

Resolution to Approve Extensions for Payrolling Contracts 2019

Background: At the December 2018 Board Meeting, the following fee-for-service contracts were approved for payrolling services for participant work experience and internal staffing for temporary staff:

- TES Staffing, for payrolling approximately 80 year-round youth and 230 summer youth per year; internal staffing for temporary youth staff; and as a secondary provider for all other payrolling services.
- RBA Staffing, for payrolling for 30 or more Adult, Dislocated Worker, National Dislocated Worker Grant, and Finger Lakes Hired Participants per year; internal staffing for adult staff; and as a secondary provider for all other payrolling services.
- Career Start, for payrolling for all Second Chance Monroe participants; and as a tertiary provider for all other payrolling services.

The term of all three contracts began on January 4, 2019 and will end on September 30, 2019. The contracts include up to three one-year renewal options.

All three contractors have performed satisfactorily.

Resolution: The Monroe County/Rochester Workforce Development Board approves the renewal of payrolling contracts with TES Staffing, RBA Staffing, and Career Start for the period beginning on October 1, 2019 and ending on September 30, 2020.

**Summary of Substantial Changes to
Monroe County/Rochester
Workforce Development Board**

WIOA Policy 201

RochesterWorks, Inc. Firewall and Internal Controls Policy

6/27/2019

II. Definitions

B. Chief Elected Official. *Added the following text to the definition:* means a) the chief elected executive officer of a unit of general local government in a local area; and b) in a case in which a local area includes more than 1 unit of general local government, the individuals designated under the [interlocal] agreement described in [WIOA] section 107©(1)(B).

C. Fiscal Agent. *Added the following text to the definition:* In order to assist in administration of the [WIOA] grant funds, the chief elected official...may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent.

III. Organizational Firewalls

E. Monitoring and Oversight. *Added the following text:* Each unit of the Central Operations Department, in turn, receives oversight from a standing committee of the Board.

Added the following subparagraphs:

1. Programmatic monitoring of all WIOA Adult and Dislocated Worker subrecipients is performed by Central Operations staff to the Board. The Workforce Innovation and Performance Committee oversees the monitoring activities of the Central Operations staff to the Board. Once each program year, Central Operations staff to the Board presents a report containing a summary of all WIOA Adult and Dislocated Worker programmatic monitoring findings (including the status of findings), areas of concern, and promising practices from the previous program year, broken down by subrecipient, to the Workforce Innovation and Performance Committee. The Committee will have the opportunity to ask questions about the report and make recommendations to Central Operations staff and/or the full Board. The report and resulting discussion will be documented in the Workforce Innovation and Performance Committee meeting minutes.

2. Programmatic monitoring of all WIOA Youth subrecipients is performed by Central Operations Youth staff to the Board. The Youth Committee oversees the monitoring activities of Central Operations Youth staff to the Board. Once each program year, Central Operations Youth staff to the Board presents a report containing a summary of all WIOA Youth programmatic monitoring findings (including the status of findings), areas of concern, and promising practices from the previous program year, broken down by subrecipient, to the Youth Committee. The Committee will have the opportunity to ask questions about the report and make recommendations to Central Operations Youth staff and/or the full Board. The report and resulting discussion will be documented in the Youth Committee meeting minutes.

3. Financial monitoring of all WIOA Adult, Dislocated Worker, and Youth subrecipients is performed by Central Operations Fiscal Agent staff. The Executive, Audit, and Finance Committee oversees the monitoring activities of the Central Operations Fiscal Agent staff. At least once each program year, Central Operations Fiscal Agent staff presents a report containing a summary of all Financial monitoring findings (including the status of findings), areas of concern, and promising practices from the previous program year, broken down by subrecipient, to the Executive, Audit, and Finance Committee. The Committee will have the opportunity to ask questions about the report and make recommendations to Central Operations Fiscal Agent staff and/or the full Board. The report and resulting discussion will be documented in the Executive, Audit, and Finance Committee meeting minutes.

G. Staff Reporting Relationships. *Revised the subparagraphs to read as follows:*

1. Central Operations Fiscal Agent Staff all report to the RWI Executive Director (who is also the Executive Director of the Board) either directly or through other Central Operations Fiscal Agent Staff. Functions carried out by Central Operations Fiscal Agent staff are Fiscal Agent functions. As such, they report to RWI, through the Executive Director.

2. Central Operations Staff to the Board all report to the RWI Executive Director (who is also the Executive Director of the Board) either directly or through other Central Operations Department Staff to the Board. Functions carried out by Central Operations Department staff are Board functions. As such, they report to the Board through the Executive Director.

3. Adult and Dislocated Worker Career Center staff all report to a Career Center Manager, either directly or through other Career Center staff.

4. Central Operations Youth Central Operations Department Staff to the Board all report to the Director of Youth System Services, who reports to the Executive Director. Functions carried out by Central Operations Department Youth Staff to the Board are Board functions. As such, they report to the Board through the Executive Director.

5. Youth Career Center staff all report to the Youth Career Center Services Manager. The Youth Career Center Services Manager reports to the Director of Youth System Services.

6. On the Adult and Dislocated Worker side, there are firewalls between the contracted One-Stop System Operator (not an RWI role), Central Operations Fiscal Agent staff, Central Operations staff to the Board, and the Career Center Managers.

7. On the Youth side, there are firewalls between the contracted One-Stop System Operator, Central Operations Fiscal Agent staff, Youth staff to the Board, and the youth program staff, including the Youth Career Center Manager and contracted Youth Navigators.

8. Firewalls guarantee separate reporting and monitoring relationships and separate functions. Functions are shared among roles only where explicitly defined in WIOA law, regulations, or operating guidance.

9. An organizational chart is included as Attachment A.

IV. Internal Controls. *Added the following paragraph:*

D. Board Oversight: RWI Central Operations monitoring staff reports the results of monitoring reviews to the Standing Committee(s) of the Board that is/are charged with oversight of the programmatic or financial area being monitored.

Added the following section:

V. The Executive Director

The Executive Director is executive director of both RWI and the Board. RWI's by-laws provide for the same individuals to hold the same offices with the same terms on both the RWI board and the Local Workforce Development Board. The Monroe County Executive is both the sole member of RWI and the WIOA grant recipient. Additionally, the meetings of the RWI board are held jointly with the meetings of the Executive, Audit, and Finance Committee of the Board. As such, the interests of RWI are the same as the interests of the Board. Therefore, in conducting his work, the Executive Director is reporting to both RWI and the Board.

The Executive Director is ultimately responsible and accountable for the functions described in Section III. When overseeing financial policy, administration, financial monitoring of subrecipients, and program services, he reports to RWI. When overseeing governance, program policy, coordination, and programmatic monitoring of subrecipients, he reports to the Board.

Time studies of the Executive Director's time use will be conducted periodically to the extent that it is necessary to allocate time and effort to separate cost objectives and/or calculate an indirect cost rate.

Attachment A: RWI Firewall Organizational Chart

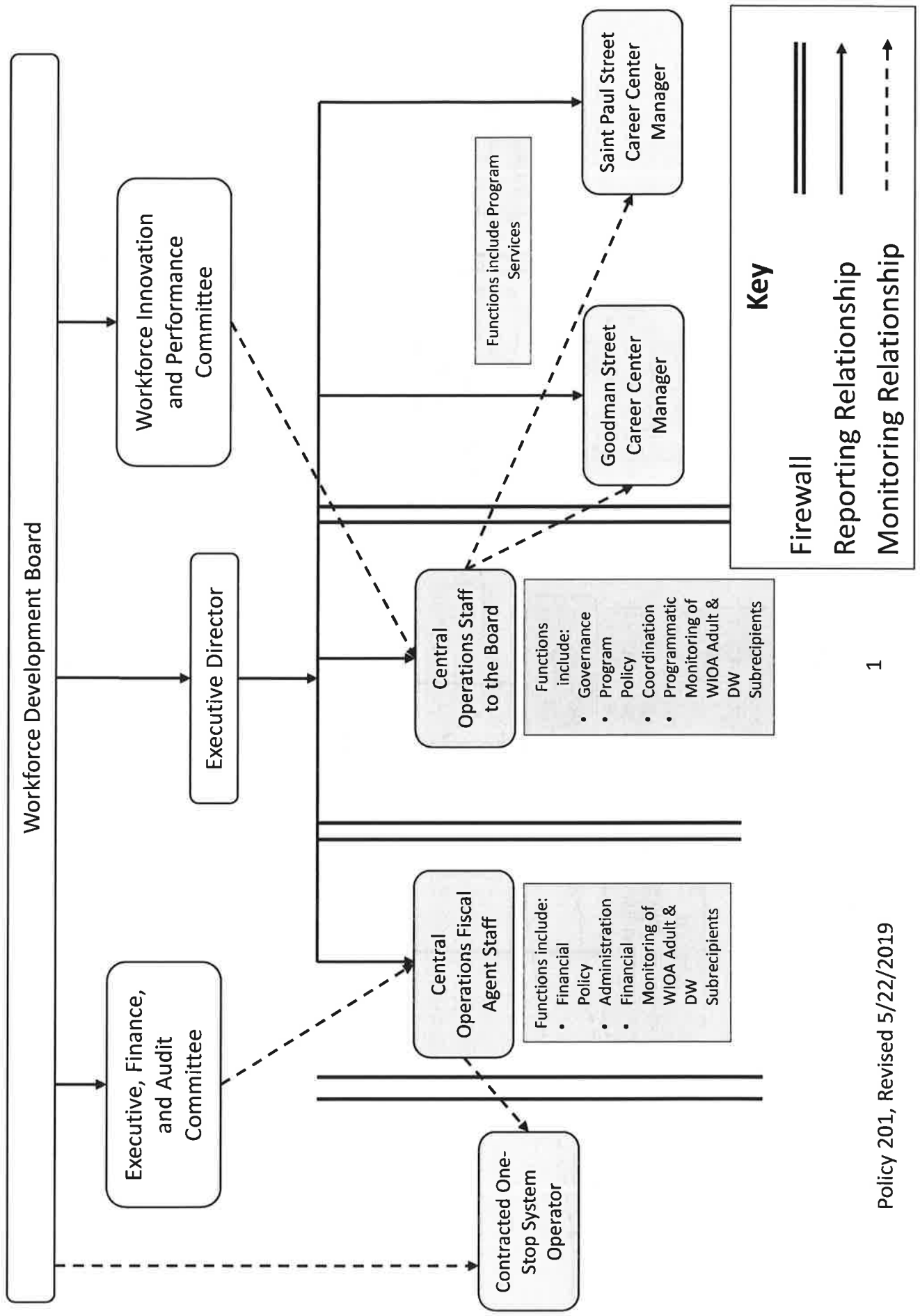
The following changes were made to the chart:

1. It was split into two separate pages, one depicting the Adult and Dislocated Worker programs, and one depicting the Youth programs.
2. Reporting and monitoring relationships with the Board and its standing committees were added to both pages.
3. A list of functions was added for Fiscal Agent staff, staff to the Board, and Career Center/Services managers.

The following attachment was added:

Attachment B: List of Functions of the Board and Fiscal Agent.

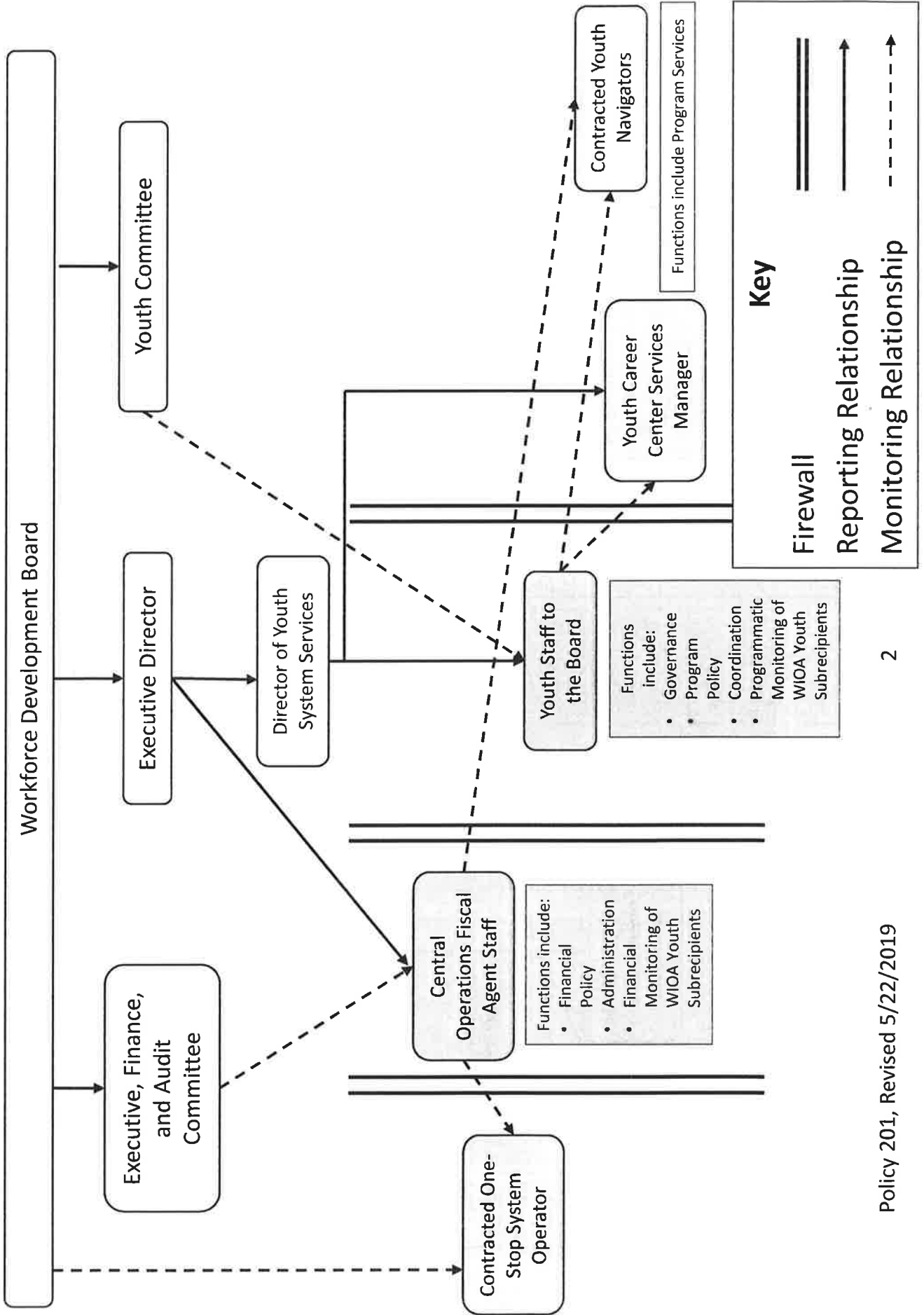
Attachment A: RWI Firewall Organizational Chart, Adult and Dislocated Worker Programs



Key

- ==== Firewall
- Reporting Relationship
- - - - Monitoring Relationship

Attachment A: RWI Firewall Organizational Chart, Youth Programs



Attachment B: List of Functions of the Board and Fiscal Agent

I. The following are the functions of the Monroe County/Rochester Workforce Development Board (The “Board”):

- (a) Develop and submit a 4-year local plan for the local area, in partnership with the chief elected officials and consistent with WIOA sec. 108;
- (b) Develop and submit a regional plan in collaboration with the Finger Lakes Works and GLOW Workforce Development Board;
- (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; and
 - (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, determines 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 Board and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the 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 policy-making or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the 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 postsecondary 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 job seekers, 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 job seekers, 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, 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 officials 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 the entire one-stop delivery system in the local area;
 - (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 indicators with the chief elected officials and the Governor;
- (k) Negotiate with CEO 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 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; however, if the Board determines there is an insufficient number of eligible training providers in the local area, the 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 WIOA 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 Board, with approval of the chief elected officials and consistent with the local plan and the duties of the 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. 12101 et seq.); and
- (q) Certification of one-stop centers in accordance with § 678.800.

II. The following are the functions of the Fiscal Agent:

- (a) Receive funds;
- (b) 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;
- (c) Respond to audit financial findings;
- (d) Maintain proper accounting records and adequate documentation;
- (e) Prepare financial reports;
- (f) Provide technical assistance to subrecipients regarding fiscal issues;
- (g) Procure contracts or obtain written agreements;
- (h) Conduct financial monitoring of service providers; and
- (i) Ensure independent audit of all employment and training programs.