

## Northern Middle Tennessee Local Workforce Development Board

Agreement Between the  
Chief Elected Official of Northern Middle TN Workforce Development Area,  
Northern Middle TN Local Workforce Development Board (NMTLWDB), Inc.  
And  
Workforce Essentials, Inc.  
(Fiscal Agent & Staff to Board)

In accordance with WIOA Sec. 107(d){12}{B}(i){II}, the parties to this Agreement have agreed that Workforce Essential shall serve as Fiscal Agent and Staff to the Board for the Northern Middle TN Local Workforce Development Area and;

Whereas, the parties to this agreement have agreed that the NMTLWDB may, in accordance with WIOA Sec. 107(f)(1 ), hire a director and other staff to assist in carrying out the functions described in subsection (d) and;

Whereas in accordance with WIOA Sec. 107(f)(2) have established 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 and;

Whereas in accordance with WIOA Sec. 107(f)(3) the director and staff shall be subject to the limitations on the payment of salaries and bonuses described in section 194 (15) and;

Whereas WIOA Sec. 194(15)(A) states: None of the funds available under this title shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, whether as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code and;

Whereas the Consortium of Local Elected Officials with the NMTLWDB's unanimous agreement appointed Workforce Essentials as Staff to the Board, further appoints the President of Workforce Essentials, who meets all requirements and qualifications of the NMTLWDB, as Executive Director to the NMTLWDB;

Now, therefore, the parties agree as follows:

As the designated entity, the Northern Middle TN Local Workforce Board, Inc. in accordance with Sec. 107(d){12}{B}{III}, shall disburse the grant funds for workforce investment activities at the direction of the local board and Chief Elected Official, pursuant to the requirements of this title and shall

disburse the funds immediately on receiving such direction from the local board. §679.420 states that the designation of a fiscal agent does not relieve the Chief Elected Official of liability for the misuse of grant funds.

In general, Workforce Essentials as the Fiscal Agent for the Consortium of Local Elected Officials will be responsible for the following functions:

- (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) Procure contracts or obtain written agreements
- (8) Conduct financial monitoring of service providers
- (9) Ensure independent audit of all employment and training programs
- (10) Other duties as required by direction of the CLEOs or NM Workforce Board

Further in accordance with WIOA Sec. 107(f)(1), the parties to this Agreement have agreed the NMTLWDB will serve as Staff to the Board to provide staff to assist in carrying out the functions of the local board in accordance with the Consortium of Local Elected Officials. The functions of the Local Board include the following from § 679.370.

As provided in WIOA sec. 107(d), the Local Board must:

- (a) Develop and submit a 4-year local plan for the local area, in partnership with the Chief Elected Official and consistent with WIOA sec. 108;
- (b) If the local area is part of a planning region that includes other local areas, develop and submit a regional plan in collaboration with other local areas. If the local area is part of a planning region, the local plan must be submitted as a part of the regional plan;
- (c) Conduct workforce research and regional labor market analysis to include:
  - (1) Analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development (including education and training) activities to include an analysis of the strengths and weaknesses (including the capacity to provide) of such services

to address the identified education and skill needs of the workforce and the employment needs of employers;

(2) Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region;

(3) 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, determined to be necessary to carry out its functions.

(d) Convene local workforce development system stakeholders to assist in the development of the local plan under § 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the Local Board and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the Local Board;

(e) Lead efforts to engage with a diverse range of employers and other entities in the region in order to:

(1) Promote business representation (particularly representatives with optimum policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Local Board;

(2) Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;

(3) Ensure that workforce investment 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

(4) 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), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

(f) With representatives of secondary and post-secondary education programs, lead efforts 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.

(g) Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and jobseekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.

(h) Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by:

(1) 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;

(2) Facilitating access to services provided through the one-stop delivery system involved,

including access in remote areas;

(3) 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

(4) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

(i) In partnership with the chief elected official for the local area:

(1) Conduct oversight of youth workforce investment activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134 (c) and (d); and entire one-stop delivery system in the local area; and

(2) Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area; and

(3) Ensure the appropriate use management, and investment of funds to maximize performance outcomes under WIOA sec. 116.

j) Negotiate and reach agreement on local performance measures with the Chief Local Elected Official and the Governor.

(k) Negotiate with Chief Local Elected Official and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with § 678.715 or must notify the Governor if they fail to reach agreement at the local level and will use a State infrastructure funding mechanism.

(l) Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:

(1) Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established); however, if the Local Board determines there is an insufficient number of eligible providers in a local area, the Local Board may award contracts on a sole-source basis as per the provisions at WIOA sec. 123(b);

(2) Providers of training services consistent with the criteria and information requirements established by the Governor and WIOA sec. 122;

(3) Providers of career services through the award of contracts, if the one-stop operator does not provide such services; and

(4) One-stop operators in accordance with 678.600 through 678.635.

(m) In accordance with WIOA sec. 107(d)(10)(E) work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.

(n) Coordinate activities with education and training providers in the local area, including:

- (1) Reviewing applications to provide adult education and literacy activities under title II for the local area to determine whether such applications are consistent with the local plan;
- (2) Making recommendations to the eligible agency to promote alignment with such plan; and
- (3) Replicating and implementing cooperative agreements to 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.

(o) Develop a budget for the activities of the Local Board, with approval of the Chief Local Elected Official and consistent with the local plan and the duties of the Local Board.

(p) Assess, on an annual basis, the physical and programmatic accessibility of all one stop centers in the local area, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990(42 U.S.C.12101etseq.).

(q) Certification of one-stop centers in accordance with§ 678.800.

In order to assist the Chief Local Elected Official in carrying-out the functions, as Fiscal Agent and Staff to the Board, Workforce Essentials will:

- Recruit, hire and train staff to carry out the mission of the program.
- Lead, supervise and support the staff in performance of their job responsibilities.
- Provide or arrange for Human Resource/Payroll functions related to staff.
- Provide Procurement, Purchasing and Contracting structure to include leases for American Job Centers, equipment purchases, sub-contracts with training providers, etc.
- Provide a budgeting and accounting system for accounts payable and accounts receivable functions.
- Provide cash management.
- Provide general liability for actions of staff, board members and directors, leased space, etc. and workman's compensation for staff.
- Other duties necessary to carry out the functions of the Board and WIOA.

(r) In accordance with §679.430, Workforce Essentials will simultaneously serve as the entity to provide staff to the board and fiscal agent responsibilities. In doing so, they have established the following assurances in accordance with TDL&WFD and NMTLWDB Conflict of Interest policies.

Board Staff and Fiscal Agent will carry out its responsibilities in full compliance with:



1. The WIOA law and corresponding regulations;
2. Relevant Office of Management and Budget (OMB) circulars;
3. The uniform Guidance given in the Code of Federal Regulations, Part 200 –including 2CFR200.318;

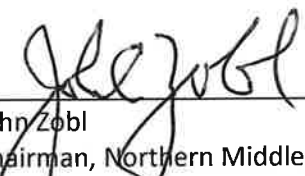
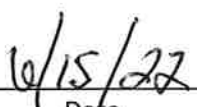
Workforce Essentials will develop appropriate firewalls to assure that its Fiscal Agent function is performed in such a way as to: (a) minimize fiscal risk; and (b) avoid any real or apparent conflicts of interest with regard to its function of providing staff support to the NMTLWDB.

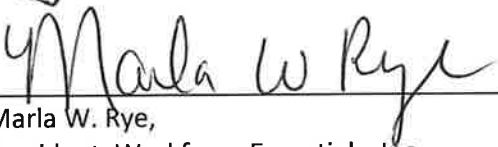
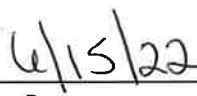
Workforce Essentials and the NMTLWDB will adhere to the same Conflict of Interest policy for board members and employees.

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 one or more parties call for a modification, amendment or alteration of the terms or conditions contained herein.

Signatory Authorities:

   
\_\_\_\_\_  
Bob Rial, Dickson County Mayor Date  
Chief Local Elected Official, Northern Tennessee Consortium of Local Elected Officials

   
\_\_\_\_\_  
John Zobl Date  
Chairman, Northern Middle Tennessee Local Workforce Board

   
\_\_\_\_\_  
Marla W. Rye, Date  
President, Workforce Essentials, Inc.



# Northern Middle Tennessee Local Workforce Development Board

## FISCAL AGENT DESIGNATION

BY AND BETWEEN THE CHIEF LOCAL ELECTED OFFICIAL OF THE  
NORTHERN MIDDLE TENNESSEE LOCAL WORKFORCE DEVELOPMENT BOARD  
AND  
WORKFORCE ESSENTIALS, INC.

### Appendix B: Designation of the Fiscal Agent

This document is to acknowledge the designation of Workforce Essentials as the fiscal agent to act on behalf of the grant sub recipient and serve as staff to the Northern Middle Tennessee Local Workforce Development Board as of July 1, 2020. By signing this document the Fiscal Agent has read and understood the responsibilities and liabilities of the role as sub recipient described in WIOA Section 107(d)(12)(B)(i)(II). This document is only an acknowledgement that the Fiscal Agent has been designated. Contacts between the Fiscal Agent and the CLEO should ensure that the Fiscal Agents roles and responsibilities are clearly outlined, and include the functions stated in 20 CFR 679.420.

**Fiscal Agent Name:** Workforce Essentials, Inc.

**Name:** Marla Rye  
**Representation:** President of Workforce Essentials  
**Contact Information:** 523 Madison Street, Suite A  
Clarksville, TN 37040  
(931) 905-3500

**Signature:**

Marla W. Rye

**Date:**

6/15/22

**CLEO Name:**

**Name:** Mr. Bob Rial  
**Representation:** Dickson County Mayor (CLEO)  
**Contact Information:** Dickson County Courthouse  
P.O. Box 267: Courthouse Square  
Charlotte, TN 37036  
(615) 789-7003

**Signature:**

Bob Rial

**Date:**

6-15-2022