

# MEMORANDUM OF UNDERSTANDING for the Statewide Idaho American Job Center Network

Workforce Innovation and Opportunity Act Program years 2020-2022

The Memorandum of Understanding (MOU) for the Idaho American Job Center Network is executed between the Idaho Workforce Development Council and the one-stop partners for the Idaho American Job Center Network. This document serves as the required MOU under the Workforce Innovation and Opportunity Act (WIOA) for the one-stop service delivery system, known as the Idaho American Job Center Network.

## INTRODUCTION

### Vision

The overall vision for Idaho's Workforce Development system is to: improve access to education, economic opportunity, and employment for all of Idaho's job seekers – especially those with significant barriers to employment; develop a skilled and competitive workforce that meets the needs of Idaho's employers; stimulate the vitality of our local communities; and promote a state economy that is competitive in the global economy. The Combined State Plan identifies four priorities to realize this vision: 1) Serving rural communities; 2) Attracting, training and retaining quality staff; 3) Career pathways; and 4) Connecting youth. Idaho's American Job Center Network is designed to support these priorities within its capacity under the Workforce Innovation and Opportunity Act. Idaho has an uncommon composition of a small population spread across large geographic areas. Its very uniqueness necessitates the development of a modified one-stop system that provides quality services in diverse locations and maximizes scarce resources. Idaho's statewide framework addresses varying levels of partner coordination in different locations and still provides consistency in quality service delivery to its citizens across the state.

### Background

WIOA mandates the one-stop system of service delivery in the local areas. The one-stop system combines separate workforce investment, education and other human resource programs and funding streams to create a seamless system of service delivery for individuals receiving assistance. WIOA Sec. 121 requires that an MOU be developed and executed between the Local Workforce Investment Board, with agreement of the chief elected official and the one-stop partners relating to the operation of the one-stop system in the local area. 2 The Idaho Workforce Development Council (WDC) serves as the required State Workforce Investment Board as an Alternative Entity. The WDC also serves as a Local Workforce Investment Board for the entire state of Idaho pursuant to a waiver from the U.S. Department of Labor as part of the 2016 Idaho WIOA State Plan. The Governor serves as the chief elected official for the all areas within the state of Idaho. The state-level one-stop partners in Idaho have been working together on WIOA one-stop implementation since late 2014. This MOU was negotiated in accordance with 20 CFR § 678.510 by the partners and members of the WDC's One-Stop Committee, with input from one-stop partner agencies and service providers.

## MOU Design and Contents

The Idaho American Job Center Network MOU is in two parts. The first part outlines the statewide framework for the operation of the Idaho American Job Center Network as the one-stop delivery system. This part will be reviewed at least once every three years. The second part will be composed of separately signed MOUs that will incorporate this MOU by reference. The separate MOUs will provide details relevant to each of the six service delivery areas (SDAs) in Idaho and will be reviewed annually. The SDAs are also known as regions within the state and are identified by the following locations:

- Region 1 - North Idaho
- Region 2 - North Central Idaho
- Region 3 - Southwest Idaho
- Region 4 - South Central Idaho
- Region 5 - Southeast Idaho
- Region 6 - Eastern Idaho

Per 20 CFR § 678.500, both parts of the MOU will contain the following provisions:

- Parties to the MOU
- Design of the one-stop delivery network
- Description of services to be provided through the one-stop delivery system
- Methods of referral
- In person, warm phone transfer, email, and...
- Methods to ensure that needs of special population groups are met including access to services and access to technology and materials available through the one-stop delivery system
- Duration and assurances
- Signatures

Idaho is required to have two comprehensive one-stop centers. Initially these will be located in Regions 2 and 6. The MOUs for these two SDAs will contain any final cost sharing plans for the comprehensive centers in those locations.

Definitions for terms used in this MOU are in Attachment 1.

## PARTIES TO THE STATEWIDE MOU

The **Workforce Development Council** serves as both the State Workforce Development Board and Local Workforce Development Board for the entire state of Idaho. The primary role of the WDC is to represent the Governor and set policy for the statewide workforce investment system.

Section 121(b)(1)(B) of WIOA identifies programs that are to be included in a one-stop delivery system and requires entities that administer the programs as required partners in the local one-stop delivery system. The following entities are responsible for these programs in the Idaho American Job Center Network and are parties to the statewide MOU.

The **Idaho Department of Labor** is responsible for the administration and delivery of *required* programs. These required one-stop programs are offered in the Idaho American Job Center Network: Adult and Dislocated Worker employment and training and Youth workforce investment programs under WIOA Title IB; the Wagner-Peyser Act for

Employment Services and labor market information; the Trade Adjustment Assistance and NAFTA Transitional Adjustment Assistance activities authorized under chapter 2 of Title II of the Trade Act of 1973 (19 u.s.c.2271); local veterans' employment representatives and disabled veterans outreach programs authorized under chapter 41 of Title 38, U.S.C.; and state unemployment compensation programs.

The **Idaho Department of Labor** is also responsible for the administration and delivery of additional programs offered in the Idaho American Job Center Network: Foreign Labor Certification Program under the Wagner-Peyser Act; State Wage & Hour under the Fair Labor Standards Act; Work Opportunity Tax Credits referenced in Internal Revenue Code; Serve Idaho under the National and Community Service Act of 1990; and.

The **Idaho Department of Labor** is also responsible for the administration and delivery of the *required* WIOA Title I program Job Corps.

The **Idaho Division of Vocational Rehabilitation** is responsible for the administration and delivery of the *required* programs authorized by Title I of the Rehabilitation Act of 1973 (as amended by Title IV of WIOA).

The **Idaho Commission for the Blind & Visually Impaired** is responsible for the administration and delivery of the *required* programs authorized by Title I of the Rehabilitation Act of 1973 (as amended by Title IV of WIOA).

The **Idaho Division of Career & Technical Education** is responsible for the administration of *required* programs in the Idaho American Job Center Network: postsecondary career and technical educational activities under Carl D. Perkins Vocational and Applied Technology Education Act; adult education and literacy activities authorized under Title II of WIOA.

The **Idaho Division of Career & Technical Education** also serves as a liaison to workforce training centers at public technical and community colleges.

The **Idaho Commission on Aging** is responsible for the administration of the *required* Senior Community Service Employment Program activities authorized under Title V of the Older Americans Act of 1965.

The **Community Council of Idaho** is responsible for the administration and delivery of the following *required* WIOA Title I National Farmworker Jobs Program and YouthBuild.

The **Idaho Department of Health and Welfare** is responsible for the administration and delivery of the *required* Temporary Assistance for Needy Families (TANF/TAFI)-Self-Reliance Program.

The **Idaho Department of Health and Welfare** is also a responsible for the administration of additional programs offered in the Idaho American Job Center Network: Supplemental Nutrition Assistance Program (SNAP), employment and training programs for TAFI and SNAP, and Community Services Block Grant.

The **Idaho Commission on Libraries** is a partner serving as a connection to the Idaho American Job Center Network partner program services and provides learning resources in the local communities.

Signatories for the SDA MOUs may vary according to local obligations.

## STATEWIDE DESIGN OF THE ONE-STOP DELIVERY NETWORK

WIOA SEC. 121(e) requires each local area in the state to establish a one-stop delivery system, which shall provide career services. As authorized by each partner program, one-stop partners offer a seamless flow of services to individual customers based on individual needs.

### Services Provided

Serving as the one-stop delivery system in Idaho, the Idaho American Job Center Network shall offer the following career services per 20 CFR § 678.430:

1. Basic career services that are available to all job seekers
  - Outreach, intake and orientation to the information, services, programs, tools and resources available through the local workforce system
  - Initial assessments of skill level(s), aptitudes, abilities and supportive service needs
  - In and out of area job search and placement assistance (including delivery of information on in demand industry sectors and occupations and non-traditional employment)
  - Access to employment opportunity and labor market information
  - Performance information and program costs for eligible providers of training, education, and workforce services
  - Information on performance of the local workforce system
  - Information on the availability of supportive services and referral to such, as appropriate
  - Information and meaningful assistance on Unemployment Insurance claim filing
  - Determination of potential eligibility for workforce partner services, programs, and referral(s)
  - Information and assistance in applying for financial aid for training and education programs not provided under WIOA
2. Individualized career services, if determined to be appropriate, may be provided to an individual in order to obtain or retain employment:
  - Comprehensive and specialized assessments of skills levels and service needs
  - Development of an individual employability development plan to identify employment goals, appropriate achievement objectives, and appropriate combination of services for the customer to achieve the employment goals • Referral to training services • Group counseling
  - Literacy activities related to work readiness • Individual counseling and career planning
  - Case management for customers seeking training services; individual in and out of area job search, referral and placement assistance
  - Work experience, registered apprenticeships, and internships
  - Workforce preparation services (e.g., development of learning skills, punctuality, communication skills, interviewing skills, personal maintenance, literacy skills, financial literacy skills, and professional conduct) to prepare individuals for unsubsidized employment or training ?.
3. Follow-up services must be provided as appropriate, including counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment.
4. Veteran Services – Veterans and eligible spouses receive priority of service for receipt of employment training and job search services. In addition to basic services, a disabled veteran may receive intensive services to include:
  - Comprehensive assessment of education, skills, and abilities
  - In-depth interviewing/evaluation to identify employment barriers and employment goals

- Group and individual career coaching
- Short-term prevocational services which may include the development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training
- Development of an individual employment plan, to include the services appropriate to meet the Veteran's goals

Per 20 CFR § 678.435, business services offered through the Idaho American Job Center Network shall include the provision of labor market information and labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and appropriate career services such as providing recruitment on behalf of employers and referrals to specialized business services. American Job Center staff must establish and develop relationships and networks with large and small employers and their intermediaries and maintain industry or sector partnerships. In addition to the required services described in this paragraph, customized business services as described below may be offered to employers at the discretion of the one-stop operator:

- Serve as a single point of contact for businesses, responding to all requests in a timely manner
- Provide information and services related to Unemployment Insurance taxes and claims
- Assist with disability and communication accommodations, including job coaches
- Conduct outreach regarding the local workforce system's services and products
- Conduct on-site Rapid Response activities regarding closures and downsizings
- Develop On-the-Job Training (OJT) contracts
- Provide customized recruitment and job applicant screening, assessment and referral services
- Provide employer and industry cluster-driven Occupational Skills Training through Individual Training Accounts with eligible training providers
- Conduct job fairs
- Use of one-stop center facilities for recruiting and interviewing job applicants
- Coordinate with employers to develop and implement layoff aversion strategies
- Provide information regarding disability awareness issues
- Provide information regarding workforce development initiatives and programs
- Provide information regarding assistive technology and communication accommodations
- Develop, convene, or implement industry or sector partnerships

In addition to the career, individualized, follow-up, veteran services and business services described above, The Idaho American Job Center Network will provide access to all services provided by one-stop partner programs as appropriate.

## DESIGN OF THE ONE-STOP DELIVERY NETWORK

The Idaho American Job Center Network is designed to provide services across the state, including rural areas that comprise much of Idaho's geography. The Idaho American Job Center Network encourages co-location, shared resources, and coordination to ensure no duplication of work. Although the configuration of American Job Centers (AJCs) will vary according to their communities, the one-stop service delivery strategy is applicable statewide.

The Idaho American Job Center Network is a connection of partners linked locally and across the state. Each partner can participate in the network or certify its service locations, depending on what is appropriate for the service delivery area.

Comprehensive services are accessible to all areas of the state – through various access points as described below. Partners can offer services at the following levels:

- Comprehensive American Job Center (comprehensive AJC)
- Affiliate American Job Center (affiliate AJC)
- Remote Location(s) American Job Center (Network Partner)
- American Job Center Network Partner (network partner)

### **Comprehensive American Job Center**

WIOA requires Idaho to have at least one physical comprehensive one-stop center as described in 20 CFR § 678.305 in each of its designated local areas: Eastern Idaho Service Delivery Area and the Balance of State (North Central Service Delivery Area). Idaho currently has two certified comprehensive AJC's and is in the MOU/certification process of four additional comprehensive AJC locations: North, Southwest, South Central and Southeast. Idaho will provide comparable services across the state regardless of comprehensive center location.

The comprehensive AJC provides job seekers and employers access to all of the required one-stop partner programs at one physical location. Per 20 CFR § 678.305(d), access to program services can be 1) having a staff member physically present at the one-stop center; 2) having a staff member from a different partner program physically present at the one-stop center appropriately trained to provide information to customers about the programs, services, and activities available through partner programs; or 3) making available a direct linkage through technology to program staff who can provide meaningful information or services. A "direct linkage" means providing direct connection by phone or real-time Web-based communication to a program staff member who can provide program information or services to the customer at the one-stop center within a reasonable timeframe.

In order for a location to be certified as a comprehensive AJC, it must meet certain criteria including: mandatory cross-training for staff on the programs without staff physically located at the center, completed infrastructure and cost sharing agreements for the center's operating costs, and all other requirements set forth in WIOA.

### **Affiliate and Remote locations American Job Center**

The affiliate AJC described in 20 CFR § 678.310 is a physical location where job seekers and employers can receive direct services from at least one program partner staff. Per 20 CFR § 678.315, Wagner-Peyser and related programs may not be the only services provided in an affiliate AJC location. An affiliate AJC with Employment Services staff must have at least one or more partners with a physical presence of combined staff more than 50 percent of the time the center is open.

The affiliate AJC must accept referrals from other affiliate AJCs and other American Job Center Network Partners ("network partners") for the services provided at that location. Program staff at affiliate AJC locations are cross-trained to provide meaningful referrals to other partner program services and are encouraged to coordinate customer outreach with other network partners in their service delivery area.

Each location identified as an affiliate AJC must be certified to ensure it meets service delivery standards. Certification standards for affiliate AJC do not require access for all required program services. However, other regulatory requirements for certification are that physical locations of the affiliate AJCs must be accessible to individuals with disabilities and provide reasonable accommodations to other individuals needing additional assistance, such as those with limited English proficiency.

The Remote Location is a physical location where job seekers and employers can receive direct services from at least one program partner staff. Per 20 CFR § 678.315, Wagner-Peyser and related programs may not be the only services provided in a remote AJC location.

The Remote AJC must accept referrals from other affiliate AJCs and other American Job Center Network Partners ("network partners") for the services provided at that location. Program staff at Remote AJC locations are cross-trained to provide meaningful referrals to other partner program services and are encouraged to coordinate customer outreach

with other network partners in their service delivery area. Staff providing remote service delivery will hold regular office hours and appointments in numerous communities in their region. Community partners such as libraries, state agencies, cities, counties, federal agencies, non-profit agencies and others will be utilized as locations. This service delivery model provides for better access to services/programs in rural Idaho.

### **Partners of the American Job Center Network**

Idaho welcomes all partners who offer services to job seekers or employers to participate in its American Job Center Network. Network partners as described in 20 CFR § 678.320 must be able to provide referrals to affiliate and comprehensive AJCs.

Network partners do not need their physical service provider locations to be certified. However, the information must be connected to Live Better Idaho, to ensure both customers and American Job Center staff are aware of the network partner's programs and services. (Additional information on Live Better Idaho can be found below.) If the network partner program requires additional intervention on behalf of the customer beyond what is available in Live Better Idaho, the network partner must provide the additional information needed for American Job Center staff to make a referral.

Network partners are not required signatories of the One-Stop MOU. This one-stop framework allows non-required partners to participate within the network to provide enhanced services to customers without subjecting network partners to infrastructure cost sharing or certification requirements.

### **Service Coordination**

A number of different mechanisms at different levels support the Idaho American Job Center Network to ensure that services are coordinated. Additional methods for coordinating and delivering services locally are identified in the MOU for each service delivery area (Regions 1-6). The following are coordination resources available statewide.

#### **Live Better Idaho**

- Comprehensive services to Idahoans in their local communities are provided by a statewide resource for service coordination. The framework for this coordination is Live Better Idaho, an online platform, developed by one stop partner Idaho Department of Health & Welfare. Live Better Idaho is the product of intensive research in customer-centered services and translating the results to an electronic platform. This custom-designed platform provides access to an array of locally available government and non-profit services directed by the customer's general area of need. Live Better Idaho is designed as a platform to actively engage the customer in the next step of action toward receiving services. Job seekers, individuals with barriers to employment and others needing assistance have access to the state's government and non-profit community resources electronically. AJC program staff are cross-trained on other one-stop program services and can rely on Live Better Idaho for up-to-date access to career, training and supportive services. It facilitates a virtual one-stop in every service delivery location in the state. While the Live Better Idaho platform is an essential mechanism for coordinating services across the state, it supplements already established relationships operating at the local levels.

#### **Workforce Development Council Standing One-Stop Committee**

- As described in 20 CFR § 679.360, the WDC appointed a standing One-Stop Committee to oversee the implementation and operation of the Idaho American Job Center Network. The committee includes partner agency representatives as members. Its responsibility is to develop policy to ensure one-stop system coordination on an ongoing basis. For example, the committee will undertake statewide policy to ensure coordination of services to employers. The WIOA Combined State Plan recommended developing a model where services to employers are delivered using a "single point of contact" to coordinate between programs and

employers at the local and regional level. This model ensures more coordinated, less disruptive or duplicated outreach to employers and will build on existing relationships. Staff working with employers are knowledgeable about all of the Idaho American Job Center Network programs and the benefits they offer to employers. This approach provides business assistance that streamlines communication and leverages resources to assist with workforce development.

### **One-Stop Operator**

- In Idaho, the Idaho Department of Labor serves as the one-stop operator. The one-stop operator is integral to carrying out coordination of partner program services within the Idaho American Job Center Network. In addition to coordinating service delivery to individuals and outreach to businesses as prescribed in 20 CFR § 678.620, the operator is responsible for providing new staff orientation on the one-stop network and regular training to staff on all partner programs and services.

### **Information Sharing**

- To facilitate the integration of services, state partners will develop policy to encourage sharing of customer information needed for referrals within the applicable privacy laws and regulations governing the partner programs.

## **REFERRAL PROCESS**

All basic career services are available at each comprehensive AJC. Program staff within the one-stop network conduct outreach to individuals and provide an orientation to the availability of services. Any AJC staff member can perform an initial interview to connect the individual with the appropriate services – either directly or through a referral to individualized career services, training services or supportive services. The robust referral process in use throughout the state is described below. Staff from each one-stop partner assist with referrals and access to information to other Idaho American Job Center Network partners and their programs. Formal referrals will be made to partners with relevant services primarily based on initial interviews. All AJC staff are required to be trained on network partner services and encouraged to foster personal relationships with other service providers. Before a referral is made, staff conduct an initial interview to determine needs and interests. With permission, an individual's initial information is provided to the partner program's staff using the receiving program's preferred referral method. Staff may also make referrals by direct communication using phone, email or in person, depending on what is best for the partner and the customer. Information on connecting to one-stop network partners is available in the AJC, within the Live Better Idaho website and other online resources such as the Idaho Department of Labor website and the IdahoWorks labor exchange and workforce development system. Most partner staff are able to provide basic career services directly through this arrangement. Immediate direct delivery of career services to the customer is expected whenever possible. Co-enrollment with partner programs is also encouraged when appropriate.

## **METHODS OF ENSURING ACCESSIBILITY**

Outreach to Individuals with Barriers to Employment with guidance from the WDC, its One-Stop Committee and other local stakeholders, the one-stop operator will ensure that programs in each service delivery area offer coordinated outreach to individuals with barriers to employment. The operator may develop outreach plans targeted to groups such as workers, youth, individuals with disabilities, those with limited English proficiency, low literacy levels, or others with barriers to employment.

### **Accessibility and Accommodations**

Certified AJCs must meet the requirements of WIOA Section 188 affording programmatic and physical access to services. Each AJC will be assessed annually to ensure accessibility to individuals with disabilities. All AJCs are equipped with

accessible computers specifically designed with ADA equipment and software to accommodate a variety of disabilities. Program service providers can provide language assistance to individuals with limited English proficiency through oral interpretation, either in person or via a telephone interpretation service such as the Language Line or written translation. Reasonable accommodations are made for customers requiring assistance to receive services.

## **COST SHARING GUIDELINES FOR SERVICE DELIVERY AREAS**

Cost sharing for the Idaho American Job Center Network will be negotiated at the service delivery area level. Partners at comprehensive AJC (and affiliate AJCs as appropriate) agree to enter into a cost sharing agreement on an annual basis to support the cost of shared services and jointly occupied facilities. All parties to this MOU recognize infrastructure costs are applicable to all required one-stop partners, whether they are physically located in the AJC or not. Each partner's contributions to these costs, however, may vary, as these contributions are based on the proportionate use and relative benefit received, consistent with the Partner programs' authorizing laws and regulations and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200, state rules and policy guidelines and any local program policies regarding cost sharing.

## **ADDITIONAL TERMS**

### **Assurances**

All Parties to this agreement shall comply with:

- Section 188 of the WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38; Final Rule, published December 2, 2016),
- Title VI of the Civil Rights Act of 1964 (Public Law 88-352),
- Section 504 of the Rehabilitation Act of 1973, as amended,
- The Americans with Disabilities Act of 1990 (Public Law 101-336),
- The Jobs for Veterans Act (Public Law 107-288) pertaining to priority of service in programs funded by the U.S. Department of Labor,
- Training and Employment Guidance Letter (TEGL) 37-14, Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping Are Prohibited Forms of Sex Discrimination in the Workforce Development System and other guidance related to implementing WIOA sec. 188,
- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR part 99),
- Confidentiality requirements governing the protection and use of personal information held by the Vocational Rehabilitation agency (34 CFR 361.38),
- The confidentiality requirements governing the use of confidential information held by the State Unemployment Insurance agency (20 CFR part 603),
- all amendments to each, and
- all requirements imposed by the regulations issued pursuant to these acts.

### **Review**

This MOU will be reviewed at least once every three years by the WDC One-Stop Committee. If significant changes occur, this agreement may be modified as authorized below. 11 Modification This MOU may be modified, altered or renewed by mutual written consent of all the parties, by the issuance of a written amendment, signed and dated by all the parties. Modifications may include the addition of new Idaho American Job Center Network partners as approved by the WDC.

Withdrawal from or Termination of the Agreement

Any partner to this Agreement may withdraw its participation in the MOU, in whole or in part, upon giving written notice of at least 30 days to the WDC, provided that a written explanation of the scope of withdrawal and the reasons for that withdrawal are included in the written notice. This MOU may be terminated at any time by mutual written consent of all partners. It is understood that the partners will seek to resolve all conflicts in order to avoid termination. The designated representative of each partner will be responsible to coordinate all matters associated with this MOU for their party, including all written notices.

### **Disputes**

The partners acknowledge that disputes may arise from time to time and agree to attempt to resolve such disputes in the most expeditious manner possible. The lead representative for each partner involved in a dispute will attempt to reach resolution before turning the matter to the WDC. The WDC will agree upon a resolution and offer a recommendation for action to the parties involved. Severability If any part of this MOU is found to be null and void, or is otherwise stricken, the rest of this MOU shall remain in full force and effect, until negotiation or rewritten. Duration The partners agree that the terms of this MOU will take effect as of July 1, 2017 and will continue until such time as any partner or partners, shall modify or terminate this agreement as provided above.