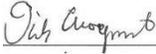


Memorandum

To: NH State Workforce Innovation Board Members

From: Dick Anagnost, Board Chair 

Date: 6/20/2017

Re: NH Works Consortium as the designated WIOA One-Stop Operator

Background and Purpose: The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014. Section 121(d)(2)(A) of the Act defines the requirement to designate a one-stop operator through a competitive process. The one-stop operator entity must administer at a minimum three or more one-stop partners as described in subsection 121(b)(1).

The WIOA regulations describe when a sole-source selection is appropriate. 20 Code of Federal Regulations §678.610. States are allowed to select a one-stop operator through a sole source selection when allowed under the state's law, provided there are internal controls preventing conflict of interest conforming to the requirements of 20 CFR §679.430.

New Hampshire's unique partnership of services for the delivery of multiple federal programs makes the NH Works Consortium of Partner Agencies the only source to administer the one-stop partner programs required under WIOA. WIOA provides that "In instances in which a State is conducting the competitive process ... the State must follow the same policies and procedures it uses for procurement with non-Federal funds." Thus, if the State itself conducts the competitive process to select the one-stop operator, the State need only follow New Hampshire's procurement laws and rules. To comply with this requirement the State will follow the competitive sole-source procurement process described in WIOA Policy 2013-022 issued by the Office of Workforce Opportunity to make the final sole-source selection, pursuant to the requirements of the federal regulations discussed above.

With the State's approval, the NH Works Consortium can continue in the role of One-Stop Operator with the appropriate internal controls and conflict of interests in place.

WIOA One-Stop Operator Selection Process

1. On behalf of the State Board, the Office of Workforce Opportunity will submit the justification for sole source document as required and in compliance with NH Sole Source procurement process and procedures, to the Governor of the State of New Hampshire for approval.
2. The Governor shall review the form and if the Governor approves the request, he will then enter into a Memorandum of Understanding (MOU) with the State Workforce Development Board.
3. The MOU will ensure the NH Works Consortium demonstrates compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and state laws and rules regarding conflicts of interest.

Role of the One-stop Operator Consortium

1. The NH Works Consortium is established as a sub-committee of the State Board and as such shall report to the State Workforce Innovation Board results of operations, performance, policy and continuous improvement recommendations for board approval.
2. Support and assure compliance with the State Workforce Innovation Board designation of one NH Works Comprehensive Center in Concord, NH and eleven other centers located in the NH Employment Security offices throughout the State.
3. Assure compliance with and implementation of the one-stop center partners Memorandum of Understanding.
4. Oversee and organize cross-training of staff to provide information to customers on all services available in a one-stop center.
5. Ensure compliance with WIOA federal and state laws, and regulations.
6. Develop and implement a system to gather, analyze, and report performance of core partners and system services.
7. Coordinate the development and implementation of a formal referral process between partners for services within the one-stop centers.
8. Coordinate the service delivery of one-stop partners.
9. Oversee the daily operations of the One-stop Centers via shared costs for local management staff.
10. Establish and maintain key relationships with workforce partners.
11. Manage partner responsibilities defined in the Memorandum of Understanding (MOU) between partners.
12. Ensure basic services to job seekers and employers are being met such as access to job listings, labor market information, employment workshops and mediated services.
13. Jointly determine and manage the hours of operation of the one-stop centers.

The NH Works Consortium One-stop operator may not:

1. Convene system stakeholders to assist in the development of the state plan required under WIOA. This remains a function of the State Board and is carried out by staff at the Office of Workforce Opportunity on behalf of the Board consistent with WIOA regulations.
2. Be responsible for oversight of itself; as a subcommittee of the State Board, the board shall provide oversight of the activities carried out by the NH Works Consortium.
3. Manage or significantly participate in the competitive selection process for the local WIOA Title I service providers. The State Board thru the Office of Workforce Opportunity shall release a competitive RFP no less than once every four years to procure local WIOA career and training services statewide. The RFP shall be issued consistent with State procurement policies and procedures. The selection of providers shall be determined by State Board members (in compliance with conflict of interest policy and procedures). Contracts issued as a result of this procurement shall be submitted to the State Governor and Council for final approval.
4. Select or terminate one-stop operators, career services, and youth providers, this shall remain a function of the State Workforce Innovation Board.

State Workforce Innovation Board Approval: The Workforce Innovation and Opportunity Act (WIOA) allows for sole source selection of a one-stop operator or a *consortium of entities* that, at a minimum, includes three or more of the required one-stop partners of demonstrated effectiveness. This process is a function of local boards. New Hampshire is a single-state area (i.e. a statewide governance system with no local boards). In single-area states, the State Workforce Innovation Board (State SWIB) carries out the functions of the local boards as described in WIOA. This includes the responsibility to administer the competition to select a one-stop operator, as stated in WIOA sec. 106(d)(2).

In most single areas, states are the administrators of the programs and the one-stop operator and provide support and oversight to the State Workforce Innovation Board to achieve financial and programmatic efficiencies. The funding for single-area states is limited leaving small states such as New Hampshire limited flexibility; single-state areas create efficiency through shared resources available through the network of core agency partner entities, enabling them to deliver numerous seamless services. In New Hampshire this role is carried out on behalf of the State Board by the Office of Workforce Opportunity within the Department of Business and Economic Affairs (DBEA) in conjunction with the NH Works One Stop Operator Consortium of state entities; which consists of Commissioner/Director level staff from the NH Department of Employment Security, NH Department of Business and Economic Affairs, NH Department of Education, NH Department of Health and Human Services, the Community College System of NH and Southern NH Services, Inc.

With this approach the NH Works Consortium members collectively serve in the role of the one-stop operator, rather than relegate this authority to a third party entity. However, a service provider for the delivery of WIOA Tile I Adult and Dislocated Workers statewide, which unlike other required services in the one-stop centers (e.g., unemployment insurance and employment service), is not a function by statute of any single state entity, is procured via a request for proposals (RFP) process conducted by the State Board every four years and is carried out consistent with state procurement policy and procedures. The next solicitation for the procurement of statewide service delivery provider will be issued in the fall of 2018 for a contract period covering July 1, 2019 – June 30, 2023.

As outlined within this memo, we believe this approach has served the State well. It is a cost effective, inclusive process that brings together the resources of required one-stop partners to maximize limited funding, to the best benefit of the customers served through the NH Works system. This level of cost effective functionality cannot be achieved by any one entity.

The NH Works Consortium members have expressed a desire to continue in their role as the designated one-stop operator for the State of New Hampshire. (Documented in NH Works Consortium meeting minutes dated May 2, 2017; approved by the State Board May 17, 2017)

It is my understanding from conversations with the Governor of New Hampshire that he is in full support of continuing to operate our 12 state-wide, NH Works centers under the guidance of the established consortia of partner agencies representing the core programs required under WIOA. A draft of the MOU between the Governor and the NH Works Consortium is attached for your review.

To move this process forward requires a vote of the full board membership. Please signify your vote on the attached document and return the document to Jacqueline.Heuser@dred.nh.gov.

Thank you for your attention to this business of the board.

Sincerely,
Dick