

**PARTERSHIP AGREEMENT
BY AND BETWEEN THE
CHIEF LOCAL ELECTED OFFICIAL (CLEO)
AND
SOUTHWEST TENNESSEE WORKFORCE DEVELOPMENT BOARD
OF
SOUTHWEST TENNESSEE LWDA**

This Agreement is entered into on this 1st day of July 2018, by and between the Consortium of the Chief Local Elected Official (CLEO), the Local Elected Official (LEOs) of Chester, Decatur, Hardeman, Hardin, Haywood, Henderson, Madison and McNairy Counties in West Tennessee, all political subdivisions of the State of Tennessee (hereinafter referred to as the *Consortium*), and the Southwest Tennessee Workforce Development Board (hereinafter referred to as the *Board*) pursuant to the Workforce Innovation and Opportunity Act of 2014).

WITNESSETH

WHEREAS, the Workforce Innovation and Opportunity Act of 2014 was enacted by the Congress of the United States and signed into Law by the President of the United States, has developed a unified training system that will increase the employment, retention and earnings by participants, and as a result improve the quality of the workforce, reduce welfare dependency, and enhance productivity and competitiveness; and

WHEREAS, the Workforce Innovation and Opportunity Act of 2014 (the "Act") requires the Governor to designate a Local Workforce Development Board ("LWDB") to promote the effective delivery of job training services and further provides that a consortium of general purpose local governments may constitute such an area; and

WHEREAS, the Local Elected Officials of Chester, Decatur, Hardeman, Hardin, Haywood, Henderson, Madison and McNairy counties have entered into an agreement to form such consortium for the purposes of the Act; and

WHEREAS, the Act requires the establishment of a Local Workforce Development Board (the "Board") to provide policy guidance and exercise oversight of activities under the job training program for its LWDA in partnership with the Consortium; and

WHEREAS, it is the responsibility of the parties to determine procedures and policies for local board membership, the Development of a Workforce Development plan, the approval of a LWDA budget.

NOW, THEREFORE, the parties agree as follows:

1 Local Board Membership

The CLEO will assure adherence to the LWDB composition as outlined in WIOA Section 107(b)(2). The Board shall have a majority, as defined as greater than 50% of all Board membership, of business representatives. Business representatives must be (1) owners of businesses, chief executives, operating officers, or other business executives or employers with optimum policy making or hiring authority; (2) represent businesses with employment opportunities that reflect the employment opportunities of the local area; and (3) are appointed from among individuals nominated by local business organizations and business trade associations. The Chairperson of the Board shall (a) be elected from among the members of the Board and (b) be a representative of the private sector in accordance with WIOA Section 117 (b)(5).

A. Terms:

A member's term shall begin upon the date of the nomination form unless otherwise specified in the TDLWD status sheet received regarding each nomination. The member's term shall automatically renew each year, or until his or her resignation, removal, or death.

B. Nomination:

For each Board member position that requires a nomination, there are three types of Board representatives that require uniquely-mandated nominations. These are representatives for business, labor and education. Only organizations, specifically involved with these three classifications, may nominate such respective board members. Nominations, for these types of board representatives, require a Chief Executive Officer or head official, from one of the organizations pertaining to business, labor, or education, to perform the following tasks:

- i. Sign the appointment (nomination) form, referenced in Section D below; and
- ii. Sign a letter identifying the individual being nominated by his or her organization. This letter must acknowledge the nominee's optimum policy making authority and include documentation in the form of curriculum vitae, resume or work history supporting the qualifications of the nomination; and
- iii. Submit this signed letter to the LWDB and the appointing CEOs of the LWDA. Anyone making any other nominations or recommendations for other representative positions on the local Board will need to follow the same procedure as listed above in (i) — (ii). Composition of the LWDB should reflect the demographic makeup for the Southwest Tennessee LWDA. The most recent US Census is the best source for identifying respective demographics information.

C. Appointment:

LWDB member appointments must be signed by the appointing Chief Elected Official on the official Workforce Development Board Nomination Form. The nomination form must be accompanied by a conflict of interest statement signed by the prospective Board member. Both documents must be submitted to the Administrative Entity.

D. Change in Status:

Any member of the Board shall be removed for cause when such member: no longer holds the position or status as an eligible Board member as described in Section 117(b)(2)(A)(i-iv)(B); or, In accordance with the West Tennessee Workforce Development Board By-Laws, Section 5.4 Removal, any member of the Board may be removed for cause by a two-thirds (2/3) vote at a meeting, at which a quorum is present. Cause for removal shall include: (a) missing three consecutive meetings, (b) a change in employment that results in a change of membership classification, (c) failure or refusal to work cooperatively with the Board and to abide by the By-laws, and (d) other causes as determined by the Board.

E. Mid — Term Appointments:

Any member replacing an out-going member in mid-term will serve the remainder of the out-going member's term.

F. Vacancies:

Any vacancy occurring on the *Board*, including vacancies created by the removal of members for cause may be filled by the chief elected official of the county which appointed the member whose position is vacant, so long as the requirements of the Board By-Laws, Section 5.1 are satisfied. Vacancies must be filled within a reasonable amount of time of the vacancy. Any action taken by the Board, with a vacancy or term expiration beyond the time period described in the Board By-Laws, Section 5.6 shall be void unless the Board has an approved waiver from the TDLWD prior to the Board meeting. Waivers are to be requested in writing to the Administrator of Workforce Services with an explanation of why a vacancy was not filled in the defined timeframe and a description of the process underway to fill the vacancy.

G. Removal:

Any member of the Board shall be removed for cause when such member: no longer holds the position or status as an eligible Board member as described in Section 117(b)(2); or, has been determined by the Board to have violated conflict of interest rules; or, has been determined by the Board to have committed fraud or abuse in such members capacity as a member of the Board. Board members may be removed for other factors as determined by the Board by-laws Section 5.4 Removal: Any member of the Workforce Development Board may be removed for cause by a two-thirds (2/3) vote at a meeting, at which a quorum is present, in accordance with this article. Cause for removal shall include: (a) missing three consecutive meetings, (b) a change in employment that results in a change of membership classification, (c) failure or refusal to work cooperatively with the Board and to abide by the By-laws, and (d) other causes as determined by the Board. Removal of a member shall also constitute removal as an officer of the Board and as a member of all committees of the Board.

2 Relationship between Chief Elected Officials and the LWDB:

A. Roles and Responsibilities:

a. Local Plan Requirements:

The Board shall be responsible for the Development of the Local Workforce Development Area (LWDA-11) plan, and any amendments or modifications thereto, as described in Section 118 of the Act. The Chief Elected Official, on behalf of, and with the approval of the Consortium, shall approve such plan and any amendments or modifications. The plan shall be available for review and comment by the Consortium and their constituents for a period of thirty (30) days prior to approval

b. Budget and Approval:

Pursuant to Section 117(d)(3)(B)(1)(11) of the Act, the Consortium agrees to designate, the Chief Local Elected Official, by and through Southwest Human Resource Agency as the Grant Sub-recipient/Administrative Entity and local fiscal agent for the local area. As the Grant Sub-recipient/Administrative Entity and local fiscal agent, Southwest Human Resource Agency shall be responsible for the administration of all funds and activities at the direction of the Board pursuant to the requirements of the Act. Such administration shall include the Development of the budget, subject to the approval of the Board, to carry-out Workforce Innovation and Opportunity Activities under the Act. The members of the Consortium retain responsibility for appropriate use and distribution of any and all funds allocated to the Consortium through such Act and shall be liable for any misuse of the funds in proportion to their representation.

c. Workforce System Operator:

Pursuant to Section 117(d)(2)(A), the Board with the agreement of the Chief Elected Official , acting with the approval of the Consortium, shall designate a one-stop operator consistent with Section 121(d)(2)(A)(ii) of the Act. In so doing, the Board shall designate a Partner Consortium comprised of, Southwest Tennessee LWDA, and at least two other entities as described in Section 121(b)(1). The composition of such Partner Consortium shall be consistent with any policy of jurisdiction established by the State of Tennessee.

d. Local Board Policy:

Pursuant to Section 117(d) the Board shall have the authority to develop such Local Workforce Development Area (LWDA) policy as it determines necessary to carry-out Workforce Innovation and Opportunity Activities under the Act. Any Such policy(s) shall be consistent with the Act, and approved by a majority of the members of the Board at a regularly held meeting.

- e. Board Meeting Agenda:
The LWDA-11 Board Chair and Board Staff will collaborate in setting the agenda for Board meetings.
- f. Board Vision Communication:
In order to promote the Vision of the West Tennessee Workforce Development Board outreach will be conducted in local communities to determine the needs of job seekers and employers. WIOA funds will be utilized through on-the-job training to assist employers with training costs of new hires. Incumbent Worker Training funds will be made available to employers to upgrade skills of current workers in order to become more productive. Job seekers determined eligible for WIOA can utilize funds for in-demand occupational training.

3 Monitoring, Performance, and Oversight of LWDA:

Designated One-Stop Operator will be responsible for the oversight and monitoring of the WIOA programs administered in the Southwest Tennessee LWDA. One-Stop Operator will report to the Board regarding performance by utilizing a scorecard to be developed in conjunction with the Local Board staff and the One-Stop Operator staff.

4 Local Board Budget Approval:

All LEOs serve on the Policy Council of Southwest Human Resource Agency, who is the Fiscal Agent for Southwest Tennessee LWDA. Policy Council meetings are held quarterly allowing consideration of the LEOs to voice support or opposition of the budget. Opinions are taken into account through a voting process for approval of the budget.

5 Communication:

LEOs and County Chambers notify staff of LWDB when a meeting is scheduled within the county regarding Workforce Development needs. A member of LWDB staff will attend these meetings to identify how WIOA may assist with Workforce Development needs.

6 Amendments:

Should the occasion arise for an amendment to this agreement (Ex. Change in composition of the LWDB/newly elected official, etc.), LWDA will amend the agreement and submit to each party for review and signatures.

By signing this agreement, you are acknowledging that you have read, understood, and will comply with the current Partnership agreement.

THIS AGREEMENT IS ENTERED INTO ON BEHALF OF:

CONSORTIUM OF LOCAL ELECTED OFFICIALS


Dwain Seaton, Chief Local Elected Official

SOUTHWEST TENNESSEE LWDA


Craig S. Butler, Board Chair