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MAINE WORKFORCE DEVELOPMENT SYSTEM			
Subject of Policy:	Memoranda of Understanding (MOU)	Policy No.	PY16-01
To:	<ul style="list-style-type: none"> • State WDB • Local WDBs • Chief Elected Officials • WIOA Required Partners 	From:	Edward D. Upham, Director Bureau of Employment Services
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Purpose: To provide guidance on negotiation and implementation of Memoranda of Understanding (MOUs) developed between Local Workforce Development Boards (LWDBs) and WIOA-required and other workforce partners.

Background: The one-stop delivery system brings together workforce development, educational, and other human resource services in a seamless, customer-focused, service delivery network that enhances access to programs’ services and improves the long-term employment outcomes of individuals receiving assistance. One-stop partners administer separately funded programs as a set of integrated streamlined services to customers. The design of the local area one-stop delivery system is to be described in the MOUs executed with each partner. [20 CFR 678.300](#)

The Workforce Innovation and Opportunity Act (WIOA) states that each Local Workforce Development Board (LWDB), with the agreement of the chief elected official, shall develop and enter into a Memorandum of Understanding (MOU) between the local board and one-stop partners concerning the operation of the one-stop delivery system in the local area. There are three LWDBs in Maine, the Northeastern WDB (NWDB) which covers Aroostook, Washington, Penobscot, Piscataquis, and Hancock Counties; the Central Western Maine WDB (CWMWDB) which covers Androscoggin, Franklin, Oxford, Somerset, and Kennebec Counties, and the Coastal Counties WDB (CCWB) which covers York, Cumberland, Sagadahoc, Lincoln, Knox, and Waldo Counties.

LWDBs are tasked with engaging workforce partners in discussion regarding the coordination and integrated delivery of services in the local area, assurance that all services are accessible to workers and employers and how the costs of the one-stop infrastructure will be shared. Each local area must provide at least one **comprehensive one-stop center** at which the services of **all** required partner programs can be accessed. Local area one-stop systems may also include affiliate sites that provide one or more partner services; however, all sites identified as part of the local one-stop delivery system must be physically and programmatically accessible to individuals with disabilities. [WIOA §188, 29 CFR Part 38](#)

Identification of the Comprehensive One-Stop(s) in the Local Area

The State and LWDBs must take the following into consideration in identifying the comprehensive one-stop center(s) for a local area, to ensure both cost effectiveness and maximum access for residents of the local areas:

- Existing lease agreements
- Number of required partners already co-located in a physical center
- Ease of access to the comprehensive center for all local area residents
- Proximity of the center to other required partner organizations

- Availability and affordability of space within the center for partners wishing to co-locate

WIOA requires that the services of each required partner program be able to be accessed from at least one comprehensive one-stop center in each local area. The term **access** is defined as:

1. Having a program staff member physically present at the comprehensive one-stop;
2. Having a staff member from a different partner program physically present at the comprehensive one-stop 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 that can provide meaningful information or services.
4. **Direct linkage** means: providing direct connection, within a reasonable amount of time, by phone or through real-time Web-based communication, to a program staff member; direct linkage does not mean only providing a phone number, Website address, or pamphlets and materials. [20 CFR 678.305](#)

Examples of methods of providing “direct linkage” to partner programs may include:

- Designated staff in the center who are trained to connect customers with required partner(s);
- Staff trained to provide information on behalf of the required partner(s);
- Implementing “live chat” capabilities between the center and required partner(s);
- Requesting that the required partner identify a dedicated, on call, staff person able to respond to one-stop customer inquiries; and
- Identifying, with each partner the amount of time that constitutes a “reasonable time frame” in which the one-stop customer gains access to the required partner(s) services.

Required Partners:

The Required Partner is the entity that is the grant recipient/administrative entity responsible for administering the program grant funds. The term “entity” does not include service providers that contract with, or are subrecipients of, the administrative entity. [20 CFR 678.415](#)

The following are the partners identified under WIOA that each LWDB is required to enter into an MOU with:

Programs	Required Partner
Adult, Dislocated Worker, Youth Formula Programs	Local Workforce Development Boards
Adult Education & Family Literacy	ME Dept. of Education
CTE Carl Perkins Act –Post-Secondary	ME Dept. of Education or Maine Community Colleges
Community Services Block Grant E & T Activities	Maine Dept. of Health & Human Services
Job Corps	Loring Job Corps & Penobscot Job Corps
Jobs for Veterans State Grant	ME Dept. of Labor
Migrant & Seasonal Farmworker Programs	Eastern Maine Development Corp. NFJP grantee
Housing & Urban Development E & T Activities	HUD
Native American Programs	Penobscot Indian Nation (NWDB only)
Second Chance Act E & T Programs	ME Dept. of Corrections
Senior Community Service Employment (SCSEP)	Able Me
Temporary Assistance for Needy Families (TANF)	ME Dept. of Health & Human Services
Trade Adjustment Act	ME Dept. of Labor
Unemployment Compensation / Reemployment	ME Dept. of Labor
Vocational Rehabilitation Programs	ME Dept. of Labor
Wagner Peyser Act Employment Service	ME Dept. of Labor
YouthBuild	Learning Works (with CCWB only)
Chamber of Commerce (SWDB Required Partner)	State or Local Chamber

MOUs may be developed with additional partners that play a role in the state or local one-stop system such as the Maine Apprenticeship Program, the Competitive Skills Scholarship Program, New Ventures, Ticket-to-Work, the Small Business Association, the Maine Development Foundation, Maine Public Libraries, CAP Agencies, Economic Development Districts/Entities and others. [20 CFR 678.400-410](#)

Partner Roles and Responsibilities: Each required partner must:

1. Provide access, through the one-stop delivery system, to its programs and activities, including making available the applicable Career Services identified in the definitions section below;
2. Use a portion of its funds available for the program activities to maintain the one-stop delivery system, including payment of the infrastructure costs in accordance with WIOA § 121(h) and State Policy PY16-02;
3. Work collaboratively with the State and local boards to establish and maintain the one-stop delivery system.
4. Enter into a local MOU with the local board, relating to the operation of the one-stop system;
5. Participate in the operation of the one-stop system, consistent with the terms of the MOU, the requirements of WIOA and Federal regulations and other applicable legal requirements; and
6. Provide representation on the State and Local Boards as required under WIOA. [WIOA§121\(b\)\(1\)\(A\)](#)

Each required partner is responsible for identifying the career services that are relevant to their programs and making those services able to be accessed through the comprehensive one-stop center in each local area and any affiliate site as agreed upon. Partners must ensure that individuals have access to these services on regular business days at a minimum. Local areas are encouraged to find creative ways to expand the hours that services are available to ensure that services are universally accessible; ability to offer services during non-traditional hours are one of the evaluation components for one-stop certification.

Development of the Memoranda of Understanding:

The MOU is the product of discussion and negotiation between the required partner program and the Local Workforce Development Board and its Chief Elected Officials (CEO). LWDBs can develop a blanket MOU with all or some partners or single MOUs with individual partners. LWDBs must document the negotiations process in the MOU. In the event the LWDB is unable to execute an MOU or is at an impasse regarding shared costs, the LWDB must inform the MDOL. Technical assistance will be provided as necessary. [20 CFR 678.505-510](#)

The MOU is used by program service providers as a as a blueprint of the design for delivery of local workforce services. The MOU addresses shared services to shared customers and shared costs. Partners of the local one-stop system will be evaluated on the coordination and integration of delivery of services and by how well they adhere to the components agreed to in the MOUs.

Local boards must begin the MOU development process with required partners immediately. The requirement for an MOU with required partners has been in place since the onset of the Workforce Investment Act of 1998 and is carried over by WIOA. Local boards must have current MOUs in place to be compliant with the Act. Final regulations for WIOA provide additional time for local boards to negotiate the WIOA-prescribed infrastructure cost-sharing portion of the MOU. In order to accommodate the required deadline, local boards must have final infrastructure cost-sharing agreements in place by March 31, 2017.

The MOU must include: [20 CFR 678.500](#)

1. A description of the services to be provided and the manner in which the services will be coordinated and delivered through the system;
2. Agreement on funding the costs of the services and the operating costs of the system – including infrastructure costs of the one-stop centers and funding of the shared services and operating costs of the one-stop delivery system;
3. Methods for referring individuals between the one-stop partners for appropriate services and activities;
4. Methods to ensure that the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the one-stop delivery system;
5. The duration of the MOU and the procedures for amending it;
6. Assurances that each MOU will be reviewed, and if substantial changes have occurred, renewed, not less than once every 3-year period to ensure appropriate funding and delivery of services. *Note: the MOU may contain*

any other provisions agreed to by the parties, consistent with the Act and authorizing statutes of each partner program;

7. The signatures of the Local WDB Chair and Director, the Local Area chief elected official, and the one-stop partner; and
8. The time period during which the agreement is effective.

Note: as stated above the MOU must be updated not less than once every three years to reflect any changes to the signatory officials or the infrastructure cost-sharing agreement. The infrastructure cost-sharing agreement portion of the MOU may be updated more frequently, such as on an annual basis as deemed appropriate by the LWDB and required partner. Specific guidance on negotiating infrastructure cost-sharing agreements is provided under policy 16-02.

MOU Development Guide
<p>Services to be provided and the manner in which they are coordinated</p> <ul style="list-style-type: none"> • Define the purpose, mission, values and goals of the system • Identify the partners included in the MOU (both required and optional). • Describe the system design • Describe the system services, that are applicable to each partner, including career services, and those identified in the Maine Unified Plan • Identify the system customers and describe shared customers • Describe the responsibilities of the partners, including joint planning and staff development/professional development
<p>Describe the initial plan for Phase II funding of services and operating costs.</p> <ul style="list-style-type: none"> • A commitment to sharing system operating costs • An assurance that costs will be based on proportionate use and agreed upon methodology • An assurance that a cost sharing agreement will be completed during Phase II of the MOU process (See PY16-02 for more guidance)
<p>Describe method for referring individuals between the partners</p> <ul style="list-style-type: none"> • Describe the one-stop system referral process • Describe the commitment to ensuring a high-quality, customer-centered focus • Identify how the one-stop system will provide direct access to partners in person and through real-time technology
<p>Describe methods to ensure the needs of workers, youth, individuals with barriers to employment and individuals with disabilities are addressed in provision of necessary services and appropriate access, including access to technology and materials made available through the system.</p> <ul style="list-style-type: none"> • Attach a system map that identifies the location of each comprehensive and affiliate center in the local area • Define individuals with barriers to employment and describe how the system will ensure access to and priority of services to individuals with barriers to employment • Include a commitment by the partner(s) to work together to share data and technology • Identify measures and internal controls to be applied to ensure system security • Include a commitment to comply with the confidentiality provisions of the respective statutes of the partners • Describe how the system will provide measures to promote nondiscrimination and equal opportunity. • Describe the system grievance procedures • Include a commitment that the partner will comply with the American’s with Disabilities Act Amendment of 2008 • Include a commitment that the partner(s) will promote capacity building and professional development for staff in order to increase awareness and understanding of service individuals with barriers to employment and individuals with disabilities
<p>Describe the duration of the MOU and procedures for amending it.</p> <ul style="list-style-type: none"> • Identify the effective dates of the MOU • Include an assurance to review the MOU at least once every three years • Describe the procedure established to revise the MOU • Describe the procedures established to terminate the MOU
<p>Recommended Provision:</p> <ul style="list-style-type: none"> • Describe how the system partners will handle dispute resolution

Definitions:

Affiliate Sites – or affiliate one-stop centers, are sites that makes available to job seeker and employer customers one or more of the one-stop partners’ programs, services, and activities. An affiliate site does not need to provide access to every required one-stop partner program. Affiliate sites are access points in addition to the comprehensive one-stop center(s) in the local area. Affiliate sites can also be specialized centers that address specific needs of a target population or key industry sector or cluster. [20 CFR 678.310](#)

Business Services – Labor exchange activities and labor market information must be provided to employers through the local one-stop system. Customized services, tailored to specific employers may also be provided, including:

1. Customized screening and referral of qualified participants in training services to employers;
2. Customized services to employers, employer associations, or other such organizations on employment-related issues;
3. Customized recruitment events and related services, such as targeted job fairs;
4. Human resource consulting services, including but not limited to assistance with:
 - o Writing/Reviewing job descriptions and employee handbooks;
 - o Developing performance evaluation and personnel policies;
 - o Creating orientation sessions for new workers;
 - o Honing job interview techniques for efficiency and compliance;
 - o Analyzing employee turnover;
 - o Creating job accommodations and using assistive technologies; or
 - o Explaining labor and employment laws to help employers comply with discrimination, wage/hour, and safety/health regulations;
5. Customized labor market information for specific employers, sectors, or industries or clusters; and
6. Other similar customized services.

Career Services- Career Services consist of three types, Basic, Individualized, and Follow-Up.

1. Basic Career Services must be made available in the comprehensive one-stop center and must include:
 - a. Determination of eligibility for the Title I formula-funded Adult, Dislocated Worker or Youth programs;
 - b. Outreach, intake and orientation to information and services available through the one-stop system, including an opportunity for individuals to initiate an application for TANF assistance through the provision of a paper application form or Web-link;
 - c. Initial assessment of skill levels including: literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skill gaps), and supportive service needs;
 - d. Labor Exchange Services, including: job search and placement assistance, and when needed individual career counseling, including provision of information on:
 - In-demand industry sectors and occupations;
 - Non-traditional employment;
 - Appropriate recruitment and other business services to employers, including referrals to specialized business services other than those traditionally offered through the one-stop delivery system;
 - e. Provision of referrals to and coordination of activities with one-stop partner programs and services;
 - f. Assistance establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA;
 - g. Provision of information (in understandable formats and languages) on:
 - workforce and labor market employment statistics information for local, regional, and national labor market areas;
 - Job vacancy listings in those labor market areas;
 - Job skills necessary to obtain the vacant jobs listed;
 - Local occupations in demand and the earnings, skill requirements, and opportunities for advancement in those jobs.
 - Performance and cost information on programs offered by eligible training providers of education, training and workforce services, by program and type of provider;
 - Local area performance accountability measures;
 - The availability of supportive services or assistance and appropriate referrals to those services, such as childcare, child support, medical or child health care assistance, SNAP, EITC, and TANF and other services as appropriate;

- Filing an unemployment insurance claim;
2. **Individualized Career Services** which are to be provided based on participant need, include:
 - a. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers;
 - b. Development of an individual employment plan to identify goals, objectives and appropriate combination of services for the participant to achieve his/her employment goals;
 - c. Group counseling;
 - d. Individual counseling;
 - e. Career planning;
 - f. Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment;
 - g. Internships and Work Experiences that are linked to careers;
 - h. Workforce preparation activities;
 - i. Financial Literacy services;
 - j. Out-of-area job search and relocation assistance; and
 - k. English language acquisition and integrated education and training programs.
 3. **Follow-Up Services:** are services provided to participants for up to 12 months after they exit the program to support their success in unsubsidized employment and may include: workplace counseling and guidance. *TANF agencies must identify employment services and related supports being provided through the TANF program that may also qualify as Career Services.*

Comprehensive One-Stop Center – is a physical location where job seeker and employer customers can access **all** of the relevant programs, services, and activities of the required one-stop partners. At least one comprehensive one-stop center must be located in each local area. Each comprehensive center must have at least one Title I formula-program staff person physically present. The comprehensive center must provide:

- Access to all WIOA Career Services;
- Access to permissible Training Services and activities;
- Access to the Employment and Training Activities offered by the required and other one-stop partners; and
- Access to Workforce and Labor Market Information [20 CFR 678.305](#)

Individuals with Barriers to Employment –Individuals with barriers to employment include:

1. Displaced homemakers;
2. Low income individuals;
3. Indians, Alaskan Natives, and Native Hawaiians;
4. Individuals with disabilities;
5. Older individuals, i.e.: those age 55 or over;
6. Ex-Offenders;
7. Homeless individuals;
8. Youth who are in or have aged out of the foster care system;
9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
10. Eligible migrant and seasonal farmworkers, defined in WIOA §167(i);
11. Individuals within 2 years of exhausting eligibility under TANF (part A of title IV of the Social Security Act);
12. Single parents, including single pregnant women;
13. Long-term unemployed individuals (unemployed 26 weeks or more); and
14. Other groups determined to have barriers to employment. [20 CFR 680.320\(b\)](#)

Infrastructure Costs –nonpersonnel costs necessary for the general operation of the one-stop center, including:

- Rental of facilities;
- Utilities and Maintenance;
- Equipment (including assessment-related products and assistive technology for individuals with disabilities)
- Technology to facilitate access to the one-stop center, including technology used for the center’s planning and outreach activities
- Common identifier costs;