



SPOKANE WORKFORCE COUNCIL

MENORANDUM OF UNDERSTANDING POLICY

SWC WorkSource System Policy

POLICY #: WS-807 R.4

Effective: June 2020

Purpose of Policy

To communicate minimum standards and expectations associated with the WorkSource System Memorandum of Understanding.

Background

This policy establishes a framework and minimum standards that align with state and federal regulations for the development, execution and ongoing monitoring of the WorkSource System Memorandum of Understanding (MOU), including changes and modifications to the document.

Policy

The Spokane Workforce Council (SWC, also known as the Local Workforce Development Board or Local WDB), with the agreement of the Chief Local Elected Official(s), will develop and enter into a Memorandum of Understanding with the leaders of the WorkSource Campus, affiliate and connection sites, and all other partners required by the Workforce Innovation and Opportunity Act of 2014.

The MOU is an agreement that binds all partners together as a workforce system. It is understood by signatories to the MOU that each will fulfill its responsibilities in accordance with the provisions of law and regulations governing their activities. Nothing in the agreement is intended to negate or otherwise interfere with any such provisions or requirements.

The MOU shall, at a minimum, incorporate the following:

- 1) A description of services to be provided through the one-stop delivery system, including the manner in which the services will be coordinated and delivered through the system;
- 2) Agreement on funding the costs of the services and the operating costs of the system, including: (i) Funding of infrastructure costs of one-stop centers in accordance with §§ 678.700 through 678.755; and (ii) Funding of the shared services and operating costs of the one-stop delivery system described in § 678.760;
- 3) Methods for referring individuals between the one-stop operators and partners for appropriate services and activities;
- 4) Methods to ensure that the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the one-stop delivery system;
- 5) The duration of the MOU and procedures for amending it; and
- 6) Assurances that each MOU will be reviewed, and if substantial changes have occurred, renewed, not less than once every three-year period to ensure appropriate funding and delivery of services.

The MOU may contain any other provisions agreed to by the parties that are consistent with WIOA Title I, the authorizing statutes and regulations of one-stop partner programs, and the WIOA regulations. When fully executed, the MOU must contain the signatures of the Local workforce development board leader(s), one-stop partners, the chief elected official(s), and the time period in which the agreement is effective. The MOU must be

updated not less than every three years to reflect any changes in the signatory official of the Board, one-stop partners, and chief elected officials, or one-stop infrastructure funding. If a one-stop partner appeals to the State regarding infrastructure costs, using the process described in § 678.750, results in a change to the one-stop partner's infrastructure cost contributions, the MOU will be updated to reflect the final one-stop partner infrastructure cost contributions.

Per WIOA § 678.510, it is required that local partners enter into good-faith negotiations. If agreement regarding infrastructure costs is not reached when other sections of the MOU are ready, an interim infrastructure funding agreement may be included instead, as described in WIOA § 678.715(c). Once agreement on infrastructure funding is reached, the Local WDB (SWC) and one-stop partners must amend the MOU to include the infrastructure funding of the one-stop centers.

Failure to Execute an MOU

Should local negotiations reach impasse, assistance may be requested of the State. In such a case, the SWC will report to the Washington State Workforce Training and Education Coordinating board (State WDB), Governor, and relevant State agency when MOU negotiations with one-stop partners have reached an impasse. The Local WDB and partners must document the negotiations and efforts that have taken place in the MOU. The State WDB, one-stop partner programs, and the Governor may consult with the appropriate Federal agencies to address impasse situations related to issues other than infrastructure funding after attempting to address the impasse. Impasses related to infrastructure cost funding must be resolved using the State infrastructure cost funding mechanism described in § 678.730. The Local WDB (SWC) must report failure to execute an MOU with a required partner to the Governor, State WDB, and the State agency responsible for administering the partner's program. Additionally, if the State cannot assist the Local WDB in resolving the impasse, the Governor or the State WDB must report the failure to the Secretary of Labor and to the head of any other Federal agency with responsibility for oversight of a partner's program. Also see SWC Dispute Resolution and Appeals Policy #806.

Updating and Modifying the MOU

As described in Washington State policy 1013 Revision 1, the MOU is intended to be a living document that is designed to serve WorkSource System partners. Routine operations with continuous improvement changes normally will not require modifications. However, should a party seek written clarification be added to the document or a modification, the following process will be followed. All changes or clarifications to the MOU will be evaluated by the SWC Executive Committee and actions will be based on the following criteria:

- **Level 1** – No impact on any signatory party, or minor impact to a limited number of signatory parties. Changes or clarifications will be posted to the SWC website. Signatory parties will not be notified with the exception of any agency that is impacted. The MOU will not be resigned.
- **Level 2** – Changes to the intent of the MOU, or significant impact on any signatory party, including an increase of greater than 10% of planned overall annual costs. If this level of change is needed or requested, all signatory partners will receive notice of the suggested changes and will have thirty (30) days to respond with questions or concerns. For changes at this level, the SWC will engage in open, inclusive discussions with the system partners, which will include approval by the SWC Executive Committee and may include discussion at a Spokane Workforce Council meeting. After the 30-day comment period, the MOU will be resent for signatures.

All signatory partners may bring forward recommendations to amend the Memorandum of Understanding. Recommended changes must be sent in writing to the SWC administrative office.

Dispute resolution

See SWC Dispute Resolution Policy #806.

Definitions

Memorandum of Understanding (MOU): The MOU is a formal agreement defining roles, responsibilities and the flow of services to be provided by partners in the Spokane WorkSource System.

WorkSource: Part of a national system of America Job Centers/one-stop career centers and affiliated sites, certified by Local Workforce Development Boards (SWC), that provide employment and training resources and services to business and job seekers, in person and online.

References

- Washington State Employment Security WorkSource Service Delivery System Policy 1013 Revision 1 WorkSource Memorandum of Understanding Policy
- WIOA Federal Register 20 CFR Section 678.500
- Spokane Workforce Council Customer Complaint Policy #803.
- Spokane Workforce Council Dispute Resolution Policy #806.

Programmatic policies, rules, and guidance:

- Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Sections 107(d)(10), 107(g)(1), 121(d)(1-2), 123, 134(c)(2)(C)
- 20 CFR 678.600-635, 679.370(I), 679.410, 679.430, 680.160, 680.300, and 681.400
- Training and Employment Guidance Letter (TEGL) 23-14, Section 8

Supersedes

Spokane Workforce Council Memorandum of Understanding Policy #807 R1, R2, R3. (Revision history: 2011, 2014, 2017, 2020)