



**Executive Committee Meeting  
West Michigan Works! (WMW) Workforce Development Board (WDB)  
Westside Service Center  
215 Straight Ave. NW  
Grand Rapids, MI 49504  
Monday, March 11, 2019 ▪ Meeting 11:30 a.m. – 1:00 p.m.**

**AGENDA**

1. Call to Order
2. Public Comment – Agenda Items
3. Approval of the January 14, 2019 Minutes **Action Required**
4. Report on Financial Activities: Notes to January 2019 Board Financials  
*Brenda Isenhart, Chief Financial Officer* **Information Item**
5. WMW WDB Member Resignation and Nomination  
*Jacob Maas, Chief Executive Officer* **Action Required**
6. Bethany Christian Services Contract  
*Angie Barksdale, Chief Operating Officer* **Action Required**
7. Agreement between the West Michigan Works! Workforce Development Board and the Area Community Services Employment and Training Council (ACSET)  
*Nancy Wiest, Staff Attorney* **Information Item**
8. Strategic Plan Update, *Angie Barksdale* **Information Item**
9. WDB Meeting Agenda: April 8, 2019 **Discussion Item**
10. Legislative Day: May 15, 2019 **Discussion Item**
11. Governor Whitmer’s Budget **Discussion Item**
12. WMW WDB Subcommittees Updates **Information Item**
  - a. Talent Solutions, *Shana Welch*
  - b. Employer Solutions, *Sherry White*
  - c. Strategic Partnerships, *Heather Gluszewski*
  - d. Outreach and Communications, *Mark Bergsma*
  - e. Career Educational Advisory Council (CEAC), *Cindy Brown*
  - f. Legislative, *Jacob Maas*
13. Other Business
14. Public Comment
15. Adjournment

**Next Scheduled Executive Committee Meeting: May 13, 2019 at 11:30 a.m. located at:  
Westside Service Center, 215 Straight Ave N.W. Grand Rapids, MI 49504**



**Executive Committee Meeting  
West Michigan Works! (WMW) Workforce Development Board (WDB)  
Westside Service Center  
215 Straight Ave. NW  
Grand Rapids, MI 49504  
Monday, January 14, 2019 • Meeting 11:30 a.m. – 1:00 p.m.**

**MINUTES**

**Members/Alternates Present:** Dave Smith, Cindy Brown, Mark Bergsma, John Buchan, Heather Gluszewski, Rebecca Herrington, Scott McLean

**Members/Alternates Absent:** Jay Dunwell, Jon Hofman, Shana Welch, Sherry White

**Staff Present:** Jacob Maas, Angie Barksdale, Brenda Isenhart, Jane Kreha, Amy Lebednick, Brittany Lenertz, Janette Monroe, Melanie White

**Guests Present:**

1. Call to Order, Chairperson Dave Smith at 11:34 a.m.
2. Public Comment- Agenda Items- None
3. Approval of the October 29, 2018 Minutes **Action Required**
  - Motion – Scott McLean**
  - Second – Rebecca Herrington**
  - Item Approved by Vote – Motion carried**
4. Report on Financial Activities: Notes to November 2018 Board Financials **Information Item**  
Brenda Isenhart, Chief Financial Officer, reviewed WMW’s 2018 Board Financials, Statement of Revenue and Expenditures by program for the five months ending November 30, 2018. Brief discussion took place, and Brenda answered board members’ questions.
5. General Updates
  - a. Going PRO Talent Fund (GPTF) **Information Item**  
Amy Lebednick, Business Solutions Director, reported that employers in the West Michigan Works! region have been awarded \$9.5 million in training funds for Fiscal Year 2019. Amy reviewed the funding award distribution by fiscal year and by counties. Amy answered board members’ questions.
  - b. Bethany Christian Services Contract **Information Item**  
Brittany Lenertz, Talent Solutions Director, reviewed that in October 2018, staff began working with Bethany Christian Services regarding its current contract providing Workforce Innovative and Opportunity Act (WIOA) Out-of-School and Summer Youth Services. Brittany reviewed the course of action that has occurred over the past few months. Brittany stated that an internal meeting between WMW staff and Bethany Christian Service staff has been scheduled for January 15 to further discuss the results of the file review and next steps.

- c. **Legislative Subcommittee** **Action Required**  
 Jacob Maas, Chief Executive Officer, reviewed that the WDB previously approved the creation of a new Legislative subcommittee for the purpose of educating and informing legislators about WMW and its employment and training programs. Jacob reviewed that the following individuals have expressed interest in serving on the subcommittee: Norm Brady, Jim Fisher, Chris Glass and Alexa Kramer. Board member Mark Bergsma was inadvertently left off the list and will be added. Jacob requested that the Executive Committee approve the slate of members to serve on the Legislative subcommittee. If approved, WMW staff will schedule the subcommittee's first meeting to discuss the purpose of the committee and appoint a Chairperson.

**Motion – Scott McLean**

**Second – Cindy Brown**

**Item Approved by Vote – Motion carried**

6. **WMW WDB Subcommittees Updates** **Information Item**
- a. Executive Committee: Chairperson Dave Smith stated that he and WDB member Dr. Bill Pink are planning on attending the National Association of Workforce Boards (NAWB) Forum 2019 in March with WMW staff. Angie Barksdale, Chief Operating Officer, reported that one WMW presentation has been chosen for the NAWB Forum.
- b. Talent Solutions: Brittany Lenertz, Talent Solutions Director, reported that the subcommittee is moving forward with the employability skills curriculum and is planning on having a joint meeting with the Employer Solutions Subcommittee to further discuss the implementation. There is a possibility of a third-party evaluation. Brittany answered board members' questions.
- c. Employer Solutions: Amy Lebednick reported that the subcommittee is looking into any additional grants that may be available, Incumbent Worker Training funds, internal processes and procedures, and also additional ways to increase outreach as it relates to employer awareness. Amy answered board members' questions.
- d. Strategic Partnerships: Heather Gluszewski, WDB Member, reported that the last subcommittee meeting took place on September 18, 2018. Heather reported that WMW staff provided the subcommittee with current updates on initiatives and partnerships. Heather stated that the next meeting has not been scheduled yet, but that the subcommittee plans to discuss future goals and objectives with WMW staff.
- e. Outreach and Communications: Mark Bergsma, WDB Member, reported that the subcommittee is working on outreach to more difficult-to-serve populations. The subcommittee has started a process of identifying organizations and groups that may already be working with those populations to avoid "re-inventing" the wheel. The subcommittee is hoping to collaborate with those organizations to reach these particular populations.
- f. Career Educational Advisory Council (CEAC): Cindy Brown, WDB Member, reported that the next meeting is scheduled for January 25, 2019. The council plans on discussing the Marshall Plan awardees. Cindy reported that out of 88 submissions, 9 were awarded. Two of the nine are part of our region: 1.) The Michigan M-46 Partnership Talent Consortium and 2.) The Michigan Energy Workforce Development Consortium (MEWDC). Cindy further reported that Randy Johnson from the Michigan College Access Network (MCAN) is planning to present information on the Michigan Higher Education Attainment Roundtable (MIHEART), which has released a new Talent Attainment report and recommendations. MCAN is helping to disseminate this work. The Total Talent report provides a call to action and a set of state policy priorities and stakeholder initiatives to make Michigan a talent leader. <http://www.micollegeaccess.org/advocacy/miheart>

7. Strategic Plan Update

**Discussion Item**

Jacob Maas reviewed that the current strategic plan is nearing the end of its 3 years. Jacob requested guidance and discussion regarding the potential need of a new strategic plan or an updated plan. After discussion, the Executive Committee members stated that they do not think a new strategic plan is necessary at this time. Members suggested that WMW staff update the strategic plan after they review whether goals have or have not been accomplished. Jacob stated that WMW staff will also reach out to the One-Stop Operator for additional input and review of an updated plan.

8. Other Business – Jacob reminded members that Governor Whitmer’s State of the State Address is scheduled for February 5, 2019. Jacob also requested suggestions for guest speakers for the next WDB meeting. Discussion took place. Jacob noted that he will reach out to the Talent & Economic Development (TED) Department of Michigan and invite TED staff to present to the workforce board in February.

9. Public Comment – None

10. Adjournment at 12:48 p.m. by Chairperson Dave Smith

Recorded by: \_\_\_\_\_ Received by: \_\_\_\_\_



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**MEMORANDUM**

**TO:** West Michigan Works! (WMW) Workforce Development Board (WDB)  
Executive Committee

**FROM:** Brenda Isenhart, Chief Financial Officer

**DATE:** March 4, 2019

**RE:** January 2019 Michigan Works! Board Financials

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**Revenue**

Revenues for the seven months ending January 31, 2019 total \$16,529,529 which is 3.8% below budgeted revenue and \$3,920,142 over prior year revenue. .

**Expenditures**

Operating expenses are under the proposed budget by 4.17%. Consumable Supplies are under budget by \$3k but exceed prior year expenditures by \$358k. Several large computer related purchases were made to replace older equipment being used as well as updating office furniture at several locations. Space and Communication expense is \$59,798 over prior year expenses primarily due to bathroom renovations completed at the West Side service Center. Other Expenses is \$127k over previous year expenses. This is primarily the result of investing in digital advertising, creating a video in order to better serve participants, and increasing staff training.

The increase in training over previous year expenditures of \$2.5 million is primarily due to the increase in awards received for the Going Pro Training funds (formerly known as the Skilled Trades Training Funds). Training expenses are currently over budget by \$249k and Direct Client Expenses are under budget by \$426k. The Direct Client Expenses are under budget in the Community Ventures Program (CV) by \$100k and the PATH program by \$150k. A budget modification will be presented to the ACSET Governing Board for consideration in April 2019 to adjust for changes in funding award and planned expenditure changes in the Training (budget increase) and Direct Client Expense (budget decrease) categories.

Administration Expenses represent 14.9% of Operating Expenses and 8.8% of Total Expenses.

## Balance Sheet

The Cash balance includes ACSET's unrestricted funding, funding received in advance of expenditures (Unearned Revenue), funding for the Compensated Absences earned by employees, as well as grant funding drawn in preparation for the payment of Payroll and Accounts payable. The difference in cash balance, Accounts Receivables, and Accounts Payable between periods shown is related to timing differences in drawing funds and payment of expenses. Property and Equipment has increased net of depreciation by \$77k. The Property and Equipment increase also increases Total Net Assets. Compensated Absences have decreased as a result of implementing the reduction of carry-over hours for earned Sick and Vacation as specified in the approved union contract.

**Area Community Services Employment and Training Council**  
**Michigan Works Agency Programs**  
**Statement of Revenue & Expenses**  
**For the Seven Months Ending January 31, 2019**

	YTD Thru Jan 2019 Actual	YTD Thru Jan 2018 Actual	YTD 2018/2019 Budget	Budget Variance	Budget Variance %
<b>Total Revenue</b>	\$ 16,529,529	\$ 12,609,387	\$ 17,181,921	\$ (652,392)	-3.80%
<b>Expenses</b>					
<b>Operating Expenses</b>					
<b>Wages</b>	\$ 4,822,622	\$ 4,519,615	\$ 4,946,583	\$ 123,961	2.51%
<b>Fringe Benefits</b>	1,780,247	1,688,716	1,879,421	99,174	5.28%
<b>Consumable supplies</b>	634,821	276,456	637,933	3,112	0.49%
<b>Transportation</b>	106,292	111,988	151,250	44,958	29.72%
<b>Outside services</b>	377,478	136,679	467,750	90,272	19.30%
<b>Space and communications</b>	998,548	938,750	1,026,689	28,141	2.74%
<b>Equipment rent and maint</b>	44,227	53,765	58,333	14,106	24.18%
<b>Equipment purchases</b>	500,402	13,432	527,986	27,584	5.22%
<b>Other expense</b>	426,599	299,140	417,185	(9,414)	-2.26%
<b>Total operating expense</b>	<u>9,691,236</u>	<u>8,038,541</u>	<u>10,113,130</u>	<u>421,894</u>	<u>4.17%</u>
<b>Subcontractors</b>	\$ 498,034	\$ 450,363	\$ 551,250	\$ 53,216	9.65%
<b>Training</b>	\$ 5,768,658	\$ 3,255,018	\$ 5,519,458	\$ (249,200)	-4.51%
<b>Direct Client Expenses</b>	<u>\$ 571,601</u>	<u>\$ 865,465</u>	<u>\$ 998,083</u>	<u>\$ 426,482</u>	<u>42.73%</u>
	<u>\$ 6,838,293</u>	<u>\$ 4,570,846</u>	<u>\$ 7,068,791</u>	<u>\$ 230,498</u>	<u>3.26%</u>
<b>Total Expenses</b>	<u>16,529,529</u>	<u>12,609,387</u>	<u>17,181,921</u>	<u>652,392</u>	<u>3.80%</u>
<b>Excess of Revenue over Expense</b>	<u>0</u>	<u>-</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>

Unaudited

**Area Community Services Employment and Training Council**  
**Balance Sheet**  
**Governmental Activities**

	<u>Unaudited</u> <u>1/31/19</u>	<u>Audited</u> <u>6/30/18</u>	<u>Audited</u> <u>6/30/17</u>
<b>Assets</b>			
Current Assets			
Cash & Cash Equivalents	\$1,620,665	\$1,014,340	\$984,590
Accounts Receivable	934,432	2,450,056	2,610,645
Inventory (at Cost)	0	0	552,658
Prepaid Expenses	253,181	236,264	295,873
Deposits	61,536	61,536	62,757
Total Current Assets	<u>2,869,814</u>	<u>3,762,196</u>	<u>4,506,523</u>
Long-term Assets			
Property & Equipment	<u>592,367</u>	<u>515,174</u>	<u>752,862</u>
Total Assets	<u><u>\$3,462,181</u></u>	<u><u>\$4,277,370</u></u>	<u><u>\$5,259,385</u></u>
<b>Liabilities</b>			
Short-term Liabilities			
Accounts Payable	\$1,273,435	\$2,000,131	\$2,339,992
Unearned Revenue	342,181	427,655	739,446
C/P Compensated Absences	593,339	671,714	650,000
Total Short Term Liabilities	<u>2,208,955</u>	<u>3,099,500</u>	<u>3,729,438</u>
LT Compensated Absences	<u>0</u>	<u>0</u>	<u>84,051</u>
Total Liabilities	<u>2,208,955</u>	<u>3,099,500</u>	<u>3,813,489</u>
Net Assets			
Total Net Assets	<u>1,253,226</u>	<u>1,177,870</u>	<u>1,445,896</u>
Total Liabilities and Net Assets	<u><u>\$3,462,181</u></u>	<u><u>\$4,277,370</u></u>	<u><u>\$5,259,385</u></u>



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**MEMORANDUM**

**TO:** West Michigan Works! (WMW) Workforce Development Board (WDB)  
Executive Committee

**FROM:** WMW Staff

**DATE:** March 4, 2019

**RE:** Resignation and Nomination of WMW WDB Member

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**Resignation from board: Jonas Talbott**

WMW staff has been notified that current board member Jonas Talbott has requested to step down from the workforce board. Jonas has made a recommendation for Mr. Ryan Bennett to fill his current seat on the board. Mr. Bennett has indicated that he is able and willing to serve on the board and has submitted an application.

**Member Nomination to board: Ryan Bennett**

Ryan has previously served on the WMW WDB in 2015-2017. Ryan is currently the Business Manager of the West Michigan Plumbers, Fitters and Service Trades Local Union No. 174. Ryan currently manages the day-to-day operations of the skilled trades labor union.

**Requested Action:**

WMW staff is requesting approval from the Executive Committee for the nomination of Ryan Bennett to serve on the Workforce Development Board as an Organized Labor/Employee representative. Staff will request final appointment approval from the ACSET Governing Board in April. The term dates for this seat expire October 2019.



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**MEMORANDUM**

**TO:** West Michigan Works! (WMW) Workforce Development Board (WDB)  
Executive Committee

**FROM:** Angie Barksdale, Chief Operating Officer

**DATE:** March 4, 2019

**RE:** Bethany Christian Services Contract Update & Action Request

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October 29, 2018, Bethany Christian Services received correspondence from ACSET/WMW to formally notify them of their contract probationary status. This correspondence included several program data entry and service resolutions to be accomplished by November 28, 2018. In addition, Bethany was required to submit a 3-month resolution plan for ongoing improvements.

Bethany Christian Services was provided with a budget modification and allocation of \$23,365 to support their resolution efforts through the 30 days.

November 28, 2018, Bethany provided their 3-month resolution plan and achieved the data entry updates as requested in the October correspondence, based on One Stop Management Information System (OSMIS) reports.

December 12, 2018, a letter was provided to Bethany to notify them additional funding of \$40,830 would be provided to continue their improvement efforts to support their 3-month plan, based on the 30-day progress. This correspondence, however, also requested some additional clarification regarding their 3-month resolution plan and notified them of 14 case notes in need of updating, at the time of the letter. This notification also instructed Bethany that once an onsite file review was conducted, any outcomes from that review, would need to be incorporated in their ongoing improvements and a modified resolution plan may need to be submitted.

December 19, 2018, staff conducted an onsite file review of eligibility, required forms and data validation documents within participant files. In addition to the onsite visit, a thorough review of OSMIS data was conducted to determine current caseload and participant status. The results of both reviews are being compiled to evaluate next steps.

December 21, 2018, Bethany provided a response to the December 12, 2018, ACSET/WMW correspondence with the requested clarification, updated case notes and an agreement to incorporate any additional resolutions, upon receiving the results of the file review.

January 15, 2019 an internal meeting was held to review results of file review and determine next steps. The in-depth review conducted in December showed additional issues, prompting concerns regarding Bethany's ability to achieve positive outcomes. It was determined that a meeting with WMW leadership and Bethany leadership was in order to review next steps.

February 8, 2019 ACSET/WMW Chief Operating Officer and Youth Policy Manager met with Bethany senior leadership to discuss ongoing concerns and Bethany's probationary period. The ongoing issues were discussed, along with ACSET/WMW concern that sustainable improvements are not being seen. Bethany senior leadership requested the opportunity to present to ACSET/WMW a corrective action plan that would include operational staffing changes, procedural improvements and strategies to ensure immediate issues are addressed and ongoing performance is met.

February 22, 2019 ACSET/WMW leadership and Bethany leadership met to discuss Bethany's proposed action plan. Prior to this meeting reports were run on January program performance. The reports showed additional performance issues, after the previous months of discussion and reviews. These reports continue to show Bethany's in action to address ongoing issues in managing and implementing their WIOA youth contract.

### **Recommendation for Next steps:**

It is the recommendation of ACSET/WMW staff that between now and June 30, 2019 work is done to transition currently enrolled/active youth participants to other existing youth providers in Kent County and closeout Bethany's current youth contract.

It is also recommended that the 2019 Foster Care Summer Youth program, which has been traditionally awarded to Bethany under their WIOA youth contract, is put out for bid.

### **Requested Action:**

ACSET/WMW staff request that the WMW Workforce Development Board Executive Committee move to approve moving forward with the above staff recommendations.



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**MEMORANDUM**

**TO:** West Michigan Works! (WMW) Workforce Development Board (WDB) Executive Committee

**FROM:** Nancy Wiest, Staff Attorney

**DATE:** March 4, 2019

**RE:** Agreement between the West Michigan Works! Workforce Development Board and the Area Community Services Employment and Training Council (ACSET)

**Background**

The WIOA regulations require a written agreement between the Workforce Development Board (WDB) and Chief Elected Officials (CEOs), when a local organization, such as ACSET, functions simultaneously in a variety of roles, including local fiscal agent, local WDB Staff and direct provider of services. 20 CFR 679.430. The local board and the CEOs may also enter into an agreement that describes their respective roles and responsibilities. 20 CFR 679.310.

The attached agreement will clarify how ACSET carries out its various roles in compliance with WIOA and corresponding regulations, relevant Office of Management and Budget (OMB) circulars, and the State’s Conflict of Interest Policy. The agreement will also identify the individual and shared responsibilities of the WDB, ACSET’s Governing Board, and the One-Stop Operator and the key functions of each in fulfilling workforce development goals in region 4B.

The Agreement is divided into the following parts:

- A. The authority and function of the Governing Board (CEOs) as well as its responsibilities as the grant recipient and fiscal agent.
- B. The joint authority and collaboration of the Governing Board and the WDB
- C. The authority and function of the WDB
- D. The roles of the GB, WDB and ACSET staff in preparing the Regional and Local Plans
- E. The roles of the GB, WDB and ACSET staff in the Selection of Service Providers
- F. The roles of the GB, WDB and ACSET staff in monitoring programs
- G. The responsibility of all parties to comply with nondiscrimination and equal opportunity laws.
- H. The process for amending the agreement
- I. The identification of the agreement as the current and only agreement between ACSET’s Governing Board and the WDB
- J. The effective date of this Agreement

In addition to promoting compliance with WIOA, the OMB circulars, and the State's Conflict of Interest Policy, this agreement delineates lines of authority and clear separation of roles to insure fiscal integrity and promote efficient collaboration.

### **Requested Review**

Attached is a draft of a written agreement between the Workforce Development Board (WDB) and Chief Elected Officials (CEOs). Any questions, concerns or clarifications needed before moving this agreement forward?

**AGREEMENT BETWEEN THE WEST MICHIGAN WORKS! WORKFORCE DEVELOPMENT BOARD AND THE AREA COMMUNITY SERVICES EMPLOYMENT AND TRAINING COUNCIL (ACSET)**

**Recitals**

This Agreement is entered into by the Area Community Services Employment and Training Council (ACSET) Governing Board (GB) and the West Michigan Works! (WMW) Workforce Development Board (WDB) to accomplish three main purposes:

1. Identify the individual and shared responsibilities of the GB, the WMW WDB, and ACSET staff,
2. Describe how the parties will work together to fulfill workforce development goals, and
3. Define how the GB, WDB and ACSET Staff shall collaborate to accomplish major functions.

The ACSET GB and the WMW WDB share a common interest in assuring that workforce development decisions will be made with the best interests of employers and jobseekers in mind. All actions taken by the GB, WDB and ACSET staff under this Agreement shall comply with the ACSET Fourth Amended and Restated Interlocal Agreement and any applicable law, policy, agreement, grant, or charter.

THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

**A. AUTHORITY OF THE ACSET GOVERNING BOARD**

The GB has the sole responsibility for the following under the Workforce Innovation and Opportunity Act (WIOA) and this Agreement to:

1. Appoint WDB members.
2. Establish personnel policies and rules for ACSET employees, including a merit personnel system.
3. Negotiate collective bargaining agreements with any union or unions that represent ACSET employees.
4. Establish financial management policies, internal controls and cost allowability policies, as required by WIOA, 2 CFR Part 200 or any applicable private or public grants.
5. Adopt policies and procedures for procurement of goods and services and for the management of property and inventory owned by ACSET.
6. Establish a code of conduct for ACSET, through policy and bylaws, as well as, a conflict of interest policy.
7. Create policies and bylaws for overall operation of the agency's affairs, such as policies for record retention, confidentiality and record access.
8. Establish contract closeout procedures for contracts with program service providers.
9. Adopt an annual budget for the administration of ACSET.
10. Hire, ensure training is provided, and authorize staff positions or delegate this authority to the Chief Executive Officer (CEO).
11. Select and hire or remove the CEO of ACSET as outlined in GB By-Laws. The WDB participates in the selection process by having representation on the selection committee.
12. Approve budgets for rental of real property to be used for administrative offices and service centers. The identity of any person or entity that proposes to lease real property to ACSET for any such purpose shall be revealed to the Governing Board prior to the execution of the lease in order to avoid any conflict of interest.
13. ACSET may provide employment and training services under WIOA; employment services under the Wagner-Peyser Act; Trade Adjustment Assistance under the Trade Act of 1974, as amended; and welfare

reform service under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, directly to clients. ACSET may provide other services directly to clients as permitted under those statutes, any successor legislation, and any local, state or federal legislation, or other public or privately funded grants that establish similar programs for similar purposes.

14. If the law or grant terms require it, choose service providers to provide services to clients.
15. Take other actions assigned to the authority of the GB by law, grant, or rules applicable to any other source of revenue.
16. Comply with the ACSET Code of Conduct and Conflict of Interest Policy, as well as the legal requirements included in this section and any other public and privately funded grants while fulfilling its role as grant recipient, fiscal agent and service provider.
17. Act as the grant recipient and fiscal agent;
  - a. As fiscal agent, the GB has the following responsibilities:
    - i. Receive or expend funds;
    - ii. Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with applicable law, grant requirements and state policies;
    - iii. Respond to financial audit findings;
    - iv. Maintain proper accounting records and adequate documentation;
    - v. Prepare financial reports;
    - vi. Provide technical assistance to service providers regarding fiscal issues;
    - vii. Enter into contracts, subgrants or obtain written agreements;
    - viii. Conduct financial monitoring of service providers; and
    - ix. Ensure independent audit of all employment and training programs

#### B. SHARED RESPONSIBILITIES OF THE GOVERNING BOARD AND WORKFORCE DEVELOPMENT BOARD

The following actions must be approved by both the GB and the WDB:

1. Adoption of bylaws for the WDB;
2. Approval of any Local and Regional plan under WIOA;
3. Location of the Service Center and Affiliate Offices;
4. Adoption of an annual budget for employment and training activities administered by ACSET ;
5. Determination of which employment and training services, will be provided by service providers and which will be provided directly to clients by ACSET employees;
6. Service providers for WIOA Youth, Adult, and Dislocated Worker training and career services may be selected by the WDB alone. However, the selection of service providers for other programs may be made by both the Governing Board and the WDB as the law or grant requires;
7. Approval of employment and training grants in addition to grants under WIOA
8. The oversight of employment and training programs and the approval of monitoring procedures;
9. Appointment, at four year intervals, and termination of a One-Stop Operator under WIOA Section 121;
10. Entering memoranda of understanding between the WDB and One-Stop Partners, per WIOA Section 121, including the determination of a partner's contribution to infrastructure costs of one-stop centers;
11. Approval of any optional one-stop partners under WIOA;
12. Establishing policies and procedures applicable to both ACSET's staff and clients, such as, but not limited to, the ACSET Equal Opportunity Policy ; and
13. Taking other actions required by law, the terms of any grant, or rules applicable to that revenue source.

#### C. AUTHORITY OF THE WDB

The WDB shall have the authority to take the following actions and adopt the following types of policies, independently of the Governing Board:

1. Develop an Individual Training Account policy, including limits on dollar amounts and/or duration.
2. Determine what constitutes a self-sufficient wage, or adjust the federal or State self-sufficiency standard for determining WIOA eligibility for training services under WIOA.
3. Establish a standard for determining what constitutes a wage comparable to wages earned in prior employment, for determining eligibility for training services under WIOA.
4. Develop supportive services policies for adults and dislocated workers under WIOA and clients under the Personal Responsibility and Work Opportunity Act (PRWORA), including limits on the provision of such services. The WIOA policy must be developed in consultation with One-Stop Partners and other community service providers.
5. Create a WIOA Needs-Related Payment policy, including a payment level.
6. Establish standing committees.
7. Determine priority of services criteria pursuant to Section 134 of WIOA.
8. Develop policies governing the conduct of employer-based training (On-the-Job Training (OJT), incumbent worker training (IWT) and customized training), for participants in WIOA, PRWORA and Trade Act programs, including:
  - a. Whether to increase the rate of employer reimbursement for WIOA OJT participants;
  - b. Establishing the cost of WIOA customized training to be paid by employers;
  - c. Identifying other appropriate purposes for the provision of WIOA customized training in addition to those specified in WIOA and WIOA regulations;
  - d. Establishing the non-federal share of the cost of WIOA IWT to be paid by employers;
  - e. Adopting factors to determine employer eligibility to receive WIOA IWT funds in addition to those specified in WIOA or WIOA regulations.
9. Set the criteria for establishing initial eligibility of training providers and determining whether eligibility should be renewed or terminated according to procedures established by the State of Michigan. The WDB may also, except with respect to registered apprenticeship programs:
  - a. Require local training providers to satisfy criteria and/or provide additional information; and
  - b. Set higher levels of performance for local training provider eligibility than those set by the State of Michigan.
10. Assess the efficient use of property for One-Stop Centers and connections between comprehensive and affiliate sites.
11. Determine if one-stop services need to be provided outside of regular business hours.
12. Decide whether ACSET will charge fees for certain business services provided to employers.
13. Assign additional roles to the One-Stop Operator.
14. Select or recommend the termination of WIOA Youth, Adult and Dislocated Worker service providers; provided, that the identity of persons and entities who have submitted proposals to operate such program is revealed to the Governing Board prior to selection to avoid any conflicts of interest.
15. Take other actions assigned by law or policy, the requirements of any private or public grants, or the rules for the expenditure of funds in furtherance of the goals and mission of WMW.
16. Establish rules of conduct for customers of the One-Stop centers and procedures allowing ACSET to enforce them.

17. Adopt policies and procedures that affect only the provision of aids, benefits, services and training to ACSET's clients, such as a reasonable accommodation procedure for clients, grievance or appeal procedures or a language assistance plan.

#### D. PREPARATION OF REGIONAL AND LOCAL PLANS

1. The Local Plan required by Section 108 of WIOA shall be prepared in the following manner if permitted by law and instructions from the State of Michigan:
  - a. ACSET staff prepares the initial draft of the local plan.
  - b. ACSET may submit a preliminary copy to the State for informational purposes prior to the mandatory public review and comment period, if permitted by law.
  - c. The proposed plan is published and made available for review and comment.
  - d. The final plan must be approved by the GB and the WDB and submitted to the Governor.
  - e. If the Governor disapproves any part or all of the plan, staff may modify the plan to correct minor deficiencies and submit it to the Governor. Substantive changes must be approved by the GB and the WDB before submission to the Governor.
  - f. Modifications must be processed as described in subparagraphs a through e.
2. The WDB and the GB shall participate in the preparation of any WIOA Section 106(c) Regional Plan as follows:
  - a. ACSET staff shall collaborate with the administrative staff of all other MWA's in the Region to prepare an initial draft.
  - b. ACSET may submit a preliminary copy to the State for informational purposes prior to the mandatory public review and comment period, if permitted by law.
  - c. The proposed plan shall be published and made available for review and comment.
  - d. The final plan shall be approved by the WDB, the WDB of each MWA in the region, the GB, and the chief elected officials of each MWA in the Region, and submitted to the Governor.
  - e. If the Governor disapproves any or all of the Regional Plan, the staff shall collaborate with the administrative staff of all other MWAs to correct minor deficiencies. Any substantive changes shall be presented to each WDB in the Region, their Governing Boards and the chief elected officials for review and approval, and resubmitted to the Governor.
  - f. Modifications must be processed as described in subparagraphs a through e.

#### E. SELECTION OF THE SERVICE PROVIDERS

1. ACSET staff prepares a Request for Proposals (RFP) that describes the programs and adheres to federal and state requirements.
2. Notice of the RFP shall be published as required by law. The RFP shall be distributed to current service providers, organizations and individuals operating similar programs, appropriate education agencies, and community based organizations in the proposed service area, as well as organizations or agencies requesting a copy of the RFP.
3. A proposal review committee, established pursuant to WDB Bylaws, shall review the proposals and develop recommendations for the selection and funding of WIOA service providers which shall be presented to the WDB for selection. Recommendations for the selection and funding of all other service providers shall be presented to either or both the WDB and the GB for review, modification and approval according the terms of the grant or applicable law or rules. The staff shall send notice of the funding recommendations to all persons, agencies and organizations that submitted a proposal and notice of the times and locations of WDB and/or GB meetings at which such recommendations will be considered.

4. Members of the GB and the WDB, appointed by each body, respectively, shall constitute an appeal or protest committee to hear appeals or protests filed by any agency that had submitted a proposal; provided, that only members of the WDB shall comprise an appeals committee concerning any proposal authorized to be selected by the WDB alone. This committee will have authority to decide appeals as described in the RFP.
5. Where a grant received by ACSET requires the allocation of funds to sub-county areas or separate jurisdictions, the GB and the WDB shall allocate the funds granted among the appropriate areas or jurisdictions on the basis of the formula used, if any, by the granting authority.
6. ACSET shall enter into contracts with selected Service Providers. All such contracts shall be in writing and contain covenants requiring service providers to comply with WIOA, the Local and/or Regional Plan, public or private grant requirements and/or any other applicable federal and State legislation, regulations and guidelines. Such contracts shall also require service providers to repay any disallowed costs. Such contracts shall also contain provisions permitting them to be terminated or suspended, upon written notice, for breach or for any other reason, including the termination or reduction of funds, and any other provisions required by law.
7. Vendors shall be selected pursuant to procurement procedures adopted by the GB and applicable law.

#### F. MONITORING

Programs under any WIOA Local Plan or other grant shall be monitored as follows:

1. ACSET staff shall monitor service providers on an ongoing basis to ensure that programs are operated according to law and in compliance with their contracts. The staff shall assess program performance and may either recommend or take corrective action.
2. The WDB will review performance and will submit oversight reports to the GB from time to time, based upon its own findings or upon reports received from the staff.
3. The WDB shall provide program and policy guidance for all employment and training activities and may exercise independent oversight over activities under the Local Plan.
4. The One-Stop Operator will have a role in monitoring programs administered by ACSET as part of the One-Stop system, including those programs operated directly by ACSET.
5. ACSET may suspend a contract with a service provider by written notice from ACSET's CEO. Contracts with service providers may be terminated by action of the Governing Board, provided that written notice of such termination is provided to the WDB.

#### G. NONDISCRIMINATION

1. The parties will comply fully with the nondiscrimination and equal opportunity provisions of the following laws as well as 29 CFR Part 38 as they apply to the operation of WIOA Title I-financially assisted programs and activities:
  - a. Section 188 of the Workforce Innovation and Opportunity Act (WIOA);
  - b. Title VI of the Civil Rights Act of 1964, as amended;
  - c. Section 504 of the Rehabilitation Act of 1973, as amended;
  - d. Age Discrimination Act of 1975, as amended; and
  - e. Title IX of the Education Amendments of 1972, as amended.

#### H. AMENDMENT

1. Amendments or modification to this Agreement shall be in writing and require the approval of both the WDB and GB.
2. If a dispute arises between the parties which can't be resolved through discussions, the following procedure applies:

- a. Each party shall reduce their issues to writing.
- b. The Chairperson of each Board shall deliver a copy of their statement to the Chairperson of the other Board and to the ACSET’s CEO.
- c. The Chairpersons and the CEO shall meet within five business days after the delivery of the statements in order to resolve the matter. The parties may agree to include other interested parties in the meeting if such parties possess relevant information.
- d. The Chairpersons shall report results of their meeting to their respective bodies at the next regular meeting.
- e. If this procedure fails to resolve the conflict, the parties shall submit the conflict to a qualified mediator chosen jointly by the Chairpersons within ten (10) days after the bodies have met.

I. ENTIRE AGREEMENT

This Agreement constitutes the sole and entire agreement between the parties regarding the subject matter and supersedes all prior and contemporaneous statements, understandings and representations, both written and oral, as well as any prior agreements between the parties or their predecessors.

J. DATE OF AGREEMENT

The effective date of this Amended Agreement shall be \_\_\_\_\_, and it shall remain in effect until the date that the West Michigan Works! ceases to be a service area pursuant to law or the date that the ACSET consortium ceases to exist, whichever occurs first.

WHEREFORE, the parties have executed this written Agreement on the day and year indicated below:

**AREA COMMUNITY SERVICES EMPLOYMENT AND TRAINING COUNCIL**

**WEST MICHIGAN WORKS!  
WORKFORCE DEVELOPMENT BOARD**

\_\_\_\_\_  
Tom Porter  
Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dave Smith  
Chairperson

\_\_\_\_\_  
Date