;
- Members of the business community, who shall comprise a majority of the membership of the board;
- Members of labor organizations and community based organizations in the state, who shall comprise no less than twenty percent of the membership of the board;
- Lead state agency officials with primary responsibility for the core programs as defined by section 3(12) of WIOA, including, but not limited to;

- The Secretary of the Department of Labor;
- The Secretary of the Department of Education; and
- The Secretary of the Economic Development Office;
- Chief elected officials collectively representing both cities and counties, where appropriate;
- State agency officials from agencies that are one-stop partners as defined by Section 3(42) of WIOA, when the Governor deems it necessary to appoint them;
- State agency officials responsible for economic development or juvenile justice programs in the state, when the Governor deems it necessary to appoint them;
- Officials responsible for education programs in the state, including chief executive officers of community colleges and other institutions of higher education, when the Governor deems it necessary to appoint them; and
- Any other members the Governor deems it necessary to appoint in order for the Board to remain in compliance with WIOA.

Note: An individual member of the board may not be deemed to be a representative for more than one subcategory described above.

ARTICLE IV

Responsibilities of the Workforce Development Board

The Workforce Development Board shall assist the CEO in the:

- Development, implementation and modification of a four year (unified/combined) plan for WIOA core (and other combined) programs to be submitted to the U.S. DOL and the U.S. DOE, as detailed in section 116(b)(3)(iv);
- Review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the State to align workforce development programs in the State identified in section 101(d)(2) of WIOA;
- Development and continuous improvement of the workforce development system identified in section 101(d)(3) of WIOA;
- Development of linkages to ensure coordination and non-duplication among core programs and the other programs identified in section 103(a)(2) of WIOA;

- Maintain a list of eligible providers with performance and cost information;
- Conduct oversight of youth activities, career services and training activities and the one-stop system authorized under the Act;
- Negotiate Performance Measures; and
- Comply with all other applicable provisions of WIOA including any subsequent amendments.

Article V

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:

- Ensure that an appropriate list of providers determined to be eligible be made available to such participants and the public through the one stop system; as described in section 122 (d);
- Establish and maintain sound fiscal practices and procedures which will ensure that all funds are managed in accordance with the Delaware State Code, the WIOA, and the parties to this agreement;
- Administer all WIOA programs described in titles I & III of the act.
- Administer any other programs agreed to by the CEO and the WDB;
- Develop and maintain a Management Information System to monitor eligibility, intake, performance, and compliance with contracts, the WDB Plan, and regulations under the Act;
- Report on operations, federal performance measures and expenditures of all WIOA core programs as required by the U.S. Secretary of Labor, the CEO, and the WDB;
- Manage request for proposal process, review and evaluate proposals, execute contracts and review and monitor contract performance;
- With the concurrence of the WDB, take prompt and appropriate corrective action upon learning of violations agreements, contracts, the Act or Regulations;
- With the WDB, establish and maintain a procedure for handling grievances, investigations, 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 WIOA programs; and
- Provide training for all staff involved in the implementation of WIOA.

ARTICLE VI

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

ARTICLE VII

The WDB and the CEO agree that appointment of members is the responsibility of the appointment authorities as authorized by Executive Order Fifty-One. Recommendations of the candidates will follow the requirements of the Act. Removal of a member of the WDB for valid cause is the responsibility of the WDB with the approval of the Governor.

As this Agreement indicates that a partnership exists between the WDB 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 Delaware Secretary of Labor, enter into this agreement on the 10th of June, 2015.



Jack A. Markell
Governor



John McMahon
Secretary of Labor