

**SOP 22-06**  
**Local WIOA Governance: Single Entity Fulfilling Multiple Roles in**  
**Local Workforce Areas**  
**Standard Operating Procedures**  
**Southwest Indiana Workforce Region 11**  
**Approval Date: 10/28/2022**

**Purpose**

This policy provides guidance for:

- WIOA required agreements when Local Workforce Development Boards (LWDBs) have a single entity fulfilling more than one role
- The necessary level of agreement between the LWDB, Regional Chief Elected Official (RCEO), and the State, if applicable
- Internal controls and practices to avoid conflicts of interest.

**Rescissions**

- DWD Policy 2007-33 Guidance on Indiana Code § 22-4.5-7-6, 22-4.5-7-7, and 22-4.5-7-8

**References**

- WIOA Sections 107(d); 121(d)(4)(A) and (C)
- 20 CFR 678.615-625
- 20 CFR 679.370
- 20 CFR 679.410 – 430
- 20 CFR 680.160
- Training and Employment Guidance Letter (TEGL) 15-16, Competitive Selection of One-Stop Operators

## **Content**

- LWDBs, their leadership, and their staff are obligated to ensure organizational and personal integrity and ethical behavior including:
  - Reporting structures with clear separation of job duties and responsibilities
  - Establishment and implementation of procedures (internal controls) to ensure integrity in decision making, WIOA compliance, regulations, and related OMB circulars.
- These obligations apply any time an entity is serving in more than one of the following roles:
  - Local WDB staff
  - Local fiscal agent
  - One-stop operator (OSO) and
  - Direct service provider.
- WIOA requires that LWDB agreements must be in place when the same entity fulfills more than one of these roles in administering the adult, dislocated worker, and youth programs.
- While the LWDB determines what is best for meeting the needs of customers and geographic area, the roles will be clearly articulated as part of the procurement and selection process.

## **Single Entity/Multiple Role Agreements**

To avoid conflicts of interest and judgments that may be or appear to be subjective or partial, written agreements will provide proper firewalls for transparency and integrity of the work being performed. This practice illustrates to the public that decisions are made impartially with no preferential treatment being given to a particular entity.

### **LWDB/RCEO Agreement:**

20 CFR 679.430 requires any organization selected or designated to perform multiple roles to develop a written agreement with the LWDB and RCEO; this agreement will clarify how responsibilities will be carried out with compliance and meet regulations, OMB circulars, and the region's conflict of interest policies (see SOP 17-06 Revision 1). These agreements will clearly articulate which party is responsible for each specific role, authority, responsibility and monitoring /oversight activities.

Under the following two circumstances, local area structures require an additional layer of agreement by the LWDB, RCEO, and the Governor, via DWD's Commissioner as the Governor's designee:

- When staff to the board have been selected to serve as the OSO (20 CFR 679.410(a)).
- When the local WDB seeks to act as a provider of career services (20 CFR 679.4109(b)).

**NOTE: the restrictions on the provision of career and training services by the local WDBs, as one-stop operator, also apply to staff of the local WDB.** A local LWDB is prohibited from

providing training services unless the Governor grants a waiver in accordance with the provision in WIOA sec. 107(g)(1).

When state-level agreement is required, Region 11 will submit a written request to DWD through the Policy inbox: [policy@dwd.in.gov](mailto:policy@dwd.in.gov). Signed by both LWDB and RCEO, the request will contain:

- Description of desired Structure and procurement/selection process used to determine the single entity as provider for multiple services including the years for which the structure would be in effect.
- Acknowledgement of specific structure/roles requiring state-level agreement, and
- Clear delineation of roles and management structure depicting necessary separation of duties and firewalls to ensure adequate internal control and avoid conflict of interest.

### **Internal Controls: Firewalls/Separation of Duties**

- Procurement, selection, contracting, and management will adequately address internal controls to avoid conflict of interest in situations where a single entity may potentially fulfill multiple roles.
- Solicitation materials such as Requests for Proposals (RFPs) will clearly define the expected roles and functions of each role; post-selection, there will be adequate oversight to evaluate adherence to established controls.
- SWINWorkforce will develop a matrix tool of duties to demonstrate adequate firewalls. See Attachment B. In addition, bidders will be required to identify firewalls when a single entity proposes to cover multiple roles.
- Additional approaches may include:
  - Assessments to identify areas of overlapping responsibilities
  - Independent monitoring of entity performance, or
  - Establishing a comprehensive oversight and monitoring system covering all entities that provide WIOA services and/or perform administrative functions within the local area.

### **Action**

- These requirements will be considered in the development of RFPs for service providers, one-stop operators, fiscal agents, and board staff.
- Region 11 currently maintains a policy on conflict of interest. See SOP 17-06 Revision 1.
- DWD WIOA Title I monitoring will include review of roles and responsibilities, and how these are implemented.

## **Attachments**

Attachment A – Local WIOA Governance Roles Summary

Attachment B – WIOA Roles and Responsibilities Matrix

## **Effective Date**

Immediately

## **Ending Date**

Upon Rescission

## **Attachment A**

### **Local WIOA Governance Roles Summary**

**NOTE: This is a summary of WIOA roles and responsibilities for general reference and not intended to be an exhaustive list.**

#### **Staff to the LWDB:**

Per 20 CFR 679.400, staff to the board may assist with fulfilling LWDB's required functions as outlined in 20 CFR 679.370 which may include:

- In partnership with the RCEO, develop and submit a local plan.
- Conduct workforce research and regional labor market analysis.
- Convene local workforce development system stakeholders to develop local plan.
- Lead efforts to engage with a diverse range of employers and entities.
- With secondary and postsecondary education programs, lead efforts to development and implement career pathways.
- Identify and promote proven and promising strategies for meeting employer and jobseekers' needs.
- Develop strategies for using technology to maximize accessibility and effectiveness of the workforce system.
- Conduct program oversight activities.
- Negotiate and reach agreement on local performance accountability measures.
- Select one-stop operators and service providers.
- Coordinate with education and training providers.
- Develop a budget for the board's activities.
- Assess annually the physical and programmatic accessibility of all one-stop centers in the local area.

#### **Local Fiscal Agent:**

20 CFR 679.420 provides the Local Fiscal Agent may:

Receive funds.

Ensure sustained fiscal integrity and accountability for expenditures of funds,

Respond to audit financial findings,

Maintain proper accounting records and adequate documentation,

Prepare financial reports,

Provide technical assistance to subrecipients regarding fiscal issues.

At the direction of the LWDB, the fiscal agent may also:

Procure contracts or obtain written agreements,

Conduct financial monitoring of service providers,

Ensure independent audit of all employment and training programs.

### **One-Stop Operator:**

20 CFR 678.620 provides the following guidance for One-Stop Operators:

- The OSO will coordinate the service delivery of required one-stop partners and service providers.
- LWDBs may establish additional roles of the one-stop operator, including but not limited to:
  - Being the primary provider of services within the center,
  - Providing some of the services within the center, or
  - Coordinating service delivery in a multi-center area, which may include affiliated sites.
- The competition for a one-stop operator must clearly articulate the role of the one-stop operator.
- An OSO **may not** perform the following functions:
  - Convene system stakeholders to assist in the development of the local plan,
  - Prepare and submit local plans,
  - Be responsible for oversight of itself,
  - Manage or significantly participate in the competitive selection process for one-stop operators,
  - Select or terminate one-stop operators, career services, and youth providers,
  - Negotiate local performance accountability measures, or develop and submit budget for activities of the LWDB in the local area.
- The OSO may also serve a different role with the one-stop system if it has established sufficient firewalls and conflict of interest policies and procedures as they conform to 20 CFR 669.430.
- As indicated in WIOA Section 107(d), LWDBs will determine when the OSO will also provide career services or if career services will be provided by other contracted entities.
- LWDBs will develop service provider roles and responsibilities based upon the needs of community jobseekers and employers.

### **Service Providers:**

20 CFR 680.140 and 20 CFR 680-160 provide that Service Providers may:

- Provide direct services including but not limited to:
  - Participant intake,
  - Orientation,
  - Initial assessments,
  - Employment services, and
  - Referrals to other partners and services.
- Provide individualized direct services, including but not limited to:
  - comprehensive and specialized assessments,
  - case management,
  - individual employment plans,
  - career planning, and
  - vocational counseling.

- If the OSO is also the service provider, appropriate firewalls will be in place for the competition and subsequent oversight, monitoring, and evaluation of the service provider. The firewalls will conform to federal regulations for demonstrating internal controls and preventing conflicts of interest.
- In instance when the LWDB operates as a provider of career services, both the RECO and State-level agreement are needed.

**Attachment B**  
**Matrix for Shared Role of One-Stop Operator and Service Provider**

Responsibility/Task	One-Stop Operator	Service Provider
Coordinates service delivery of required OS partners and services	X	
Builds a customer pathway from UI, self-serve customers, ICC registrants, WorkOne fair attendees to case management, employment specialists, and individualized services	X	
Links business customers and job seekers	X	
Maintains signage and email job handouts	X	
Creates a “recruiter” type focus among employment specialists	X	
Communicates events to WIOA partners	X	
Populates website calendar	X	
Point of contact for WorkKeys results	X	
Assists in processes for one-stop service delivery including room scheduling	X	
Supports WDB mission and vision	X	
Participates as a member of the Continuous Improvement Team	X	
Communicates proposed changes of office layout to WDB Operations Manager	X	
Assists in preparation and implementation of One-Stop Certification	X	
Manages staff absences to ensure operational coverage	X	
Assists with promotion of WorkOne activities to business community and partner agencies	X	
Maintains hiring events and job fair schedules; distributes to internal and external partners		X
Ensures relevant information is recorded into ICC (state mandated system)		X
Assists with tours and informational overview of the offices as requested by the Business Services Representative		X
Serves as functional supervisor		X
Enters, verifies, and authorizes job orders in ICC as requested by employers		X
One-on-one liaison between customers and employment specialists		X