

# **Attachment A**

**Local Elected Officials Agreement and  
Memorandum of Understanding between  
Local Elected Officials and the Region  
VII Workforce Development Board**

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

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

**I. PURPOSE OF AGREEMENT**

1. The undersigned parties hereby establish the Region VII Workforce Development 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 Innovation and Opportunity Act of 2014 (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 Jefferson  
County of Mineral  
County of Morgan  
County of Pendleton  
City of Martinsburg

2. By their signatures, the local elected officials ("LEOs") of these nine (9) jurisdictions (i.e., county commissioners/council members 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/council member from each of the eight (8) 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 Development Board (WDB) and is ultimately responsible for the service delivery network within the region as well as responsible and accountable for all WIOA 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 one-year term. A Vice Chairperson shall be elected to serve a one-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 one-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 an annual meeting or as often as deemed necessary by the LEO Chairperson. Minutes of each meeting will be maintained by the WDB 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 present, or their designees. A designee is defined as another County Commissioner/Council Member from the same jurisdiction. 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 development 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 Innovation and Opportunity Act (WIOA) 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 Workforce Development Board (WDB) 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 WDB. Appointment of members to the WDB 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 Development 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 or electronic 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 WDB. Revocation of a WDB member will be considered by the LEO Board once a member has been identified as not conforming to LEO and or WDB accepted standards in representing the workforce development interests of the LEOs and the WDB. A WDB member or members, the WDB, an LEO or group of LEOs can identify inappropriate actions of any WDB member. However identified, the removal process of any WDB 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 WDB. The five members of the LEO Committee shall consist of the Chief LEO, Vice-Chief LEO, Secretary, the LEO representing the county the WDB member is from, and one at-large LEO. Removal from the WDB 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 WDB member, which will expire, unless renewed by the LEO Board, every two years (WDB members are appointed for two year terms unless extended, in writing, by the LEO Board).

- A. In partnership with the WDB, 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 WDB, 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 WDB, conduct oversight with respect to local programs of youth, adult, dislocated worker, and displaced homemaker activities authorized under the Act.
- D. In partnership with WDB, negotiation of an agreement with WORKFORCE WV on behalf of the Governor with respect to local performance measures.
- E. Approval of the budget developed by the WDB.
- F. Establishment of by-laws for operation and governance of the WDB.

- G. In partnership with WDB, solicitation of support and comment from the general public in providing comprehensive workforce development programs
- H. The LEO Board may approve or disapprove the decisions of the WDB and may remand such decisions back to the WDB for further consideration.
- I. The LEO Board shall be the recipient of all funding for workforce development 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 development programs.
- J. 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 WDB and its programs.
- K. 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 WDB.
- L. 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 DEVELOPMENT BOARD (REGION VII)**

1. The undersigned parties hereby establish the Region VII Workforce Development Board (WDB) for the purpose of consolidating, coordinating, and improving workforce investment programs pursuant to the provisions of the Act and the Regulations. The WDB shall exercise the powers, functions, and responsibilities vested in the WDB by this Agreement and the Act, and for all other related programs and services for which funds may otherwise be made available to the WDB, as well as for all other workforce investment programs provided through WORKFORCE WV Career Centers.
2. Purpose of the WDB:
  - 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 development programs operated within the Region VII workforce development area represented by the LEO Board.

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

1. Membership

A. The membership of the WDB shall be:

1. The WDB shall consist of as many members as is necessary to comply with the provisions of the Act.
2. The WDB 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 an economic development agency, at least two from organized labor, at least one from a community based organization, and any other representatives mandated by Section 107 of the Act.
3. ~~WDB members' terms shall be re-appointed at the Annual Local Elected Officials (LEO) meeting every two years.~~
4. A Chairperson of the WDB 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 WDB annual meeting. The elected Chairperson shall be empowered to sign all legal documents on behalf of the WDB.

2. Powers, Functions and Responsibilities

A. The WDB'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 Executive Committee or other appointed sub-committee of the WDB.
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 WORKFORCE WV on behalf of the Governor, with respect to local performance measures.
9. Coordination of workforce development 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 development 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 WDB and the LEO Board clearly detailing the partnership between the LEO Board and WDB for the governance and oversight of activities under the Act.
12. Solicitation of grants and funding from sources other than federal funds made available under the Act.
13. Establishment of By-Laws for the operation and governance, in conformity to this Agreement, of the WDB.
14. In partnership with the LEO Board, solicitation of support and comment from the general public in providing comprehensive workforce development programs.
15. Promoting good public relations for the entire workforce development system.
16. In conjunction with the LEO board, develop a non-financial agreement which will further define the relationship and organizational structure under which the LEO Board and WDB shall mutually function.
17. Delegation of such functions and responsibilities to agencies, subcommittees, or individuals as the WDB deems appropriate for executive administration. All powers not expressly delegated are reserved by the WDB in accordance with the Act or as otherwise agreed to in the LEO/WDB Agreement.
18. Such other functions as the LEO Board may assign or as deemed appropriate by joint decision of the LEO Board and WDB.

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 development 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 WDB'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. 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. These costs will be shared among all cities and counties on an equitable basis. 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 WDB members, WDB Board Directors, WDB staff, and representatives of these groups. WIOA funds will be used to cover this expenditure.

B. 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 development activities undertaken by any member or members of the LEO Board prior to LEO Board formation be assumed by the LEO Board.

C. We the undersigned Local Elected Officials agree on the terms contained in this Agreement that will become effective on July 1, 2015 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/Council Members and the Mayor of the City of Martinsburg, who by the Workforce Innovation and Opportunity Act of 2014 are duly appointed to the Region VII Workforce Development Area Local Board Official (LBO) 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 Board Official Board. This agreement will remain in effect until rescinded in writing by the LBO Board.

- BY: *[Signature]* 10/20/15 ✓  
 Don Dulyea  
 Berkeley County Council Member Date
- BY: *[Signature]* 12/7/15  
 Joe Wilson  
 Unity County Commissioner Date
- BY: *[Signature]* 10/25/15 ✓  
 Arnold K. Pittsford  
 Herby County Commissioner Date
- BY: *[Signature]* 10/20/15 ✓  
 Robert Holt  
 Hampshire County Commissioner Date
- BY: *[Signature]* 12-18-15 ✓  
 [Signature]  
 Jefferson County Commissioner Date
- BY: *[Signature]* 12/15/15  
 [Signature]  
 Mineral County Commissioner Date
- BY: *[Signature]* 12/15/15  
 Bradley Clote  
 Morgan County Commissioner Date
- BY: *[Signature]* 12/21/15  
 Randy Robertson  
 Pendleton County Commissioner Date
- BY: *[Signature]* 12/15/15 ✓  
 George Keads  
 Mayor, City of Martinsburg Date

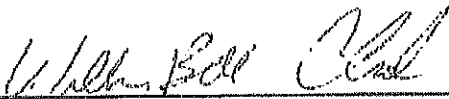
**ADDENDUM**

**To**

**BOARD AGREEMENT SIGNATURE SHEET**

For New Local Elected Official's effective January 2021 until modified or cancelled  
in writing.

BY:



William "Bill" Clark  
Morgan County Commission

Date

**ADDENDUM**

To

**BOARD AGREEMENT SIGNATURE SHEET**

For New Local Elected Official's effective January 2021 until modified or cancelled  
in writing.

BY: Tricia Jackson 4/19/21  
Tricia Jackson Date  
Jefferson County Commission

**ADDENDUM**

**To**

**BOARD AGREEMENT SIGNATURE SHEET**

For New Local Elected Official's effective January 2021 until modified or cancelled in writing.

BY:  \_\_\_\_\_  
Steven Schetrom  
Hardy County Commission


 \_\_\_\_\_  
Date

**ADDENDUM**

**To**

**BOARD AGREEMENT SIGNATURE SHEET**

For New Local Elected Official's effective July 2021 until modified or cancelled in writing.

BY:    
Kevin Knowles Date  
Mayor of Martinsburg

**ADDENDUM**

**To**

**LEO BOARD AGREEMENT SIGNATURE SHEET**

For New Local Elected Official's effective January 1, 2023 until modified or cancelled in writing.

BY: Roger D. Dahmer 3/2/2023  
Roger Dahmer Date  
Pendleton County Commission

BY: Tyson Riggleman 3/8/2023  
Tyson Riggleman Date  
Grant County Commission

BY: Brian W. Eglinger 3-6-2022  
Brian Eglinger Date  
Hampshire County Commission

BY: Steve Catlett 3-1-23  
Steve Catlett Date  
Berkeley County Commission

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

**WHEREAS:** the Workforce Innovation and Opportunity Act of 2014 herein after referred to as "WIOA" in accordance with a letter issued by the Governor of West Virginia on June 26, 2015 identifying Region VII as a local workforce area has thus created a new system for the delivery of workforce training needs at the local level; and

**WHEREAS:** pursuant to Section 107 of WIOA, 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 and the mayor of the City of Martinsburg has been appointed as the governing Board for WIOA activities within the Region pursuant to Section 107 (6)(c)(B) of WIOA; and

**WHEREAS:** the LEO Board has organized and established the Region VII Workforce Development Board herein after referred to as the "WDB" based on the requirements of Section 107(2) of WIOA; and

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

**In accordance with Section 107 of WIOA, the WDB shall be responsible for:**

Developing the local workforce development strategic plan consistent with Section 108 of WIOA 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 WorkForce West Virginia; and

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

The WDB will provide policy direction to the WDB Executive Director. The WDB Executive Director will supervise any staff employed by the fiscal and administrative entity to provide WDB support. The WDB Executive Director will, acting for the WDB, 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 WDB funded staff, including the WDB Executive Director, by the fiscal and administrative entity will be governed by the fiscal and administrative entity's personnel policy; and

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

The WDB through the LEO lead representative will provide the LEO board an opportunity to participate in the evaluation. If the WDB assigns the responsibility for evaluation to a committee, the WDB will strive to assure that committee members have no significant financial interest in contracts issued by the board. Evaluation of the WDB Executive Director will be governed by the agreement between the WDB and the administrative entity, and also by the agreement of the LEOs and fiscal and administrative agent; and

Designating or certifying One-Stop Career Center operators consistent with Section 121(d) of WIOA 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 Career Center 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 WIOA by awarding grants or contracts on a competitive basis based on recommendations of the WDB Executive Committee and subsequent approval by majority vote from WDB; and

Identifying eligible providers of training services described in Section 122 of WIOA; and

Identifying eligible providers of career services described in Section 121 and 148 of WIOA by awarding contracts if the career services are not provided by the Title I provider designated by the WDB; and

Developing a budget for the purpose of carrying out the duties of the WDB under Section 107 and 181 of WIOA, 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 WDB budget of 10% or more will be approved by the LEO Board and any change between any line item categories in the WDB 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 WDB 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, contracts or expenditures of \$50,000.00 + will require LEO approval; and

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

Reaching agreement on local performance measures as described in Section 116 of WIOA, 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 development activities in Region VII with economic development strategies and developing other employer linkages with such activities; and

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

The WDB will require the Management Consortia of each One-Stop Career Center to enter into



Memorandums of Understanding with all mandated and optional partners per the guidance contained in the Workforce Innovation and Opportunity Act of 2014 and the Policies and Procedures published by the WDB and WorkForce West Virginia; 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 WDB deems appropriate for administration and execution of its duties; and

Ten days before the date of scheduled board consideration, the WDB 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 107(e) of WIOA and the West Virginia Open Governmental Proceedings Act; and

Complying with the conflict of interest provisions as described in Section 107(g) of WIOA and the West Virginia Governmental Ethics Act; and

The WDB will be responsible for approving or disapproving all contracts costing between \$5,000.01 and \$49,999.99. Contracts or expenditures of \$50,000.00 + will require LEO approval.

**In accordance with Section 107 of WIOA the LEO Board shall be responsible for:**

Appointing and re-appointing members of the WDB through a consensus vote from the LEO Board as described in Section 107(b)(2) of WIOA; and

Meeting with the WDB Executive Committee as necessary 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 WIOA; and

Designating an entity to serve as the fiscal agent responsible for disbursement of WIOA funds for workforce development 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 WDB Executive Board; and

Complying with the provisions of the Sunshine Law as described in Section 107(e) of WIOA and the West Virginia Open Governmental Proceedings Act; and

Complying with the conflict of interest provisions as described in Section 107(g) of WIOA and the West Virginia Governmental Ethics Act.

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

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

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

**BE IT FURTHER AGREED:** the term of the MOU shall be for a period of one year, beginning on 07/01/2023, and extending to 06/30/2024. 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 WDB and the LEO Board prohibit discrimination and provide assurances of compliance with Section 188 of WIOA and the Americans with Disabilities Act; and

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

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

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

The LEO's and WDB 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


By: 

Printed Name: Bill Clark

Title: Chief Local Elected Official

Date: 6/27/23

Approved: Region VII Workforce Development Board

By: 

Printed Name: Layne Diehl

Title: Chairperson

Date: 6/15/23

# **Attachment B**

## **Region VII Workforce Development Board Bylaws**

**BYLAWS OF THE STATE OF WEST VIRGINIA  
REGION VII WORKFORCE DEVELOPMENT BOARD, INC.**

**ARTICLE I - NAME, OFFICES, AND PURPOSE**

**Section 1. Name**

The name of the organization shall be "The State of West Virginia Region VII Workforce Development Board, hereinafter sometimes referred to as WDB.

**Section 2. Principal Office**

The principal office of the organization shall be located at 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836, which shall also be the registered office of the organization.

**Section 3. Other Offices**

The organization may have offices at such other places, either within or without the State of West Virginia, as the Board of Directors may from time to time determine.

**Section 4. Purpose**

- (a) To operate exclusively for charitable, educational, religious and scientific purposes within the meaning of Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 or the corresponding provisions of any future United States Internal Revenue laws (the "Code");
- (b) To engage in any lawful activity for which organizations may be organized under (Reference West Virginia Codes) so long as the organization does not engage in any activity or activities not in furtherance of one or more tax exempt purposes;
- (c) 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, hereafter referred to as Local Elected Officials (LEOs), within its service delivery area or the Workforce Innovation and Opportunity Act of 2014 (hereinafter referred to as "WIOA") to work to increase the involvement of the business community in the employment and training system; and to work to increase private sector employment opportunities for eligible participants.

**Section 5. General Powers**

In cooperation with and under the auspicious of the Local Elected Officials (LEOs) of Region VII, the powers of the WDB shall include, but are not limited to:

- (a) Plan and oversee the delivery of all workforce development programs specified as responsibilities of the Workforce Development Board (WDB) under the Federal Workforce Innovation and Opportunity Act (WIOA) of 2014 and of the Workforce West Virginia system;

- (b) Advise local elected officials, employers, local education agencies, community colleges, State and local employment and training agencies and citizens about policy, programs and other information relative to their services area workforce;
- (c) Serve as a point of contact for business, industry, and the public sector to communicate their workforce needs;
- (d) Develop a local plan in coordination with appropriate community partners that addresses the workforce development needs of their service area, which is responsive to the goals, objectives, and performance standards established by the Governor;
- (e) Develop industry analyses in order to set training priorities in the Region VII area;
- (f) Charter 'One-Stop' Career Centers, monitor activities, and evaluate the performance of the career centers, programs and activities;
- (g) Develop linkages with regional and local economic development efforts and activities in the Region VII area and promote cooperation and coordination among public organizations, community organizations, education agencies and private businesses; and
- (h) The corporation may apply for and receive grants, contracts, gifts, bequests, fees or donations from the Federal Government, State of West Virginia or other public or private sources; and to negotiate contracts to carry out the objectives listed in this Article.

## ARTICLE II - BOARD OF DIRECTORS

### Section 1. General Powers

The Board of Directors shall manage the affairs of the corporation organization in accordance with the provisions of the applicable law, the Articles of Incorporation and these bylaws.

### Section 2. Number and Qualifications

The number of Directors of the organization shall not be less than the minimum number required by the Workforce Innovation and Opportunity Act of 2014 and shall not exceed thirty-five.

(a) The membership shall be composed as follows:

1. the majority (51%) of the members of the Local Board must be representatives of business in the local area. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Business representatives serving on Local Boards may also serve of the State Board. Each business representative must meet the following criteria:
  - be an owner, chief executive officer, chief operating officer, or other individual with optimum policymaking or hiring authority;
  - provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA section 3(23); and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others (in the case of organizations representing business as per WIOA Section 107(b)(2)(A)(ii); and
  - are appointed from among individuals nominated by local business organizations and business trade associations.

2. not less than 20% of the members of the Local Board must be workforce representatives. These representatives:
  - must include two or more representatives of labor organizations, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives;
  - must include one or more representatives of a joint labor-management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists;
  - one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and
  - one or more representatives of organizations that demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.
3. the balance of Local Board membership must include:
  - at least one eligible provider administering adult education and literacy activities under WIOA Title II;
  - at least one representative from an institution of higher education providing workforce investment activities, including community colleges;
  - at least one representative from each of the following governmental and economic and community development entities:
    - economic and community development entities;
    - the state Employment Service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and
    - the programs carried out under Title I of the Rehabilitation Act of 1973, other than Section 112 of Part C of that title.
4. the Chief Local Elected Officials may appoint other appropriate entities in the local area, including:
  - entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
  - governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
  - philanthropic organizations serving the local area; and

- other appropriate individuals as determined by the chief local elected officials.

(b) The composition of the Region VII WDB shall at all times conform to the requirements of the WIOA Law and accompanying regulations.

Section 3. Selection of Directors

Directors shall be selected by the LEO Board and appointed by the Chief Local Elected Official of the LEO Board in accordance with Section 107 (c)(2)(A) of the WIOA Act. If the Chief Elected Official desires to reappoint a member of the Region VII WDB to another two (2) year term, the initial nominating process described in the Act need not be followed. If the Chief Elected Official does not desire to reappoint a member of the Region VII WDB to another two (2) year term, the nominations to fill the vacancy shall be sought in accordance with the process described in the Act and accompanying regulations.

Specifically, in order to abide by West Virginia WIOA Guidance Notice No. 02-15, the Region VII Local Elected Officials will re-appoint Board members for staggered two-year terms. Board members representing the Potomac Highlands counties of Grant, Hampshire, Hardy, Mineral, and Pendleton will be re-appointed during "odd" years. Board members representing the Eastern Panhandle counties of Berkeley, Jefferson, and Morgan will be re-appointed during "even" years. Should a mandatory membership become vacant, such appointment could be made at any time by the Local Elected Officials but every effort must be made to fill the vacancy within sixty (60) days. Also, a new Board member could be appointed at any time by the Local Elected Officials, in the event a business representative is required for quorum or WIOA compliance, again, every effort must be made to fill the vacancy within sixty (60) days. In both instances, their subsequent re-appointment would follow the "odd/even" staggered schedule of Region VII Workforce Development Board membership.

Please see Region VII Workforce Development Board Member Nomination and Board Certification Policy to describe the purpose of and criteria for establishing and certifying a local workforce development board under the Workforce Innovation and Opportunity Act (WIOA) of 2014.

Section 4. Chairperson

In accordance with Section 107 (E)(3) of the Act, the Chairperson shall be selected from the private industry members of the WDB in accordance with requirements of the Act. The Chairperson shall be elected by the WDB to a one- (1) year term.

Section 5. Vice Chairperson

The Vice-Chair shall be selected from the private sector general membership. In the absence of the Chairperson, or in the event of his/her inability to act, or if that office be temporarily vacant, the Vice-Chairperson shall exercise all the powers and perform all the duties of the Chairperson. The Vice-Chairperson shall be elected by the WDB to a one- (1) year term.

Section 6. Treasurer

The Treasurer shall be selected from the general membership. The Treasurer shall be elected by the WDB to a one- (1) year term. In the absence of the Vice-chairperson, or in the event of his/her inability to act, or if that office be temporarily vacant, the treasurer shall exercise all the powers and perform all the duties of the Chairperson

Section 7. Removal

The elected Local Elected Officials Board, working through the Chief Local Elected Official, may remove directors from the board at any time with or without cause. The Region VII WDB may, on occasion, recommend the removal and replacement of a member for violating attendance requirements or for unethical behavior.

Section 8. Resignation

A director may resign at any time by communicating such resignation to the Chief Elected Official of Region VII. The resignation is effective when communicated unless the notice specifies a later effective date or subsequent event upon which it will become effective. If no date is specified the resignation is effective immediately.

Section 9. Vacancies

A vacancy occurring in the Board of Directors may be filled through the nomination and appointment in accordance with the Act.

Section 10. Attendance

Strong participation on the part of each WDB member is critical to the successful execution of its responsibilities. When members miss three (3) consecutive meetings of the board in any twelve month period, the Chairperson may instruct staff to contact the member in writing with a friendly reminder of the importance of active board participation. The Chief LEO shall be copied on this reminder. If deemed necessary by the LEO Board, a WDB member may be removed for lack of attendance.

Section 11. Conflict of Interest

The Region VII WDB shall adopt a policy addressing conflict of interest or the appearance of conflict of interest according to West Virginia State Code 6B-2-5. This agreement will also have guiding principles to include a Director's Code of Ethics.

A member of the local board or committee must neither cast a vote on, nor participate in any decision-making capacity on the provision of services by such member or by an organization that such member directly represents, nor on any matter that would provide any direct benefit to such member or the immediate family of such member. Immediate family means a spouse residing in the individual's household and any dependent child or children and dependent parent or parents.

A board or committee member who participates in decisions relating to specific terms of a contract, the determination of performance standards in a contract, or the development of Request for Proposals or other processes leading to a contract, is prohibited from receiving any direct financial benefit from any resulting contract.

Any board or committee member with a potential conflict of interest must disclose that fact to the Local Workforce Development Board as soon as the potential conflict is discovered. If the potential conflict of interest is discovered during a board or committee meeting, the member must declare such potential conflict and excuse themselves from the remainder of the discussion and vote on that item. A board or committee member shall not engage in any business transaction or private for profit arrangement which accrues from that member's position on the board.

All members of the Region VII Workforce Development Board must sign a Conflict of Interest Statement.



If the board believes that a conflict of interest provision has been violated, it can recommend to WorkForce West Virginia and the chief elected official of the workforce area the member who has violated a provision to be removed as a board member.

The Local Elected Officials can remove a member of the board for a violation of conflict of interest code with or without a recommendation from the board.

### ARTICLE III - MEETING OF DIRECTORS

#### Section 1. Annual Meeting

The annual meeting of the Board of Directors shall be held on the third Thursday of June of each year, if not a legal holiday, but if a legal holiday, then on the next business day which is not a legal holiday, for the purpose of electing Directors and officers of the organization and the transaction of such other business as may be properly brought before the meeting. If the annual meeting is not held on the day designated by these bylaws, a substitute annual meeting may be called by or at the request of the Board of Directors, and such meeting shall be designated and treated for all purposes as the annual meeting.

#### Section 2. Regular Meetings

The WDB shall generally meet quarterly or a minimum of four (4) times per year. The Executive Committee will meet the month prior to full Board meetings.

#### Section 3. Special Meetings

Special meetings of the Board of Directors may be called at any time by the Chairperson of the WDB on the written request (including email) of no less than 20% of the membership of the WDB at the time the request is made.

#### Section 4. Place of Meetings

Meetings of the Board of Directors may be held at the principal office of the corporation or at such other place, either within or without the State of West Virginia, as shall either (i) be designated in the notice of the meeting or (ii) be agreed upon at or before the meeting by a majority of the Directors then in office.

#### Section 5. Notice of Meetings

The chair or other person or persons calling a meeting for which notice is required shall give notice either personally or by mail or telephone at least ten (10) days before the meeting. Notice of special/emergency meetings shall be served in the manner described above no less than three (3) working days before such meetings. Unless otherwise indicated in the notice, any and all business may be transacted at a meeting of the Board of Directors.

#### Section 6. Quorum

A quorum shall consist of thirty-three percent (33%) of Workforce Development Board directors being present, either in person or by telephone (as discussed below), immediately before a meeting begins to conduct business for the Region VII Workforce Development Board. Less than a quorum may convene a meeting, but these directors cannot conduct official business for the Region VII Workforce Development Board. Any vacancies, which may exist, shall not be counted in determining the total number of members.

#### Section 7. Manner of Acting

Except as otherwise provided by law or in the bylaws, the act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Also, all meetings will be conducted in accordance with Roberts Rules of Order unless otherwise provided in these bylaws.

Section 8. Meeting by Conference Telephone

Any one or more Directors or members of a committee may participate in a meeting of the Board or committee by means of a conference telephone or similar communications device which allows all Directors participating in the meeting to simultaneously hear each other during the meeting, and such participation in a meeting shall be deemed presence in person at such meeting. All meetings must meet the standards and regulations of the State of West Virginia with regard to public notification of time and place.

Section 9. Vote

Each member of the WDB shall be entitled to one vote, and any act of a majority of the members present and voting at a WDB meeting shall constitute the act of the Board of Directors.

Use of the proxy will not be permitted, with the exception of the following: Certain members of the Board service as ex officio members have the right to name a designee to represent them on the Board (pursuant to the Workforce Innovation and Opportunity Act of 2014), and any designee so named will have voting privileges and equal to those that would have been enjoyed by the ex officio Board member designating replacement.

Section 10. Public Notice of Meetings

All meetings of the WDB at which business will be conducted shall be held in public; however, directors may meet in Executive Session for reason specified in State code. Visitors may be permitted to address the board at the conclusion of the regular agenda items. Visitors shall be required to register their request to speak prior to the start of the meeting.

ARTICLE IV -- COMMITTEES

Section 1. Executive Committee

The Board of Directors shall designate its three officers and four at-large board members to constitute an Executive Committee. The membership of the Executive Committee will be consistent with that of the general membership, reflecting a 51% majority from the private sectors (4 private and 3 public). The at-large members will be elected by the board at the same time officers are selected. The chairpersons from each standing committee may serve as ex-officio members to the Executive Committee.

The Executive Committee shall have and may exercise the authority of the Board in the management of the business and affairs of the corporation. Vacancies in the membership of the Executive Committee shall be filled by a majority of the whole Board of Directors at a regular meeting or at a special meeting called for that purpose. The Chairperson of the WDB shall chair the Executive Committee. A majority of Executive Committee members must be present at a scheduled meeting to conduct WDB business. The Executive Committee shall keep minutes of its proceedings and shall report to the Board of Directors on action taken. *The Board of Directors may at any time reverse or modify an action taken by the Executive Committee.* Minutes of meetings of the Executive Committee shall be prepared and kept with the records of the corporation. The Board of Directors shall provide overall direction and assign responsibilities to other committees.

Section 2. Standing or Other Committees

The Region VII Workforce Development Board may name standing committees for focused topic areas that advance the work of the WDB and ensure attention is given to priority issues. Ad hoc committees may be formed from time to time to address specific issues or take on special projects as deemed important to the Region VII Board. Committees shall report significant actions taken between full board meetings and present motions requiring board action.

Standing or other committees having two or more members, or as indicated for each below, may be designated by a resolution adopted by a majority of the number of directors then in office. The chairperson of the board may nominate members of each committee and its chairperson for confirmation vote by the board. Other participants may be appointed as non-voting members. Vacancies in the membership of such committees shall be filled by appointment made in the same manner as provided in the case of the original appointment. All standing committees and ad hoc committees will be issued a written charter or purpose. See attachment titled Region VII WDB Committees for current listing of standing committees with brief descriptions of their purpose.

### Section 3. Committee Composition

The Chairperson of the WDB shall appoint the members of all committees, except the Executive Committee. The Committee Chairperson must be a WDB member. In addition, the WDB Chairperson may appoint non-WDB members to serve as full-voting members of the standing and ad hoc committees. However, such non WDB members will be subject to the "Conflict of Interest" provisions as stated in Article III, herein.

Local Elected Officials may be ex-officio members of any committee of the board including the Executive Committee.

### Section 4. Committee Authority

No committees of the board (including the Executive Committee) shall be authorized to take the following action:

- (a) Authorize distributions to or for the benefit of the Directors or officers;
- (b) Approve dissolution, merger or the sale, pledge, or transfer of all or substantially all of the organization's assets.
- (c) Elect, appoint or remove Directors, or fill vacancies on the Board of Directors or on any of its committees, or
- (d) Adopt, amend, or repeal the Articles of Incorporation or bylaws.

## ARTICLE V – OFFICERS

### Section 1. Titles

The officers of the organization shall be: Chair, Vice-Chair and Treasurer. The Board of Directors may also elect such other officers, as it shall deem necessary. Except as otherwise provided by these bylaws, the additional officers shall have the authority and perform duties as from time to time may be prescribed by the Board of Directors. The Chief Local Elected Official of the Region VII Workforce Development Board shall appoint and revoke Directors of the organization.

### Section 2. Election and Term

The Board of Directors shall elect the officers of the corporation at the annual June meeting. Each officer shall hold office until the next annual meeting and until a successor is elected and qualifies.

Section 3. Resignation

An officer or agent may resign at any time by communicating such resignation to the Chair of the WDB. A resignation is effective when it is communicated unless it specifies in writing a later effective date.

Section 4. Vacancies

Vacancies among any of the officers may be filled for the unexpired term by an election at the next regularly scheduled board meeting following after which notice of the vacancy was received. Vacancies may only be filled by qualified members in good standing on with the board.

Section 5. Chairperson

The Chairperson shall preside at meetings of the WDB. The Chairperson shall sign, with any other proper officer, instruments which may be lawfully executed on behalf of the corporation, except where required or permitted by law to be otherwise signed and executed, and except where the signing and execution shall be delegated by the Board of Directors to some other officer or agent. In general, the Chairperson shall perform all duties incident to the office of Chairperson in carrying out the wishes of the board. Other duties as may be assigned by the Board of Directors from time to time. The Chairperson shall also preside over the Executive Committee and be ex-officio member of all other committees. The Chairperson, with the assistance of staff, shall also prepare regular reports and shall perform such other duties as may be assigned to him/her from time to time by the WDB.

Section 6. Vice Chairperson

The Vice Chairperson, if such officer is elected, shall exercise the powers of the Chairperson during that officer's absence or inability to act. Any action taken by a Vice Chair in the performance of the duties of the Chairperson shall be presumptive evidence of the absence or inability to act of the Chairperson at the time the action was taken. The Vice Chairperson shall have such other powers and perform such other duties as may be assigned by the Board of Directors.

Section 7. Treasurer

The Treasurer shall have custody of all funds and securities belonging to the corporation and shall receive, deposit or disburse the same under the direction of the Board of Directors; provided, that the board may appoint a custodian or depository for any such funds or securities, and the Board may designate those persons upon whose signature or authority such funds may be disbursed or transferred. The Treasurer shall in general perform the duties incident to the office and such other duties as may be assigned from time to time by the Board of Directors. Also, in the absence of the Chairperson or Vice-Chairperson, or in the event of their inability to act, or if that office be temporarily vacant, the Treasurer shall exercise all the powers and perform all the duties of the Chairperson. The Treasurer shall have such additional powers and perform such other duties as may be assigned him/her from time to time by the WDB.

**ARTICLE VI - INDEMNIFICATION OF DIRECTORS AND OFFICERS**

Section 1. General Policy

It shall be the policy of the organization to indemnify to the maximum extent permitted by the Statutes of the State of West Virginia any one or more the Directors, officers, employees, or agents and former Directors, officers, employees, or agents of the organization, and persons who serve or have served at the request of the corporation as directors, officers, partners, trustees, employees or agents of another foreign or domestic organization, partnership, joint

venture, trust or other enterprise, against judgments, penalties, settlements and other liabilities incurred by them in connection with any pending threatened or completed action, suit or proceeding, whether civil, criminal, investigative or administrative (a "proceeding") and against reasonable costs and expenses (including attorneys' fees) in connection with any proceeding, where such liabilities and litigation expenses were incurred incident to the good faith performance of their duties.

Section 2. Use of Corporation Funds

The corporation may advance expenses in connection with any proceeding to any such person in accordance with applicable law. The use of funds of the corporation for indemnification or for purchase and maintenance of insurance for the benefit of the persons designated in Section 1 of this Article shall be deemed a proper expense of the corporation.

ARTICLE VII - GENERAL PROVISIONS

Section 1. Seal

The seal of the corporation shall bear the name of the corporation.

Section 2. Waiver of Notice

A Director or other person entitled to receive a notice required to be given under the provisions of these bylaws or by applicable law, may waive such notice by signing a written waiver, whether before or after the date and time stated in the notice. The waiver shall be filed with the minutes or corporate records. A Director's attendance at or participation in a meeting waives any required notice to that Director of the meeting unless the Director at the beginning of the meeting (or promptly upon arrival) objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

Section 3. Checks

All checks, drafts or orders for the payment of money shall require two signatures, the corporation's executive director and one officer, typically the treasurer. Other individuals may be designated by the Board of Directors to sign in the absence of the officers or for convenience.

Section 4. Bond

The Board of Directors may by resolution require any or all officers, agents or employees of the corporation to give bond to the corporation, with sufficient sureties, conditioned upon the faithful performance of the duties of their offices or positions, and to comply with such other conditions as may from time to time be required by the Board.

Section 5. Loans

No loans shall be contracted on behalf of the corporation and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

Section 6. Fiscal Year

The fiscal year of the corporation shall be the period ending June 30 of each year.

Section 7. Amendments

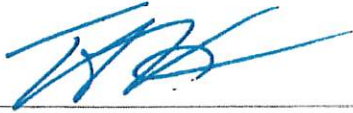
These bylaws may be amended or repealed and new bylaws may be adopted by the affirmative vote of two-thirds of the entire Board of Directors at any meeting of the Board; provided, that notice of the meeting shall have been give which states that the purpose or one of the purposes of the meeting is to consider a proposed amendment to the bylaws and includes a copy or summary of the proposed amendment or states the general nature of the amendment. Such notice may be waived as provided in these bylaws.

THIS IS TO CERTIFY that the above bylaws of Region VII Workforce Development Board were duly adopted by the Board of Directors by action effective as of June 15, 2017.



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Layne Diehl  
Chairperson, Region VII Workforce Development Board



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T.J. Van Meter  
Executive Director, Region VII Workforce Development Board

# **Attachment C**

**Contract for Fiscal/Administrative  
Services between Eastern West Virginia  
Community Action Agency, Inc. and the  
Region VII Workforce Development  
Board**



**CONTRACT FOR FISCAL/ADMINISTRATIVE SERVICES**  
**Between the**  
**EASTERN WEST VIRGINIA COMMUNITY ACTION AGENCY, INC.**  
**And the**  
**REGION VII WORKFORCE DEVELOPMENT BOARD**

This contract for Workforce Innovation and Opportunity Act of 2014 Fiscal and Administrative services is made and entered into by and between Eastern West Virginia Community Action Agency, Inc. (EWVCAA) and the Region VII Workforce Development Board (WDB). Services identified herein or by reference made herein will commence July 1, 2023 and end June 30, 2024.

**Fiscal Management.** The Board 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;
- An accrual-based accounting system;
- 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 Board 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 Board will maintain an inventory of property acquired with WIOA 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 WDB and was acquired with WIOA 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 Board will have its financial management records audited annually by an independent auditor as required by applicable OMB Circulars to determine compliance with federal requirements.

**WHEREAS;** the United States Congress has established the Workforce Innovation and Opportunity Act of 2014 (WIOA), and charged the State of West Virginia with the establishment of Workforce Development Boards (WDB) to oversee the operation of the WIOA 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 Development Board; and

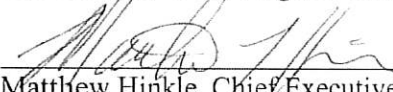
**WHEREAS;** Local Elected Officials (LEO) and the Region VII Workforce Development Board (WDB) selected Eastern West Virginia Community Action Agency as their fiscal and administrative entity; identifying services to be performed by EWVCAA in a Proposal to Provide Services dated January 8, 2021; and

**WHEREAS;** the Region VII WDB, on March 18, 2021, as well as the Local Elected Officials on March 25, 2021 agreed that WIOA fiscal and administrative services will be provided by EWVCAA as identified in the original Proposal to Provide Services dated January 8, 2021 at a cost not to exceed \$76,950.00; and

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

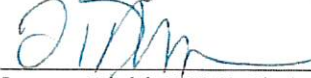
We the undersigned, enter into this Agreement on July 1, 2023.

**For Eastern West Virginia Community Action Agency, Inc.**

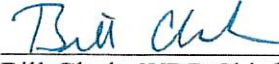
  
\_\_\_\_\_  
Matthew Hinkle, Chief Executive Officer

6/22/2023  
Date

**For the Region VII Workforce Development Board**

  
\_\_\_\_\_  
Layne Diehl, WDB Chairperson

6/15/23  
Date

  
\_\_\_\_\_  
Bill Clark, WDB Chief Local Elected Official

6/28/23  
Date

**Eastern West Virginia Community Action Agency/Region VII WDB Budget Proposal FY24**

Direct Costs

Total Personnel Expenses	\$249,790.00
Fringe Benefits	\$82,209.00
Total Personnel Expenses	<u>\$331,999.00</u>
WDB Occupancy	\$33,000.00
WDB Telephone/Internet	\$10,000.00
Total Direct Costs	<u>\$374,999.00</u>
Fiscal/Administrative Contract	\$76,950.00
Total Costs	<u>\$451,949.00</u>

\*Eastern West Virginia Community Action Agency will provide 3.75 FTE staff members with salary fringe and overhead costs for the Region VII Workforce Development Board (WDB). Costs will not exceed \$451,949.00 for fiscal year 2024. Region VII WDB reserves the right to adjust the budget accordingly to provide administration for the grants as the program demands.

\*No more than \$90,000.00 will be spent from WIOA Title I funds for the Executive Director's salary.

**Region VII WDB Personnel Costs**

<u>Position</u>	<u>Salaries</u>	<u>% of WDB Time</u>	<u>WDB Costs</u>
Executive Director	\$110,742.00	75%	\$83,057.00
Asst. Executive Director	\$74,628.00	100%	\$74,628.00
Youth Coordinator	\$61,529.00	100%	\$61,529.00
Receptionist	<u>\$30,576.00</u>	<u>100%</u>	<u>\$30,576.00</u>
Total	<u>\$277,475.00</u>		<u>\$249,790.00</u>

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FTE	3.75
Total Hours for WDB	7,800

**Schedule of Estimated Fringe Benefits**

Cost Element Expenses

FICA	\$19,109.00
Retirement	\$14,988.00
Workers Compensation	\$2,598.00
SUTA	\$276.00
Insurance	<u>\$45,238.00</u>
Total	\$82,209.00
Base	
Salaries	\$249,790.00
Rate	32.9%



## Federal Award Information

**Sub Recipient Name:** Eastern West Virginia Community Action Agency, Inc.

**Sub Recipient DUNS Number:** 804530087

**Federal Award Identification Number:** AA-38563-22-55-A-54

**Federal Award Date:** 7/1/22 – 6/30/24

**Sub Award Period of Performance Start and End Date:** 7/1/22 – 6/30/23

**Amount of Federal Funds Obligated by this Action:** \$451,949.00

**Total Amount of Federal Funds Obligated to the Sub Recipient:** \$451,949.00

**Total Amount of the Federal Award:** \$1,577,962.00

**Federal Award Project Description:** Fiscal & Administrative Services

17.259 WIOA Youth Formula Grants – States

To help low income youth, between the ages of 14 and 24, acquire the educational and occupational skills, training, and support needed to achieve academic and employment success and successfully transition into careers and productive adulthood.

17.258 WIOA Adult Activities – States

The Adult Program is one of the six core programs authorized by Title I of the Workforce Innovation and Opportunity Act (WIOA). The program serves individuals and helps employers meet their workforce needs. It enables workers to obtain good jobs by providing them with job search assistance and training opportunities. Under WIOA, the Adult Program will ensure that the unemployed and other job seekers have access to high-quality workforce services, and that priority for services will be given to those who are public assistance recipients, low-income individuals, and/or basic skills deficient. In addition, the program will provide individuals with disabilities access to high quality workforce services, and better prepare them for competitive, integrated employment. Performance program measures include entry into unsubsidized employment, earnings, skills and credentials attainment. The employment goals are measured by using the Unemployment Insurance Wage Records Information System whenever possible.

17.278 WIOA Dislocated Workers Formulas – States

The purpose of the WIOA Dislocated Worker program is to help dislocated workers become reemployed. It provides them with job search assistance, career services, and/or training that builds their skills to meet labor market needs. Dislocated Worker services are targeted for workers who are unemployed and have lost a job through no fault of their own, or who have exhausted their Unemployment Compensation.

**Federal Awarding Agency and Pass-Through Entity:** US Department of Labor; WorkForce West Virginia and the Region VII Workforce Development Board (Contact Information: T.J. Van Meter, Executive Director; Phone: 304-530-5258; Email: [tjvanmeter@region7workforce.org](mailto:tjvanmeter@region7workforce.org))

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**CFDA Number and Name:** 17.258 WIOA Adult  
17.259 WIOA Youth  
17.278 WIOA Dislocated Workers

**Are any federal funds to be used for Research and Development:** No

**Indirect Cost Rate:** None

**ADMINISTRATIVE ASSURANCES**  
**Title 1 of the Workforce Innovation and Opportunity Act of 2014**

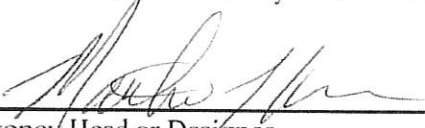
**Any application for use of Title 1 funds under the Workforce Innovation and Opportunity Act (WIOA) or Local Plan for the use of Title 1 WIOA funds must include authorized signature(s) acknowledging acceptance of the following assurances:**


1. Recipients of WIOA 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 WIOA.
2. Adherence to Section 188 of the Workforce Innovation and Opportunity 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 WIOA Title-I financially assisted program or activity. By assuring adherence to Section 188 of WIOA, 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):** WIOA 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):** WIOA 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):** WIOA 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.

  
\_\_\_\_\_  
Agency Head or Designee 6/22/2013  
Date

  
\_\_\_\_\_  
T.J. Van Meter, Executive Director Region VII WDB 6/20/23  
Date

# **Attachment D**

## **Meeting Schedules**

## **2024-2025 Meeting Schedules**

**Tentative**

### **WDB Board**

**September 19, 2024**

**December 19, 2024**

**March 20, 2025**

**June 19, 2025**

### **Local Elected Officials**

**September 25, 2024**

**June 25, 2025**

# **Attachment E**

## **Region VII Organizational Chart**

# Local Elected Officials

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

## Region VII Workforce Development Board, Inc.

- Vision, Strategy, Policy

## WDB Fiscal Agent

Eastern WV Community Action Agency  
□ Fiscal & Admin. Services

## Executive Director Mr. T.J. Van Meter

- Planning, Administration, Monitoring

## WDB Committee Structure

- Executive

## 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

## One-Stop Staff

1. One-Stop Director
2. WIOA Career Coach
3. Business Analyst
4. Customer Satisfaction Coordinator

## Region VII One-Stop Career Centers

- South Branch
- Martinsburg

## WIOA Services

- Career
- Training
- Youth Services

## WDB Staff

1. Matthew Martin, Asst. Executive Director
2. Phillip Sirk, Youth Program Coordinator, EO Officer
3. Barbara Schoonover, WDB Receptionist
4. SNAP E&T Case Managers

## 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
- WIOA 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 Development Board Organizational Chart Narrative**

**Local Elected Officials:** Exercise powers, functions, and responsibilities vested by the Workforce Innovation and Opportunity Act of 2014. Local Elected Officials provide oversight of program funds in accordance the Act. Maintain financial liability for WIOA funds.

**Workforce Development 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 Innovation and Opportunity Act of 2014; 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 WIOA funds spent on behalf of the Region VII Workforce Development Board. Comply with all state and federal financial regulations governing the obligation and expenditure of WIOA 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 WDB.

**WDB Executive Director:** Implements all WIOA activities as directed by the LEOs and the WDB in accordance with the Workforce Innovation and Opportunity Act of 2014; supervises and directs all designated WDB staff; develops policies and procedures for delivery of WIOA services; acts as WDB liaison between federal agencies, state agencies, businesses and other agencies. Oversees WDB 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.

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

**WIOA Career Coach:** Determines if individual customers are eligible for WIOA 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 WDB policies and procedures applicable to the provision of WIOA 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 14-24) are eligible for WIOA 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 WDB policies and procedures applicable to the provision of WIOA services.

**Executive Committee:** Exercise the authority of the Board in the management of business affairs within the WDB during intervals between meetings; overall leadership and development of the WDB; WDB operations and structure; oversight of the development and implementation of the WDB Strategic Plan. Recommends quality and performance improvement for the WDB; evaluation and assessments, (i.e. training, programs, etc.) oversees fiscal and management audits for Region VII WDB. 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. To establish Region VII WDB policy for the administration, coordination and delivery of Youth Services to eligible participants located within Region VII.

**WIOA Services:** Hierarchy of Workforce Innovation and Opportunity Act services that include Career and Training Services for eligible WIOA Adults, Dislocated Workers, and Youth.

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

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

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

# **Attachment F**

## **Region VII Workforce Development Board Procurement Policy**



## PROCUREMENT POLICY

Effective Date: September 19, 2019

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**Background:** West Virginia Purchasing Division Policies and Procedures Handbook.

The annual local strategic plan requires local Workforce Development Boards to establish local purchasing procedures.

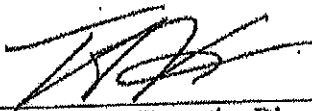
**Policy:** The Region VII Workforce Development Board's procurement needs will be handled by the WDB's contracted fiscal entity. The fiscal entity utilized the West Virginia Purchasing Division Policies and Procedures Handbook to procure supplies and services. The fiscal entity will utilize the procedures established in the WV Purchasing Division Policies and Procedures Handbook when procuring supplies or services for the WDB. Additionally:

- A. The WDB has granted the WDB Executive Director purchasing authority for a single purchase not to exceed \$5,000.
- B. The WDB will approve all purchases between \$5,000.01 and \$50,000.
- C. The Local Elected Officials (LEOs) will approve all purchases that exceed \$50,000.
- D. The WDB has granted the WDB Executive Director the authority to authorize Individual Training Accounts (ITAs), On-the-Job Training (OJT) contracts, and Customized Training (CT) contracts up to the maximum amount authorized by the specific policy governing the training process.
- E. The WDB has granted the WDB Executive Director the authority to approve Supportive Service Payments/Needs Related Payments up to the amount a participant is eligible.
- F. The WDB authorizes the WDB Executive Director to certify all WDB invoices and sign vendor and participant payment checks with a second signature on the check from the WDB Chair, or designee.

**Equal Opportunity and Grievances:** The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

**Questions:** Questions concerning this policy should be directed to the WDB Staff by calling (304) 530-5258.

**Expiration Date:** Effective until rescinded or modified in writing by the Region VII WDB.



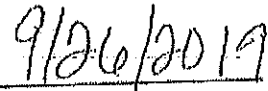
T.J. Van Meter, Executive Director



Layne Diehl, Chairperson Region VII WDB



Date



Date

# **Attachment G**

**Region VII Workforce Development Board  
Priority of Service Policy**

## PRIORITY OF SERVICE POLICY

Effective Date: September 19, 2019

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**References:** Workforce Innovation and Opportunity Act of 2014 (WIOA) Sections 3 and 134; Proposed 20 CFR 680.150, 680.600, 680.610, and 680.650; 38 U.S.C 101 and 4213 and 4215; and 20 CFR 1010; and 20 CFR 683.230.

**Purpose:** To establish policy regarding priority of service for veterans, recipients of public assistance, other low-income individuals and individuals who are basic skills deficient served with Workforce Innovation and Opportunity Act (WIOA) Adult funds.

**Background:** Priority for individualized career services and training services funded with Title I Adult funds must be given to recipients of public assistance and other low-income individuals who are basic skills deficient. States and local areas must establish criteria by which the one-stop operator will apply the priority under WIOA section 134(c)(3)(E).

Veterans, under WIOA section 3(63)(A) and 38 U.S.C 101 receive priority of service in all Department of Labor funded training programs under 38 U.S.C. 4215 and described in 20 CFR 1010. A veteran must still meet each program's eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocation rehabilitation, disability payments, or related VA-funded programs are not to be considered income in accordance with 38 U.S.C. 4213 and 20 CFR 683.230.

**Action:** Priority of Service will be as follows:

- **First Priority:** Veterans and eligible spouses (covered persons) who are low-income or recipients of public assistance or who are basic skills deficient.
- **Second Priority:** Individuals (non-covered persons) who are low-income or recipients of public assistance or individuals who are basic skills deficient.
- **Third Priority:** Veterans and eligible spouses who are not low-income and are not recipients of public assistance or basic skills deficient.
- **Fourth Priority:** Individuals who do not meet the above priorities.

### **Definitions:**

**Low-income** – An individual who:

- a. Receives, or is a member of a family that receives cash benefits under a federal, state, or local income based public assistance program;

- b. Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivor's insurance benefits received under Section 202 of the Social Security Act that, in relation to family size, does not exceed the higher of the following:
  - i. The poverty line for an equivalent period; or
  - ii. 70% of the lower living standard income level, for an equivalent period;
- c. Is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977;
- d. Qualifies as a homeless individual, as defined in subsection (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act;
- e. Is a foster child on behalf of whom State or local government payments are made; or
- f. In cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of the program, but who is a member of a family whose income does not meet such requirements.

Basic Skills Deficient – An individual unable to compute or solve problems, read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

For WIOA purposes, the State further defines Basic Skills Deficient as an individual who:

- Lacks a high school diploma or high school equivalency and is not enrolled in secondary education.
- Enrolled in a Title II Adult Education/Literacy program.
- Reading and/or Math assessment at an 8.9 or below grade level.
- Determined to be Limited English Skills proficient through staff-documented observations.
- Other objective criteria determined to be appropriate by the local area and documented in its required policy.

**Equal Opportunity and Grievances:** The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

**Questions:** Questions concerning this policy should be directed to the Executive Director of the Region VII Workforce Development Board, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836 or by calling (304) 530-5258.

**Expiration Date:** Effective until rescinded or modified in writing by the Region VII Workforce Development Board.



T.J. Van Meter, Executive Director



Date



Layne Diehl, Chairperson Region VII WDB



Date

# **Attachment H**

**Region VII Workforce Development Board  
WIOA Incumbent Worker Training Policy**

## WIOA INCUMBENT WORKER TRAINING POLICY

Effective Date: March 16, 2023

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**Background:** To establish local policy for providing services to incumbent workers under the Workforce Innovation and Opportunity Act (WIOA) and identify the requirements for One-Stop Operators and service providers to adhere to in providing such services to adults, dislocated workers, and youth.

**Policy:** The Region VII Workforce Development Board (WDB) supports the use of up to 20 percent of the combined Adult and Dislocated Worker funds allocated by the Governor under 133 (b) to the local area involved to pay the program cost of providing training through a training program for incumbent workers (per WIOA section 134(d)(4)(A)(i)). In determining the eligibility of an employer to receive this funding, the following must be taken into account:

- the characteristics of the participants in the program;
- the relationship of the training to the competitiveness of a participant and the employer;
- such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, the wage and benefit levels of those employees (at present and anticipated upon completion of the training), and the existence of other training and advancement opportunities provided by the employer (per WIOA section 134(d)(4)(A)(ii),
- training project applications are reviewed on a first-in/first-funded basis, with priority given to companies that have not previously received IWTP funding assistance, until the budgeted funds are awarded,
- to be eligible for incumbent worker training, the employee must have a work history of at least six months or more with their current employer,
- The employer cannot have laid off employees in the last twelve months,
- the maximum funding award for training projects is \$50,000 per business per fiscal year. Additional funds may be requested and granted by the Region VII Workforce Development Board if there is a demonstrated need. The initial agreement duration may not exceed twelve months,
- be "for-profit" and have been in operation in West Virginia for a minimum of 2 years before the application date,
- have a least one full-time, permanent employee, other than the owner of the business, and
- demonstrate financial viability and be current on all state and federal tax obligations.

**Program and Guidelines:** The Governor or State Board may also make recommendations to the local board for incumbent worker training that has a statewide impact (per WIOA section 134(d)(4)(A)(iii)).

The training activities for incumbent workers shall be carried out by the WDB in conjunction with the employers or groups of employers of incumbent workers (which may include employers in partnership with other entities for the purposes of delivering training) for the



purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs (WIOA section 134(d)(4)(B) except in the case of Registered Apprenticeships recognized by the State of West Virginia and the U.S. Department of Labor.

Program funds will be used to reimburse employers providing incumbent worker training on a graduated scale based on the size of a business. This provision is not applicable in the case of Registered Apprenticeships recognized by the State of West Virginia and the U.S. Department of Labor. Such participating employers must pay the remaining share of the costs not covered by WIOA program funds for providing such training (WIOA section 134(d)(4)(C). The local board shall establish the employer's share of cost, taking into consideration factors such as the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities (WIOA section 134(d)(4)(D)(i).

For an employer's share of cost, a sliding scale has been established based on the employer size at a local operation (i.e., not based on nationwide employer size) where the incumbent worker training will be provided. The employers' share of cost shall not be less than:

- 10 percent of the cost for employer with not more than 50 employees.
- 25 percent of the cost for employers with more than 50 employees but not more than 100 employees.
- 50 percent of the cost for employers with more than 100 employees.

#### Reimbursable Training Expenses (With Proper Documentation)

- Primarily non-company, professional instructors'/trainers' fees.
- Tuition costs for training courses or programs.
- Textbooks/manuals directly related to training.
- Expendable materials and supplies directly related to training.
- Computer software that is used 100% for training activities only.
- Curriculum development expenses.

#### Non-Reimbursable Expenses

- Trainee (employee) wages.
- Travel, food, or lodging expenses related to program participants and/or trainers.
- Purchases of capital equipment or other durable (long lasting/reusable) training materials/equipment.
- Capital improvements and purchase of real estate, to include the construction or renovation of facilities.
- Purchase of any item or service that may be used outside of the training project.
- Any training-related expenses incurred before project approval or beyond the ending date of the agreement.
- Business-related expenses.
- Training in sectarian activities.

- Training costs associated with professional fields in which continuous education is necessary to retain professional certification, such as Certified Public Accountants, degreed medical professionals, insurance providers, attorney, etc.
- Any costs not approved in the final sub recipient agreement.

### Business Commitments

- Maintaining accurate records of the project's implementation process and certifying that all information provided for reimbursement requests and training activities is accurately reported.
- Submitting reimbursement requests with required support documentation, including evidence that the employer has paid the training expenses in accordance with the terms of the agreement or the end of the formal training, whichever is the earliest ending date of program activity.
- Submitting the final reimbursement request forms within 30 days of the end of the agreement or the end of the formal training, whichever is the earliest ending date of program activity.
- Submitting a certified copy of all final employer (non-Federal) expenditures by expenditure category as noted in the Non-Federal Employer Contribution in the approved budget related to the training project with the final reimbursement request referenced above.
- Notifying the Business Services Representative when all training activities have been completed by the trainer.

### Participant Requirements

- Employment in a full-time position with the West Virginia location of the company for which the training is being provided.
- Employees must agree to cooperate with data collection requirements to participate in the Incumbent Worker Training Policy (IWTP).
- Labor Unions must endorse the training and data collection requirements for employees represented by labor unions prior to receiving funding approval and documentation of such endorsement must accompany the IWTP application.

### Training Program Assessment

- Reviews will help to gauge the progress of the training and will also serve to address any concerns, which may have occurred since the origination of the training program.

The share provided by an employer participating in the program may include the amount of wages paid by the employer to a worker while the worker is attending an incumbent worker training program under 134(d)(4). The employer may provide this share of cost in case or in kind, fairly evaluated (WIOA section 134(d)(4)(D)(iii)). Official payroll records documenting the worker's hours and wages must be utilized to determine the amount of the employer's share of cost.

The employer size means the number of employees currently employed at the local operation where the incumbent worker training placements will be made. When

substantiating the employer count, the most current Labor Market Information (LMI) may be a source to consider. LMI may be obtained from the WorkForce West Virginia website. Local employer site information, including an employee size range for each local operation, is available at WorkForce West Virginia. The employee size range from WorkForce West Virginia is acceptable to the extent the entire size range fits within the incumbent worker training employer reimbursement sliding scale ranges (e.g. an employee size range listed as 20-49 falls within the 1-50 employee range found within the incumbent worker training employer reimbursement sliding scale). Employer size is determined by the number of employees at the time of the execution of the incumbent worker training contract. This applies to all employers, including employers with seasonal or intermittent employee size fluctuations. **Note:** Not applicable to Registered Apprenticeships recognized by the State of West Virginia and U.S. Department of Labor.

Training services authorized under Sec. 134 may be provided pursuant to a contract for services in lieu of an Individual Training Account (ITA) if such services are incumbent worker training.

The WVDB must collect performance information from providers on incumbent worker training and use the information to determine whether the providers meet such performance criteria as the Governor may require. The WVDB must disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria for incumbent worker training services shall be considered to be identified as eligible providers of such training services (WIOA section 122(h)(2)).

Agreements with employers regarding incumbent worker training must in writing and must ensure that all participants are provided a structured training opportunity by which to gain the knowledge and competencies necessary to retain employment and avoid lay-offs except in the case of Registered Apprenticeships recognized by the State of West Virginia and U.S. Department of Labor.

**Restrictions:** Funds provided under WIOA cannot be used to pay the wages of incumbent employees during their participation in an economic development activity provided through a statewide workforce development system (WIOA section 181(b)(1)). Additionally, when a relocation of a business results in the loss of employment of an employee of such business, no funds provided for employment training can be used for incumbent worker training until after 120 days has passed since the relocation that caused the loss of employment at an original business location in the U.S. (WIOA section 181(d)(1)).

**Equal Opportunity and Grievances:** The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

**Questions:** Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.

**Expiration:** Effective until rescinded, in writing, by the Region VII Workforce Development Board.



T.J. Van Meter, Executive Director

3/23/23  
Date



Layne Diehl, Chairperson Region VII WDB

3/16/23  
Date