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# UPPER SHORE WORKFORCE INVESTMENT BOARD

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## Member Information

## Upper Shore Workforce Investment Board Member Resources

Upper Shore Workforce Investment Board  
Member  
Resources

Member resources are available on the Upper Shore Workforce Investment Board web page:  
[www.uswib.org](http://www.uswib.org)

Resources available on [www.uswib.org](http://www.uswib.org)

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## The Workforce Innovation and Opportunity Act (WIOA)



# The Workforce Innovation and Opportunity Act (WIOA)

"Driving Innovation, Collaboration, and Performance"

**"We believe that WIOA can help assure that U.S. companies will remain competitive and grow jobs, that our domestic workforce has the guidance and pathways needed to obtain required skills, and that our communities have the workforce development system to remain strong."**

- National Association of Workforce Boards



 National Association  
of Workforce Boards





## Vision Statement

The Workforce Innovation and Opportunity Act (WIOA) was created to provide state and local areas the flexibility to collaborate across systems in an effort to better address the employment and skills needs of current employees, jobseekers, and employers. WIOA accomplishes this by prescribing:

1. **A stronger alignment** of the workforce, education, and economic development systems; and
2. **Improving the structure and delivery** in the system to assist America's workers in achieving a family-sustaining wage while providing America's employers with the skilled workers they need to compete on a global level.





## Section 1: Introduction

This brief has been prepared by the National Association of Workforce Boards (NAWB) and the Public Consulting Group (PCG). The document will serve to compare and contrast the Workforce Innovation and Opportunity Act (WIOA) with the Workforce Investment Act of 1998. And, further serve as a Call to Action for those committed to workforce development efforts at every level including direct service staff, state and local boards, and partners of the workforce delivery system.

### Brief Overview

The Workforce Investment Act (WIA) was authorized in 1998. Over the past 11 years the public workforce system has long awaited reauthorization that would address the evolving workforce and economic needs as well as the limitations in WIA with respect to training, funding, and service delivery design. The Workforce Innovation and Opportunity Act (WIOA) replaces WIA and will be in effect for the next five years (2015-2020).

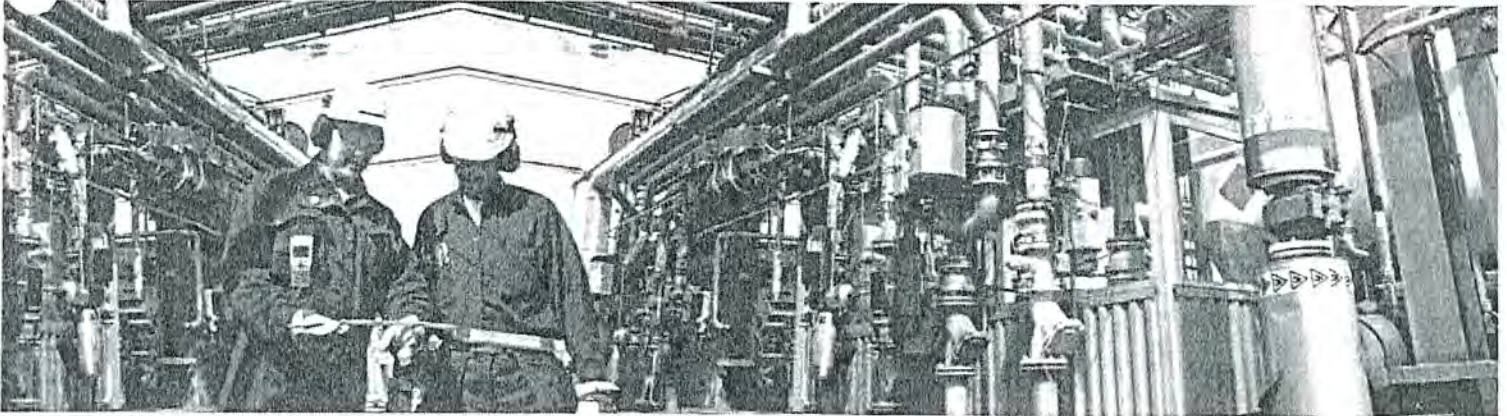
The purpose of WIOA is to better align the workforce system with education and economic development in an effort to create a collective response to economic and labor market challenges on the national, state, and local levels. WIOA continues the trend in workforce legislation by further engaging the private sector to lead local workforce development efforts and focuses on introducing increased flexibility and accountability of board members. WIOA encourages an improved response to labor market needs by connecting board performance to outcomes that require an understanding of the correlation between training investments and economic return. Changes in WIOA prompt Workforce Development Boards to be increasingly engaged in the business of collaboration, convening and partnership. WIOA may be best summarized in the following statement:

'... to provide workforce investment activities, through statewide and local systems that increase the employment, retention, and earnings of participants, and increase attainment of recognized credentials by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the Nation.'





## Section I: Introduction



### WIOA Overview

Passage of WIOA is vital to the modernization of the nation's workforce development system. WIOA introduces a renewed system which will ensure access for all individuals, of every skill level, the opportunity to pursue the skills, training, and education they need to obtain employment that will lead to financial stability and economic security for themselves and their families. Employers will also have the assurance that trained and qualified workers will be available to fill their current and future openings. Through WIOA, a more collaborative and robust service delivery system will be implemented. A sample of key changes include:

**Workforce Boards** – Workforce Boards will maintain much of the same structures under WIA with the exception that the number of required members would be reduced. Minimum membership under WIOA:

- (10) Business Representatives (51%), including the Chair
- (4) Labor Representatives (20%) (further definitions apply)
- (1) Adult Education/Literacy Representative
- (1) Vocational Rehabilitation Representative
- (1) Higher Education Representative
- (1) Wagner-Peyser Representative
- (1) Economic Development Representative

Boards are charged with ensuring coordination of their Local Plans with the State's strategic workforce goals.

**System Plans at the State and Local Levels** – In an effort to create a more comprehensive, strategic and streamlined system, WIOA requires a single, unified State Plan inclusive of all core programs under the Act. The State

Plans are designed to improve service delivery and access to the workforce system for job seekers and employers. Local Plans are designed to address the needs of the local labor market and encompass the overall strategy of the State Plan.

**Performance Accountability** – WIOA establishes core measures for Adult and Dislocated Worker Funding (including Title II, Title III, and Title IV), which includes the revision of the three WIA measures and two additional measures. WIOA establishes Youth measures which eliminates one measure, revises three WIA measures and adds two new measures. Still to be determined is an employer measure that is expected to be implemented in year two of the law. (See chart on the following page) WIOA performance measures are designed to measure the effectiveness and continuous improvement of the One-Stop and Youth service delivery systems.

**One-Stop Career Centers** – Under WIOA, the One-Stops are measured by their effectiveness, accessibility, and continuous improvement as it relates to their ability to achieve negotiated performance levels, integrate available services, and meet the workforce development and employment needs of the local employers and job seekers.

**Employment and Training** – More diversity in the types of job training programs will be made available. This is critical to closing the skills gap that exist between job seekers and good paying - high skilled jobs. Fifteen duplicative programs will be eliminated and the remaining programs will be more closely aligned with the needs of U.S. employers.

**National Programs** – Programs will be reauthorized for Job Corps, YouthBuild, Native Americans Programs, Migrant and Seasonal Farmworkers programs, and evaluation and multi-state projects.



## Section 1: Introduction

### Cross Comparison of Performance Measures Comparing WIA and the Proposed WIOA

Performance Measure	Current WIA	Proposed WIOA
<b>Adults and Dislocated Worker Measures</b>		
<b>Entry into unsubsidized employment</b> (Entered Employment)	Measured in Q1 after exit.	Measured in Q2 after exit. (Additional 1 quarter lag in reporting.)
<b>Retention in unsubsidized employment</b> (Employment Retention)	Measured in Q2 and Q3 after exit.	Measured in Q4 after exit. (Additional 1 quarter lag in reporting.)
<b>Earnings change after entry into unsubsidized employment</b> (Average Earnings)	Measured as average, in Q2 and Q3 after exit.	Measured as median earnings in Q2 after exit only. Median is defined as the numerical value that separates the higher half from the lower half of earnings.
<b>Credential rate</b>	None	<b>New measure:</b> Percentage of participants who obtain a recognized post-secondary credential or diploma during participation or within 1 year after program exit.
<b>In Program Skills Gain</b>	None	<b>New measure:</b> Percentage of participants in education leading to credential or employment during program year, achieving measurable gains. Measured in real time.
<b>Youth Measures</b>		
<b>Placement in Employment, Education, or Training</b>	Measured in Q1 after exit.	Measured in Q2 after exit. (Additional 1 quarter lag in reporting.)
<b>Retention in Employment, Education, or Training</b>	None	<b>New measure:</b> Percentage of participants in education, training, or unsubsidized employment; measured in Q4 after exit.
<b>Earnings after entry into unsubsidized employment</b>	None	<b>New measure:</b> Median earnings of participants in unsubsidized employment during Q2 after exit.
<b>Credential rate</b>	Attainment of a Degree or Certificate - Rate of youth participants who obtain a diploma, GED, or certificate by the end of the Q3 after exit.	Percentage of participants who obtain a recognized credentials or secondary diploma during participation or within 1 year after program exit.
<b>Literacy and Numeracy Gains</b>	Literacy and Numeracy Gain - Rate of youth participants who increase one or more educational functioning levels during first year in program.	Eliminates measure
<b>In Program Skills Gain</b>	None	<b>New measure:</b> Percentage of participants in education leading to credential or employment during program year, achieving measurable gains. Measured in real time.
<b>Employer Measure</b>		
<b>Indicators of effectiveness in serving employers</b>	None	<b>New measure:</b> One or more employer measures to be implemented before commencement of Year 2.



## Section 2: WIOA Performance – Broad Overview of Impact on Performance

**Applicability to On-the-Ground Operations** - WIOA will serve to strengthen the workforce system through the provision of opportunities for innovation, frequent and on-going monitoring of performance, and by closely tracking results through a new reporting system. Programs will be held accountable for helping job seekers get back to work and connect to good paying jobs. Workforce Boards will have the ability to drive performance, innovation, quality, and alignment through Pay-for-Performance contracts.



### Implications or changes between WIA – WIOA:

**One-Stop Career Center Infrastructure** - The Act will maintain the current One-Stop mandatory partners. WIOA requires that each local area reach agreement on shared costs to fund infrastructure of the One-Stops. If local areas fail to reach an agreement, a State funding protocol for allocating costs will be imposed. Wagner-Peyser can no longer have independent offices and are now required to deliver services within the One-Stop environment.

**Workforce Boards** – WIOA will modify the structure of State and Local workforce boards, allowing them to be smaller, charging them with more responsibility to be strategic analysts and investors in the labor market. Responsibilities of boards are extended to reviewing statewide and local performance accountability measures. Eliminates the requirement to have a Youth Council and suggests committees be established to advise on One-Stop Partner issues, youth services, and services to individuals with disabilities.

### Critical components of the new law include:

**Adult and Dislocated Workers** – The sequencing of services will be eliminated, and core and intensive activities will be combined into a 'career services' category in which workforce staff will have the flexibility to better meet the unique needs

of individual job seekers. Sector focused pathways to careers will be encouraged and will place job seekers on a clear career pathway towards their employment goals.

**Training and Employment** – A variety of training products will be made available to individuals which will allow workers to obtain better paying jobs, access to the middle class and further contribute towards building our economy. Job seekers will have access to quality education and training and workforce activities through more On-the-Job training; incumbent worker training and customized training opportunities.

**Youth Workforce Activities** – Youth services focus will be improved by placing a priority on out of school youth, high school dropout recovery and achievement of recognized postsecondary credentials. Career Pathways and work-based learning will be promoted as leading approaches to be adopted on a wider scale.



## Section 2: WIOA Performance – Broad Overview of Impact on Performance

**WIOA** is the authorizing legislation for several key "core programs" in the workforce development system. Workforce Activities have been outlined in this document and represent Title 1. Other Core Programs being reauthorized and amended include the following:

### Core Programs and Titles Reauthorized

### Amendments

#### **Title II – Adult Education and Literacy**

The connections between adult education, postsecondary education and workforce will be strengthened. A strong emphasis will be placed on ensuring State and Local providers offer adult education and skills development, including Career Pathways, to accelerate achievement of diplomas and credentials, but most importantly, to become a partner in their children's education and improving their family's economic futures.

#### **Title III - Wagner-Peyser Act of 1933**

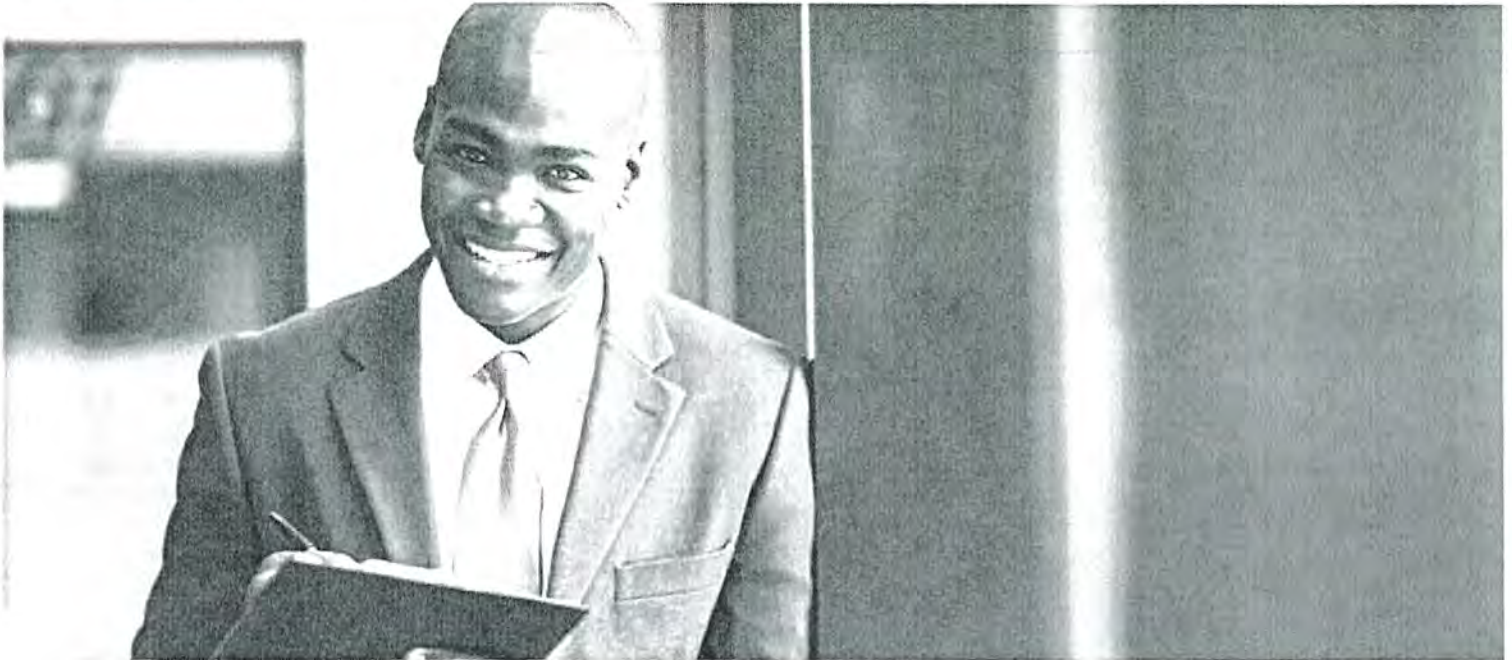
Amendments to Wagner-Peyser include an overall maintenance of the current law, but a closer alignment with the changes in the bill such as including State Employment Services in the unified State Plan; alignment of performance metrics with WIOA performance and improvements to the Workforce Information Council. Additionally, there will be a provision for staff professional development in order to strengthen service delivery. WIOA will increase connections between job training and employment services, the workforce system, and the Unemployment Insurance system.

#### **Title IV - Rehabilitation Act of 1973**

Through the Act, programs are authorized which help individuals with disabilities acquire the skills they need to be successful in the workplace, including vocational rehabilitation training and services. The main activity to support individuals with disabilities in WIOA is integrated employment opportunities. Integrated employment opportunities expect the same performance in a work setting of those that have disabilities with others that are not considered individuals with disabilities. Young people with disabilities will gain many more opportunities to improve their career prospects and gain employment transition services. Independent living programs will be transferred from the Department of Education to the Department of Health and Human Services for better support in achieving the program goal of independent living and integration into mainstream America.



## Section 2: WIOA Performance – Broad Overview of Impact on Performance



### Compliance:

**Local Performance Accountability Measures** – WIOA increases the accountability and reporting requirements of both the Local and State systems. This will give the Local and State Boards the ability to analyze the performance of each area on a more consistent and effective basis. Failure to meet the minimum performance measures may lead to sanctions being placed on States and Local regions. Initial sanctions for both State and Local regions include performance improvement plans and technical assistance. After two years of not meeting state performance measures, sanctions can include a reduction of 5% of the Governor's allotment. If a Local area fails to meet performance in three consecutive years the Governor has the ability to require the appointment and certification of a new local board, prohibit the use of any eligible providers or partner that is failing performance, or any other action that the Governor deems fit. Enhanced performance reporting will be enacted for States and Regions as well as for eligible training providers.

**Fiscal** – WIOA authorizes appropriations for each of Fiscal Years 2015 – 2020. The levels increase a total of 17 percent over that time period. However, the amounts authorized in the Act remain subject to the annual Congressional appropriations process. Congress currently is considering the

President's FY 2015 budget request. In addition, Administrative costs definitions will be maintained as described in CFR 667.220 and served as guidance under the Workforce Investment Act. Further definitions will be developed to support WIOA. Allocation formulas will also remain, with the exception of the following:

- Governor's discretionary amount will return to **15%** for reserve activities;
- The minimum and maximum allocation levels established on a year-over-year basis for States is to receive an allotment no less than **90 percent** or no greater than **130 percent** of the allotment percentage for the preceding year. For Local areas, the allotment should not be less than 90 percent or greater than 130 percent of the average of the preceding two years;
- States will have the ability to transfer 100% of funds between Adult and Dislocated Worker funding categories. Under WIA, this was achieved through approval of waivers; and
- A requirement that 75% of youth program funding at both the State and Local levels be directed towards out of school youth.



## Section 3: It's Not Just about Performance and Compliance

In the initial implementation of WIA, the National Association of Workforce Boards (NAWB) and the local WIB's discovered that efforts to develop and deploy a regional workforce strategy required an understanding of a complex set of public and private systems. Examples of such systems included housing development, transportation networks, economic development investments, public school systems, institutions of higher education, and business practices related to talent acquisition and recruitment. As a result of this complexity and interconnectivity, a systematic approach has been required to address the challenges of today's multi-dimensional labor market. What does that actually mean to workforce professionals? Béla Heinrich Bánáthy, a Hungarian linguist, systems scientist and a Professor at San Jose State University and the University of California Berkeley defined systems in this way:

"The systems view is a world-view that is based on the discipline of **SYSTEM INQUIRY**. Central to systems inquiry is the concept of **SYSTEM**. In the most general sense, system means a configuration of parts connected and joined together by a web of relationships."



WIOA puts WIB's in the center of these community systems like never before and ascribes to the WIB responsibilities implied in WIA, but now clearly articulates the WIB's responsibility as a convener, a collaborator and charged with hosting community conversations to better align workforce resources and better understand the complexity of their regional markets. In essence Boards will begin to serve as **Activist Boards** with the opportunity to have a **greater impact on their communities**.

### Where the Law 'Gives us License' to Do What is Best for Our Communities:

WIOA gives us license to do the work we have wanted to do and is best for our communities, but have been seemingly restricted by former WIA Policy. Innovation to support change and continuous improvement are key components of WIOA; these activities are allowable and encouraged. Provisions within the law ensure that States and the Department of Labor work together to share promising and proven practices; to evaluate and disseminate information regarding such practices; and to identify and commission research to address knowledge gaps.



## Section 3: It's Not Just about Performance and Compliance

The following are highlights, which represent opportunities for Activist Boards and where the law gives us license to improve our regions:

**Solicit Grants and Donations:** WIOA contains provisions explicitly authorizing local boards to solicit grants and donations from non-Federal sources and to operate as tax exempt organizations.

**Innovative Strategies:** Local boards will have a tremendous opportunity to create innovative strategies to focus on employer engagement; strengthening of core programs; dissemination of best practices; and promoting effective use of technology to enhance service delivery.

**Standing Committees:** Boards are encouraged to establish and maintain standing committees such as the Youth Council, services to individuals with disabilities and a committee to address One-Stop partner service issues.

**Serve Youth with Disabilities:** The Title IV - Rehabilitation Act provides an opportunity to better serve youth with disabilities and assist them towards gaining 'competitive integrated employment' through skills development.

**Unemployment Insurance Claimants (UI):** WIOA increases connections between the job training and employment services and the UI system. UI claimants will benefit from the enhanced services, including the labor exchange services and career counseling that are included as career services under title I, and activities that assist workers in identifying and obtaining jobs in in-demand industries and occupations.

**Alignment of Youth Serving Organizations:** In representing youth serving organization on boards, greater prospects exist for alignment of juvenile justice, foster care, education resources and efforts for more meaningful approach to engage hard to serve youth and young adults.

**Career Pathways and Industry and Sector Partnerships:** Boards will have greater influence on secondary education reform initiatives where Career Pathways are emerging and in leveraging business and industry groups to establish sector partnerships.

**Skills Development Programs:** A representative of a joint labor-management partnership will be included in the Board contingent and presents an opportunity to validate pre-apprenticeship and skills development bridge program offerings (adult basic education, vocational ESL, etc.) for entry into state-approved apprenticeship training.

**Local Labor Market Analysis:** Boards will have the opportunity to complete a comprehensive analysis of the workforce in the region, including current labor market employment data, information on labor market trends, educational and skill levels of the workforce in the region, including individuals with barriers to employment.

**One-Stop Career Centers:** One-Stop Career Centers have always been the public face of the workforce system. The congressional architects of the Workforce Investment Act envisioned a mostly bricks and mortar system in which the partners each paid a fair share of the system's overhead. Unfortunately, this rarely happened. Now, WIOA has more explicit language around the equitable funding goal. Equitable funding will free up WIOA funds to provide additional services to clients.

**Engaging Community Systems by Convening, Brokering and Leveraging:** WIOA clearly highlights the importance of local workforce boards in convening partners and funders in their regional labor markets as they assemble a unified strategic plan and encourages the development of workforce strategies that address failures throughout the region's talent development and delivery system.

**Professionally Developed and Trusted Staff:** WIOA will require that contractors revise their program designs and ensure that staff have additional skills. These changes will make for a more rational, responsive system. WIOA will allow for professionally trained front line staff that have the flexibility to better meet the needs of individuals in a timely and efficient fashion.



## Section 4: Call to Action

The talent war that Jim Clifton, CEO and Chairman of Gallup, spoke about in his remarks at the NAWB Forum: Dialogue for Workforce Excellence and in his book, "The Coming Jobs War" will not be won with a quick fix. Business has cycles that are fluid and demand different responses from the supply-side to respond with skilled workers. This is why the United States labor market produces over 100 million hires and separations each year. The pipeline that helps direct the investments to deal with these cycles is a 'mish-mash' of separate funding led by distinct organizations employing inconsistent strategies with varying goals.

As a country, we are constantly monitoring the financial markets. The Federal Reserve meets numerous times each year to consider the state of the markets and further develop monetary responses they deem appropriate for the circumstances. Workforce Investment Boards, likewise, meet throughout the year to consider the state of their regional labor market. But we often lack the flexibility to adequately deal with what we see. In addition to the lack of flexibility, there is a deficiency in the amount of investment funds that we can access to manage these labor market cycles. Often, the United States' labor market is referred to as a dynamic and fluid network of hires and separations, but since hiring and firing happen largely on an individual basis, it's hard to see those dynamics at play as only one small part of a much larger network.

It seems we need to be more visible, bolder and strategic with our public comments on the state-of-the-market and our investment strategies. Workforce funding represents a relatively small investment fund, but when utilized strategically and directed by those of us that use data to understand the market and 'invest' to correct imbalances, it can have a tremendous impact on our local economies.

We work with humans – that gets tricky. We interact with complex systems like public transportation, education and economic development. But unlike these public systems, we do not design bridges. We do not decide where to put on or off ramps for major highway systems. We do not set mileage rates or tuition rates. We have to live with and understand the impact of those decisions made by professionals in other disciplines. Yet in the workforce development arena:

1. It takes professionals to understand and make an impact on this complex labor market. **As workforce professionals, we must re-evaluate how our boards, WIB staff, direct service providers and system partners are growing in their professional capacity to do their jobs better.**
2. Effective data analysis can bring clarity from complexity, challenge long-held assumptions, target public investments, and rally a broad group of partners around common causes. It is essential to understanding the needs in our communities and the effectiveness of our impact against those needs. **We must learn to use data in new and more effective ways to drive strategic planning and operational efficiency.**
3. We reach conclusions when we study the data, consult business, and vet our investment and policy decisions through our local Workforce Investment Boards – **so tell people what you think!**
4. There is plenty of work in our communities, so 'grind it out' with economic development and education and move forward with developing local solutions to important issues such as high school drop-out rates, unemployed youth or working to increase low wages in certain employment sectors. **We must ask ourselves what we can do as leaders in workforce development to ensure long-term economic viability for our communities and regions.**
5. It takes a village to address today's complex workforce challenges; not one single organization has the resources, knowledge or education and training capacity to align workforce supply with demand. **It's time to engage traditional partners in new ways and engage non-traditional partners to address long-standing challenges and increase the system's reach and capacity.**
6. Notwithstanding the passage of WIOA and potential for a return to funding levels in FY 2010, it is clear that federal resources are not enough to meet the workforce development needs in our communities. **It's time to get serious about leveraging our position in the community and our service delivery infrastructure to bring in more capital to invest in our nation's workforce and economy.**



## Section 4: Call to Action



WIOA, even more so than its predecessor, puts significant faith in the ingenuity, entrepreneurial spirit and leadership of local workforce leaders. NAWB has been referring to this as Congress' "innovation gamble." The new law simply encourages increased innovation and creativity in the public workforce system – it does not prescribe how we will achieve it. It will be left to our local and state workforce professionals and committed private sector leaders to understand what outcomes will most positively impact their local labor market

and the overall economic well-being of their communities. The task of developing solutions that will result in such desirable outcomes will largely be the prime work of State and Local leaders.

NAWB expects to offer members a framework for identifying the kind of innovation that will be necessary in service delivery, program design and board room activities that will inspire the development of a 21st century workforce system.



## Summary:

As policy makers, the President, and the Departments of Labor and Education have presented us with a great challenge in the new Act: "...Workforce Boards will now be responsible for tapping innovation and opportunity in their communities to drive positive social and economic change." We cannot let them down and we owe it to our nation's job seekers and businesses to live up to the opportunities this new legislation provides to our collective systems. WIOA fills the gaps of WIA with amazing flexibility. Where WIA did not allow Local Boards to seek non-federal funds that would allow the board to expand and sustain its workforce initiatives, WIOA does. Where WIA required One-Stop Mandatory partners based on the programs they provide, WIOA requires regional collaboration that makes sense based on the needs of the employers that make up the region's economic landscape.



WIOA seeks to increase innovation – innovation in how the system works collaboratively to serve both business and jobseekers; innovation in increasing opportunities for the most marginalized populations, especially those with disabilities, to access competitive employment; and, innovation in how we use technology to increase the prosperity of workers (both urban and rural) in America.

WIOA seeks to increase opportunities – opportunities for America's business to fill their open positions with highly skilled-highly qualified job applicants; opportunities for individuals with taxing barriers to employment to access education and training that leads to employer recognized credentials and jobs that pay well; and opportunities to align the workforce system with social services, education, and economic development.

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## Overview



**Public Consulting Group, (PCG)** is a management consulting firm that primarily serves public sector education, health, human services, and other state, county, and municipal government clients. Established in 1986 with headquarters in Boston, the firm has extensive experience in all 50 states, clients in six Canadian provinces, and a growing practice in the European Union. PCG has five designated practice areas which each have a proven track record of achieving desired results for clients. PCG professionals offer proven solutions to help agencies assess and analyze workforce service needs; evaluate and design programs, services, and systems, increase program revenue, cut costs, enhance governance and innovation, and improve compliance with state and federal regulations. **For more information please refer to:** [www.publicconsultinggroup.com/humanservices/](http://www.publicconsultinggroup.com/humanservices/) **or email us at:** [info@publicconsultinggroup.com](mailto:info@publicconsultinggroup.com).

NAWB represents business-led Workforce Boards that coordinate and leverage workforce strategies with education and economic development stakeholders within their local communities, to ensure that state and local workforce development and job training programs meet the needs of employers. For more information, go to [www.NAWB.org](http://www.NAWB.org), and for workforce system customer successes and innovations, go to [www.WorkforceInvestmentWorks.com](http://www.WorkforceInvestmentWorks.com). **For more information please contact Josh Copus at** [CopusJ@nawb.org](mailto:CopusJ@nawb.org).



## Acronym List



## Acronym List

ACE	Mentors for Architecture, Construction, and Engineering
ADA	Americans with Disabilities Act
AEFL	Adult Education and Family Literacy
AJC	American Job Center
CBO	Community Based Organization
CFDA	Catalog of Federal Domestic Assistance
CLEO	Chief Local Elected Official
DLLR	Department of Labor, Licensing & Regulation
DORS	Division of Rehabilitation Services
DVOP	Disabled Veteran Outreach Program
DWDAL	Division of Workforce Development & Adult Learning
EARN	Employment Advancement Right Now
EDC	Economic Development Commission
EEO	Equal Opportunity Officer
ELL	English Language Learners
ESEC	Eastern Shore Entrepreneurial Center
ETP	Eligible Training Provider
GAAP	Generally Accepted Accounting Procedures
ITA	Individual Training Account
LCC	Local Chamber of Commerce
LEA	Labor Exchange Administrator
LEO	Local Elected Official
LEP	Limited English Proficiency
LMB	Local Management Board
LVER	Local Veteran Employment Representative
MOU	Memorandum of Understanding
MSFW	Migrant and Seasonal Farmworkers
MSNAAC	Mid Shore Nurse's Aide Advisory Council
MWE	Maryland Workforce Exchange
NAWB	National Association of Workforce Boards
NPRM	Notice of Proposed Rulemaking
OJT	On-the-Job Training
PII	Personal Identifiable Information
POS	Priority of Service
RFP	Request for Proposal
RSA	Resource Sharing Agreement
RTW	Ready to Work
SBDC	Small Business Administration's Small Business Development Center
SCORE	Service Core of Retired Executives
SNAP	Supplemental Nutrition Assistance Program
TANF	Temporary Aid to Needy Families
TCA	Temporary Cash Assistance
USWIB	Upper Shore Workforce Investment Board
WIOA	Workforce Innovation & Opportunities Act



Workforce Innovation and Opportunity Act Local Integrated Plan  
Executive Summary



UPPERSHORE  
WORKFORCE  
INVESTMENT  
BOARD



# UPPER SHORE WORKFORCE AREA

Workforce Innovation and Opportunity Act  
Combined Plan

Workforce Innovation and Opportunity Act  
Combined Plan 2020 - 2024

# County/Upper Shore Workforce Investment Board Agreement



**Memorandum of Understanding  
Between  
The  
County Commissioners of Caroline County,  
Dorchester County Council,  
Kent County Board of County Commissioners,  
Queen Anne's County Board of County Commissioners,  
Talbot County Council  
And  
The Upper Shore Workforce Investment Board  
July 1, 2017**

I. Background and Executive Summary

A. The Workforce Innovation and Opportunity Act of July 22, 2014, Public Law 113—128, authorizes the expenditure of Federal Funds to support employment, job-related training (occupational skills/job readiness) and career services (skills assessment, career counseling etc.) to specific eligibility groups: Adult, Youth and Dislocated Workers residing in Workforce Development Areas. The five counties comprising the Upper Shore of Maryland, i.e. Caroline, Dorchester, Kent, Queen Anne's and Talbot, form the Upper Shore Workforce Development Area.

B. The Workforce Innovation and Opportunity Act Section 121 (e) (1) (A) specifies that each area that receives funding "at a minimum, shall make each of the programs, services and activities...accessible at not less than one physical center in each local area of the State; and (B) may also make programs, services and activities...available through a network of affiliated sites that can provide one or more of the programs, services, and activities to individuals and through a network of eligible one stop partners".

The Upper Shore Workforce Investment Board, is the Workforce Development Board for the Upper Shore area. Per Section 107 (b) (2) of the Act, each Workforce Development Board will have representative members made up of county government, local business, educational entities, labor and community-based organizations and economic development representatives. All Workforce Development Boards have three partner categories, as listed:

- (1) The County Councils and Commissions of each of the five counties are the authorizing partners of the Upper Shore Workforce Investment Board. The overarching objective of the Upper Shore Workforce Investment Board is to interact regularly with the Chief Elected Officials, seek their guidance, keep them informed and work with their agencies to ensure county residents receive the maximum support available under Workforce Innovation and Opportunity Act to enable them to participate fully in the workforce.
- (2) Additionally, there are 19 operational partners identified by the Workforce Innovation and Opportunity Act who provide the job training and other assistance under the Workforce Innovation and Opportunity Act. The County Councils and Commissions, the Upper Shore Workforce Investment Board, and the Operational Partners enter into Memoranda of Understanding centered on the delivery of services in each county.

- (3) An administrative entity provides the financial, human resources and logistical infrastructure essential to Upper Shore Workforce Investment Board's effective and efficient function. In the Upper Shore Workforce Development Area, Chesapeake College is the contracted administrative partner and Fiscal Agent.

## II. Role of County Councils and Commissions

- A. The five fundamental Workforce Innovation and Opportunity Act -related responsibilities of the County Councils and Commissions are: (1) to consider/approve the Workforce Development Area's Workforce Innovation and Opportunity Act Plan, which is then forwarded to the Governor; (2) consider, comment on, and sign the Memoranda of Understanding for One Stop Operations, (3) appoint the county representatives to the Upper Shore Workforce Investment Board, (4) permit Upper Shore Workforce Investment Board operational partners to provide Workforce Innovation And Opportunity Act services to its qualifying county residents, and (5) provide the Upper Shore Workforce Investment Board with the direction, advice and support it requires to implement and manage the Workforce Innovation and Opportunity Act system in the local Workforce Development Area.
- B. In addition, because each county's employment profile is unique, the Workforce Innovation and Opportunity Act envisions county government experts helping the Upper Shore Workforce Investment Board and its operational partners to design a service delivery model responsive to each county's job seekers and employers. Moreover, any in-kind support from county governments will enhance the delivery of Workforce Innovation and Opportunity Act programs to their county beneficiaries.

## III. Role of the Upper Shore Workforce Investment Board

- A. The Upper Shore Workforce Investment Board will designate and certify the operating partners to deliver training and services in accordance and as specified by the Workforce Innovation and Opportunity Act law.
- B. The Upper Shore Workforce Investment Board will develop by-laws that will reflect the intent of this agreement and govern its functions.
- C. The Upper Shore Workforce Investment Board will hold regularly scheduled meetings to perform its mandated functions.
- D. The Upper Shore Workforce Investment Board will comply with Sunshine Provisions.
- E. The Upper Shore Workforce Investment Board acknowledges that disputes between it and the County Councils and Commissions shall be resolved as expeditiously as possible by (1) concurrence, or (2) through negotiations between a special committee of the Upper Shore Workforce Investment Board and the County Councils and Commissions, or (3) as otherwise agreed.
- F. The Upper Shore Workforce Investment Board will develop and submit a Workforce Innovation and Opportunity Act Plan for approval to the County Councils and Commissions of the five counties and thereafter forward the Plan to the Governor.
- G. The Upper Shore Workforce Investment Board will develop and submit a Memoranda of Understanding for approval to each of the County Councils and Commissions of the



five counties, which will become part of the Workforce Innovation and Opportunity Act Plan forwarded to the Governor.

- H. The Upper Shore Workforce Investment Board will negotiate performance goals with the Governor.
- I. The Upper Shore Workforce Investment Board and its staff will respond to any questions or concerns, or provide special presentations as the County Councils and Commissions may require.
- J. The Upper Shore Workforce Investment Board will acquire and maintain Director's and Officer's Insurance.
- K. The Upper Shore Workforce Investment Board will notify the County Councils and Commissions of audit exceptions and/or disallowed costs.
- L. The Upper Shore Workforce Investment Board will take action with the County Councils and Commissions to resolve audit exceptions and/or disallowed costs.

#### IV. Termination of Agreement

Each party retains the right to terminate the agreement, with or without cause, by giving all other parties sixty (60) days prior written notice. Notice must be made to the addresses listed on each individual signature page.

#### V. Extract & Summary of Workforce Innovation and Opportunity Act Regulations

##### A. Section 679.310

"The County Councils and Commissions must establish by-laws consistent with Federal and State policies for local Workforce Development Board membership that at a minimum address:"

- (1) County Councils and Commission's appointment of private sector members.
- (2) Term for Upper Shore Workforce Investment Board member is three years.
- (3) Upper Shore Workforce Investment Board president notifies the County Councils and Commissions when a vacancy has occurred.
- (4) Upper Shore Workforce Investment Board is a Public Board and thus an absent member cannot send a proxy or designee.
- (5) Upper Shore Workforce Investment Board permits members to be present by phone if a quorum is physically present.
- (6) Upper Shore Workforce Investment Board ensures active participation of its stakeholders, brokering relations with a diverse range of employers and leveraging support for Workforce Development Board activities.

##### B. Section 679.320

Defines the required Workforce Development Board members:

- (1) Selected using criteria under the Federal Law and Gubernatorial guidance.
- (2) Majority of Workforce Development Board members must be from the local area's Private Sector. A maximum for each county in the local Area is three.
- (3) At least 20% of the Workforce Development Board must be composed of union representatives.
- (4) The 20 % may include one or more community-based organizations.

- (5) In addition, the Workforce Development Board must include:
- A representative of Adult Education.
  - A representative from an institution of higher learning: Chesapeake College.
  - In the case that Chesapeake College is the Adult Education provider, one member will represent both the College and Adult Education.
  - A representative of economic development efforts in the Workforce Development Area.
  - A representative of Title III, Wagner-Peyser Act, of the Workforce Innovation and Opportunity Act.
  - A representative from the Maryland Division of Rehabilitation Services.
  - A representative of Temporary Assistance for Needy Families.

County Councils and Commissions must establish a formal nomination and appointment process consistent with Federal and Maryland law, regulations and practices.

- (1) Local business organizations nominate representatives for appointment.
- (2) Local labor federations nominate representatives for appointment.
- (3) If qualified, a member may represent more than one sector.
- (4) All members vote.

C. Section 679.330 requires the Board Chair be elected by the Board from among the Private Sector representatives.

D. Section.679.340 defines qualifications for Board Members:

- (1) A representative with optimum policy-making authority is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents, and to commit that entity to a chosen course of action.
- (2) A representative with demonstrated experience and expertise means an individual who the Upper Shore Workforce Investment Board recognizes for valuable contributions in education or workforce development related fields.

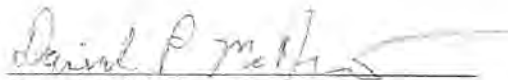
*[ Balance of page left intentionally blank. Signature pages follow.]*



Signature Page  
Upper Shore Work Force Investment Board

Attest:  
Board

Upper Shore Workforce Investment

  
Daniel P. McDermott  
Executive Director

  
George N. Weeks, III  
President

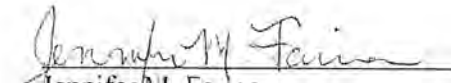
Address for Upper Shore Workforce Investment Board

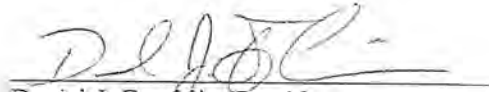
PO Box 8  
Wye Mills, MD 21679

Signature Page  
Caroline County

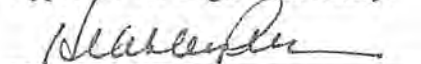
Attest:

County Commissioners of  
Caroline County, Maryland

  
Jennifer M. Farina  
Administrative Coordinator

  
Daniel J. Franklin, President

Approved for Legal Sufficiency:

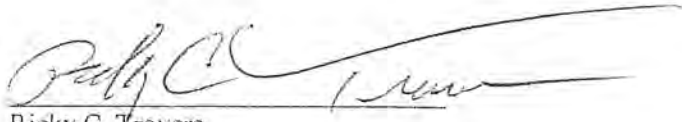
  
Heather L. Price, County Attorney

Address for County Commissioners of Caroline County:

109 Market Street  
Room 123  
Denton, MD 21629



Signature Page  
Dorchester County

A handwritten signature in black ink, appearing to read "Ricky C. Travers", written over a horizontal line.

Ricky C. Travers  
President  
Dorchester County Council

Address for Dorchester County Council:

PO Box 26  
Cambridge, MD 21613

Signature Page  
Kent County

 04/04/17

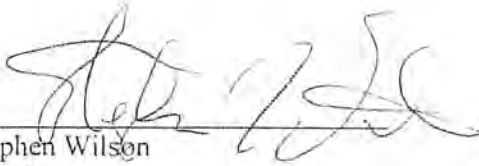
William W. Pickrum  
President  
Kent County  
Board of County Commissioners

Address for Kent County Board of County Commissioners

400 High Street  
Chestertown, MD 21620



Signature Page  
Queen Anne's County

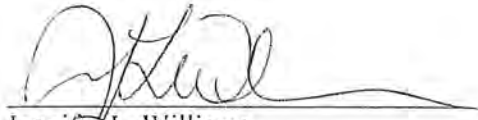
A handwritten signature in black ink, appearing to read 'Stephen Wilson', written over a horizontal line.

Stephen Wilson  
President  
Queen Anne's County  
Board of County Commissioners

Address for Queen Anne's County Board of County Commissioners

107 North Liberty Street  
Centreville, MD 21617

Signature Page  
Talbot County

A handwritten signature in black ink, appearing to read 'J. Williams', written over a horizontal line.

Jennifer L. Williams  
President  
Talbot County Council

Address for Talbot County Council

11 North Washington Street  
Easton, MD 21601



## Upper Shore Workforce Investment Board By Laws

# Upper Shore Workforce Investment Board, Inc.

## BY-LAWS Amended March 23, 2010

*Background and Statement of Purpose.  
Amended February 23, 2016*

The Corporation was organized under the laws of Maryland in November, 1983, to function as, and to exercise the powers of, a “private industry council” for Caroline, Dorchester, Kent, Queen Anne’s and Talbot Counties, Maryland (the “Sponsoring Counties”), as those functions were defined in the Job Training Partnership Act of 1982 (Public Law 97 - 300). In 1998, the Congress enacted and the President signed into law the Workforce Investment Act of 1998 (Public Law 105 - 220), as a result, the Board functioned as and exercised the powers of a “workforce investment board”. In 2014, the Congress enacted and the President signed into law the Workforce Innovation and Opportunity Act (Public Law 113-128). It is necessary to amend and restate these By-Laws to enable the Corporation to discharge its functions as a local workforce development board as set out in the Workforce Innovation and Opportunity Act and, in addition to those powers and functions, to exercise all functions necessary to enable the Corporation to sponsor, administer, or participate in job training, education and related programs in Caroline, Dorchester, Kent, Queen Anne’s and Talbot Counties, Maryland.

### ARTICLE I

#### Office

SECTION 1. *Principal Office.* The principal office of the Corporation shall be in 1000 College Circle, Wye Mills, Maryland 21679.

SECTION 2. *Other Offices.* The Corporation may also have an office or offices in such other place or places as the business of the Corporation may require and the Board of Directors may from time to time appoint.

### ARTICLE II

#### Members

SECTION 1. *Directors Are Only Members.* The Board of Directors of the Corporation shall be the sole members and when meeting as Directors may exercise the rights and powers of members. There shall be no meetings of the members of the Corporation apart from meetings of the Board of

Directors.

### ARTICLE III

#### Board of Directors

SECTION 1. *General Powers.* The property and business of the Corporation shall be managed under the direction of the Board of Directors of the Corporation.

SECTION 2. *Number and Term of Office.* The number of directors shall be up to twenty-eight (28) or such other number as may be required by the Act and the regulations of the State of Maryland implementing the Act. At least fifty-one per cent (51%) of the directors shall be representatives of the private sector. All directors shall be designated from time to time by the legislative bodies of the Sponsoring Counties. The directors shall serve for a term of three (3) years. All directors serving on the Board as of the effective date of these By-Laws shall continue to serve for the remainder of their respective terms and are eligible for reappointment.

SECTION 3. *Filling of Vacancies.* In the case of any vacancy in the Board of Directors through death, resignation, disqualification, removal or other cause, the vacancy shall be filled by the legislative bodies of the Sponsoring Counties as is provided in the Act or regulations of the State.

SECTION 4. *Place of Meetings.* The Board of Directors may hold their meetings and keep the books of the Corporation at the principal office of the Corporation. The Board may also hold meetings at such other locations as it deems appropriate.

SECTION 5. *Meetings.* Notice of regular Board meetings shall be postmarked and mailed to each Board member at least three (3) business days prior to each regular Board meeting. Members of the public and the media shall have access to meetings of the Board in accordance with the provisions of the Maryland Open Meetings Law (State Government Article 10 - 501.) The Board shall meet at least four (4) times annually. Board members may participate in Board meetings by teleconferencing so long as the voice of each director is audible to all other participants in the meeting.

SECTION 7. *Special Meetings.* Special meetings of the Board of Directors shall be held whenever called by at least three members of the Board of Directors or by the President. The Secretary shall give notice of each special meeting of the Board of Directors, by mailing the same at least three (3) business days prior to the meeting or by emailing or faxing the same at least two (2) business days before the meeting, to each director; but such notice may be waived by any director. Unless otherwise indicated in the notice thereof, any and all business may be transacted at any special meetings. At any meeting at which every director shall be present, even though without notice, any business may be transacted and any director may in writing waive notice of the time, place and objectives of any special meeting.

SECTION 8. *Quorum.* A majority of the total number of directors serving on the Board



shall constitute a quorum for the transaction of business at all meetings of the Board of Directors, but, if at any meeting less than a quorum shall be present, a majority of those present may adjourn and reschedule the meeting. The act of a majority of the directors present at any meeting at which there is a quorum shall be the act of the Board of Directors, except as may be otherwise specifically provided by, law or by the Articles of Incorporation or by these By-Laws.

SECTION 9. *Required Vote.* An affirmative vote of a majority of those present (including directors present through teleconferencing) shall be necessary for the passage of any resolution.

SECTION 10. *Compensation of Directors.* Directors shall not receive any stated salary for their services as such, but each director shall be entitled to receive from the Corporation reimbursement of the expenses incurred in attending any regular or special meeting of the Board.

SECTION 11. *Other Committees.* In addition to the Steering Committee (Article IV), the Board of Directors may, establish such committees as it determines are necessary or useful for conduct of the Corporation's activities.

## ARTICLE IV

### STANDING COMMITTEES

Section 1. *Steering Committee; Composition, Term.* There shall be a Steering Committee of the Board, which shall consist of the President, Vice President, and three other members of the Board. At least one of the remaining three members shall be a private sector member of the Board. Members of the Steering Committee shall serve one-year terms and shall be eligible for reelection.

Section 2. *Functions.* The Steering Committee shall perform the following functions

It shall manage the business of the Board, e.g., decide Board meeting agendas, determine the time and place of regular and special meetings; oversee the functions of other Board committees;

Its members shall be the primary liaisons between the Corporation and the County Commissions/Councils of the Sponsoring Counties;

It shall be primarily responsible for recruitment and orientation of new Directors;

It shall act in lieu of the Board in an emergency or in another situation where prompt action is necessary to further the goals and objectives of the Corporation, provided, however, that Steering Committee actions taken in lieu of actions by the full Board shall be subject to ratification by the Board at its next meeting; and

It shall perform such other business as the Board directs.

Section 3. *Meetings.* The Steering Committee shall meet as the business of the Corporation requires. Meetings of the Steering Committee are subject to the provisions of the Maryland Open Meetings Act and, in any event, shall be open to other Board members. Members may participate in Steering Committee by teleconferencing so long as the voice of each director is audible to all other participants in the meeting. Minutes of Steering Committee meetings shall be distributed to the Board for its review before each meeting of the Board.

Section 4. *Nominating Committee.* In June, the President shall appoint a Nominating Committee for the purpose of recommending the officers of the Corporation and the other members of the Steering Committee for the forthcoming year. The Board shall elect members to the Steering Committee at the first meeting of each fiscal year. In addition to members nominated by the Nominating Committee, the Board shall consider members nominated from the floor.

## ARTICLE V

### Officers

SECTION 1. *Election and Tenure.* The officers of the Corporation shall be a President, a Secretary, and a Treasurer, and also such other officers, including one or more Vice Presidents and/or one or more assistants to the foregoing officers as the Board of Directors consider necessary for the proper conduct of the activities of the Corporation. The officers shall be elected annually by the Board of Directors at its September meeting, or as soon thereafter as is reasonably practical. The offices of Secretary and Treasurer may be held by the same person, but no officer shall execute, acknowledge or verify any instrument in more than one capacity if such instrument is required by law or by these By-Laws to be executed, acknowledged or verified by any two or more officers.

In the event that any office other than an office required by law, shall not be filled by the Board of Directors, or, once filled, subsequently becomes vacant, then such office and all references thereto in these By-Laws shall be deemed inoperative unless and until such office is filled in accordance with the provisions of these By-Laws.

Except where otherwise expressly provided in a contract duly authorized by the Board of Directors, all officers and agents of the Corporation shall be subject to removal at any time by the affirmative vote of a majority of the whole Board of Directors, and all officers, agents, and employees, shall hold office at the discretion of the Board of Directors or of the officers appointing them.

SECTION 2. *Qualifications, Powers and Duties of the President.* The President shall be the chief executive officer of the Corporation and shall have the general charge and control of all its business affairs and properties. The President shall preside at all meetings of the Board and shall act as the "Chairperson" of the Corporation for purposes of the Act. The President shall be elected from those members of the Board representing private businesses.

The President may sign and execute all authorized bonds, contracts or other obligations in the name of the Corporation. He or she shall have the general powers and duties of supervision and management usually vested in the office of president of a corporation. The President shall be an *ex-officio* member of all the standing committees. He or she shall perform such other duties as may, from time to time, be assigned by the Board of Directors.

SECTION 3. *Qualifications, Powers and Duties of the Vice President.* The Board of Directors may appoint one or more Vice Presidents. Any Vice President (unless otherwise provided by resolution of the Board of Directors) may sign and execute all authorized bonds, contracts, or other obligations in the name of the Corporation. Each Vice President shall have such other powers and shall perform such other duties as may be assigned to him or her by the Board of Directors or by the President. In case of the absence or disability of the President, the duties of that office shall be performed by any Vice President, and the taking of any action by any such Vice President in place of the President shall be conclusive evidence of the absence or disability of the President. The Vice President shall be elected from those members of the Board representing private businesses.

SECTION 4. *Secretary.* The Secretary shall give, or cause to be given, notice of all meetings of members and directors and all other notices required by law or by these By-Laws, and in case of his or her absence or refusal or neglect to do so, any such notice may be given by any person thereunto directed by the President, or by the directors or members upon whose written request the meeting is called as provided in these By-Laws. The Secretary shall record all the proceedings of the meetings of the members and of the directors in books provided for that purpose, and he or she shall perform such other duties as may be assigned to him or her by the directors or the President. He or she shall have custody of the seal of the Corporation and shall affix the same to all instruments requiring it, when authorized by the Board of Directors or the President, and attest the same. In general, the Secretary shall perform all the duties generally incident to the office of Secretary, subject to the control of the Board of Directors and the President.

SECTION 5. *Treasurer.* The fiscal agent of the Corporation has custody of all the funds and securities of the Corporation, and it keeps full and accurate account of receipts and disbursements in books belonging to the Corporation. The Treasurer shall be responsible for ensuring the development of the annual budget.

The Treasurer shall perform all other duties generally incidental to the office of the Treasurer, subject to the control of the Board of Directors and the President.



## ARTICLE VI

### Corporate Seal

SECTION 1. *Seal.* If the Board determines that the Corporation should have a corporate seal, the corporate seal shall be circular in form and shall have inscribed thereon the name of the Corporation, the year of its organization and the word "Maryland". Duplicate copies of the corporate seal may be provided for use in the different offices of the Corporation but each copy thereof shall be in the custody of the Secretary of the Corporation or of an Assistant Secretary of the Corporation.

## ARTICLE VII

### Bank Accounts

The Board may designate officers or agents of the Corporation and grant authority for the officers or agents designated to deposit funds in financial institutions designated by the Board. The Board may designate officers or agents of the Corporation and grant authority for the designated officers or agents to withdraw funds from financial institutions designated by the Board. The signatures of the designated officers or agents shall be certified to the financial institution designated by the Board and will authorize the designees to draw against the Board's deposits.

## ARTICLE VIII

### Reimbursements

Any payments made to an officer or other employee of the Corporation, such as salary, commission, interest or rent, or entertainment expense incurred by him or her, which shall be disallowed in whole or in part as a deductible expense by the Internal Revenue Service, shall be reimbursed by such officer or other employee of the Corporation to the full extent of such disallowance. It shall be the duty of the Directors, as a Board; to enforce payment of each such amount disallowed. In lieu of payment by the officer or other employee, subject to the determination of the Board of Directors, proportionate amounts may be withheld from his or her future compensation payments until the amount owed to the Corporation has been recovered.

## ARTICLE IX

### Miscellaneous Provisions

SECTION 1. *Fiscal Year.* The fiscal year of the Corporation shall end on the last day of June.

SECTION 2. *Notices.* Whenever, under the provisions of these By-Laws, notice is required to be given to any person, it shall not be construed to mean personal notice, but such notice shall be given in writing, by mail, by depositing the same in a post office or letter box, in a postpaid sealed wrapper, addressed to each member officer or director at such address as appears on the books of the Corporation and such notice shall be deemed to be given at the time the same shall be thus mailed. Any director or officer may waive any notice required by the By-Laws.

SECTION 3. *Attendance at Board Meetings.* Board members are expected to attend meetings. A board member shall not be absent from four scheduled meetings in a fiscal year. Failure of a member to meet this commitment will constitute grounds for removal.

The President shall notify any member who does not attend three meetings and inform them of the consequences of missing one more meeting.

## ARTICLE X

### Amendments

SECTION 1. *Amendment of By-Laws.* The Board of Directors shall have the power and authority to amend, alter or repeal the By-Laws or any provision thereof, and may from time to time make additional By-Laws.

SECTION 2. *Procedure.* Any Director may submit a proposed amendment to the By-Laws to the President who shall notify the full Board in writing of the proposed change at least thirty (30) days prior to the meeting at which the amendments are to be considered.

SECTION 3. *Voting.* Proposed amendments shall be approved or disapproved by roll call vote of the Board. In order to be adopted, a proposed amendment must be approved by a majority of Board members present at the meeting.

## ARTICLE XI

### Indemnification

SECTION 1. *Definitions.* As used in this Article XI, any word or words that are defined in Section 2-418 of the Corporations and Associations Article of the Annotated Code of Maryland, as amended from time to time, (the "Indemnification Section") shall have the same meaning as provided in the Indemnification Section.

SECTION 2. *Indemnification of Directors and Officers.* The Corporation shall indemnify and

advance expenses to a director or officer of the Corporation in connection with a proceeding to the fullest extent permitted by and in accordance with the Indemnification Section.

SECTION 3. *Indemnification of Employees and Agents.* With respect to an employee or agent, other than a director or officer, of the Corporation, the Corporation may, as determined by the Board of Directors of the Corporation, indemnify and advance expenses to such employee or agent in connection with a proceeding to the extent permitted by and in accordance with the Indemnification Section.



## Upper Shore Workforce Investment Board Member Roster

**Upper Shore  
Workforce Investment Board  
Membership  
August 2021**

<b>First Name</b>	<b>Last Name</b>	
William	Bailey	Private Sector
Michael	Brustein	Private Sector
Mary Ellen	Carter	Private Sector
Beverly	Churchill	Local Government
Clifford	Coppersmith	Post Secondary Education
Jim	Cutter	Labor
Eric	Daniels	Faith Based Organization
Jenifer	Dubosq	Department of Social Services
Nick	Grande	Private Sector
Nelson	Hill	Labor
Eric	Kuster	Private Sector
Dan	Lesard	Private Sector
Connie	Overington	Private Sector
Jena	Paquin	Division of Rehabilitation Services
Tyler	Patton	Private Sector
Tom	Timberman	Private Sector
Adam	Tolley	Career and technology Education
Scott	Warner	Economic Deveopment
George	Weeks	Private Sector

# Upper Shore Workforce Investment Board/Chesapeake College Agreement



**UPPER SHORE WORKFORCE INVESTMENT BOARD  
CHESAPEAKE COLLEGE  
ADMINISTRATIVE AGREEMENT**

This Agreement, made this 1st day of October, 2018 by and between the MARYLAND UPPER SHORE WORKFORCE INVESTMENT BOARD, INC., a Maryland non-stock, non-profit corporation (hereafter sometimes referred to as the "USWIB" or the "Board") and CHESAPEAKE COLLEGE, a community college organized under the laws of Maryland (hereafter referred to as the "Administrative Entity " or "College")

WITNESSETH:

WHEREAS, Congress has passed the Workforce Innovation and Opportunity Act of 2014 (hereinafter referred to as the "Act") (Public Law 113-128) now codified as United States Code 29 USC Chapter 32 and

WHEREAS, the Act has as its stated purpose to provide workforce activities, through statewide and local workforce development systems, increase employment, retention, and earnings of participants, increase occupational skills attainment by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation; and

WHEREAS, the Act contemplates and encourages cooperation and partnerships establishing a network between public and private sectors; and

WHEREAS, it is the desire of the parties hereto to facilitate such cooperation and partnership.

NOW, THEREFORE, upon the following terms and conditions, it is agreed:

1. *Local Workforce Development Area (LWDA)*. The Governor of the State of Maryland, has pursuant to Section 106 of the Act, designated the Upper Shore Workforce Development Area ("USWD Area" or "USWDA") comprised of the five (5) Maryland counties of Caroline, Dorchester, Kent, Queen Anne's and Talbot. This Agreement, and the responsibilities herein referred to, covers the USWDB Area.
2. *Establishment of the USWIB*. The Governor of Maryland, pursuant to Section 117 of the Act, established and certified the USWIB as the local workforce development board for the Upper Shore Workforce Development Area. The USWIB is charged with the responsibility of providing guidelines for, and the exercise of oversight with respect to, activities under the US Workforce Development Area Local Plan (as defined in Section 108 of the Act) within the USWD Area. In order to carry out these responsibilities, the USWIB shall have access to such information, concerning

the operation of such programs under the Upper Shore Workforce Development Local Plan, as is necessary.

3. *Grant Recipient.* In accordance with a separate Agreement entered into by and between the USWIB and the five counties that comprise the USWDA, the Local Elected Officials representing Caroline, Dorchester, Kent, Queen Anne's and Talbot Counties shall be designated the Grant Recipient of all Workforce Innovation and Opportunity Act funds.
4. *Designation of Administrative Entity.* The USWIB, with concurrence of the Local Elected Officials is responsible for the selection of an entity to administer the Upper Shore Workforce Investment Board's Local Plan (the "Administrative Entity") Such an Administrative Entity may be a local educational agency within the Upper Shore Workforce Development Area. According, the USWIB herein designates:

Chesapeake College  
Post Office Box 8  
Wye Mills, MD 21679  
(410) 822-5400 ext. 5050  
Contact: President of Chesapeake College

as the Administrative Entity to administer the Upper Shore Workforce Investment Board's Operational Plan as adopted pursuant to the Act and to perform those other duties as herein provided.

5. *Functions of the Administrative Entity and the USWIB Staff.*
  - a. The Administrative Entity shall provide such necessary operational, programmatic, support and clerical personnel, as selected by the Executive Director, as may be required under this agreement. The Executive Director shall be responsible for selecting such personnel who directly support the program activities of the USWIB subject to the approval of the Administrative Entity. Such personnel approval shall not be unreasonably withheld. Unless otherwise specified in this Agreement, the personnel policies and practices in effect at Chesapeake College shall govern the staff described herein. The Executive Director and USWIB will comply with all federal and state hiring and employment rules and regulations.
  - b. For the operation of the USWIB's activities, the Executive Director shall prepare a budget each and every year for submission to the USWIB board of directors. Each budget shall be for a fiscal year from July 1<sup>st</sup> to June 30<sup>th</sup> next. The budget shall specify, in detail, the necessary monies required to administer the USWIB's Operation Plan within the Workforce

Development Area. Such budget shall be subject to guidance, review, modification, and approval by the USWIB board of directors.

- c. The Administrative Entity will disburse such funds in accordance with the USWIB's approved budget.
- d. The Administrative Entity shall provide at reasonable cost physical office space at the College for the USWIB staff and the Executive Director as approved by the Executive Director.
- e. The Administrative Entity shall perform all functions required by the terms of this Agreement within the budgetary guidelines as approved by the USWIB.
- f. The Executive Director shall prepare and submit an Operational Plan as developed by the USWIB to the appropriate state agencies designated by the Governor's Workforce Development Board (GWDB).
- g. The Executive Director shall prepare, for submission to the US Department of Labor, the Governor of the State of Maryland, and any other appropriate individuals or entities, all grant reports, modification requests and financial reports.
- h. The Executive Director shall implement the policies and guidelines approved by the USWIB.
- i. The Executive Director shall collect program data necessary for management oversight and evaluation by the USWIB.
- j. The Executive Director shall provide technical assistance to subcontractors and other interested parties with regard to the facilitation of the USWIB and the deployment of the Operational Plan.
- k. The Executive Director shall provide periodic reports to the USWIB as requested with regard to the status of the USWIB's Operations Plan and shall provide copies of the same to the Administrative Entity, US Department of Labor, Governor of Maryland, such other state level entities designated by the Governor, and the County Councils or Commissioners included in the USWDA.
- l. The Administrative Entity shall act in the capacity of FISCAL AGENT for the USWIB and as such shall be responsible for the administration and disbursement of funds allocated for development activities in the local area, including: 1) receipt of all USWIB funds and other appropriate



federal, state, or private funds as budgeted by the USWIB and as received by the USWIB; 2) disbursement and allocation of funds for any debt or expense legally allowed through the execution of its duties; 3) development and maintenance of financial accounts and records that are sufficient, to permit the preparation of required reports, and to permit the tracing of funds to a level of expenditure adequate to ensure that funds have not been spent unlawfully so that all proper reporting may be made by the USWIB; 4) the preparation of reports, including annual reports, concerning its operations and expenditures as shall be prescribed by the Secretary of the Department of Labor, and regulations and State guidelines thereto, so that the USWIB may make proper reporting thereon; 5) preparation and provision of any and all other necessary financial reports to the USWIB in the intervals, as deemed appropriate by the USWIB; and 6) the functions related to the overhead charges invoiced each year by the College, including but not limited to accounting, human resources, payroll, procurement, accounts payable, and worker's compensation.

- m. The Administrative Entity shall be responsible for monitoring and taking corrective action against any subcontractors, sub grantees, and other recipients to eliminate abuses in any program and to prevent any misuse of funds.
- n. The Administrative Entity shall pursue all necessary and reasonable methods in the collection of disallowed cost, including the institution of legal proceedings.
- o. The Administrative Entity shall enter into contracts with service providers, subcontractors, sub grantees, and other recipients as deemed necessary from time to time. No service provider, subcontractor, sub grantee, or other recipient shall be selected without the concurrence of the USWIB. The Administrative Entity shall include in any contract with any service provider, subcontractor, sub grantee, or other recipients as specific requirement that said party shall repay or restore to the Grant recipient any funds administered under the Act which are later determined to be wrongfully received or expended by such party.
- p. The Administrative Entity shall establish and maintain a grievance procedure for grievances or complaints about its programs or activities from participants, sub grantees, subcontractors, and other interested persons.

- q. The Administrative Entity shall perform such other functions, duties and powers, as are necessary to fulfill its obligations under the Act, regulations thereto, and all State guidelines.
  - r. The policies of the Administrative Entity related to but not limited to fiscal management, personnel, procurement, inventory/property management, time and effort will apply to the personnel who directly support the program activities of the USWIB. Please see section 13 of this agreement for additional special provisions relating to the employment of the Executive Director.
  - s. The USWIB may establish policies related to the functions of the Board itself such as travel, procurement in the case where the College may be a respondent, conflict of interest, etc. USWIB policies will be in compliance with applicable, laws, regulations and grantor guidance.
6. *Term.* This Agreement shall commence on the first day of October 2018, and thereafter shall automatically be renewed from year to year, unless either party notifies the other of its intention not to be renewed at least ninety (90) days prior to the expiration of any one-year period.
  7. *Modification and Amendment.* This Agreement may be modified or amended by the parties upon mutual written agreement.
  8. *Disposal of Assets.* Upon termination of this Agreement, all involved assets shall be disposed of according to the provisions of the Act, regulations thereto, and all State guidelines.
  9. *Limitations of Powers.* No clause in the Agreement shall be construed to empower any party to take action that is not authorized by law.
  10. *Severability.* Should any part, term or provision of the Agreement be decided by a court of competent jurisdiction to be illegal on its face or in application or in conflict with any federal or state law or be otherwise rendered unenforceable or ineffective, the validity of the remaining portions or provisions shall not be affected thereby.
  11. *Authority.* Each of the signers certified that he/she has the authority to execute the same on behalf of its principals to bind its principals with regard to the rights and obligations herein.
  12. *Authority and Responsibility held jointly by both USWIB and the Administrative Entity.*

- A. It is the responsibility of both USWIB and the Administrative Entity to ensure effective service delivery by providing a system encompassing a beneficial mix of program and service options to eligible residents of the USWD Area. Both parties to this agreement shall seek to stimulate the active, effective participation of all sectors of the community in the provision of Workforce Development systems services.

13. *Special Provisions Relating To the Employment of the Executive Director.* The following Provisions pertain to the Executive Director of the USWIB:

The parties hereto agree that the Executive Director shall be deemed an employee of the Administrative Entity to the extent that the Executive Director receives his or her salary and other benefits available to him or her under this Agreement through the College in accordance with this Agreement (see esp Paragraph 5(a) and (r) and Paragraph 13(c)). However, the College shall not exercise dominion or control over the Executive Director nor impose any requirement upon the Executive Director that materially interferes or conflicts with his or her responsibilities to the USWIB. Notwithstanding the above, the Administrative Entity, at its sole discretion, may require immediate removal of the Executive Director from any and all College property or grounds for the commitment of criminal acts or acts of gross misconduct. The Executive Director will not be allowed to return to the property until such time as the USWIB and Administrative Entity agree in writing to a corrective action for such conduct. Removal of the Executive Director from the property will not constitute dismissal by the Administrative Entity.

- A. The Administrative Entity's liability with respect to the employment of the Executive Director shall be limited to actions arising from the administration of the Executive Director's payroll and benefits. Any liability arising from the actions or decisions of the Executive Director shall be the exclusive responsibility of the USWIB.
- B. If the position of Executive Director becomes vacant, the Administrative Entity may provide assistance to the USWIB regarding the hiring of a replacement. However, the selection, retention and hiring of the Executive Director shall be the sole and exclusive responsibility of the USWIB.
- C. The Executive Director shall execute a contract of employment with the Administrative Entity, which contract must be approved by both the Administrative Entity and the USWIB. The term of such employment agreements shall be for a minimum of one year but may be for an additional number of years at the option of the USWIB, subject to written consent by the Administrative Entity.



- D. The parties hereto agree that the Executive Director shall be entitled to the same benefits package as College employees, namely: Campus Benefits, Leave Benefits, Wellness, Holidays, Health Insurance, Tuition Waiver, Financial Planning, Retirement Plans and Professional Development, contingent on the USWIB providing sufficient funding for such benefits. The parties hereto also agree that the USWIB shall have the sole and exclusive authority to set salary, bonus and other monetary compensation of the Executive Director. The Executive Director shall be eligible to participate in one of the retirement programs offered by the Administrative Entity, i.e. either the Maryland State Retirement System or the Teachers' Insurance and Annuity Association-College Retirement Equities Fund (TIAA/CREF), for the term of his or her employment, provided that the expenses of such participation shall be paid either by the Executive Director or from the USWIB's approved budget.
- E. If the position of Executive Director becomes vacant, the Administrative Entity may provide assistance to the USWIB regarding the hiring of a replacement. However, the selection, retention and hiring of the Executive Director shall be the sole and exclusive responsibility of the USWIB.
- F. If the USWIB so determines, the employment agreement with the Executive Director may provide for the USWIB's right to terminate the contract with cause. If such a provision is included in an employment contract, the contract shall provide that the exercise of the right to terminate without cause shall be exercised only after notification to the Administrative Entity and that, as part of any severance compensation agreement, the Executive Director shall execute a release (in a form acceptable to the Administration Entity and its legal counsel) of any claim against the Administrative Entity, its officials, agents or employees, and any other documents reasonably appropriate (in the judgment of the Administrative Entity) for the termination of employment of the Executive Director. The parties expressly agree that any "buy out" or other severance compensation shall be at that the sole expense of the USWIB.
- G. The Administrative Entity shall advise the USWIB of any conduct it believes would warrant the discharge of the Executive Director.
- H. The provisions of this Agreement relating to the discharge of the Executive Director with or without cause shall not affect the right of USWIB to elect not to renew a contract of employment with an Executive Director upon its expiration.
14. *Dispute Resolution.* Any disputes between the parties to the Agreement shall be resolved by good faith negotiation between them. If such negotiations are unsuccessful, both parties shall retain all rights and remedies accorded them by law or agreement.

This Agreement becomes part of the Upper Shore Workforce Investment Board Operational Plan, approved upon signatures of concurrence by the five-county local elected officials of the Plan.

Witness/Attest:

Keith Maxwell

CHESAPEAKE COLLEGE

By: Clifford A. Coppersmith  
Clifford Coppersmith, President

Daniel P. Weeks

UPPER SHORFE WORKFORCE  
INVESTMENT BOARD, INC.

By: George N. Weeks, III  
George N Weeks, III, President

## Upper Shore Workforce Investment Board Budget



