

**Administrative Services Multi-Role Agreement  
Between the  
Central Arkansas Planning and Development District  
and  
Central Arkansas Chief Elected Officials Consortium  
and  
Central Arkansas Workforce Development Board  
For the  
Central Arkansas Workforce Development Area**

The Central Arkansas Planning and Development District functions simultaneously in a variety of roles, including local fiscal agent, Local Workforce Development Board staff, One Stop Operator, and direct provider of services. This agreement will clarify how the organization will carry out its responsibilities while demonstrating compliance with Workforce Innovation Opportunity Act (WIOA) and corresponding regulations, relevant Office of Management and Budget Circulars and the State Conflict of Interest Policy. The Central Arkansas Planning and Development District (CAPDD) shall be responsible for providing the Central Arkansas Workforce Development Board (CAWDB) with staff and related support.

The terms and conditions which follow reflect the joint understanding between the parties to this Agreement and shall be construed as the essential element of the mutual consideration upon which this Agreement is based.

The terms and conditions which follow reflect the joint understanding between the Central Arkansas Planning and Development District, Central Arkansas Workforce Development Board and Consortium of Chief Elected Officials

**REFERENCES**

- Workforce Innovation and Opportunity Act, §§ 106 - 107,
- Public Law 113-128.
- 20 C.F.R. §§ 678.620, 679.310, 679.370, 679.400, 679.420, 679.430.
- USDOL, Training and Employment Guidance Letter No. 27-14,
- WIOA Operating Guidance,
- Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions, (April 15, 2015).

**CHIEF ELECTED OFFICIALS**

Per section 3(9) of WIOA, the CEO is the chief elected executive officer of a unit of general local government in a local area and, in a case in which a local area includes more than one unit of general local government, the individual designated under the agreement that specifies the respective roles of the individual CEOs.

The Central Arkansas Workforce Development Area is comprised of Pulaski (excluding the City of Little Rock), Saline, Faulkner, Lonoke, Monroe and Prairie counties as designated by the Governor of the State of Arkansas. The CEOs and the Mayors of First-Class cities and Mayors of County Seats from the designated counties are responsible for the implementation of the Workforce Innovation Opportunity Act of 2014 and Arkansas Act 907 of 2015 within the local workforce development area.

The CEOs, in accordance with the criteria established by the WIOA of 2014, Section 107 (b), shall appoint the Local Workforce Development Board that must be certified by the Governor of the state of Arkansas. The Chief Elected Officials shall designate a Fiscal Agent to receive and disburse all funds received for implementation of WIOA of 2014.

1. Select a Local Chief Elected Official (CEO) to represent them.
2. Assume liability for WIOA program funds
3. Request designation of workforce development area.
4. Designate the WIOA Fiscal Agent and ensure this agent has clearly defined roles and responsibilities
5. Appoints the Central Arkansas Workforce Development Board members in accordance with State criteria established under WIOA Sec. 107 (b); 20 CFR 679.310(a)
6. Establish by-laws consistent with state policy for the LWDB membership

#### CENTRAL ARKANSAS WORKFORCE DEVELOPMENT BOARD

The Central Arkansas Workforce Development Board (CAWDB) is organized under the provisions of Arkansas Act 907 of 2015. The Arkansas Workforce Innovation Act, and Public Law 113-128 for the purpose of providing Workforce Development activities, through a local workforce development system, designed to increase employment, retention, and earnings of participants and increase occupational skill attainment by participants and as a result improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the State of Arkansas and specifically the designated counties.

The vision and purpose of the CAWDB:

The vision for the CAWDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The CAWDB partners with employers and the workforce development system to develop policies and investments that support public workforce system strategies that support regional economies, the development of effective approaches including local and regional sector partnerships and career pathways, and high quality, customer centered service delivery and service delivery approaches.

1. Provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to help develop a comprehensive and high-quality workforce development system in the local area and larger planning region.

2. Assist in the achievement of the State's strategic and operational vision and goals as outlined in the Unified State Plan or Combined State Plan; and
3. Maximize and continue to improve the quality of services, customer satisfaction, and effectiveness of the services provided.

The CAWDB shall have specific responsibilities as provided 20 CFR 679.370

1. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and job seekers.
2. Solicit and accept grants and donations from sources other than federal funds made available under WIOA assuming it has organized itself to do so.
3. Select eligible providers of youth activities by awarding grants or contracts on a competitive basis.
4. Identify eligible providers of training services for adults and dislocated workers, including performance and cost information.
5. Assist the Governor in developing a statewide employment statistics system.
6. Coordinate workforce development activities with local economic development strategies and develop employer linkages with workforce development activities.
7. Promote the participation the participation of local private sector employers through the statewide workforce development system.
8. Implement the regional planning responsibilities required by the State in accordance with WIOA of 2014.
9. Conduct business in an open manner as required by WIOA section 107(e), by making available to the public on a regular basis through open meetings, information about the activities of the Central Arkansas Workforce Development Board.
10. Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area I accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 net seq.).
11. Certifications of One-Stop Centers in accordance with 20 CFR §678.800
12. Any other activities as required by the Workforce Innovation Opportunity Act, Section 107 (d) or by the Governor.

### ONE STOP OPERATOR

Section 121 of the Workforce Innovation and Opportunity Act deals with the establishment of local One-Stop delivery systems (often referred to as local workforce development systems). It requires the CAWDB, with the agreement of the CEO, to enter into a memorandum of understanding (MOU) with One-Stop partners, competitively procure One-Stop Operators, and conduct operational oversight of the local one-stop delivery system. The One-Stop Operator (OSO) is responsible for coordinating the service delivery of partners and service providers. Specifically, the OSO(s) must coordinate service delivery among partners, including individual and business services, among physical and electronic sites and services, and across the local area system.

Additionally, the OSO(s) must manage partner responsibilities as defined in MOUs, coordinate outreach and recruitment of voluntary partners, submit OSO annual staffing and operational budgets, follow federal and state regulations pertaining to the handling of EEO responsibilities, customer complaints, physical and programmatic accessibility, and report to the CAWDB on operation, performance accountability, and continuous improvements.

The role of the One-Stop Operator, at a minimum, shall be to coordinate the service delivery of required one-stop partners and service providers within a local area or within an Arkansas Workforce Center. CAWDBs may establish additional roles of the One-Stop Operator, including, but not limited to coordinating service providers across the one-stop delivery system, providing services within the center, or coordinating service delivery in a multi-center area (20 CFR §678.620).

### CAPDD (Fiscal Agent- Deputy Executive Director, Acting Director of Finance)

Designation of a fiscal agent does not relieve the CEO of liability of misuse of funds. If the CEO designates a fiscal agent, the CEO must ensure the fiscal agent has clearly defined role and responsibilities (20 CFR §679.420). There must be a clear separation of duties between board staff and fiscal agents. Fiscal agents are limited in scope to the duties related to disbursing workforce development funds.

In accordance with WIOA Section 107(d)(12)(B)(i)(II), in order to assist in administration of the WIOA grant funds, the CEOs may designate an entity to serve as a local fiscal agent. CAPDD is responsible for providing such fiscal accounting services necessary to conduct the business of the CEOs and the CAWDB in accordance with the fiscal and reporting requirements of WIOA and the state of Arkansas. This shall include, but not be limited to, accountability for fund expenditures including an independent audit of the CAPDD, which shall include the WIOA funds and which shall be done in accordance with Arkansas state statutes and federal requirements such fiscal and reporting services necessary to account for any program income, fee for services or surplus funds generated by the One-Stop or by CAPDD in support of the programs. Services necessary for the disbursement of funds for the support of the fiscal and administrative entities, the One-Stop systems and any service providers and contractors as authorized by the CEO and CAWDB.

The responsibilities of the Fiscal Agent:

1. Received full funds.

2. Conducts continuous financial oversight and monitoring to determine that expenditures have been made against the cost categories and within the cost limitations specified in the Act, Regulations, and State policies.
3. Ensure accountability for expenditures of funds in accordance with OMB Uniform Guidance, Federal regulations and State policies.
4. Prepare and administer contracts.
5. Respond to monitoring findings.
6. Maintain proper accounting records and adequate documentation in accordance with uniform administrative requirements.
7. Prepare financial reports.
8. Provide technical assistance to sub-recipients and or contractors regarding fiscal issues.
9. Procure contracts and/or obtain written agreements.
10. Disburse funds for salaries, contracts, wages, and vouchers.
11. Conduct financial monitoring of service providers for compliance with uniform administrative requirement and cost allowability principles provided in applicable OMB Uniform Guidance.
12. Ensure independent audits of all contracted entities receiving over five hundred thousand (\$500,000) in DOL grant funds.
13. Ensure funds are being expended according to the LWDB-developed and CEO approved budget.
14. The fiscal agent has the option to provide directly some or all of the youth workforce development activities.

The fiscal agent does not have unlimited discretion. The Act indicates that the fiscal agent is to "disburse the funds immediately on receiving such direction from the local board." The only discretion available to a fiscal agent in funding decisions is to ensure that the CAWDB actions are consistent with the approved budget and do not violate the Act."

WIOA also requires fiscal agents to oversee and conduct fiscal monitoring of sub-recipients and contractors in order to determine that expenditures have been made against cost categories and within the cost limitations specified in the Act and the regulations. Fiscal agents must monitor financials to determine compliance with other provisions of the Act and regulations, and to provide technical assistance as necessary and appropriate.

Additionally, the fiscal agent will designate an individual as the Local Equal Opportunity Officer. Per 29 CFR § 38.29, the Local Equal Opportunity Officer must have direct access to both the Chief Local Elected Official and the Chair of the CAWDB. This ensures CAWDB is informed and updated regularly on its equal opportunity and non-discrimination duties. The Local Equal Opportunity Officer must have the requisite skills and abilities to fulfill the responsibilities outlined in 29 CFR § 38.31. The Local Equal Opportunity Officer will report directly on all equal opportunity and non-discrimination issues, action plans, and affirmative outreach to the CEO and the CAWDB Chair to ensure CAWDB understands

#### STAFF TO THE BOARD

For staffing the CAWDB, Board staff shall consist of the designated employees of CAPDD to serve as administrative, managerial, support, clerical and program personnel as determined

necessary by the Director. All CAPDD staff assigned to work in a “board staff” capacity shall remain employees of CAPDD subject to the personnel rules and procedures of the organization. There may be instances where staff of CAPDD may operate in dual roles including Board staff carrying out administrative services, duties and fiscal agent staff carrying out fiscal duties. To ensure there is proper separation of duties and functions and to ensure that staff duties of these various CAPDD personnel are delineated; staff will document and allocate time on bi-weekly timesheets using codes established by CAPDD accounting. The comprehensive Workforce Development Budget for each program year will include, at minimum, two separate line items to delineate cost for each role.

Per 20 CFR § 679.400(d), LWDB staff may only assist the LWDB in fulfilling the required functions outlined in WIOA section 107(d). To summarize, WIOA Section 107(d) identifies functions for LWDBs, among them are:

- Developing a local plan.
- Analyses of regional labor market data con.
- Leading efforts to engage employers.
- Leading effort is to develop and implement career pathways.
- Identifying and promoting proven and promising practices.
- Establishing standing committees to more effectively accomplish the work of the local Boards.
- Better utilizing technology to facilitate connections among the intake and case management information systems of one-stop partners, to access services provided through the one-stop system (including remote areas), to meet the needs of individuals with barriers to employment, and to leverage resources and capacity.
- Promoting consumer choice of participants among providers.
- Developing the annual budget for administrative and programmatic services to the CAWDB.
- Selecting one-stop operators and service providers, except in the event that the board staff is employed by the same entity applying for one-stop operator or service provider.
- Enhancing coordination with education providers; and
- Assessing the physical and programmatic accessibility of one-stop centers annually in accordance with applicable nondiscrimination provisions under Title I of WIOA and the Americans with Disabilities Act.

#### MONITORING

The CAWDB and the Executive Director or staff must conduct oversight of the procurement process and resulting contracts and agreements to ensure all aspects of written agreements and contracts are compliant with federal and state laws and regulations. Additionally, the CAWDB and the Executive Director or staff must also ensure that governing agreements are upheld.

Through the state's monitoring system, program and fiscal monitors will review the local area's agreements and contracts during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.



EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT:

All Recipients, and Sub-recipients/Sub-grantees must comply with WIOA ' s Equal Opportunity and Nondiscrimination provisions, which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity in accordance with 29 CFR Part 38.

CONFLICT OF INTEREST

Grantees, sub-recipients, and contractors funded under WIOA must implement conflict of interest policies and procedures as stipulated in the WIOA law, Code of Federal Regulations and Guidance, Office of Management and Budget (OMB) Uniform Guidance, State regulations, and State WIOA conflict of interest requirements.

Sufficient firewalls must be in place, ensuring that stewards of the programs and all those served in the programs are not only eligible and suitable, but also protected from being part of the perception of impropriety, and conflict of interest.

No individual in a decision-making capacity, including CAWDB members and CEOs, shall engage in any activity, including participation in the selection, award, or administration of a sub-grant or contract supported by WIOA funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the individual, and/or a member of the individual's immediate family, the individual's partner, or an organization which employs, or is about to employ any of the above, has a financial or other interest in, the firm or organization selected for an award.

The officers, employees, or agents of the agency making the award will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. CAWDB members and CEOs shall not participate in financial matters before their respective bodies that pertain to organizations in which they represent.

A CEO or CAWDB member shall not cast a vote on, or participate in, any decision-making capacity on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member.

Before any public discussions regarding the release of a Request for Proposal, or any matter regarding the release of funding or the provision of services, a CAWDB member or a member of a CAWDB committee must disclose any real, implied, apparent, or potential conflicts of interest before engaging in the discussion. The minutes of the meeting should reflect the disclosure.

Neither membership on the CEO or CAWDB, nor the receipt of WIOA funds to provide training and related services shall be construed, by themselves, to violate the provision of this section.

#### DISPUTE RESOLUTION

A disagreement about some matter within the Multi-Function Agency which falls outside of the scope of the Agreement, and which cannot be resolved by the Multi-Function Agency will be referred to the Chief Elected Official of the Central Arkansas Workforce Development Area for resolution. If a resolution cannot be reached, the matter will be referred to the CAWDB Chairperson and the Chief Local Elected Official (CEO) who will meet with the parties involved in the dispute to attempt to resolve the issue. The CAWDB Chairperson and the CEO will issue a written recommendation for resolving the issue.

#### TERMS OF AGREEMENT

This Agreement shall be effective from the date of signature and shall expire upon termination of the Workforce Innovation and Opportunity Act, dissolution of the Workforce Development Area, or future action taken by the CEOs, Workforce Development Board and Central Arkansas Planning and Development District to establish a new agreement.

### **ASSURANCES**

#### **Title 29 - Labor, Subtitle A - Office of the Secretary of Labor, Part 38**

#### **Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act**

#### **Subpart B - Recordkeeping and Other Affirmative Obligations of Recipients Assurances**

#### **§ 38.25 A grant applicant's obligation to provide a written assurance.**

##### *(a) Grant applicant's obligation to provide a written assurance.*

- (1) Each application for financial assistance, under Title I of WIOA, as defined in § 38.4, must include the following assurance:

- (i) As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

- (A) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex



(including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;

- (B) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
- (C) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- (D) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- (E) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

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Michael Florence, Chair  
Central Arkansas Workforce Development Board

12-9-2024

Date



Doug Erwin, Chair  
Chair, Consortium Chief Elected Officials

12/12/2024

Date



Rodney Larsen, Executive Director  
Central Arkansas Planning and Development District

12/12/2024

Date