CUMBERLANDS WORKFORCE DEVELOPMENT BOARD

FIREWALL POLICY

PURPOSE: The purpose of this policy is to provide guidance for the commitment of the Cumberlands Workforce Development Board to have the highest level of system integrity and the appropriate oversight of the Workforce Innovation and Opportunity Act (WIOA) and comply with federal, state, and local laws and regulations. The purpose of this policy is to establish a "firewall" in the event of a conflict of interest.

I. **Firewall Guidelines:**

   A. The appropriate role of fiscal agent is limited to accounting and funds management functions rather than policy or service delivery as per Title 2 CFR § 679.420.

   B. Providers delivering Title I, Dislocated Worker and Adult Services and Title I, Youth Direct Services will report any concerns or issues relating to conflicts of interest with contractors directly to Administrative staff.

   C. Contractors will report any concerns or issues relating to conflicts of interest with the Title I, Dislocated Worker and Adult Services and Title I, Youth Direct Service Providers directly to the Administrative staff and bypass the Direct Services agency.

   D. The CWDB will be responsible for all conflicts of interest oversight and monitoring activities including but not limited to imposing separation of duties and/or functions among individuals and entities party to this policy and restriction of access to physical and electronic information. The CWDB will be required to recuse themselves from any vote where a conflict of interest exists. In the event of a conflict of interest with staff, such person will not be involved in any selection process, meetings or discussions. All conflicts will be shared with the CWDB Workforce Director (or designee) and CWDB Chair. In the event that the conflict involves the CWDB Workforce Director, the CWDB Chair will communicate with the CWDB Board, who provides oversight. In the event that the conflict involves the CWDB Chair, the CWDB Vice-Chair will communicate with the CWDB Board.

   E. In the event that a CWDB member recuses themselves from a vote at a public board meeting, causing a quorum vote to not be met, the item will be tabled until a future meeting. If this occurs at a CWDB Executive Committee meeting, the item will be included on the CWDB agenda at a subsequent meeting. If there is an instance where the CWDB does not have a quorum vote due a recusal then the item will be tabled and added to a future agenda for further discussion and vote.

   F. Members of CWDB shall comply with the established Conflict of Interest and Code of Conduct polices as approved.

II. **One-Stop Operators:**

   A. The Local Board must select their One-Stop Operator through a competitive process at least once every four years (WIOA Section 121[d][2][A]). As part of that competitive process, the Board must clearly articulate the expected role and responsibilities of the One-Stop Operator using Federal and Local procurement policies.

B. The Local Board may use a third party to conduct the competitive process and must create a firewall in its procurement that allows the Local Board to contribute the necessary procurement processes to the third party.

C. One-Stop Operators may be a single agency or a consortium of three of more One-Stop Partners.

D. The role of the One-Operator includes the following:

1. Coordinate the service delivery of required One-Stop Partners and service providers.

2. Provide leadership and coordination for the integration of KCC partners, enter into a Memorandum of Understanding (MOU) relative to those services and to the Infrastructure Financial Agreement (IFA) for cost sharing in accordance with WIOA.

3. Provide some of the services within the center.

4. Coordinate service delivery in a multi-center area, which may include affiliated sites access points. Support the attainment of and/or maintain the KCC certification standards for full service, affiliate sites and access points.

5. Serve the KCC target populations.

6. Operate cost-effectively.

7. Collaborate with the KCC partners to bring integrated and additional services across the KCC delivery system.

8. Improve customer access to the KCC partner services through implementing a common intake, common application, and common case management and referral process as required under WIOA. Strive to streamline services and minimize duplication.

9. Work with the WIOA youth services providers to familiarize youth with the full array of KCC services and determine appropriateness of co-enrollment, particularly for out-of-school youth prioritized under WIOA.

10. Leverage additional funding streams including those that support training, as well as in-kind and monetary contributions from regional organizations and businesses.

11. Collaborate with other pertinent organizations in the community to meet the needs of customers.

12. Collaborate with the Board to implement workforce development system initiatives and specific grant activities for which the Board and the KCC system participation has been required in the grant applications and subsequent funding.

13. Collaborate with the state, Administrative Entity and KCC partners as necessary to implement state-generated initiatives related to KCC services. Prior examples of such endeavors are One-Stop Certification, Branding and Identity, Sector Strategies, Eligible Training Providers, Work Ready Communities, Business Services Redesign.

14. Operate in a continuous improvement mode guided by customer needs, satisfaction and success to meet or exceed all WIOA performance measures included in WIOA and regulations. Under WIOA these performance measures are more important than ever as they not only inform Congress and federal agencies,

but also the general public under requirements for public disclosure websites; and furthermore are factored into initial and periodic certification and re-certification of the local areas and one-stop designations.

15. Ensure ongoing improvement of KCC services. Improvement should focus on but is not limited to program utilization, performance outcomes, customer satisfaction, and cost effectiveness.

16. Establish a program of staff capacity building, within and across partners. Collect and analyze appropriate data for quality assurance, continuous improvement and reporting purposes. Facilitate the sharing and maintenance of data.

17. Disclose any potential conflicts of interest arising from the relationship on the One-Stop Operator and any training service provider or other service provider.

III. **Dislocated Worker, Adult and Youth Providers:**

A. Local Boards will procure services for a Direct Service Provider for Adult, Dislocated Workers and Youth through a competitive process at least once every four (4) years. As a part of the competitive process, the local board must clearly articulate the expected roles and responsibilities of the Direct Service Provider.

B. The role of the Direct Service Provider includes the following:

1. Serve Adults and Dislocated Workers (including displaced homemakers) who meet the requirements for WIOA services.

2. Individuals seeking specialized services such as Veterans, former offenders, substance abusers, non-high school/high school equivalency diploma graduates, individuals with multiple barriers to employment (including older individuals, low-income individuals, people with limited English-speaking ability or cultural barriers, and people with disabilities), individuals impacted by foreign trade who may be eligible for Trade Assistance.

3. Former WIA and WIOA enrollees to whom follow-up services are to be provided.

4. Out-of-school youth who need referral to appropriate service providers or other career services.

5. Employers seeking workers, labor market information, labor exchange services (e.g., posting of job orders, receiving qualified referrals, etc.), specialized training arrangements for current or prospective workers, participating in regionally determined and organized industry sector and career pathways initiatives, needing assistance to avoid layoffs or reduction in force.

6. The general public (the universal customer) seeking use of the facility, access to resources for job hunting, and other services as part of the array of career services under WIOA and other applicable programs.

7. Proactively establish and develop relationships and networks with all size employers and their intermediaries.

8. Be knowledgeable about all regional and state workforce resources and be able to coordinate these resources to provide streamlined services to employers.
9. Represent workforce resources to perspective economic development clients.
10. Be knowledgeable about and able to interpret labor market information and data.
11. Collaborate with KCC partners to custom design and deliver responsive solutions for employers.
12. To develop, convene, or implement industry or sector partnerships.
13. Adult and Dislocated Worker Activities include: eligibility determination; outreach and intake; initial assessment of skills; supportive service needs; job search and placement assistance; career counseling; provision of information on in-demand occupations and non-traditional employment; recruitment and other business services for employers; referrals to other KCC partner programs and other available programs in the community; provision of labor market information; information on supportive services available through other programs; information and assistance with establishing eligibility for financial aid and assistance for educational programs other than WIOA; comprehensive skills assessments; in depth interviewing and evaluation of barriers to employment; development of an Individual Employment Plan; group counseling; career planning; short term prevocational services; soft skills training; work experience; financial literacy; out of area job search; training services; occupational skills training; supportive services; One-the-Job training (OJT); work-based learning; incumbent worker training; private sector training programs; skill upgrading and retraining; job readiness training; adult education and literacy activities and follow-up services.

C. The role of the Direct Service Provide for youth includes:

1. Provide an objective assessment of the academic levels, skill levels, and service needs of each participant.
2. Provide service strategies for each participant.
3. Provide activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized post-secondary credential.
4. Provide preparation for post-secondary educational and training opportunities.
5. Provide strong linkages between academic instruction and occupational education that lead to the attainment of recognized post-secondary credentials.
6. Provide preparation for unsubsidized employment opportunities, in appropriate cases.
7. Provide effective connections to employers in attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential.

8. Alternative secondary school services, or dropout recovery services, as appropriate.
9. Paid and unpaid work experiences that have as a component academic and occupational education, which may include –
10. Summer employment opportunities and other employment opportunities available throughout the school year;
11. In-demand industry sectors and occupations of the regional labor market.
12. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of Pre-apprenticeship programs;
13. Internships and job shadowing;
14. On-the-job training opportunities; and
15. Work-based learning.

IV   Fiscal Agent

A. The Fiscal Agent is designated by the Local Elected Officials.
B. The role of the Fiscal Agent includes:

1. Receive funds.
2. Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA and the corresponding Federal Regulations and State policies.
3. Respond to audit financial findings.
4. Maintain proper accounting records and adequate documentation.
5. Prepare financial reports.
6. Provide technical assistance to sub-recipients regarding fiscal issues.
7. Enter into contracts or obtain written agreements.
8. Ensure independent audit of all employment and training programs.
9. Processes invoices, payments and responsible for drawing down funds.

V   Administrative Staff

A. The role of the Administrative Staff through the CWDB includes:
1. Coordinate between the CWDB and partners in the workforce system.
2. Local and Regional Plans.
3. Workforce Research and Regional Labor Market Analysis.
4. Convening, Brokering, Leveraging.
5. Coordinates efforts between education, industry, economic development, labor unions and community-based organizations.
6. Career Pathways Development.
7. Proven and Promising Practices.
8. Technology.

9. Program Oversight.
10. Negotiation of Local Performance Accountability.
11. Selections of Operators and Providers.
12. Seeks grants and prepares all pertinent reports.
13. Budget oversight and Administration.
14. Accessibility for Individuals with Disabilities.
15. Staffs all board meetings; taking minutes, developing agendas and writing reports.
16. Assist in policy development.
17. Ensures all local policies are updated and circulated to all partners.
18. Monitor service delivery contracts and sub-awards.
19. In partnership with the CLEO:
    a. Conduct oversight of Youth, Adult and Dislocated Worker employment and training activities.
    b. Ensure the appropriate use and management of the funds provided under WIOA for the Youth, Adult and Dislocated Worker activities and one-stop delivery system.
    c. Ensure the appropriate use management and investment of funds to maximize performance.
    d. Support the competitive procurement process for providers of the Youth, Adult and One-Stop Operator activities, training services and career services.

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Gale Cowan   Samuel Brown
CLEO   Chair
Cumberlands Workforce Development Area   Cumberlands Workforce Development Board