



Andrew M. Cuomo, Governor

Peter M. Rivera, Commissioner

**NEW YORK STATE
WORKFORCE DEVELOPMENT SYSTEM
TECHNICAL ADVISORY #14-10**

NOVEMBER 13, 2014

To: Workforce Development Community

Subject: Memorandums of Understanding and Other Related Agreements

PURPOSE

The purpose of this Workforce Development System Technical Advisory (WDS-TA) is to communicate the New York State Department of Labor's (NYSDOL's) signatory policies and procedures for certain documents. These policies and procedures have been updated to standardize and expedite the process of entering into agreements with Career Center partners and templates have been provided to assist in the development of agreement documents. This directive is consistent with the Workforce Investment Opportunity Act (WIOA) and this WDS-TA will be reissued with updated references once WIOA regulations are promulgated.

ACTION

Effective immediately, Local Workforce Investment Boards (LWIBs) must adjust document development and signatory processes to accommodate NYSDOL's official signatory policies and procedures for any agreements requiring NYSDOL signature.

POLICY

LWIBs are required to enter into several formal agreements with Career Center partners, including Memorandums of Understanding (MOUs), Career Center Operator Agreements (Operator Agreements) and Career Center Operator Consortium Agreements (Consortium Agreements). NYSDOL, as the partner responsible for administering four of the required Career Center program partners in the local system – Wagner-Peyser, Unemployment Insurance, Jobs for Veterans, and Trade Adjustment Assistance – is generally required to sign these agreements.

NYSDOL has established an agency policy that all agreements entered into on behalf of the Department, or that require sign-off by the Department, must be signed by the Commissioner of Labor (Commissioner), or when necessary, by the Executive Deputy Commissioner of Labor.

To expedite the signatory process for these agreements, NYSDOL has developed templates and established procedures for these agreements to be reviewed and approved before obtaining other local partner signatures.

PROCEDURES

Agreement procedures are organized into three stages:

- A. Developing Local Agreements;

- B. Transmitting Agreements to NYSDOL for Review; and
- C. Disposition of Agreements After Local Signatures Are Obtained.

A. Developing Local Agreements

- 1. The NYSDOL Manager will participate in local efforts to develop draft agreements, working with NYSDOL Central Office staff as needed.
- 2. Templates for MOUs, Operator Agreements, and Consortium Agreements are attached. It is strongly recommended that LWIBs use these templates to develop their required Career Center agreements. NYSDOL has provided pre-approved language to use for the dispute resolution, severability, modification and breach of agreement sections of these agreements that will help expedite their review and approval.

B. Transmitting Agreements to NYSDOL for Review

- 1. Once local area partners have reached agreement on a draft, the NYSDOL Manager will submit an electronic copy of the draft agreement to NYSDOL via this mailbox: **labor.sm.dews.Onestop.WDTD**. The subject line for the email transmittal should read: Document Review followed by a dash and the type of document to be reviewed: MOU, Operator Agreement or Consortium Agreement.
- 2. NYSDOL Division of Employment and Workforce Solutions (DEWS) Central Office staff will conduct an initial review of the agreement using the appropriate template as a review guide to determine that all sections are present and whether the recommended language for dispute resolution, severability, and modification sections has been used. DEWS staff may contact the NYSDOL Manager or LWIB Director to seek clarification and/or modifications. Once DEWS staff has addressed any concerns, the draft will be forwarded to NYSDOL's Counsel's Office and Administrative Finance staff for review. If these reviewers have any questions or concerns, DEWS staff will reach out to the LWIB Director or NYSDOL Manager to obtain clarification. If changes are recommended as a result of NYSDOL's review, DEWS staff will work with local area staff to reach mutually acceptable modifications.
- 3. Once mutual agreement is reached, DEWS staff will send an email to the LWIB Director (or NYSDOL Manager for Consortium Agreements) with an electronic copy of the agreement attached, advising the Director or NYSDOL Manager to obtain original signatures from the local partners on *four* copies of the agreement.

C. Disposition After Local Signatures Are Obtained

- 1. Once the Director (or NYSDOL Manager for Consortium Agreements) has obtained the necessary original signatures on four original copies of the agreement, the WIB Director or NYSDOL Manager should mail the documents to the following address:

New York State Department of Labor
Bureau of Employment and Workforce Solutions
Harriman State Campus, Building 12, Room 436
Albany, NY 12240

- 2. DEWS staff will forward the documents to the Administrative Finance Bureau (AFB), which will obtain the Commissioner's signature on the documents. Once the documents are fully

executed, AFB will retain one original, send one to Counsel's Office, and send two originals to DEWS staff. DEWS staff will send one original to the WIB Director (or NYSDOL Manager for Consortium Agreements) and retain one original for their files.

3. Please note MOUs with Resource Sharing Agreements (RSAs) that, upon reconciliation with actual shared costs, result in NYSDOL needing to make or receive a payment are required to be processed as New York State contracts. Accordingly, should such payments become necessary, NYSDOL will use a copy of the fully-executed MOU, RSA, and reconciliation documentation to develop an actual contract containing additional New York State contract forms and a contract Face Page. The contract Face Page must be signed by each of the parties making or receiving a payment. Additional instructions on the required contract format and processing will be provided individually as necessary.

References

NYSDOL General Administration Manual Topic No. 1044: *Official Signatory Policies and Procedures for Memorandums of Understanding (MOUs), Memorandums of Agreement (MOAs) and Related Agreements.*

INQUIRIES

Questions regarding this TA may be directed to the local NYSDOL Manager.

ATTACHMENTS

- A. [Career Center System Memorandum of Understanding](#)
- B. [Career Center Operators Consortium Agreement](#)
- C. [Career Center Operator Agreement](#)