

**New York State
Local Workforce Development Area
Memorandum of Understanding**

Template

December 1, 2020

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[Name of Local Workforce Development Area (LWDA)]

A. Intent of the MOU

This MOU is meant solely to capture each partner’s roles and responsibilities in the NYS Career Center System (System). The partners executing this MOU acknowledge and agree that this document is not a contract, and the MOU does not create, or otherwise give rise to, any contractual rights or obligations between the partners and their representatives. Each partner’s responsibilities, which are generally summarized in this MOU, may only be legally enforced in the event the relevant partners execute a separate joint use or collaboration agreement. The MOU memorializes, in writing, the way the partners will work collaboratively together to satisfy the federal regulations for the System and is not designed to be contractual terms and conditions enforceable by a court order.

This MOU was developed and executed to ensure compliance with the MOU required by section 121 of the Workforce Innovation and Opportunity Act (WIOA), 20 CFR §678.500, 20 CFR §678.755, and Training and Employment Guidance Letter 17-16 (issued by the United States Department of Labor, Employment and Training Administration on January 18, 2017).

This MOU supersedes prior MOUs executed pursuant to 20 CFR §678.500 and 20 CFR §678.755, but does not replace or supersede any other prior agreements entered into by any partner described in the MOU, including but not limited to separate agreements partners have executed.

B. Parties to the MOU

Table 1: Partner Program Contact Information

The [Name of LWDA], the Chief Elected Official(s) (CEOs) and the following other partners are the parties to this MOU:

Partner Entity or Program Name (as applicable to the LWDA)	Point(s) of Contact (Name, title, address, email, phone)
1. Local Workforce Development Board (LWDB)	
2. Chief Elected Official (CEO)	
3. Adult, Dislocated Worker (DW), and Youth under Title I of WIOA	
4. Job Corps under Title I of WIOA	
5. YouthBuild under Title I of WIOA	
6. Indian and Native American Programs (INAP) under Title I of WIOA	
7. Migrant and Seasonal Farmworker Programs (MSFW) under Title I of WIOA	
8. Adult Education and Family Literacy Act programs under Title II of WIOA (Adult Ed.)	

Partner Entity or Program Name (as applicable to the LWDA)	Point(s) of Contact (Name, title, address, email, phone)
9. New York State Department of Labor (NYS DOL) administered: <ul style="list-style-type: none"> • Wagner-Peyser (WP) program under Title III of WIOA • Trade Adjustment Assistance (TAA) under Title II of Trade Act • Jobs for Veterans State Grants (Vets) under Title 38, U.S.C. • State Unemployment Insurance (UI) programs 	
10. Vocational Rehabilitation—Adult Career & Continuing Education Services (ACCES-VR) under Title IV of WIOA	
11. Vocational Rehabilitation—Office of Children and Family Services /New York State Commission for the Blind (OCFS/NYSCB) under Title IV of WIOA	
12. Senior Community Service Employment Programs (SCSEP)—State Office for the Aging (SOFA) under Title V of Older Americans Act	
13. Senior Community Service Employment Programs (SCSEP)—National Grantees under Title V of Older Americans Act	
14. Career and Technical Education programs at the postsecondary level (CTE) under Perkins V Career and Technical Education Act	
15. Community Services Block Grants (CSBG) Employment & Training (E&T)	
16. Housing and Urban Development (HUD) E&T	
17. Re-entry Employment Opportunities (REO) programs under Second Chance Act	
18. Temporary Assistance for Needy Families (TANF) E&T under part A of Title IV of Social Security Act	
19. [Additional partner approved by LWDB and CEO]	

C. System Design and Services

1. Service Provision Locations/Resources

Table 2: Service Provision Locations

Type of Location (Comprehensive/Affiliate/ Specialized /Eligible Partner Program Site/ Self-Service Resource)	Location or Self-Services Resource Name	Location Contact (Address, web address, phone)
1. [Type of] Center	[Name]	
2. Self-Service Resource	i.e., JobZone	
3. Self-Service Resource	i.e., CareerZone	
4. [Eligible Partner Program Site]	[Partner Program and Location Name]	

2. Common Identifier for Branding

Partners will use and incorporate the nation’s designated branding, “American Job Center network” or “A Proud Partner of the American Job Center network” on branded electronic resources and any newly printed, purchased or created materials. Additionally, all Career Centers (Comprehensive, Affiliate, and Specialized) will prominently display the New York State Career Center logo, which includes the national branding, at the entryway to the center.

3. Applicable Career Services Coordination and Delivery

Applicable Career Services Coordination and Delivery Applicable Career Services listed in **Table 3** are provided in the local area through one-on-one appointments, group orientations, and self-service resources and are defined below. In the following definitions, “customer” is equivalent to participant, consumer, client, student, or recipient, as used by the various partners. Where appropriate, partners who provide the same Applicable Career Services agree to deliver those services in a coordinated manner with appropriate points of contact, meaningful referrals, and through the required service delivery coordination role of the One-Stop System Operator.

Basic Career Services

(20 CFR §678.430(a) and §678.435)

- **Eligibility for Title I Services** – Determination of whether a customer is eligible to receive services from the Adult, Dislocated Worker, or Youth programs.
- **Outreach, Intake, and System Orientation** – Outreach is intended to promote awareness of the availability of the System services to and for individuals and businesses that may need these services. Intake and System orientation is the process of gathering basic information to determine the program(s) appropriate for the customer, and providing the customer with information on the services available to determine if he/she is interested in pursuing those services.
- **Initial Assessment** – The collection and assessment of information on a customer’s skill levels, including literacy, numeracy, and English language proficiency; work history; employment barriers; employment goal(s) and occupational knowledge; supportive service needs; and whether referrals to other programs are appropriate or necessary.
- **Labor Exchange Services** – Providing job search and placement services to the customer, including but not limited to, information on in-demand industry sectors and occupations and non-traditional employment, when appropriate; development of a work search plan; placement in workshops; posting jobs on the state job bank; providing job matching and referrals; and advising how to maintain a record of job search.

In some instances, programs may require their customers to maintain and submit a log detailing the amount of time spent on job search activities including identifying, applying, and interviewing for potential jobs, and time spent preparing and sending follow-up material to businesses.

Labor exchange services also include appropriate recruitment and other business services, which may include, but are not limited to, customized screening and referral of qualified customers in training services to businesses; customized services to businesses, business associations, or other such organizations on employment-related issues; customized recruitment events for businesses and targeted job fairs; human resource consultation services which may include writing or reviewing job descriptions and employee handbooks, developing performance evaluations and

personnel policies, creating orientation sessions for new employees, honing job interview techniques for efficiency and compliance, analyzing employee turnover, creating job accommodations and using assistive technologies, and explaining labor law to help businesses comply; and customized labor market information for specific businesses, sectors, industries, or clusters.

- **Referrals to Programs** – Referrals and coordination of activities with other appropriate programs and services that meet specific customer needs, assist them in overcoming barriers to employment, and provide services to gain or retain employment. These other programs and services may include, but are not limited to, employment and training services; treatment for alcohol, substance abuse or mental health issues; Unemployment Insurance benefits; Workers' Compensation; NYS Disability Insurance; and vocational rehabilitation services.
- **Labor Market Information** – Staff provides workforce and labor market employment statistics to assist job seeking customers in the development of employment goal(s) and businesses in the development and implementation of sector partnerships and career pathways. The employment statistics include local, regional, and national labor market conditions; career counseling and career exploration services; characteristics of industries, occupations, and the workforce area; business-identified skill needs; short and long-term industry and occupational growth and salary projections; worker supply and demand; and high-growth and high-demand industries.
- **Performance on the Local Workforce System** – The provision of information, in usable and understandable formats and languages, about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's NYS Career Center System.
- **Performance and Program Cost of Eligible Providers** – The provision of performance information and program cost information on eligible providers of education, training, and workforce services by program and type of provider.
- **Referrals to Supportive Services** – Staff provides customers with referrals to supportive services that enable the customer to participate in authorized WIOA activities. Based on various partners' programmatic rules and regulations, these supportive services may include, but are not limited to, transportation; child care; dependent care; housing; needs related payments; interpreter services; reasonable accommodation for youth with disabilities; legal aid services; assistance with uniforms or other appropriate work attire; assistance with books, fees, and school supplies; payments and fees for employment and training related applications, tests, and certifications; and tools or instruments. Depending on the program, when appropriate, information may also be provided to customers on how to continue these supportive services after program services are completed.
- **Unemployment Insurance (UI) Information and Assistance** – Career Center and UI staff provides information and meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation. Meaningful assistance means providing assistance on-site using staff that is well trained in UI compensation claims filing and the rights and responsibilities of claimants or providing assistance by phone or via other technology as long as the assistance is provided by trained and available staff within a reasonable time.
- **Financial Aid Assistance** – Providing assistance in establishing eligibility, accessing, and applying for programs of financial aid for training and education programs not provided under WIOA.

Individualized Career Services

(20 CFR §678.430(b))

- **Comprehensive Assessment** – Staff conducts a specialized assessment of a job seeker’s barriers to employment, occupational and employment goal(s), educational and skill levels, and personal circumstance to determine the service needs. This may include diagnostic testing and use of other assessment tools, and in-depth interviewing and evaluation. Under WIOA Title I, the comprehensive assessment is used to develop the Individual Employment Plan (IEP), while under Title IV, it is used to develop the Individualized Plan for Employment (IPE).
- **Individual Employment Plan (IEP)/Individualized Plan for Employment (IPE)** – The IEP/IPE identifies the appropriate employment goal(s) chosen by the customer. The initial and comprehensive assessment is used to develop the IEP/IPE in consultation with the customer. The plan outlines the necessary services to be provided to achieve the planned goals; steps and timelines for achieving the goals; and the terms, conditions, and responsibilities associated with the plan. The IEP for Title I Adult/DW/Youth programs also includes information about eligible training providers, when applicable. The IPE for Title IV Vocational Rehabilitation Programs must also include those specific rehabilitation services needed to achieve the employment outcome, including assistive technology devices and services, when applicable.
- **Career Planning and Counseling** – One-on-one or intensive career planning and counseling with a professional counselor uses initial and comprehensive assessments and the IEP/IPE, and aims at enhancing job seeking and retention skills and career advancement of customers by:
 - i. Helping the customer analyze and understand career information, and gain a better understanding of using career information gained through assessment tools and counseling strategies to more realistically choose or change short and long-term occupational goals; and
 - ii. Preparing service strategies to assist in the achievement of occupational goal(s) and to ensure customers have access to necessary workforce activities and supportive services, which may include, but are not limited to, drug and alcohol abuse counseling, mental health counseling, and referrals to partner programs appropriate to the needs of the customer.

Counseling may also include notification of available training in entrepreneurial skills which may include, but is not limited to, taking initiative; creatively seeking out and identifying business opportunities; developing budgets and forecasting resource needs; understanding options for acquiring capital; and communicating effectively to market oneself and ideas.

- **Short-term Pre-Vocational Services** – Development of skills customers need to live independently and enter the workforce fully prepared to engage in employment. These services may include academic education and job readiness trainings for development of work readiness skills, including but not limited to, learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, higher-order reasoning, problem-solving skills, work attitudes, and professional conduct.
- **Internships and Work Experiences** – Based on partners’ programmatic rules and regulations, the work experience is a planned, structured learning experience, in most cases linked to a career, that takes place in a private for-profit, non-profit or public sector workplace. For most partner programs, work experiences may be in the form of internships, work-study, externship, on-the-job training, apprenticeship, summer employment for youth, or other work placement opportunities. The purpose of a work experience is to provide the customer with an understanding of the work

environment and job responsibilities, specific work skills, and experience on how the customer performs in the work setting. WIOA Title I Youth work experiences also include an academic and occupational education component. Partners follow all applicable work experience requirements for their respective program's State and Federal rules and regulations.

- **Out of Area Job Search and Relocation Assistance** – Staff provides information on labor exchange activities in other local areas, regions, or states and whether businesses the customer may be interested in offer assistance with relocation. Allowable relocation expenses may be paid to eligible customers by the appropriate program.
- **Financial Literacy Services** – Educate and support customers to gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high quality relevant learning strategies. The learning, where possible, may include, but is not limited to, creating a budget; initiating checking and savings accounts at banks; learning how to effectively manage spending, credit, and debt; learning how to protect against identity theft; and benefits advisement. These services may also include opportunities to put financial literacy lessons into practice, based on the needs of the customer.
- **English Language Acquisition and Integrated Education** – Adult Education staff provides an integrated program of services that incorporates English literacy and civics education concurrently and contextually with workforce preparation and training for a specific occupation/sector for the purpose of educational and career advancement of customers. These services allow customers to attain economic self-sufficiency and are designed for partnerships among adult education programs and postsecondary educational institutions, training providers, and businesses. Other partners provide direct linkages and information on how to locate and enroll in English as a Second Language (ESL) or English for Speakers of Other Languages (ESOL) classes.
- **Workforce Preparation** – Activities to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, training, or employment and other employability skills that increase an individual's preparation for the workforce. For Adult Education these activities are incorporated into all literacy instruction.

Follow-Up Services

(20 CFR §678.430(c))

Depending upon the individual partner's programmatic rules and regulations, follow-up services may include counseling regarding the workplace for customers in adult or dislocated worker programs, who are placed in unsubsidized employment, for up to 12 months after the first day of employment. For youth programs, the follow-up services include critical services provided following a youth's exit from the program to help ensure the youth is successful in employment or postsecondary education and training. These services may include regular contact with a youth's business and education provider, including assistance in addressing work-related or education-related problems that arise.

Table 3 : Applicable Career Services

Required Programs	Adult	DW	Youth	Adult Ed	WP	ACCES-VR	NYSCB	SCSEP	TAA	UI	Vets E&T	CTE	INAP	MSFW	CSBG E&T	HUD E&T	2 nd Chance	Job Corps	Youth Build	TANF E&T	
Basic Career Services																					
Eligibility for Title I services																					
Outreach, intake, system orientation																					
Initial assessment																					
Labor exchange services																					
Referrals to programs																					
Labor market information																					
Performance on local workforce system																					
Performance & program cost of Eligible Providers																					
Referrals to supportive services																					
UI information and assistance																					
Financial aid information																					
Individualized and Follow-Up Career Services																					
Comprehensive assessment																					
Individual employment plan																					
Career planning & counseling																					
Short-term pre-vocational services																					
Internships and work experiences																					
Out of area job search and relocation assistance																					
Financial literacy services																					
English language acquisition and integrated education																					
Workforce preparation																					
Follow-up services																					

4. Referral of System Customers

[Insert LWDB processes for the referral of job seeking and business customers to services]

5. Confidentiality

Partners agree to the requirements of their individual program in making customer information available to a partner program. Customer information, for the purpose of making a referral to a partner program, will only be shared in accordance with each partner's respective confidentiality requirements. Information will be shared within a reasonable timeframe.

Information may only be shared by the Vocational Rehabilitation partners with a signed written release from the customer. The time limited release form will specify the information that can be released and to whom the information can be released.

Personally identifiable information obtained from customers of specific programs during outreach, intake, system orientation, initial assessment, referral to a partner programs, referral to supportive services, or otherwise is confidential and will not be released, disclosed or re-disclosed without utilizing the WIOA Interagency Release of Information form. Programs for which releases may be required to ensure customer confidentiality include but are not limited to TANF, NYSDOL programs, and Vocational Rehabilitation programs.

[Insert additional language if necessary. If not delete this sentence.]

6. System Access

[Include a plan by partners to serve the needs of all workers, especially youth and individuals with barriers to employment, through the System.]

In a Comprehensive Career Center, at a minimum, staff will provide direct linkage (i.e., direct connection within a reasonable time by phone or real-time web-based technology to program staff that can provide program information to the customer).

In compliance with the Americans with Disabilities Act, partners will provide individuals with disabilities with physical and programmatic accessibility to facilities, programs, services, technology and materials, including appropriate staff training and support.

The partners will comply with the non-discrimination requirements in section 188 of WIOA and 29 CFR Part 38.

Partners commit to periodically reassess program accessibility and adjust strategies to improve access as needed.

The partners recognize that NYS Human Rights Law prohibits discrimination or harassment against any employee, applicant for employment or customer due to age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence of any individual.

The partners understand that the NYS Human Rights Law affords protections from employment discrimination for persons with prior conviction records, prior arrests, youthful offender adjudications, or sealed records.

D. Applicable Career Services System Operating Budget

Table 4: Applicable Career Services System Operating Budget

Partner Entity Name (as applicable to the LWDA)	Average Annual Budget to Support the System
1. Adult/DW/Youth	
2. Job Corps	
3. YouthBuild	
4. INAP	
5. MSFW	
6. Adult Ed.	
7. NSYDOL administered programs (WP, TAA, Vets, UI)	
8. ACCES-VR	
9. OCFS/NYSCB	
10. SCSEP — SOFA	
11. SCSEP — National Grantee	
12. CTE, postsecondary level	
13. CSBG E&T	
14. HUD E&T	
15. REO grantee(s)	
16. TANF E&T	
17. [Other partner approved by the LWDB and CEO]	
Total	

E. Infrastructure Budget of Career Center(s)

A complete budget for all infrastructure costs associated with each Career Center identified in **Table 2** has been provided as **Attachment A**, which is attached hereto and incorporated herein.

[Complete **Attachment A: Annual Career Center Infrastructure Budget** for each Career Center in the LWDA and delete this sentence.]

The negotiated share percentages, agreed upon by partners and included in **Attachment B**, are attached hereto and incorporated herein.

[Complete **Attachment B: Negotiated Shares** following partner negotiations and delete this sentence.]

[**Narrative:** Describe how the partners determined acceptable share percentages.]

F. General Provisions and Assurances for the MOU

This MOU shall be in effect from **July 1, 2020** and shall remain in effect until all partners to this MOU agree to modify it, as necessary, with written mutual consent. This MOU will be reviewed and re-implemented not less than once every three (3) years from the effective date to ensure appropriate funding and delivery of services, and every three (3) years thereafter. In the event that it becomes necessary for one or more partners to cease being a part of this MOU, the partner(s) shall notify the other partners, in writing, 30 days in advance of that intention.

The creation of the MOU was achieved through the collaboration of partners who worked together focusing on the goals and betterment of the System. Consensus building, addressing the needs of the customers, and efficiency of the Career Center System will be prioritized to resolve issues. Evidence of this collaboration is provided as **Attachment C**, which is attached hereto and incorporated herein.

The infrastructure budget will be reviewed, reconciled, and updated periodically every **[number]** months to review the equitable benefit among the partners. **[Name of the LWDB]** will facilitate the periodic reconciliation of infrastructure funding. Any changes will be issued in a written document signed and dated by the partners.

In the event of changes in State or Federal law, which necessitate changes to this MOU, the MOU shall be automatically amended to comply with the current law while still furthering the intent of the MOU. The partners will collaborate to amend the MOU to comply with the State and Federal requirements.

This MOU may be executed in counterparts, which together shall constitute an original MOU. This MOU shall not be deemed valid until executed by all partners.

G. Signatures for the MOU

The following parties acknowledge the terms and conditions of this MOU:

1. LWDB	<u>[Signature]</u>	<u>[Signatory Name and Title]</u>	<u>[Date]</u>
2. CEO	<u>[Signature]</u>	<u>[Signatory Name and Title]</u>	<u>[Date]</u>
3. Adult/DW/Youth	<u>[Signature]</u>	<u>[Signatory Name and Title]</u>	<u>[Date]</u>
4. Job Corps	<u>[Signature]</u>	<u>[Signatory Name and Title]</u>	<u>[Date]</u>
5. [Entity Name] - YouthBuild	<u>[Signature]</u>	<u>[Signatory Name and Title]</u>	<u>[Date]</u>
6. [Entity Name] - INAP	<u>[Signature]</u>	<u>[Signatory Name and Title]</u>	<u>[Date]</u>
7. [Entity Name] - MSFW	<u>[Signature]</u>	<u>[Signatory Name and Title]</u>	<u>[Date]</u>
8. NYSED administered programs (ACCES-VR, CTE, Adult Education)	<u>[Signature]</u>	<u>[Signatory Name and Title]</u>	<u>[Date]</u>

- | | | | |
|---|--------------------|-----------------------------------|---------------|
| 9. NYS DOL administered programs (WP, TAA, Vets, UI) | <u>[Signature]</u> | <u>[Signatory Name and Title]</u> | <u>[Date]</u> |
| 10. OCFS/NYSCB | <u>[Signature]</u> | <u>[Signatory Name and Title]</u> | <u>[Date]</u> |
| 11. [Entity Name] – NYSOFA-administered SCSEP Program | <u>[Signature]</u> | <u>[Signatory Name and Title]</u> | <u>[Date]</u> |
| 12. [Entity Name] – National Grantee-administered SCSEP Program | <u>[Signature]</u> | <u>[Signatory Name and Title]</u> | <u>[Date]</u> |
| 13. [Entity Name] - CSBG E&T | <u>[Signature]</u> | <u>[Signatory Name and Title]</u> | <u>[Date]</u> |
| 14. [Entity Name] - HUD E&T | <u>[Signature]</u> | <u>[Signatory Name and Title]</u> | <u>[Date]</u> |
| 15. [Entity Name] - REO Program | <u>[Signature]</u> | <u>[Signatory Name and Title]</u> | <u>[Date]</u> |
| 16. TANF E&T | <u>[Signature]</u> | <u>[Signatory Name and Title]</u> | <u>[Date]</u> |
| 17. [Additional partner approved by LWDB and CEO] | <u>[Signature]</u> | <u>[Signatory Name and Title]</u> | <u>[Date]</u> |