

Attachment A

Local Elected Officials Agreement

**COUNTY OF BERKELEY
COUNTY OF GRANT
COUNTY OF HAMPSHIRE
COUNTY OF HARDY
COUNTY OF MINERAL
COUNTY OF MORGAN
COUNTY OF PENDLETON
CITY OF MARTINSBURG**

**AN AGREEMENT ESTABLISHING THE REGION VII WORKFORCE INVESTMENT
AREA
LOCAL ELECTED OFFICIAL BOARD**

I. PURPOSE OF AGREEMENT

1. The undersigned parties hereby establish the Region VII Workforce Investment Board of Local Elected Officials (hereinafter known as the "LEO Board") for the purpose of consolidating, coordinating, and improving workforce investment programs pursuant to the provisions of the Workforce Investment Act of 1998 (hereinafter known as "the Act"), and the federal regulations as issued by the U.S. Secretary of Labor for the implementation of the Act (hereinafter known as the "Regulations").

II. MEMBERSHIP

1. The LEO Board shall be composed of certain elected officials representing the following independent political jurisdictions in the State of West Virginia.

County of Berkeley
County of Grant
County of Hampshire
County of Hardy
County of Mineral
County of Morgan
County of Pendleton
City of Martinsburg

2. By their signatures, the local elected officials ("LEOs") of these eight (8) jurisdictions (i.e., county commissioners and mayor) endorse the objectives and accept the terms and conditions of this agreement.

3. There shall be an LEO Board consisting of one (1) commissioner from each of the seven (7) member counties represented on the Board, and the Mayor of Martinsburg or an appointed elected official from his council to represent him. The LEO Board shall serve as the oversight board for the Region VII Workforce Investment Board (WIB) and is ultimately responsible for the service delivery network within the region as well as responsible and accountable for all WIA allocated funding.

III. MEMBERSHIP AND VOTING

1. All parties agree that it is in the best interest of the LEO Board and the member jurisdictions to have a sharing of interests and representation on the LEO Board. Therefore, the parties agree that all LEO Board members are expected to attend meetings of the LEO Board.
2. A Chairperson of the LEO Board shall be elected to serve for a two-year term. A Vice Chairperson shall be elected to serve a two-year term, and shall serve as Chairperson in the Chairperson's absence at any scheduled meeting of the Board. A Treasurer shall be elected to a two-year term and shall carry out the record keeping functions of the Board, and shall serve as Chairperson in the event of absence of the Chairperson and Vice Chairperson at any scheduled meeting of the LEO Board. All such officers of the Board shall be elected by majority vote of the LEO Board members present and voting, first, at the organizational meeting of the Board and thereafter, at the meeting next preceding the end of such officers' terms of office. The elected Chairperson shall be empowered to sign all legal documents on behalf of the LEO Board. The annual meeting of the LEO Board shall be during the month of June each year, unless specified otherwise at an official LEO meeting.
3. No two officers of the LEO Board shall be representatives of the same member jurisdiction.
4. The number and schedule of meetings of the LEO Board shall be a minimum of six times per calendar year and shall be held at a location specified by the Chairperson or acting Chairperson. Minutes of each meeting will be maintained by the WIB local staff with a copy of each meeting minutes provided to each LEO.
5. All decisions of the Board shall be by majority vote. A quorum shall consist of five members, their designees or proxies. Amendments to this Agreement and/or the By-Laws shall require a two-thirds (2/3) favorable vote of the membership of the LEO Board.

IV. AREA AND POPULATION TO BE SERVED

- I. The workforce investment area to be served by the LEO Board shall be the area encompassed by the geographical boundaries of the member jurisdictions. This area includes the population areas contained in the counties of Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton.

V. POWERS, FUNCTIONS, AND RESPONSIBILITIES OF THE LEO BOARD

1. The purpose of the LEO Board shall be to exercise the powers, functions, and responsibilities vested in the LEO Board by the Workforce Investment Act (WIA) and this Agreement for planning and oversight of programs and services for which funds are provided through the Act.
2. The LEO Board's powers shall include, but are not necessarily limited to, the following:

Appointment and re-appointment of members of the LWIB from individuals nominated or recommended to or by the LEOs. The LEO Board shall seek to appoint such members so that the ultimate composition of the membership shall, as nearly as possible, be an accurate reflection of the industrial, business, and demographic composition of the local

labor market of the LWIB. Appointment of members to the LWIB will be in accordance with the ACT that requires nominations to come from industry and business in the local workforce area. Such nominations must be signed by the designated Local Elected Official or Mayor and will be received no later than ten (10) days prior to a regularly scheduled Workforce Investment Board meeting. The nominations will be reviewed by the LEO Board and appointed by a majority vote of the LEO Board at a regularly scheduled meeting or by other acceptable meetings (i.e. conference call, mail voting, etc). Once appointed by a majority of the LEO Board, a letter from the Chief Local Elected Official will be sent to the new member welcoming such member to the LWIB. Revocation of a LWIB member will be considered by the LEO Board once a member has been identified as not conforming to LEO and or LWIB accepted standards in representing the workforce investment interests of the LEOs and the LWIB. A LWIB member or members, the LWIB, an LEO or group of LEOs can identify inappropriate actions of any LWIB member. However identified, the removal process of any LWIB member will rest upon the LEO Board. A committee of the LEO Board, consisting of five members will convene to determine the member's continuance on the LWIB. The five members of the LEO Committee shall consist of the Chief LEO, Vice-Chief LEO, Secretary, the LEO representing the county the LWIB member is from, and one at-large LEO. Removal from the LWIB shall be based upon a majority vote (3 members) of the Committee. Should the decision dictate, a revocation letter will be drafted and signed by the Chief LEO describing the action taken by the LEO Committee. This process does not apply to the normal "rotation" of a LWIB member, which will expire, unless renewed by the LEO Board, every two years (LWIB members are appointed for two year terms unless extended, in writing, by the LEO Board).

- A. In partnership with the LWIB, development and submission of all plans, subsequent modifications and funding requests to the Governor of West Virginia and/or other organizations.
- B. In agreement with the LWIB, designation or certification of WORKFORCE WV Career Centers consistent with criteria established by the Act and termination of such designation or certification, as required.
- C. In partnership with the LWIB, conduct oversight with respect to local programs of youth, adult, dislocated worker, and displaced homemaker activities authorized under the Act.
- D. In partnership with LWIB, negotiation of an agreement with The Governor's Workforce Investment Division (GWIID) on behalf of the Governor with respect to local performance measures.
- E. In cooperation with the LWIB, appointment of a Youth Council (as defined in the Act or Regulations) as a sub-group of the LWIB responsible for recommendations to the LWIB concerning youth programs and issues.
- F. Approval of the budget developed by the LWIB.
- G. Establishment of by-laws for operation and governance of the LWIB.

- H. In partnership with LWIB, solicitation of support and comment from the general public in providing comprehensive workforce investment programs
- I. The LEO Board may approve or disapprove the decisions of the LWIB and may remand such decisions back to the LWIB for further consideration.
- J. The LEO Board shall be the recipient of all funding for workforce investment programs as allocated by the US Department of Labor (DOL) and shall have full authority, responsibility and liability for the disbursement of such funds and oversight of all workforce investment programs.
- K. Employ LEO Board staff and/or utilize other options for carrying out the authority and responsibility set forth in this Agreement for purposes of assisting the LEO Board in gathering financial and other data with respect to the operation of the LWIB and its programs.
- L. Delegation of such functions and responsibilities to agencies, subcommittees, or individuals as the LEO Board deems appropriate for executive administration. The LEO Board reserves unto itself all powers not expressly delegated. Any such delegation of power or authority by the LEO Board shall not relieve the LEO Board of its ultimate responsibility for use of all funds under its purview. The LEO Board shall, in all cases, have the right to review, evaluate, and make determinations with regard to any plan, proposal, or request for funding formulated for submission by the LWIB.
- M. Such other functions as the LEO Board may deem appropriate for the exercise of the Board's powers and in the discharge of its duties and responsibilities under the Act and the Regulations.

VI. LOCAL WORKFORCE INVESTMENT BOARD (REGION VII)

1. The undersigned parties hereby establish the LWIB for the purpose of consolidating, coordinating, and improving workforce investment programs pursuant to the provisions of the Act and the Regulations. The LWIB shall exercise the powers, functions, and responsibilities vested in the LWIB by this Agreement and the Act, and for all other related programs and services for which funds may otherwise be made available to the LWIB, as well as for all other workforce investment programs provided through WORKFORCE WV Career Centers.

2. Purpose of the LWIB:

A. To be responsible for development of policy, goals, objectives, and overall direction of activities under Title I of the Act within the area encompassed by the member jurisdictions

B. To increase the business community's involvement in the workforce investment programs operated within the Region VII workforce investment area represented by the LEO Board.

C. To improve investment opportunities for job seekers, workers and businesses within the Region VII workforce investment area represented by the LEO Board.

1. Membership

A. The membership of the LWIB shall be:

1. The LWIB shall consist of as many members as is necessary to comply with the provisions of the Act.
2. The LWIB shall be composed of at least 51% private business and industry representatives. The remaining members shall include at least one representative from a local educational entity, at least one from a economic development agency, at least one from organized labor, at least one from a community based organization, one representative from the management of each investment partner mandated by the Act, and such other representatives as the LEO Board deems necessary and appropriate.
3. LWIB members' terms shall be staggered so that no more than one-third shall be due for appointment or reappointment at any one time. Appointment shall be for two year terms except for appointment to initial membership, which because of the need to stagger will require that 1/3 of those appointed shall serve for one year initial terms, 1/3 shall serve for two year initial terms, and 1/3 for three year initial terms. The LEO Board shall fill vacancies resulting in un-expired terms for a new term.
4. A Chairperson of the LWIB shall be elected from among the members representing the private sector to serve a one-year term. A Vice-Chairperson shall be elected from the business membership and will act in the absence of the Chairperson. A Secretary shall be elected to serve a one-year term and shall serve as Chairperson in the absence of the Chairperson and Vice-Chairperson. All officers shall be elected by a majority vote of the members present and voting during the LWIB annual meeting. The elected Chairperson shall be empowered to sign all legal documents on behalf of the LWIB.

2. Powers, Functions and Responsibilities

A. The LWIB's powers shall include, but are not necessarily limited to, the following:

1. Initiate, develop, and implement all service delivery policies and policy actions.
2. In partnership with the LEO Board, development and submission of all plans, subsequent modifications and funding requests to the Governor /or other organizations.
3. In agreement with the LEO Board, designation or certification of WORKFORCE WV Career Centers and termination of such designation or certification, as required.

4. Identification of eligible providers of youth activities by award of grants or contracts on a competitive basis based upon the recommendation of the Youth Council.
5. Identification of eligible providers of training services for adults and dislocated workers.
6. Submission of a budget to the LEO Board, conduct oversight with respect to local programs of youth, adult and dislocated worker activities authorized under the Act.
7. In partnership with LEO Board, conduct oversight with respect to local programs of youth, adult, dislocated worker, and displaced homemaker activities authorized under the Act.
8. In partnership with the LEO Board, negotiate an agreement with GWIO on behalf of the Governor, with respect to local performance measures.
9. Coordination of workforce investment activities authorized under the Act with local economic development strategies and the development of other employer linkages with those activities.
10. Promotion of participation of private sector employers in the statewide workforce investment system; insure private sector participation through the connecting, brokering, and coaching activities, through intermediaries such as the WORKFORCE WV Career Center or through other organizations, all for the purpose of assisting employers in meeting their employment needs.
11. Negotiation of an agreement between the LWIB and the LEO Board clearly detailing the partnership between the LEO Board and LWIB for the governance and oversight of activities under the Act.
12. In cooperation with the LEO Board, appointment of a Youth Council as a subgroup of the LWIB. The Youth Council shall be responsible for making recommendations to the LWIB concerning youth programs and issues.
13. Solicitation of grants and funding from sources other than federal funds made available under the Act.
14. Establishment of By-Laws for the operation and governance, in conformity to this Agreement, of the LWIB.
15. In partnership with the LEO Board, solicitation of support and comment from the general public in providing comprehensive workforce investment programs.
17. Promoting good public relations for the entire workforce investment system.

18. In conjunction with the LEO board, development of a non-financial agreement which will further define the relationship and organizational structure under which the LEO Board and LWIB shall mutually function.
19. Delegation of such functions and responsibilities to agencies, subcommittees, or individuals as the LWIB deems appropriate for executive administration. All powers not expressly delegated are reserved by the LWIB in accordance with the Act or as otherwise agreed to in the LEO/WIB Agreement.
20. Such other functions as the LEO Board may assign or as deemed appropriate by joint decision of the LEO Board and LWIB.

V. **MUTUALLY AGREED UPON THAT:**

1. The cities and counties signatory to this Agreement, to the extent consistent with the state and local laws of West Virginia and the language contained herein, do certify that they intend to and do hereby delegate to the LEO Board the full responsibility and total management of all workforce investment programs and activities pursuant to the Act and its Regulations.

- A. The cities and counties signatory to this agreement, to the extent consistent with the state or local laws of the State of West Virginia and the language contained herein, agree that each city or county will be responsible for any disallowed costs or liabilities that can be specifically traced to the operation or administration of its portion of the LWIB's programs. Disallowed costs or liabilities that are traced to a specific city, county or counties shall be the responsibility of such city, county or counties, with the exception of Jefferson County. These costs will be shared among all cities and counties on an equitable basis. Disallowed costs or liabilities that cannot be traced to any specific city, county or counties will be shared among all cities and counties based on the relative share each city or county received of all the monies distributed to the cities and counties under the funding source or sources under which the disallowance occurred. The cities and counties signatory to this agreement agree that the LEO Board shall secure public liability insurance for the LEO Board members, LEOs serving as LWIB members, LWIB Board Directors, LWIB staff, and representatives of these groups. WIA funds will be used to cover this expenditure.
- A. The cities and counties signatory to this Agreement agree that in the event a liability results from a sub-contractual agreement with another party, all methods for pursuing collection of the disallowed costs will be exhausted. In accordance with the Act, assistance from the United States Secretary of Labor will be requested for any debt collection. In no event will liabilities incurred through workforce investment activities undertaken by any member or members of the LEO Board prior to LEO Board formation be assumed by the LEO Board
- B. We the undersigned Local Elected Officials agree on the terms contained in this Agreement that will become effective on February 18, 2009 and remain in effect until cancelled in writing, or modified in writing by a majority of the Local Elected Officials.

BOARD AGREEMENT SIGNATURE SHEET

By signature of the below County Commissioners and the Mayor of the City of Martinsburg, who by the Workforce Investment Act of 1998 are duly appointed to the Region VII Workforce Investment Area Local Elected Official (LEO) Board, hereby certify they possess full legal authority, as provided by State and Local statutes, to enter into this Agreement, and to participate in the Region VII Local Elected Official Board. This agreement will remain in effect until rescinded in writing by the LEO Board.

BY: Anthony Petrucci 6/9/10
Anthony Petrucci
Berkeley County Commissioner Date

BY: Jim Wilson 7/13/2010
Jim Wilson
Grant County Commissioner Date

BY: A.J. Wade 6-9-10
A.J. Wade
Hardy County Commissioner Date

BY: Robert Hott 6/9/10
Robert Hott
Hampshire County Commissioner Date

BY: Janice LaRue
Janice LaRue
Mineral County Commissioner Date

BY: Brenda Hutchinson 7/16/10
Brenda Hutchinson
Morgan County Commissioner Date

BY: Judy Hott 06/09/10
Judy Hott
Pendleton County Commissioner Date

BY: George Karos 7-21-10
George Karos
Mayor, City of Martinsburg Date

BY: Frances B. Morgan
Frances Morgan
Jefferson County Commission

ADDENDUM

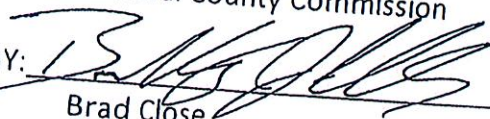
To

BOARD AGREEMENT SIGNATURE SHEET

For New Local Elected Official's effective January 2011 until modified or cancelled in writing.

BY:  3/23/11
Doug Swick
Grant County Commission
Date

BY:  4/1/11
Richard Lechlitter
Mineral County Commission
Date

BY:  4/6/11
Brad Close
Morgan County Commission
Date

ADDENDUM

TO

BOARD AGREEMENT SIGNATURE SHEET

For New Local Elected Official's effective January 2013 until modified or cancelled
in writing.

BY: Lyn Widmyer 4/8/13
Lyn Widmyer Date
Jefferson County Commission

BY: Jerry Whisner 4/12/13
Jerry Whisner Date
Mineral County Commission

BY: Randy Roberson 4/14/13
Randy Roberson Date
Pendleton County Commission

Attachment B

**Memorandum of Agreement between Local
Elected Officials & the Region VII Workforce
Investment Board**

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
THE REGION VII LOCAL ELECTED OFFICIALS
AND
THE REGION VII WORKFORCE INVESTMENT BOARD**

WHEREAS, the Workforce Investment Act of 1998 herein after referred to as “WIA” and Executive Order 1699, issued by the Governor of West Virginia on December 28, 1999 have created a new system for the delivery of workforce training needs at the local level; and

WHEREAS, pursuant to Section 166 of the WIA, the Governor of West Virginia has created seven workforce investment regions within the State of West Virginia; Region VII consisting of Berkeley, Hampshire, Hardy, Grant, Jefferson, Mineral, Morgan, and Pendleton Counties; and

WHEREAS, the local elected officials board herein after referred to as the “LEO Board,” comprising one county commissioner from each of the above named counties, excluding Jefferson, and the mayor of the City of Martinsburg has been appointed as the governing Board for WIA activities within the Region pursuant to Section 1 17©(1)(B)(I) of WIA; and

WHEREAS, the LEO Board has organized and established the Region VII Workforce Investment Board herein after referred to as the “WIB,” based on the requirements of Section 117(2) of the WIA; and

NOW, THEREFORE, be it agreed that the following responsibilities will be assumed by the identified party:

In accordance with Section 117 of the WIA, the WIB shall be responsible for:

Developing the local workforce investment plan consistent with Section 118 of the WIA in partnership with the LEO Board, through its lead representative; will be asked for input on the plan’s critical policy direction during the development process and will sign the final plan before submission to the Governor’s Workforce Investment Division; and

Contracting for the services of an administrative entity that will provide a Director for the WIB. The WIB may have a representative participate in the interview/selection process for the Director’s position. The WIB will rely on the administrative entity’s procurement and contract policies for expenditure of WIA funds in accordance with prior approval by the WIB and/or LEO; and

The WIB will provide policy direction to the WIB Director. The WIB Director will supervise any staff assigned by the administrative entity to provide WIB support. The WIB Director will, acting for the WIB, provide administrative support to the LEO board and will provide the LEO board with program and policy updates as needed or at regularly scheduled LEO board meetings. Employment of WIB funded staff, including the WIB Director, by the administrative entity will be governed by the administrative entity’s personnel policy; and

The WIB will periodically conduct an evaluation of its administrative entity for the purpose of identifying best practices and issues requiring improvement; and

The WIB through the LEO lead representative will provide the LEO board an opportunity to participate in the evaluation. If the WIB assigns the responsibility for evaluation to a committee, the WIB will strive to assure that committee members have no significant financial interest in contracts issued by the

board. Evaluation of the WIB Director will be governed by the agreement between the WIB and the administrative entity, and also by the agreement of the LEOs and fiscal agent; and

Designating or certifying one-stop operators consistent with Section 121(d) of the WIA and may terminate for just cause the eligibility of such operators with the agreement of the LEO Board. The LEO Board, through its lead representative, will be consulted on One-Stop designation issues prior to implementation and will be signatory to any changes in operators; and

Identifying eligible providers of youth activities consistent with Section 123 of the WIA by awarding grants or contracts on a competitive basis based on recommendations of the youth council; and

Identifying eligible providers of training services described in Section 134(d)(4) of the WIA consistent with Section 122 of the WIA; and

Identifying eligible providers of intensive services described in Section 134(d)(3) of the WIA by awarding contracts if the intensive services are not provided by the Title I provider designated by the WIB; and

Developing a budget for the purpose of carrying out the duties of the WIB under Section 117 of the WIA, subject to approval of the LEO Board. The LEO Board will approve the budget as part of the local approval process at the beginning of each program year. Any changes to the WIB budget of 10% or more will be approved by the LEO Board and any change between any line item categories in the WIB budget of 20% or more will be subject to LEO Board approval. Approval will be made by signature of the LEO Board lead representative. The WIB Board, through its lead representative, will be consulted and will sign off on any procurement instrument selections for \$5,000.01 and \$49,999.99; and

Conducting oversight, in partnership with the LEO Board, with respect to local programs of youth activities authorized under Section 129 of the WIA, local employment and training activities authorized under Section 134 of the WIA, and the One-Stop delivery system. LEO Board oversight will be carried out by review of reports submitted by the WIB; and

Reaching agreement on local performance measures as described in Section 136 of the WIA, in partnership with the LEO Board. The LEO Board lead representative will be signatory to performance measure agreement documentation, with the Governor; and

Assisting the governor in developing the statewide employment statistics system (MACC) described in Section 15(e) of the Wagner-Peyser Act; and

Coordinating the workforce investment activities in the Region with economic development strategies and developing other employer linkages with such activities; and

Promoting the participation of private sector employers in the statewide workforce investment system and ensuring the effective provision, through the system, of connecting, brokering, and coaching activities, through intermediaries such as the One-Stop operators in the local area or through other organizations, to assist employers in meeting hiring needs; and

Appointing a youth council, in cooperation with the LEO Board, in accordance with Section 117(h) of the WIA; and

The WIB will require the Management Consortia of each One-Stop to enter into Memorandums of Understanding with all mandated and optional partners per the guidance contained in the Workforce Investment Act of 1998 and the Policies and Procedures published by the WIB and WORKFORCE WV;

and

Soliciting comments from the general public, including business and organized labor representatives, on the local plan; and

Delegating such functions and responsibilities to agencies, subcommittees or individuals as the WIB deems appropriate for administration and execution of its duties; and

Ten days before the date of scheduled board consideration, the WIB staff shall provide board members with copies of contracts and agreements requiring board action; and

Complying with the provisions of the Sunshine Law as described in Section 117(e) of the WIA and the West Virginia Open Governmental Proceedings Act; and

Complying with the conflict of interest provisions as described in Section 117(g) of the WIA and the West Virginia Governmental Ethics Act; and

The WIB will be responsible for approving or disapproving all contracts costing between \$5,000.01 and \$49,999.99.

In accordance with Section 117 of the WIA the LEO Board shall be responsible for:

Appointing and re-appointing members of the WIB through a consensus vote from the LEO Board as described in Section 117(b)(2) of the WIA; and

Meeting with the WIB Executive Committee semi-annually to discuss areas of mutual concern; and

Serving as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under Sections 128 and 133 of the WIA; and

Designating an entity to serve as the fiscal agent responsible for disbursement of WIA funds for workforce investment activities at the direction of the local board and in compliance with all applicable local, state and federal laws and regulations; and

Appointing an ex-officio voting member to the WIB Executive Board; and

Complying with the provisions of the Sunshine Law as described in Section 117(e) of the WIA and the West Virginia Open Governmental Proceedings Act; and

Complying with the conflict of interest provisions as described in Section 117(g) of the WIA and the West Virginia Governmental Ethics Act.

Be directly involved in WIB Staff hiring, evaluation, and supervision with the WIB; and

Approve or disapprove WIB contracts exceeding \$50,000.00; and

Act as a liaison for the WIB when issues arise where the WIB is at an impasse with personnel or agencies thus preventing the WIB from executing its duties to serve the citizens of the Region VII area.

BE IT FURTHER AGREED that the term of the MOU shall be for a period of one year, beginning on 07/01/2014, and extending to 06/30/2015. This agreement may be terminated, by either party, upon a thirty-day written notification by the party electing termination. This agreement may be extended or

renewed by mutual agreement of both parties; and

This MOU may be amended at any time based on mutual agreement of both parties; and

The WIB and the LEO Board prohibit discrimination and provide assurances of compliance with Section 188 of the WIA and the Americans with Disabilities Act; and

The WIB and the LEO Board assure that all materials which are ordinarily distributed to the public describing programs under the WIA must certify equal opportunity access; and

The WIB and the LEO Board assure that no funds received under WIA will be used to assist, promote or deter union organizing; and

The WIB and LEO Board assure that all confidentiality and disclosure mandates will be applied and enforced.

The LEO's and WIB certify:

Compliance with Title IV of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; and Title IX of the Education Amendments Act of 1972.

Compliance with Title II, Subtitle A of the Americans with Disabilities Act of 1990.

Compliance/Certification Regarding Drug-Free Workplace Requirements (29 CFR Subtitle A, Appendix C to Part 98).

Compliance/Certification Regarding Debarment and Suspension (29 CFR Subtitle A, Appendix A to Part 98).

Compliance/Certification Regarding Lobbying (29 CFR Subtitle A, Appendix A to Part 93).

Approved: Local Elected Official Board (LEO Board)

By: _____

Printed Name: Bradley Close .

Title: Chief Local Elected Official

Date: _____

Approved: Region VII Workforce Investment Board (WIB)

By: _____

Printed Name: Ted Bostic

Title: Chairperson

Date: _____

ADMINISTRATIVE ASSURANCES
Title 1 of the Workforce Investment Act of 1998

Any application for use of Title 1 funds under the Workforce Investment Act (WIA) or Local Plan for the use of Title 1 WIA funds must include authorized signature(s) acknowledging acceptance of the following assurances:

1. Recipients of WIA funds will maintain sound Fiscal Control and Fund Accounting Procedures to ensure the proper disbursement of, and accounting for, funds through the allotments made under WIA.
2. Adherence to Section 188 of the Workforce Investment Act which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activity. By assuring adherence to Section 188 of WIA, also assures acceptance to **Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972.**
3. Adherence to **Title 11, subtitle A of the American with Disabilities Act of 1990** which prohibits the exclusion, on the basis of disability, from participation in or denial of the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.
4. **Certification Regarding Drug-Free Workplace Requirements (29 CFR subtitle A, Appendix C to part 98):** WIA funded grantees certify that it will provide a drug-free workplace by notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions taken against employees for violation of such prohibition. Grantees certify that it will make a good faith effort to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) of 28 CFR subtitle A, Appendix C to part 98.
5. **Certification Regarding Disbarment and Suspension (29 CFR subtitle A, Appendix A to part 98):** WIA funded Grantees certify to the best of its knowledge that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency. (a) Have not within a three-year period preceding this period been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, or attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction; (b) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with the commission of any fraud or criminal offences in obtaining or attempting to obtain, or performing a public

transaction under a public contract. (c) Have not within three years preceding this period had one or more public transactions (Federal, State, or Local) terminated for cause or default.

- 6 **Certification Regarding Lobbying (29 CFE subtitle A, Appendix A to Part 93):** WIA funded grantees certify to the best of its knowledge that no Federal funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency; a Member of Congress; and officer or employee of Congress; or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, loan, cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant loan, or cooperative agreement.



T.J. VanMeter, Executive Director Region VII WIB

4-14-14
Date

Agency Head or Designee

Date

Attachment C

Statement of Work between
Eastern WV Community Action Agency &
the Region VII Workforce Investment Board

STATEMENT OF WORK
Between the
Eastern West Virginia Community Action Agency
And the
REGION VII WORKFORCE INVESTMENT BOARD

This contract for Workforce Investment Act of 1998 Administrative and Fiscal services is made and entered into by and between Eastern West Virginia Community Action Agency (EWVCAA) and the Region VII Workforce Investment Board (WIB). Services identified herein or by reference made herein will commence July 1, 2014 and end June 30, 2015.

Fiscal Management. The WIB will ensure the future fiscal entity is familiar with the federal government's requirements for financial management. The use of a double entry electronic accounting system to maintain financial information on a fund basis will be required. The financial management system must provide the following:

- Accurate, current, and complete disclosure of financial results;
- Records that adequately identify these sources and application of grant funds;
- Effective control over and accountability for all funds, property, and other assets;
- Comparison of actual outlays with amounts budgeted for the grants;
- Procedures to minimize the time elapsing between transfer of funds from the U.S. Treasury and the disbursement;
- Procedures for determining reasonableness and allowable costs;
- Accounting records that are supported by source documentation; and
- A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

The fiscal entity will be required to maintain a cash receipts journal, a cash disbursement journal, and a general ledger. These will meet standards established for federal programs. The fiscal entity will keep these records separate from its own financial management system. The fiscal entity will support these records with appropriate source documentation such as invoices and timesheets.

The fiscal entity will provide the WIB with data to allow a comparison of budgeted and actual costs. The fiscal staff will use federal cost principles to determine the reasonableness, allowable costs, and allocation of costs.

The fiscal entity on behalf of the WIB will maintain an inventory of property acquired with WIA funds costing \$5,000 or more. The inventory will include a description of the property, the property's location, its acquisition cost and date, the source of funds used for acquisition, and final disposition. The fiscal entity will tag all property with a permanent tag that bears a unique

serial number. This serial number will be recorded as a part of the inventory system. The tag will indicate the property belongs to the Region VII WIB and was acquired with WIA funds. The fiscal entity will update the inventory as significant property is obtained and EWVCAA will perform at least an annual reconciliation of records.

The WIB will have its financial management records audited annually as required by applicable OMB Circulars to determine compliance with federal requirements.

WHEREAS; the United States Congress has established the Workforce Investment Act of 1998 (WIA), and charged the State of West Virginia with the establishment of Workforce Investment Board (WIB) to oversee the operation of the WIA in seven (7) regions throughout the State as determined by the Governor; and

WHEREAS; the Governor has designated the counties of Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton to be included in the service delivery area referred to as the Region VII Workforce Investment Board; and

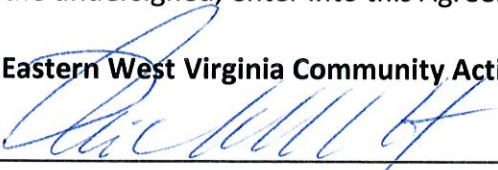
WHEREAS; Local Elected Officials (LEO) and the Region VII Workforce Investment Board (WIB) selected Eastern West Virginia Community Action Agency as their fiscal and administrative entity; identifying services to be performed by EWVCAA in a Proposal to Provide Services dated March 21, 2014; and

WHEREAS; the Region VII WIB, on March 27, 2014, agreed that WIA administrative and fiscal services will be provided by EWVCAA as identified in the original Proposal to Provide Services dated March 21, 2014 at a cost of \$76,950.00; and

Either party, upon receipt of sixty (60) days written notice from the other party, can rescind this agreement.

We the undersigned, enter into this Agreement on July 1, 2014.

For Eastern West Virginia Community Action Agency



Richard Smith

Executive Director

For the Region VII Workforce Investment Board

Ted Bostic

WIB Chairperson

Bradley J. Close

WIB Chief Local Elected Official

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

Applicant Organization: Eastern West Virginia Community Action Agency, Inc.

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' Responsibilities.

The regulations were published as part VII of the May 26, 1988 Federal Register (Pages 19160-19211).

(1) The prospective primary participant, (i.e., grantee) certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of, or had a civil judgement rendered against them for commission of fraud of a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or Local) with commission of the offenses enumerated in paragraph (1) (b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or Local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this contract package.

Richard C. Smith [Signature] 9/14/14
Name of Certifying Official Signature Date

CERTIFICATION REGARDING LOBBYING

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instruction.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Eastern West Virginia Community Action Agency
Applicant Organization

Richard C. Smith
Typed Name of Certifying Official

[Signature]
Signature

4/14/14
Date Submitted

**CERTIFICATION REGARDING DRUG-FREE
WORKPLACE REQUIREMENTS**

- A. The contractor certifies that it will or will continue to provide a drug-free workplace by:
1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 2. Establishing an on-going drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement in paragraph A.1 above;
 4. Notifying the employee in the statement required by paragraph A.1 that, as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction;
 5. Notifying the agency in writing, within ten (10) calendar days after receiving notice under subparagraph 4.b from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose contract activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number (s) of each affected grant.
 6. Taking one of the following actions, within thirty (30) calendar days of receiving notice under subparagraph 4.b, with respect to any employee who is convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a Federal, State, or local health, law enforcement, or other appropriate agency.
 7. Making good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5, and 6.

Eastern West Virginia Community Action Agency
Applicant Organization

Richard C. Smith
Typed Name of Certifying Official

4/14/14
Date

[Signature]
Signature

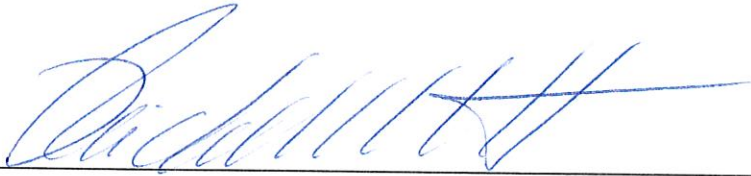
EQUAL OPPORTUNITY NON-DISCRIMINATION NOTICE

Eastern West Virginia Community Action Agency (name of agency), as a recipient of WIA funds, shall provide initial and continuing notice that it does not discriminate on any prohibited ground, to: applicants, eligible applicants, participants, applicants for employment, employees, and members of the public, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient.

ASSURANCE

As a condition to the award of financial assistance under WIA from the Department of Labor, the grant applicant assures, with respect to operation of the WIA-funded program or activity and all agreements or arrangements to carry out the WIA-funded program or activity, that it will comply fully with the nondiscrimination and equal opportunity provisions of the Workforce Investment Act; the Nontraditional Employment for Women Act of 1991; Title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; Title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 34. The United States has the right to seek judicial enforcement of this assurance.

AGENCY OFFICIAL: _____



TITLE: _____

Executive Director

TYPED NAME OF E. O. OFFICER: _____

E. O. OFFICER SIGNATURE: _____

DATE: _____

ADMINISTRATIVE ASSURANCES

Title 1 of the Workforce Investment Act of 1998

Any application for use of Title 1 funds under the Workforce Investment Act (WIA) or Local Plan for the use of Title 1 WIA funds must include authorized signature(s) acknowledging acceptance of the following assurances:

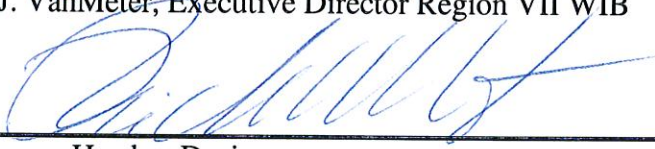
1. Recipients of WIA funds will maintain sound Fiscal Control and Fund Accounting Procedures to ensure the proper disbursement of, and accounting for, funds through the allotments made under WIA.
2. Adherence to Section 188 of the Workforce Investment Act which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activity. By assuring adherence to Section 188 of WIA, also assures acceptance to **Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972.**
3. Adherence to **Title 11, subtitle A of the American with Disabilities Act of 1990** which prohibits the exclusion, on the basis of disability, from participation in or denial of the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.
4. **Certification Regarding Drug-Free Workplace Requirements (29 CFR subtitle A, Appendix C to part 98):** WIA funded grantees certify that it will provide a drug-free workplace by notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions taken against employees for violation of such prohibition. Grantees certify that it will make a good faith effort to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) of 28 CFR subtitle A, Appendix C to part 98.
5. **Certification Regarding Disbarment and Suspension (29 CFR subtitle A, Appendix A to part 98):** WIA funded Grantees certify to the best of its knowledge that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency. (a) Have not within a three-year period preceding this period been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, or attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction; (b) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with the commission of any fraud or criminal offences in obtaining or attempting to obtain, or performing a public

transaction under a public contract. (c) Have not within three years preceding this period had one or more public transactions (Federal, State, or Local) terminated for cause or default.

- 6 **Certification Regarding Lobbying (29 CFE subtitle A, Appendix A to Part 93):** WIA funded grantees certify to the best of its knowledge that no Federal funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency; a Member of Congress; and officer or employee of Congress; or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, loan, cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant loan, or cooperative agreement.



T.J. VanMeter, Executive Director Region VII WIB Date 4-14-14



Agency Head or Designee Date 4/14/14

Richard C. Smith, EWVCA Executive Director

Attachment D

Meeting Schedules

WIB Board

Youth Council

Local Elected Officials

2014-2015 Meeting Schedules

Tentative

WIB Board

July 17, 2014

September 18, 2014

November 20, 2014

January 15, 2015

March 19, 2015

May 14, 2015

Youth Council

September 16, 2014

December 17, 2014

March 18, 2015

June 15, 2015

Local Elected Officials

June 18, 2014

September 17, 2014

December 17, 2014

March 18, 2015

June 17, 2015

Attachment E

Region VII Organizational Chart

Local Elected Officials

Berkeley, Grant, Hampshire, Hardy, Jefferson,
Mineral, Morgan, and Pendleton

Region VII Workforce Investment Board, Inc.

- Vision, Strategy, Policy

WIB Fiscal Agent

Eastern WV Community Action Agency

- Fiscal & Admin. Services

Executive Director Mr. T.J. Van Meter

- Planning, Administration, Monitoring

One-Stop Management Consortiums

- WorkForce West Virginia
- WV Department of Rehabilitative Services
- Eastern WV Community Action Agency
- Job Corps
- WV Department of Health & Human Resources
- Berkeley County Economic Development Authority

WIB Staff

1. Stacy Vance, Training Specialist/EO Officer
2. Matthew Martin, Youth Program Coordinator
3. Michael Ratliff, Employment Specialist

WIB Committee Structure

- Executive
- Youth Council
- Business & Economic Development
- Programs & Accountability

One-Stop Staff

1. One-Stop Director
2. WIA Case Manager
3. Youth Case Manager
4. Assistant/Greeter

Region VII One-Stop Career Centers

- South Branch
- Martinsburg

WIA Services

- Core
- Intensive
- Training
- Youth Services

Certifies Region VII One-Stop Career Centers

- Two Locations in Moorefield and Martinsburg

Training

- Certifies Training Programs & Providers
- High Priority Occupations/Providers/Petition Process

Grant Solicitation

- State Grants
- Industry Partnership Grants
- Incentive
- WIA Partner Grants

Monitoring/Contracting

- ADA Compliance
- Monitors all Local Workforce Investment Area Programs
- Adult Services Include: Individual Training Accounts, On the Job Training
- Monitors all Grants
- Monitors Fiscal Agent
- One-Stop Career Centers
- Youth Services
- Program Eligibility

Region VII Workforce Investment Board Organizational Chart Narrative

Local Elected Officials: Exercise powers, functions, and responsibilities vested by the Workforce Investment Act of 1998. Local Elected Officials provide oversight of program funds in accordance the Act. Maintain financial liability for WIA funds.

Workforce Investment Board: To provide policy guidance for, and exercise oversight with respect to, activities under the job training plan for its service delivery area in partnership with the unit or units of general local government within its service delivery area or the Workforce Investment Act of 1998; to work to increase the involvement of business community in the employment and training system; and to work to increase private sector employment opportunities for eligible participants.

Eastern WV Community Action Agency (Fiscal & Admin): Contracted fiscal and administrative agent. Ensure the financial responsibility and integrity of WIA funds spent on behalf of the Region VII Workforce Investment Board. Comply with all state and federal financial regulations governing the obligation and expenditure of WIA funds. Ensure the delivery of services in the Region VII area are of the highest quality possible for both employers and job seekers by providing highly qualified personnel at costs within the capacity of the Region VII WIB

WIB Executive Director: Implements all WIA activities as directed by the LEOs and the WIB in accordance with the Workforce Investment Act of 1998; supervises and directs all designated WIB staff; develops policies and procedures for delivery of WIA services; acts as WIB liaison between federal agencies, state agencies, businesses and other agencies. Oversees WIB activities and One-Stop activities

One-Stop Management Consortia: Develop external agency partnerships to expand Career Center services to better equip both businesses and job seekers with the education and workforce skills needed in the modern day workforce. Provides guidance for the daily operation of the One-Stop Career Center..

One-Stop Director: Oversees the daily operations and customer flow within the One-Stop system. The One-Stop Director also serves as a navigator within the system for customers. Responsible for outreach, public relations, customer tracking, referrals and various other duties related to the day-to-day operations of the One-Stop Career Center.

WIB Staff: Will provide and develop administrative and program activities necessary for the Region VII WIB to meet its vision through its Strategic Plan. Individual job descriptions are enclosed within the Local Plan.

WIA Career Coach: Determines if individual customers are eligible for WIA services. Make referrals to vocational and career counseling services for all programs if needed. Conduct

weekly and monthly follow-up services. Become familiar with all WIB policies and procedures applicable to the provision of WIA services.

Office Assistant/Greeter: Greet customers as they enter the Career Centers, insuring that each customer completes the Client Intake Form. Provide efficient, courteous and speedy customer service to all Career Center clients whether by telephone, e-mail, fax or in person. Schedule appointments for customers with various partner agency representatives as needed. Prepare monthly One-Stop activity reports.

Youth Case Manager: Determines if youth customers (ages 14-21) are eligible for WIA services. Make referrals to vocational and career counseling services for all programs if needed. Conduct weekly and monthly follow-up services. Become familiar with all WIB policies and procedures applicable to the provision of WIA services.

Executive Committee: Exercise the authority of the Board in the management of business affairs within the WIB during intervals between meetings; overall leadership and development of the WIB; WIB operations and structure; oversight of the development and implementation of the WIB Strategic Plan.

Programs & Accountability Committee: Recommends quality and performance improvement for the WIB; evaluation and assessments, (i.e. training, programs, etc.) oversees fiscal and management audits for Region VII WIB.

Business & Economic Development Committee: Ensure an effective customer focused One-Stop system is in place within Region VII, linking to regional & state economic development & strategies to include job growth, work on programs & services for employers and charter sub-groups to address key issues or identify improvement needs.

Youth Council: To establish Region VII WIB policy for the administration, coordination and delivery of Youth Services to eligible participants located within Region VII.

WIA Services: Hierarchy of Workforce Investment Act services that include Core, Intensive, and Training Services for eligible WIA Adults, Dislocated Workers, and Youth.

Training: Demand occupational trainings identified by the Region VII WIB as skill sets that make WIA customers employable within our region.

Grant Solicitation: The Region VII WIB will actively pursue grants outside of the annual WIA formula funds. These funds will be pursued in order to further the vision of the LWIB identified in the strategic plan.

Monitoring/Contracting: The Executive Director and WIB Staff will maintain official records with regards to ADA compliance, WIA programs (ITAs, OJTs, Youth), monitor grants, monitor fiscal agent, monitor One-Stops, and program eligibility.