

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

Montana State Workforce Innovation Board

**AND**

Montana Department of Labor and Industry, Workforce Services Division Management Services Bureau

1. **Parties:** The parties to this agreement are the Montana State Workforce Innovation Board (hereinafter “SWIB”) and the Montana Department of Labor and Industry, Workforce Services’ Division Management Services Bureau (hereinafter “DMS”).
2. **Representatives:** For the purposes of this agreement the Representative of SWIB shall be:

**Name: Dave Crum, Chair**  
**Address: PO Box 1728 Helena, MT 59604-1728**  
**Phone: 406-444-4480**  
**Fax: 406-444-3037**  
**Email: [swib@mt.gov](mailto:swib@mt.gov)**

and the Representative of DMS shall be:

**Name: Erin Weisgerber**  
**Address: PO Box 1728 Helena, MT 59604-1728**  
**Phone: 406-444-1325**  
**Fax: 406-444-3037**  
**Email: [eweisgerber@mt.gov](mailto:eweisgerber@mt.gov)**

3. **Purpose:** The purpose of this Memorandum of Understanding (MOU) is to designate specific functions of the SWIB to DMS as the Administrative Entity and the Fiscal Agent for the SWIB.
4. **Term:** This MOU shall be in effect from July 1, 2017 until June 30, 2018. The parties may also unilaterally or mutually terminate this MOU at any time.
5. **Roles:** Under this MOU, the duties of each party shall be as follows:

SWIB and SWIB Staff will:

- A. Convene state workforce development system stakeholders to assist in the development of the State Plan under 20 CFR 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities.

- B. Engage with a diverse range of employers and other entities to promote business representation on the state board; develop effective linkages with employers in the state to support employer utilization of the workforce development system; ensure workforce investment activities meet the needs of employers and support economic growth; and implement strategies for meeting the employment and skill needs of workers and employers.
- C. Lead efforts with secondary and postsecondary education to develop and implement career pathways within the state by aligning the employment, training, education and supportive services that are needed by adults and youth.
- D. Lead efforts to identify strategies and initiatives for meeting the needs of employers, workers and job seekers.
- E. Develop strategies for using technology to maximize the accessibility and effectiveness of the workforce system for employers, workers and job seekers by facilitating connections among intake and case management systems; facilitating access to services provided through the one-stop delivery system; and identifying strategies to better meet the needs of individuals with barriers to employment.
- F. Select providers, and where appropriate terminate providers, for youth workforce investment activities, eligible training providers, providers of career services and the one-stop operator.
- G. Coordinate activities with education and training providers in the state that are consistent with the State Plan.
- H. Perform the certification of one-stop centers.

DMS Staff will:

- A. Develop, maintain, modify, update and submit the 4-year State Plan, in partnership with the SWIB and chief elected official and consistent with WIOA sec. 108.
- B. Negotiate and reach agreement on performance indicators with the chief elected official and the Governor.
- C. Negotiate with required partners on the methods for funding the infrastructure costs of one-stop centers.
- D. Develop, maintain and manage the budget in coordination with SWIB to carry out the State Plan and the duties of the SWIB.
- E. On a quarterly basis, submit records to US DOL that include demographic information, information on services received, and information on resulting outcomes for each reportable individual in a WIOA title I core program; the Employment Service program authorized under the Wagner-Peyser Act; or the Vocational Rehabilitation program.
- F. Complete and submit an annual performance report consistent with the requirements in WIOA sec. 116(d)(5).
- G. Develop policy, guidance, and agreements for the SWIB, one-stop workforce system, one-stop operator, service providers, and partners used in implementing the State Plan.
- H. Compile financial information and submit all required fiscal reporting on both a quarterly and annual basis.

- I. Beginning July 1, 2017 DMS Staff will provide a report to the SWIB's WIOA Committee regarding the performance reports, fiscal reports and administrative activities performed.
- 6. **Cooperation and Communication:** This MOU outlines the roles and responsibilities of a collaborative, communicative, and cooperative relationship between the Parties. This agreement is intended to foster a caring, comprehensive, communicative, and integrated service delivery system, which maximizes scarce community resources, avoids fragmentation of services, and avoids duplication of effort.
- 7. **Compliance with Laws:** The Parties shall fully comply, and remain fully in compliance through the MOU term, with all applicable federal, state, or local laws, rules, and regulations. This includes without limitation, the Montana Human Rights Act, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990 (as amended), Section 504 of the Rehabilitation Act of 1973, and Montana's Workers' Compensation Laws at MCA Title 39, Chapter 71.
- 8. **Discrimination:** The Parties warrant that any hiring of persons to perform under this MOU will be made on the bases of merit and qualification. The Parties further warrant that there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing this contract.
- 9. **Amendments:** The parties may mutually agree to amend the terms of this MOU by executing a signed writing specifying the terms to be changed and the language to be inserted.

For SWIB:

\_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_

For DMS:

\_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_

Department of Labor & Industry Legal Review:

\_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_