

**Shared Governance Agreement
Between
Pinal County Board of Supervisors and the
Pinal County Workforce Development Board**

Preamble:

This Shared Governance Agreement is entered into between the Pinal County Board of Supervisors (Chief Elected Officials), and the Pinal County Workforce Development Board (PCWDB) to recognize the shared governance responsibility and specify the relationship between these two entities as required by the Workforce Innovation and Opportunity Act of 2014 (Public Law No. 113-128) herein after referred to as “WIOA” (the “Act”).

WHEREAS, the purpose of this agreement is to provide a basis for cooperation and a partnership between the Pinal County Board of Supervisors (PCBOS) and the PCWDB, which will lead to the success of the employment and training system (ARIZONA@WORK Pinal County) within Pinal County. This agreement envisions a future of cooperation and partnership that will contribute to the overall economic prosperity of the region and its residents; and

WHEREAS, the purpose of a Local Workforce Development Area (LWDA) is to serve as a jurisdiction for the administration of workforce development activities using WIOA Title I-B Adult, Dislocated Worker, and Youth funds allocated by the State and to coordinate efforts related to the other core programs at a local community level; and

WHEREAS, Pinal County has been designated as the local Grant Recipient, Fiscal Agent and Administrative Entity of the Pinal County LWDA with liability for said funds, pursuant to Section 107 of the WIOA; and

WHEREAS, the local government’s chief elected official(s) in a local area is liable for any misuse of the WIOA grant funds allocated to the local area under WIOA Secs. 128 and 133, unless the chief elected official(s) reaches an agreement with the Governor to bear such liability, and

WHEREAS, the PCBOS has designated the Pinal County Economic and Workforce Development Department as the administrative entity and the Pinal County Office of Procurement and Housing Department as the Fiscal Agent for WIOA grant funds; and

WHEREAS the PCWDB is appointed by the PCBOS in accordance with State criteria established under WIOA sec. 107(b), and is certified by the Governor every 2 years, in accordance with WIOA sec. 107(c)(2), and

WHEREAS the purpose of the PCWDB is to—

- a. Provide strategic and operational oversight in collaboration with the required and additional partners as identified in the WIOA and other workforce stakeholders to help develop a comprehensive and high-quality workforce development system in the local area and larger planning region;
- b. Assist in the achievement of the State’s strategic and operational vision and goals as outlined in the Arizona’s Unified Workforce Development Plan; and
- c. Maximize and continue to improve the quality of services, customer satisfaction, effectiveness of the services provided, and

WHEREAS, the PCWDB desires to deliver services to businesses, veterans and other individuals that will lead to maximum employment opportunities and enhance the self-sufficiency of the economically disadvantaged in the region; and

WHEREAS, the PCWDB is established in accordance with the requirements of WIOA Section 107 (b) and (c)) and receives its authority from the Act. Actions of the PCWDB are subject to submittal to the PCBOS for final approval.

WHEREAS, the PCWDB shall be staffed by staff from Pinal County Economic and Workforce Development Department which shall provide administrative support to the PCWDB. The PCWDB will be consulted and participate in the selection of board staff. Staff to the PCWDB may only assist the PCWDB in fulfilling the required local board functions found at WIOA sec. 107(d);

NOW, THEREFORE, PCBOS and the PCWDB agree on the following terms and conditions:

Section 1: Role of the PCBOS

- A. Per WIOA Section 107(c)(1) the PCBOS is authorized to appoint the members of the PCWDB in accordance with the criteria established by the Governor in partnership with the State Board (WIOA 107(b)(1)).
 1. The PCBOS shall determine the size of the PCWDB Board consistent with WIOA Section 107(b)(2). The PCWDB may submit a request to the PCBOS for consideration of the change in the size of the PCWDB. Any approved changes must be consistent with WIOA Section 107(b)(2). Changes will become effective on the first day of the following July 1.

2. Unless changes are approved, the PCWDB shall consist of 19 members. The members of the PCWDB must be selected by the PCBOS consistent with criteria established under WIOA sec. 107(b)(1) and criteria established by the Governor and must meet the requirements of WIOA sec. 107(b)(2).
3. The membership shall be categorized as such based on the definitions outlined in the Act:

Category	# of Members
A - Majority Local Business Representatives (>50%)	10
B - Local Workforce - Labor and apprenticeship required; CBOs and other youth-related organizations optional (20% min)	4
C - Education and Training - Title II and higher education required. Local education and CBOs helping individuals with barriers to employment (optional)	2
D - Government, Economic, and Community Development - Economic/Community Development, Wagner-Peyser, and Vocational Rehabilitation required; philanthropic and others optional	3

- B. The PCBOS, as the Chief Elected Official (CEO), will establish by-laws, consistent with State policy for PCWDB membership, that at a minimum address:
1. The nomination process used by the BOS to select the PCWDB chair and members;
 2. The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;
 3. The process to notify the PCBOS of a PCWDB member vacancy to ensure a nominee is appointed within 120 days of the vacancy or request a waiver from the Workforce Arizona Council Manager for vacancies which remain open after 120 days;
 4. The proxy and alternative designee process that will be used when a PCWDB member is unable to attend a meeting and assigns a designee as per the requirements at 20 CFR §679.110(d)(4);
 5. The use of technology, such as phone and web-based meetings, that will be used to promote PCWDB member participation;

6. The process to ensure PCWDB members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities; and
 7. A description of any other conditions governing appointment or membership on the PCWDB as deemed appropriate by the PCBOS.
 8. The by-laws may be amended or repealed in part or in whole only by a majority vote of the PCWDB members at a regular or special meeting with a quorum present.
- C. Approve an annual budget developed by the PCWDB for the purpose of carrying out the duties of the PCWDB. Such a budget will be made based on the annual WIOA allocation received by Pinal County. The PCWDB will approve such a budget and submit to the PCBOS for approval.
- D. The PCBOS delegates to the PCWDB the development of the WIOA 4-year local plan for the local area, and modifications of the plan as may be required by WIOA Sec. 108. The PCWDB will vote to approve such plan and forward to the PCBOS for approval.
- E. The PCBOS delegates authority to the PCWDB to negotiate and reach agreement on local performance indicators with the State WIOA Administrative entity and the Governor. Such negotiated levels of performance will be documented as a modification to the local plan and submitted to the PCBOS for approval;
- F. The PCBOS delegates authority to the PCWDB to negotiate with required partners on the methods for funding the infrastructure costs of ARIZONA@WORK Job Centers in the local area in accordance with 20 CFR §678.715 or must notify the Governor if they fail to reach agreement at the local level and will use a State infrastructure funding mechanism;
- G. Remove PCWDB members if the following occurs: documented violation of conflict of interest, failure to meet LWDB representation requirements defined in WIOA, this policy or documented proof of malfeasance, fraud, or abuse.

Section 2: Role of the PCWDB

As provided in WIOA Sec. 107(d), the PCWDB must:

- A. Elect a chairperson from among the business representatives on the PCWDB.

- B. Develop and approve a 4-year local plan and subsequent modifications to such plan for the local area to the PCBOS for their approval. The PCWDB will then submit the approved local plan to the designated State administrative entity and Workforce Arizona Council.
- C. The PCWDB, with the agreement of the PCBOS, shall develop and enter into a Memorandum of Understanding (MOU) between the PCWDB and each of the partners, concerning the operation of the one stop delivery system in the local area:
1. In coordination with the PCWDB, the board staff shall develop the MOU with the ARIZONA@WORK Pinal County partners;
 2. The PCWDB shall review and approve the MOU;
 3. The Chair of the PCWDB shall sign the MOU; and
 4. The PCWDB will submit the MOU to the PCBOS for approval and signature.
- D. Develop and submit a regional plan in collaboration with other local areas, *if the Pinal County is part of a designated planning region as defined in Sec. 106 of the WIOA) that plan would include other local areas*. If the local area is part of a planning region, the local plan must be submitted as a part of the regional plan.
- E. The PCWDB will utilize labor market information provided by the Arizona Office of Economic Opportunity in addition to proprietary subscriptions in order to conduct workforce research and regional labor market analysis. The PCWDB reserves the right when determined feasible to solicit private resources for targeted information. This research and analysis will be used to include:
1. Analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development (including education and training) activities to include an analysis of the strengths and weaknesses (including the capacity to provide) of such services to address the identified education and skill needs of the workforce and the employment needs of employers;
 2. Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and
 3. Other research, data collection, and analysis related to the workforce needs of the regional economy as the PCWDB, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions;

- F. PCWDB staff, under the direction of the Board will convene local workforce development system stakeholders to assist in the development of the local plan and required modifications under 20 CFR § 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities.
1. Such convenings will be facilitated not less than one year prior to the due date of a new four-year local plan or required modification unless the PCWDB so determines a more frequent interval is required.
 2. All signatories of the ARIZONA@WORK Pinal County MOU will be required to actively participate in such convenings for this purpose.
 3. Such stakeholders may assist the PCWDB and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the PCWDB;
- G. Ensure that the local plan, as required, clearly defines how the PCWDB will lead efforts to engage with a diverse range of employers and other entities in the region in order to:
1. Promote business representation (particularly representatives with optimum policy-making or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the PCWDB;
 2. Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the ARIZONA@WORK Pinal County service delivery system and to support local workforce investment activities;
 3. Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
 4. Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations;

- H. With representatives of secondary and postsecondary education programs, community stakeholders, lead efforts to develop and implement career pathways that align with the in-demand/targeted industries and associated occupations within Pinal County. Such alignment will be informed by the analysis described in Section E of this document to ensure the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment are identified and provided;
- I. Lead efforts in Pinal County to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs by supporting and budgeting for engagement in technical assistance provided by leading WIOA authorities on specific workforce best practices and strategies as well as participating in national offerings of subject matter expert knowledge sharing;
- J. Develop strategies for using technology to maximize the accessibility and effectiveness of the ARIZONA@WORK Pinal County service delivery system for employers, and workers and job seekers, by:
 - 1. Facilitating connections among the intake and case management and referral systems of the one-stop partner programs to support a comprehensive workforce development system in Pinal County;
 - 2. Facilitating access to services provided through ARIZONA@WORK Pinal County, including:
 - a. Access in remote areas by researching and implementing access to virtual service delivery mechanisms;
 - b. Establishing expectation of ARIZONA@WORK Pinal County partners to avail services in various modes of delivery to ensure all citizens of Pinal County have access to services.
 - 3. Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the ARIZONA@WORK Pinal County system delivery system, such as improving digital literacy skills by researching best practices and promoting statewide initiatives targeting individuals with barriers to employment ; and

4. Leveraging resources and capacity within the ARIZONA@WORK Pinal County workforce development system, including resources and capacity for services for individuals with barriers to employment by establishing expectations for co-enrollment supported by co-case management by ARIZONA@WORK Pinal County partners;
- K. Negotiate and reach agreement on local performance indicators with the PCBOS and the Governor supported by the workforce analysis results described in Section E of this document and consulting with service providers and ARIZONA@WORK Pinal County partners to prepare realistic proposed levels of performance for negotiation purposes;
- L. Negotiate with PCBOS and required ARIZONA@WORK Pinal County partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with 20 CFR §678.715 or must notify the Governor if they fail to reach agreement at the local level and will use a State infrastructure funding mechanism as described in the ARIZONA@WORK Pinal County MOU and Infrastructure Funding Agreement (IFA);
- M. Selection of providers
 1. Select the following providers in the Pinal County, and where appropriate, terminate such providers in accordance with 2 CFR part 200:
 - a. **Providers of youth workforce investment activities** through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established); however, if the PCWDB determines there is an insufficient number of eligible training providers in a local area, the PCWDB may award contracts on a sole-source basis as per the provisions at WIOA sec. 123(b);
 - b. **Providers of training services** for listing on the Eligible Training Provider list consistent with the criteria and information requirements established by the Governor and WIOA sec. 122;
 - c. **Providers of career services** through the award of contracts, if the one-stop operator does not provide such services;
 - d. **One-stop operators** as described in section 121(d)(2)(A); One-stop operators in accordance with 20 CFR §§ 678.600 through 678.635;

N. Role of Fiscal Agent

1. The fiscal agent shall maintain fiscal oversight of contracted providers including but not limited to conducting monthly financial monitoring and annual financial audits of such providers. The result of the monitoring and audits will be reported to the PCWDB during regularly scheduled meetings and made available to the State administrative entity and the PCBOS.
2. Coordinate with the PCWDB and Office of Procurement in the development of competitive solicitation and development of service provider contracts.

O. In accordance with WIOA Sec. 107(d)(10)(E), the PCWDB will work with the State to ensure there are sufficient numbers and types of providers of career services and training services that align with the in-demand/targeted industries and associated occupations in Pinal County and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities;

P. Coordinate activities with education and training providers in Pinal County, including:

1. Through the establishment of a Task Force comprised of PCWDB members, Adult Education applications will be reviewed when requested by the Arizona Department of Education to assist with the selection of providers of adult education and literacy activities under WIOA Title II for Pinal County to determine whether such applications are consistent with the ARIZONA@WORK Pinal County local plan;
2. Making recommendations to the eligible agency to promote alignment with such plan; and
3. Replicating and implementing the ARIZONA@WORK Pinal County MOU to enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

Q. Develop and approve a budget for the activities of the PCWDB, with approval of the PCBOS and consistent with the local plan and the duties of the PCWDB.

1. The budget shall include all activities of the PCWDB including the Title I budget amounts to be allocated for Youth, Adult and Dislocated Worker Program career services as well as Rapid Response Program.

2. The PCWDB will determine how much of the budget to allocate for these services and how to procure these services.
 3. The fiscal agent shall immediately disburse the grant funds for workforce investment activities at the direction of the PCWDB, pursuant to the requirements of WIOA ;
 4. A budget report will be presented to the full PCWDB at each regularly scheduled meeting and the acceptance of such report will be documented in the meeting minutes.
- R. Assess, through annual program monitoring, the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*); and
- S. Certify one-stop centers in accordance with 20 CFR § 678.800 and Workforce Arizona Council Job Center Certification policy. The PCWDB will create Task Force comprised of board members and board staff to coordinate and implement the required certification process.
- T. WIOA sec. 107(f) grants the PCWDB authority to hire a director and other staff to assist in carrying out the functions of the PCWDB in agreement with the PCBOS since Pinal County is the employer of record.
1. PCWDB must establish and apply a set of qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in carrying out the functions of the PCWDB.
 2. The PCWDB director and staff must be subject to the limitations on the payment of salary and bonuses described in WIOA sec. 194(15).
 3. In general, PCWDB staff only may assist the PCWDB to fulfill its functions (20 CFR 679.400 (d)).

Section 3: Joint Roles of the PCBOS and PCWDB:

- A. Conduct oversight of youth workforce investment activities authorized under WIOA Sec. 129(c), adult and dislocated worker employment and training activities under WIOA Secs. 134(c) and (d), and the entire ARIZONA@WORK Pinal County service delivery system.
 - 1. The PCWDB will report to the PCBOS no less than four times per program year on the current PCWDB initiatives and workforce investment activities designed to further Pinal County workforce development goals as outlined in the local plan and negotiated MOU;
- B. Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and ARIZONA@WORK Pinal County service delivery system in Pinal County.
 - 1. The designated fiscal agent will document the use of funds provided, including relevant information described in the IFA, and report to the PCWDB as a standing agenda item at regularly scheduled PCWDB meetings.
 - 2. Such documentation will be made available to the PCBOS in a manner agreed upon by the PCBOS and the PCWDB.
- C. Ensure the appropriate use management, and investment of funds to maximize performance outcomes under WIOA Sec. 116. Use of available funds will be outlined in the local plan.
 - 1. The PCWDB will report to the PCBOS no less than four times per program year the status of the expenditure of funds allocated to Pinal County for youth workforce investment activities authorized under WIOA Sec. 129(c), adult and dislocated worker employment and training activities under WIOA Secs. 134(c) and performance outcomes of the entire ARIZONA@WORK Pinal County service delivery system.
 - 2. In agreement between the PCWDB and the PCBOS, a joint meeting may be held on an annual basis.
- D. In partnership with the PCBOS, the PCWDB sets policy for the portion of the statewide workforce development system within the Pinal County and consistent with State policies (20 CFR 679.310 (b)). Such policies will be approved by the PCWDB following a public comment period.

Section 4: Modification, Amendments and Termination

- A. This Agreement shall take effect upon signature of both parties, and shall remain in effect until terminated in accordance with this paragraph or until the Pinal County WIOA is otherwise amended or dissolved.
- B. Either party may terminate this Agreement by giving a 90 day notice to the other party.
- C. Proposed modifications to this Agreement may be offered by either party. Adoption of such proposals shall be approved and enforced through a signed amendment by parties. At a minimum, the following shall require an amendment to this Agreement:
 - 1. Election of a new Chair to the PCBOS;
 - 2. Election of a new Chair to the PCWDB

IN WITNESS THEREOF, the parties hereto have affixed their signatures to this Agreement on the dates written below.

**PINAL COUNTY BOARD
OF SUPERVISORS**



Stephen Q. Miller, Chair

04/21/2021

Date

**PINAL COUNTY WORKFORCE
DEVELOPMENT BOARD**




Liz Harris Tuck, Chair

4/14/2021

Date

ATTEST



Natasha Kennedy, Clerk of the Board

04/21/2021

Date

APPROVED AS TO FORM



County Attorney

4/15/2021

Date

Equal Opportunity Employer/Program Auxiliary aids and services are available upon request to individuals with a disability