

WIB/CEO Agreement

AGREEMENT BY AND BETWEEN THE MAYOR OF THE CITY OF NEW BEDFORD AND THE GREATER NEW BEDFORD WORKFORCE INVESTMENT BOARD, INC.

THIS AGREEMENT is by and between the Greater New Bedford Workforce Investment Board, Inc. ("the Board") and the City of New Bedford, acting through its Mayor ("the Mayor"), as Chief Elected Official for the Greater New Bedford Workforce Investment Area.

WHEREAS, pursuant to the provisions of the Workforce Investment Act of 1998 (Public Law 105-220) (hereinafter referred to as "the Act"), the communities of Acushnet, Dartmouth, Fairhaven, Freetown, Lakeville, Marion, Mattapoisett, New Bedford, Rochester, and Wareham have been designated as a Workforce Investment Area by the Governor of the Commonwealth of Massachusetts; and

WHEREAS, the Board and Mayor desire to provide job training and employment opportunities which will lead to maximum employment opportunities and enhance the self-sufficiency of economically disadvantaged and other persons in the region; and

WHEREAS, the purpose of this agreement is to provide a basis for cooperation and a partnership between the Board and Mayor, which will lead to the success of the Greater New Bedford employment and training system within the Workforce Investment Area. This agreement envisions a future of cooperation and partnership that will contribute to the overall economic prosperity of the region and its residents.

NOW THEREFORE, in consideration of the promises and the mutual covenants and obligations contained herein, the Board and the Mayor do hereby agree to the following provisions as the governing principles of the partnership between them for the effective planning, coordination and implementation of the employment and training system, hereafter referred to as "the System."

Designations:

The Governor of the Commonwealth of Massachusetts designated the City of New Bedford as the Grant Recipient under Public Law 105-220. Notwithstanding that designation, nothing in this agreement shall preclude the City from acting as Grant Recipient for other funds, related to the purposes stated herein, provided that receipt of such funds shall be subject to written agreement and procedures between the Board and Mayor for accountability of such funds.

The Mayor shall appoint a Workforce Investment Board. Members of the Workforce Investment Board shall be selected in accordance with the procedures set forth in the Act.

Functions and Responsibilities:

A.) Joint Responsibilities:

The Board shall establish such policies as are necessary for the oversight of the System, subject to the approval of the Mayor.

Monitoring and evaluation of the success of programs funded under the various authorities of this agreement requires the sharing of information pursuant to the Act concerning the program performance, stability, and outcomes. The Mayor and the Board agree that such information shall be exchanged through reports, meetings, and other media; and that analyses of performance, fiscal soundness and other data shall be equally shared.

The Board and the Mayor shall jointly develop strategies that align with local and state workforce objectives to ensure the success of the employment and training system in meeting the goals stated in the Five Year Plan, and in the performance standards of various funded programs.

The Board, in partnership with the Mayor, shall conduct oversight with respect to local programs of youth activities authorized under Section 129, local employment and training activities authorized under Section 134, and the one stop delivery system in the local area.

The Executive Director of the Board and the Mayor or his designee shall meet together with such staff as they deem necessary, not less frequently than quarterly, for the purpose of reviewing system performance in terms of outcomes, placement rates, financial status, and other appropriate subjects. This review will include reports issued by and to the Division of Career Services (DCS) and Commonwealth Corporation and other Federal and State funding sources.

The Board, with agreement of the Mayor, shall designate or certify one-stop operators and may terminate or cease the eligibility of such operators. B.) Functions and Responsibilities of the Board:

Subject to the approval of the Mayor, the Board shall annually develop a budget that provides funds for Board staff and supports the workforce priorities for the region as outlined in the Five Year Plan. The employer of record for the WIB staff is the Greater New Bedford Workforce Investment Board, Inc. a nonprofit organization. The staff adheres to the personnel policies established by the GNBWIB. Hiring/termination authority with respect to WIB staffing rests with the Executive Director of the WIB. The Chair of the Executive Committee in consultation with the Executive Committee has hiring/termination authority for the Executive Director of the WIB.

Pursuant to the Act, the Board shall provide oversight of the employment and training system within the Greater New Bedford Workforce Investment Area. For purposes of this agreement, "oversight" shall mean reviewing, evaluating and monitoring the employment and training System.

With the advice and consent of the Mayor, the Board shall administer/oversee all WIA and related funds. The Greater New Bedford Workforce Investment Board is the Fiscal Agent for the Greater New Bedford Workforce Investment Area. New Directions Southcoast, Inc. is the agency designated as the lead operator of the Greater New Bedford Career Center and Wareham Career Center.

The GNBWIB, as the fiscal agent, will administer grants management, receipt of funds, procurement activities, and will maintain a contract administration system. Additionally, they will be responsible for the reporting requirements related to the receipt of all award funds.

The Board will be responsible for coordinating the development of the Five Year Plan as required by the Act.

The Board shall endeavor to obtain funds from additional sources for purposes consistent with its functions and responsibilities under this Agreement.

The Board shall establish standards and objectives relating to training, employment, and employment-related educational programs.

The Board shall review and approve state, federal and other grants falling within the purview of the Board.

The Board shall promote working partnerships between local business, industry and service employers in the private sector, and training, employment program deliverers, educational deliverers and other agencies as may be appropriate.

The Board shall establish performance measures consistent with the Act. The WIB Executive Director or his designee shall negotiate performance goals with the Commonwealth.

The Board shall keep accurate records of Board member appointments, including the name and address of the appointee, the effective date of appointment, expiration date of appointment, and category represented by the member (i.e. private sector, labor, etc.). The Board shall be responsible for ensuring that all new Board members sign a Conflict of Interest form and that such form is kept on file at the Board office. All appointments, whether of private sector, public sector or mandatory partners, are subject to the execution of a Conflict of Interest statement.

The Board shall be responsible for maintaining letters of nomination submitted by local business organizations and business trade organizations; regional or local educational agencies, institutions, or organizations representing such local entities; the Massachusetts Department of Education; local labor federations and other groups of organized labor; and other individuals and organizations.

The Board shall promptly notify the Mayor and appropriate oversight agencies, in writing, of any Board member resignations.

The Board shall advise the Mayor, in writing, at least 60 days prior to the expiration of a Board member's term of office. For private sector members, members of labor organizations and other categories of appointment requiring nominations, the Board shall also notify the appropriate nominating agencies, in writing, of the pending vacancy. The Board shall require the nominating agencies to forward to the Mayor at least two (2) nominations for each Board member whose term is expiring. Those two (2) nominations may include the Board member whose term is expiring.

The Board shall pay particular attention to the requirement that at least 51% of the Board be from the private sector and that organized labor, educational agencies, economic development agencies, and community based organizations be represented on the Board. The Board shall notify the Mayor immediately whenever any of these requirements are not being met.

The Board shall attempt to negotiate Memoranda of Understanding (MOU) with all Required Partners at the One-Stop Career Center. Once an MOU acceptable to the Mayor has been negotiated with a Required Partner, the Mayor shall appoint a representative of that Required Partner to the Board.

The Board, in consultation with the Mayor, shall maintain a Youth Council which includes at least four (4) voting members of the Board. The Youth Council shall be a subgroup of the Board.

The Board shall establish a diversity goal to the extent possible within the diversity of its population and the requirement that mandatory representatives to the Board be CEO's or optimum decision makers.

The Board shall establish a diversity goal that is reflective of the community in regards to demographics, geography, industry and business as determined by the most recent US Census and Labor Market Information from state and federal sources, and the requirement that mandatory representatives to the Board be CEO's or optimum decision makers. The Board shall, from time to time, forward lists of possible appointees to the

Mayor. These nominees shall reflect the diversity of the region and be reasonably representative of the entire geographic region and critical existing and / or emerging industries.

The Board shall maintain a current set of bylaws.

The Board shall maintain a tax exempt, non-profit corporate status (501(c)(3)).

The Board shall develop a fair and impartial review process which incorporates in its bylaws a conflict of interest statement in compliance with the Massachusetts conflict of interest laws (M.G.L. Chapter 268A and B). This statement will ensure that no Board member may participate in discussions or vote on proposals in which they have a financial or other interest as described in the statement.

The Board shall act in accordance with the Massachusetts Open Meeting Law and shall post all of its meetings, including meetings of the full Board as well as its committees and subcommittees. The Board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the Board, including information regarding the local plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants and contracts to eligible providers of youth activities, and on request, minutes of formal meetings of the Board. The Board shall procure goods and services in accordance with the requirements of the Workforce Investment Act of 1998 for all WIA funds. The Finance Committee will work in conjunction with the WIB as Fiscal Agent to see that all procurement policies are aligned with WIA. Additionally, the WIB will provide the checks and balances for oversight authority of Fiscal Activities through the Finance and Executive Committees of the full Board.

The Board, Board staff and any organization that directly provides staff to the Board will not directly provide services in the local workforce investment area. This includes core, intensive or training services or participation in the management or operations of the Greater New Bedford and Wareham One-Stop Career Centers.

The Board shall assist the Governor in developing the statewide employment statistics system described in the Wagner-Peyser Act.

Through Board membership and other means, the Board shall coordinate the workforce investment activities authorized under this subtitle and carried out in the local area with economic development strategies and develop other employer linkages with such activities.

The Board shall promote the participation of private sector employers in the statewide workforce investment system and ensure the effective provision, through the system, of connecting, brokering, and coaching activities, through intermediaries such as the one-stop operator in the local area or through other organizations, to assist such employers in meeting hiring needs. C.) Functions and Responsibilities of the City of New Bedford:

The Mayor shall serve as Grant Recipient and fiscally liable party for grant funds under Workforce Investment Act Title I Adult, Dislocated Worker and Youth Programs.

The Mayor has designated the Greater New Bedford Workforce Investment Board as Fiscal Agent to carry out responsibilities set forth in the Act and the Fiscal Agent shall serve at the pleasure of the Mayor.

The Mayor shall appoint the Board in accordance with Workforce Investment Board certification requirements.

The Mayor shall forward to the Board letters of nomination submitted by local business organizations and business trade organizations; regional or local educational agencies, institutions, or organizations representing such local entities; the Massachusetts Department of Education; local labor federations and other groups of organized labor; and other individuals and organizations.

The Mayor will make sure that he or a designee is available on a regular basis to meet with the Board's Executive Director and the Board Chairman to discuss matters of workforce development in the region. D.) Financial Arrangement: Funds will be provided from the Greater New Bedford Workforce Investment Area's annual allocation under WIA and other appropriate Federal and State sources to support the functions of the Board as specified in the Act and other pertinent regulations. The Board shall submit an Annual Business Plan and Budget to the Mayor no later than June 15th annually.

The GNBWIB as Fiscal Agent will review prospectively the entire WIA allocation. This review will determine specific programmatic and budget priorities for the Workforce Investment Area, as determined by the Board and detailed in the Five Year Plan. Any services funded through this process shall be held to all requirements and performance standards, including standards of cost and price reasonableness, specified by the Act and related Federal and State sources. E.) Modification or Termination of Agreement:

This Agreement may be modified from time to time by mutual written agreement of the Board and the Chief Elected Official. This Agreement shall remain in effect until terminated by either of the parties upon thirty (30) day written notice to the other party.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers, respectively. **Greater New Bedford Workforce Investment Board, Inc.** David DeJesus, Jr., Chair **Date:** 09/05/08 **City of New Bedford** Mayor Scott W. Lang, CEO **Date:** 09/08/08