



**Workforce Development Board
One Stop Operator Firewall Policy
Effective April 19, 2024**

I. PURPOSE:

The purpose of this policy is to provide guidance in the commitment of the North Central Workforce Development Board dba Workforce Solutions for North Central PA to the highest level of system integrity and the appropriate oversight of the Workforce Innovation and Opportunity Act (WIOA) and the PA CareerLink® centers in the counties of Cameron, Clearfield, Elk, Jefferson, McKean and Potter, in order to comply with federal, state, and local laws and regulations. In addition, the purpose of the policy is to establish a "firewall" in the event of a conflict of interest.

II. REFERENCES:

- Workforce Innovation and Opportunity Act (WIOA) Public Law (113-128)
- Title 2 Code of Federal Regulations (CFR) Part 200: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Uniform Guidance)
- Title 2 CFR § 200.318
- Title 2 CFR Part 2900: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Department of Labor Exceptions)
- Title 20 CFR WIOA, "Department of Labor; Final Rule"
- WIOA Title I, 20 CFR § 679.420 and § 679.370
- Training and Employment Guidance Letter WIOA NO. 21-16 Operating Guidance For The Workforce Innovation And Opportunity Act
- WSP No. 121-03 Memorandum of Understanding (MOU) of the One-Stop Delivery System
- WSP No. 121-05 Local Workforce Delivery System – PA CareerLink® Certification and Continuous Improvement
- WSP 121-04 (Change 1)
- Conflict of interest of the NCWDB and PA State
- Conflict of interest of the organization and/or entity performing multiple functions

III. DEFINITIONS:

Conflict of Interest – an employee, officer, agent, or any member of the organization that has an interest in a financial gain or tangible benefit and who participates in the selection, award, or administration of a contract supported by a federal award.

Firewall – an established policy or procedure that acts as a barrier or protection against an undesirable influence, outcome, or authority. It is a type of internal control set within an organization to prevent conflict-of-interest situations while allowing for clear separations of duties between involved parties. Such firewall(s) serve as an ethical barrier between involved parties to prevent an exchange of information or communication that can lead to a conflict of interest or the perception thereof. Examples of firewalls include but are not limited to organizational arrangements that provide clear separation of duties and responsibilities, reporting hierarchy of managers and staff that provide clear separation between job duties and responsibilities, and conflict of interest/confidentiality/disclosure

agreements.

IV. BACKGROUND:

1. The possibility that a conflict of interest may arise is inherent when entities are performing or seeking to perform multiple functions within the workforce development system. To ensure conflict of interest is minimized, no single organization or entity may perform multiple roles within the one-stop delivery system, including fiscal agent, one-stop operator, direct provider of career services and/or youth workforce development activities, and/or staff to the board. However, a single organization or entity may perform the roles of both the one-stop operator and direct provider of career services and/or youth workforce development activities.
2. Proper firewalls must be in place to ensure a complete separation of duties. Firewalls must also be in place to ensure the transparency and integrity of staff fulfilling multiple roles and multiple functions. Organizations performing the functions on one-stop operator and direct provider of career services and/or youth workforce development activities must have adequate organizational separation between and among those functions; separate staff must perform the duties of each function.
3. Any organization or entity that has been selected to perform the functions of one-stop operator and direct provider of career services and/or youth workforce development activities must develop a written agreement with the Workforce Development Board and the Chief Elected Officials to clarify how the organization will carry out its responsibilities while demonstrating compliance with:
 - a. The Workforce Innovation and Opportunity Act, and corresponding regulations
 - b. Uniform Guidance
 - c. Conflict of interest policies of the NCWDB and the state of PA
 - d. Conflict of interest policies of the organization or entity performing multiple functions.

V. POLICY:

1. The NCWDB Staff and Members, North Central PA One Stop Operator ("Operators"), Service Providers and Fiscal Agent must act solely in the best interest of the community without regard to personal interest and must not participate in matters in which they have a "disqualifying" financial interest. It is a conflict of interest to participate in a decision that will have a financial impact on one's personal finances or other financial interest.
2. **Firewall Guidelines:**
 - A. The appropriate role of fiscal agent is limited to accounting and funds management functions rather than policy or service delivery as per Title 2 CFR § 679.420.
 - B. Providers delivering Title I, Dislocated Worker and Adult Services and Title I, Youth Direct Services will report any concerns or issues relating to conflicts of interest with Operators directly to the NCWDB staff and bypass the Operators.
 - C. Operators will report any concerns or issues relating to conflicts of interest with the Title I, Dislocated Worker and Adult Services and Title I, Youth Direct Service Providers directly to the NCWDB staff and bypass the Direct Services agency.
 - D. NCWDB will be responsible for all conflicts of interest oversight and monitoring activities including but not limited to imposing separation of duties and/or functions among individuals and entities party to this policy and restriction of access to physical and electronic information. Operators will be required to recuse themselves from any vote where a conflict of interest exists. In the event of a conflict of interest with NCWDB staff, such person will not be involved in any selection process, meetings or discussions. All conflicts will be shared with the NCWDB Executive Director (or designee). In the event that the conflict involves the NCWDB Executive Director, the conflict will communicate with the NCWDB Chair, who provides oversight to the NCWDB Executive Director position. In the event that the conflict involves the NCWDB Chair, the NCWDB Executive Director will communicate with the NCWDB Vice-Chair or other NCWDB Executive Committee member. When a conflict involves NCWDB staff, conflict of interest files will be kept in a locked cabinet and saved in a password protected file within the NCWDB's

server.

- E. Members of NCWDB shall comply with Workforce Solutions for North Central PA Conflict of Interest and Code of Conduct policies as approved.

3. **PA CAREERLINK® (One-Stop) Operators:**

- A. Local Boards must select their PA CareerLink® Operator through a competitive process at least once every four years (WIOA Section 121[d][2][A]). As part of that competitive process, Local Boards are required to clearly articulate the expected role(s) and responsibilities of the PA CareerLink® Operator (Title 20 CFR Section 678.620[a]).
- B. When selecting a PA CareerLink® Operator, Local Boards are required to fully adhere to the federal procurement standards outlined in Uniform Guidance Sections 200.318-200.326, as well as their local procurement policies.
- C. Local Boards who use a third party to conduct the competitive process must create a firewall in its procurement policy that only allows the Local Board to contribute the necessary and relevant federal, state, and local procurement requirements to the third party for them to conduct the competitive process.
- D. Operators are selected through a competitive procurement process and either be a single agency or a consortium that includes, at a minimum, three or more PA CareerLink® partners.
- E. When a single entity operates in more than one of the following roles including but not limited to local fiscal agent, NCWDB staff, one-stop operator, or direct service provider, it is required that such agency adhere to the policy set forth in this document.
- F. The PA CareerLink® Operators and the Adult, Dislocated Worker and Youth Services Providers fulfill distinct and separate roles within the local PA CareerLink® system. These roles may be filled by the same entity or different entities based on what the Local Board determines is best for meeting the needs of its customers and demographic area, but, the roles must be clearly articulated as part of the competitive procurement and selection processes.
- G. The role of the PA CareerLink® Operator includes but is not limited to the following:
 - 1. Manage the day-to-day operations of PA CareerLink® centers ensuring a seamless and customer-centric service delivery model.
 - 2. Coordinate services among WIOA partners, community-based organizations, and other stakeholders to provide comprehensive support for job seekers and employers.
 - 3. Implement policies, procedures, and service delivery strategies in alignment with WIOA regulations and NCWDB goals and priorities.
 - 4. Maintain regular communication with Workforce Solutions staff and NCWDB to discuss operator functions, goals, and performance metrics.
 - 5. Collaborate with WIOA providers to support the development and execution of integrated service strategies including sharing best practices and identifying areas for improvement.
 - 6. Oversee the collection, analysis and reporting of quarterly WIOA performance metrics, ensuring compliance with federal, state and local reporting requirements.
 - 7. Identify opportunities for continuous improvement in customer service and staff development by monitoring foot traffic, customer trends, and reviewing customer complaints, feedback and surveys.
 - 8. Implement strategies to address identified areas for improvement working with PA CareerLink® staff and partners to enhance service, quality and customer satisfaction.
 - 9. Ensure availability of both basic universal and individualized intensive career and business services based on job seekers and employers needs as mandated by WIOA.
 - 10. Facilitate access to comprehensive support services including job training, education and employment resources to help job seekers overcome barriers to employment and achieve their career goals.

11. Adhere to all applicable federal, state and local guidance.
- H. Operators must adhere to the following:
 1. Disclose any potential conflicts of interest arising from the relations of the PA CareerLink® Operator with particular training service providers or other service providers in accordance with Uniform Guidance General Procurement Standard as per Title 2 CFR §200.318.
 2. Will not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services.
 3. Comply with the federal regulations and procurement policies relating to the calculation and use of profits outlined in Uniform Guidance.
4. Adhere to WIOA 20 CFR §679.430 to ensure appropriate firewalls within a single entity performing multiple functions, including when a fiscal agent also functions as a provider of services.
5. **Title I, Dislocated Worker, Adult and Youth Services Providers:**
 - A. Title I, Dislocated Worker, Adult and Youth Services Providers are selected through a competitive process at least once in a four year period.
 - B. TEGL 19-16 provides guidance to the workforce system on delivering services under the Adult and Dislocated Worker programs under WIOA Final Rule. TEGL 21-16 change 1, *Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance*, provide guidance on delivering services to youth programs.
 - C. If the PA CareerLink® Operator wishes to also serve as the Adult, Dislocated Worker and/or Youth Services Provider they must have appropriate firewalls in place between the staff providing services, the staff responsible for oversight and monitoring of services, and the Local Board. The firewalls must conform to Title 20 CFR Section 679.430 for demonstrating internal controls and preventing conflicts of interests.
 - D. Title I, Dislocated Worker, Adult and Youth Services Provider will recruit, provide orientation, conduct comprehensive assessments, screening and determine WIOA eligibility for a minimum number of eligible participants to be enrolled and ensure that participants are on track to achieve program outcomes as outlined in WIOA (Public Law 113-129).
 - E. The PA CareerLink® Operator and the Adult, Dislocated Worker and Youth Services Providers fulfill two distinct and separate roles within the local PA CareerLink® system. These roles may be filled by the same entity or different entities based on what the Local Board determines is best for meeting the needs of its customers and demographic area, but, the roles must be clearly articulated as part of the competitive procurement and selection processes.
 - F. The role of the Title I Adult, Dislocated Worker and/or Youth Services Provider includes the following:
 1. Provide basic career services including but not limited to participant intake, orientations, initial assessments, employment services, and referrals to other partners and services.
 2. Provide career services including but not limited to comprehensive and specialized assessments, case management, individual employment plans, training, and career planning.
 3. Provide availability of the 14 youth program elements. (youth only)
 4. Provide reports on operations, performance, and continuous improvement recommendations.
 5. Provide data entry in the system of record as required.
 6. Adhere to all applicable federal and state guidance.
6. **Fiscal Agent:**
 - A. Workforce Solutions for North Central PA acts as the fiscal agent, as appointed by the

Chief Elected Official board.

- B. Per 2 CFR § 679.420, the Fiscal Agent responsibilities include:
1. Receive funds.
 2. Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA and the corresponding Federal Regulations and State policies.
 3. Respond to audit financial findings.
 4. Maintain proper accounting records and adequate documentation.
 5. Prepare financial reports.
 6. Provide technical assistance to sub recipients regarding fiscal issues.

In the North Central Workforce Development Area the fiscal agent also:

1. Enters into contracts with sub-recipients and works with NCWDB to establish the scope of services aligning with requirements set forth in WIOA law and local policies set by the NCWDB.
2. Workforce Solutions manages monitoring of all sub-recipients and issues monitoring reports.
3. Workforce Solutions processes monthly invoices, payments and is responsible to draw funds down from the State of Pennsylvania.

7. **NCWDB Administrative Staff:**

Per 2 CFR § 679.370, the Local Workforce Development Board, through the NCWDB Administrative staff, responsibilities include:

1. Workforce Solutions staff are responsible for establishing the strategic direction of workforce development initiatives in the region, including setting priorities, identifying target industries and allocating resources.
2. Workforce Solutions staff coordinates between the NCWDB and partners to the workforce system in the North Central Workforce Development Area.
3. Workforce Solutions staff acts a liaison between the NCWDB and PA CareerLink® centers of the North Central Workforce Development Area.
4. Workforce Solutions staff participate in all NCWDB board meetings; taking minutes, developing agendas, and writing reports.
5. Workforce Solutions staff coordinates efforts between education, industry, economic development, labor unions and community-based organizations.
6. Workforce Solutions staff will provide access to relevant labor market information, workforce data, and other resources that can inform provider service delivery and strategic planning.
7. Workforce Solutions staff will offer training and capacity building opportunities to enhance the provider's ability to deliver high-quality workforce development services.
8. Workforce Solutions staff writes grant applications, state reports, local and regional plans, and any necessary document that is required by the PA Workforce Development Board, including federal, state or local government.
9. Workforce Solutions staff ensures that all necessary local policies are updated and circulated to all partners. Additionally, all policies are posted to <https://www.workforcesolutionspa.com/>.
10. Workforce Solutions will provide information and guidance on federal, state, and local workforce development policies, regulations, and best practices to help the provider navigate the complexities of the workforce system.
11. Per 2 CFR § 679.370, Workforce Solutions staff engage in the monitoring of service delivery contracts and sub-awards and approve invoices to ensure funds are used in accordance with regulations and approved contract budget.

12. In partnership with the Chief Elected Official:
 - a. Conduct oversight of youth workforce development activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134(c) and (d), and the entire one- stop delivery system in the local area.
 - b. Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area.
 - c. Ensure the appropriate use management, and investment of funds to maximize performance outcomes under WIOA sec. 116.
 - d. Support the competitive bidding process for providers of the workforce development activities, training services, career services and One-Stop Operator(s).

IX. RECISSIONS:

None

X. EXPIRATION:

Ongoing

XI. INQUIRIES:

Questions shall be directed to:

Pam Streich, Executive Director at pstreich@ncwdb.org; or
 Donna Hottel, Strategic Planning and Project Manager at dhottel@ncwdb.org

Workforce Solutions for North Central PA

425 Old Kersey Road
 Kersey, PA 15846
 (814) 245-1835

XII. POLICY HISTORY

Name	Date	Description of Change	Effective Date
Pam Streich, Donna Hottel and Tonya Mauk	April 19, 2024	New Policy	April 19, 2024

**Auxiliary aids and services are available upon request to individuals with disabilities.
 Equal Opportunity Employer/Program**

Funded in whole or in part by Federal Funds. Detailed information can be found at: <https://www.workforcesolutionspa.com/categories/resources/pages/stevens-amendment>