

# Workforce Innovation and Opportunity Act (WIOA) Memorandum of Understanding (MOU) Questions and Answers (Q&A)

Updated 02/25/2021. New questions and answers are added weekly.

\*\*\*denote a new question added since the last posting.

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## General Questions ([Back to top of document](#))

### 1. What are the due dates for the 2020-2023 MOU?

The draft MOU must be submitted to [LWDB@labor.ny.gov](mailto:LWDB@labor.ny.gov) for New York State Department of Labor (NYS DOL) review by February 26, 2021.

### 2. Is it possible to have more time than February 26, 2021 as the MOU draft deadline? That does not allow us much time to build strategic partnerships with our local partners.

If additional time is required for submission of the draft MOU, Local Workforce Development Board (LWDB) Directors should email [LWDB@labor.ny.gov](mailto:LWDB@labor.ny.gov) with the subject as “MOU Extension Request” and provide a date they believe is reasonable for submission.

### 3. Are we required to post a draft of the MOU for public feedback?

No, there is no public comment requirement for the MOU.

### 4. Will the Q&As be posted?

Yes, the Q&A document will be posted on the NYSDOL [website](#) under “Local MOU Resources.”

### 5. Can the initial drafts of MOU and Attachments be submitted as one PDF document?

No, the initial drafts of the MOU and Attachments cannot be in one PDF document when submitted. Per item 3. under the Submission header of the MOU Submission and Signature Procedures [document](#), separate draft documents must be submitted, including the MOU Template and Attachment C (evidence of partner collaboration) in Word format, and attachments A and B in Excel format.

Once the draft documents are reviewed and approved at the State agency level, the LWDBs will be notified to gather signatures and then create a PDF document for the final executed MOU.

- 6. Regarding Attachment C, I have meeting minutes and hundreds of pages of emails that show negotiations and collaboration on the MOU. How much detail are you looking for? Should I include all of the correspondence we have?**

No, you do not need to include all the correspondence you have. You may submit meeting minutes; the emails from the partners indicating that all approve of moving forward with draft submission; or a Word document indicating the date(s) you met, the partners involved, and the date they all agreed to submitting the draft. Any of these items will satisfy the requirement for Attachment C.

- 7. Regarding the use of a hybrid method for partner signatures where some partners use electronic signatures and others use traditional pen and ink, do we still need all system partners to agree to the electronic signing process? Can the partners simply choose a signature option that works for their agency and then indicate that choice through written email correspondence?**

For local areas utilizing a hybrid signature method, the signature page(s) for those partners signing electronically can be circulated electronically and the partners signing using traditional pen and ink will sign the appropriate number of signature pages required by the other partners (i.e., NYSDOL requires three signatures).

Note, if the hybrid method is used, all partners in the local area must agree to accept the electronic signature from the partners who will use an electronic signature. This approval can be obtained similar to the process for developing Attachment C where all partners can send the LWDB an email with their approval of the use of electronic signatures.

## Partners ([Back to top of document](#))

- 1. Have State agencies overseeing locally run programs reached out to those programs to notify them that the MOU Technical Advisory (TA) was released and what their responsibilities are for the local negotiation process? In 2017, there seemed to be a lack of understanding among some local partners.**

Yes, the State agencies overseeing local programs have notified those programs of the MOU and of the requirements for the negotiation process.

- 2. Who do partner agencies direct questions to about their role or any questions they have (i.e., information to include in Table 4: Applicable Career Services System Operating Budget)?**

The entity the partner should reach out to depends on the program. For example, the local Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR) negotiator should contact the New York State Education Department’s (NYSED) ACCES-VR MOU contact with questions while the Temporary Assistance for Needy Families (TANF) negotiator should contact their local Department of Social Services (DSS) office.

- 3. Regarding the Point of Contact information in MOU Template Table 1: Partner Program Contact Information, what is the purpose of the point of contact (i.e., completing the Template with us, general questions about the program’s services, making referrals, signing the MOU, etc.)?**

The point of contact for each partner should be a person who can answer questions related to the program and its services. For example, the LWDB Director may designate a LWDB staff person to be the point of contact for the LWDB.

**4. Do we proceed with current partners listed in our first MOU or reach out to those that may have not participated before?**

Any required WIOA partner providing services in the Local Workforce Development Area (LWDA) should be contacted to participate in the MOU, even if they did not participate in 2017. Please review the [MOU Signatories and Negotiators](#) spreadsheet for the partners in the LWDA.

Note that this is not an all-inclusive list. If the LWDB is aware of an additional partner program(s) not listed on the spreadsheet, please reach out to the partner(s) and notify [LWDB@labor.ny.gov](mailto:LWDB@labor.ny.gov) of the additional partner(s) and their contact information.

**5. Who is supposed to take the lead on collecting and compiling all the data from each partner?**

The LWDB Director should schedule and lead the negotiation/collaboration meetings between partners. Each negotiator should have their program's data and other relevant information available for those meetings to provide to the Director or their designee.

**6. We are having difficulty contacting the Indian and Native American Program (INAP) partner in the local area. We have called and emailed with no response, and noted that the partner's website states it will be updated in Spring 2020, which was almost one year ago. Can we consider this partner non-responsive?**

LWDBs should make multiple attempts to contact a partner, both via phone call and email, to participate in the MOU negotiation process. If the partner does not respond to these outreach attempts, the LWDB must document the date(s) it contacted the partner, and supply this documentation to [LWDB@labor.ny.gov](mailto:LWDB@labor.ny.gov). NYSDOL staff will review the documentation and notify the LWDB whether it is sufficient to consider the partner "non-responsive" or whether the LWDB should continue to attempt to contact the partner.

**7. When inviting the "on-site" partners to a discussion for planning, does this just include on-site WIOA partners, or does it also include other agencies sharing space in the office?**

Only partners providing services under WIOA must be party to the MOU. However, as per Section B. of the [MOU Guidance](#) document, "Other entities that implement a workforce development program may serve as additional partners, if the LWDB and local CEO(s), identified in the local CEO agreement, approve the entity as a partner. Such approved partners must also enter into the MOU with the LWDB."

**8. In the past we had some partners that are identified as required partners in WIOA law, but only if they used their federal funds for providing Employment and Training (E&T) services. For this reason we had some partners opt out of the 2017 MOU because they said they did not use their federal funding for E&T. Specifically we had our three Community Services Block Grant (CSBG) organizations and our Housing and Urban Development (HUD) organizations either declare this or not respond at all. I do not see this circumstance included in the MOU Guidance and am wondering how to proceed with these partners?**

If a CSBG or HUD recipient operating in the local area does not engage in E&T activities, it is not a required partner under WIOA and therefore is not required to be a signatory to the MOU.

9. **In 2017, our Job Corps partner gave the same total regional Operating Budget to all LWBDs in our region to use as the individual LWDA figure, so the amounts were double counted. They told me they had no way of breaking it out for each LWDA. How can we rectify this for 2020?**

Since JobCorps is a direct Federal recipient, its inability to separate numbers for the Applicable Career Services Operating Budget does not impact the full MOU compliance of the LWDB. We recommend allowing the local JobCorps partner to include an asterisk next to its budget line and add narrative to its signature page identifying the issue (i.e., “\*Numbers provided in the Applicable Career Services Operating Budget represent a regional total that also encompasses the funding for services in the following, additional LWDA(s): [Insert Names of LWDA(s)].”).

## **Applicable Career Services ([Back to top of document](#))**

### **1. Table 4: Applicable Career Services System Operating Budget:**

- **What part of a partner’s budget goes in this Table? I assume it is just those costs related to providing E&T services identified in the partner’s authorizing legislation (i.e., career services, training programs, support services directly related to supporting employment or training, etc.) or is it broader?**

The Applicable Career Services System Operating Budget may be considered the master budget and must include infrastructure costs and applicable career services, and may include shared operating costs and shared services that are related to the operation of the One-Stop delivery system but do not constitute infrastructure costs. This full budget will include any personal services and non-personal services (i.e., salaries of staff working in the Career Center, fringe benefits, allocated overhead costs associated with staff charging, and other non-personal services costs).

The United States Department of Labor’s (USDOL) Training and Employment Guidance Letter (TEGL) #[17-16](#) includes examples of what should be included in the operating budget vs. infrastructure costs only.

- **Does a partner just include the federal source of funding for the Operating Budget or do they include other sources that are used for E&T services as well (i.e., local dollars, other grants, etc.)?**

The Operating Budget should include any costs associated with providing program services in the local area.

- **Does the local TANF agency include the funding they use/give to us for summer youth employment?**

On the MOU template, each funding stream/program is lined out separately, and all Summer Youth Employment Program (SYEP) funding should be included in TANF regardless of whether the program is operated by a local DSS office or the LWDB. The LWDB should check with the DSS to confirm what has been included and should include the SYEP portion of funding they receive if it was not already included.

- **Do we list individual partner agencies separately in the Operating Budget where multiple agencies exist as part of the same partner category (i.e., we have three TANF agencies locally) or do we combine them as one-line item?**

Table 4 should list each partner program individually, so if there are three TANF agencies in the LWDA, they should all be listed individually with their corresponding budget.

- **What time period do we or a partner use for declaring their operating budget (current operating year, most recent year completed, etc.)?**

The Operating Budget should be based on the most recent full year for which data is available, as the figures in the Table are intended to be an estimate of each partner's annual operating budget for the three-year MOU period. It is up to each partner to estimate its annual budget based on the available information it has. For example, NYSDOL's budget is based on Calendar Year (CY) 2018.

- **Will this information come from state partnerships or do local areas get them?**

The State agencies (NYSDOL, NYSED, and OCFS/NYSCB) will provide this information to their local negotiators for the programs they oversee. However, local partners must provide this information for programs run locally.

## **2. Are infrastructure costs included in the Applicable Career Services Operating Budget?**

Yes, infrastructure costs are included in the operating budget. Per TEGL #17-16, the operating budget contains a set of individual budgets or components that consist of costs that are specifically identified in the WIOA statute: infrastructure costs (sec. 121(h)(4)); and additional costs, which must include applicable career services and may include shared operating costs and shared services that are related to the operation of the one-stop delivery system, but do not constitute infrastructure costs (sec. 121(i)).

## **3. If TANF includes the Summer Youth Employment Program (SYEP) in its budget, should it also be included in the LWDB's budget since we receive the money and operate the program?**

It is best not to double count the budget items, so if SYEP funding can be separated between the TANF Program and the LWDB funds, and only captured in one program's budget, this is ideal.

## **Signatories/Negotiators ([Back to top of document](#))**

- 1. Do we need to send a completed draft of the MOU to State partners for approval before we obtain signatures? Or, can we fill in the template with the understanding that State partners will sign it without requesting changes after it is signed by all partners?**

A completed draft MOU must be submitted to [LWDB@labor.ny.gov](mailto:LWDB@labor.ny.gov) before obtaining any partner signatures. NYSDOL staff will review the draft and request changes or provide approval. If approved, NYSDOL will notify State partners for their signature and the LWDB can begin to gather local partner signatures.

- 2. Our JobCorp partner has just had a change in the contractor providing service as of December 1, 2020. I am concerned about asking the Director to sign a document for July 1, 2020 when he was not the Director and his agency was not the contractor at that time. Please advise.**

The new partner should be presented with the MOU and notified that the State partners are willing to discuss reasonable modifications necessary to reflect the fact that the partner only began providing services as of December 1, 2020. An asterisk can be inserted into Table 1 and a note added to the Job Corps signature page, which identifies that the new partner began providing

services in the local area on December 1, 2020. Any change of this nature would also have to be approved by the local partners.

Ultimately, Job Corps is a direct federal recipient, therefore, if they refuse to sign the agreement, they can address this with USDOL, but it will not affect the compliance of the LWDB to have an MOU.

- 3. We have requested annual operating budget amounts from our partners as part of the MOU process. In the case of our local TANF employment partner, should this figure be provided locally, or should it come from OTDA? If the answer is yes to the latter, can you provide a contact from OTDA from whom we can request this information?**

OTDA informed NYSDOL that LWDBs should reach out to the local DSS office for this information. Please see the [MOU Signatories and Negotiators](#) spreadsheet for the contact information for each local DSS.

- 4. Can you give some acceptable examples of how to create electronic signatures that meet the stated electronic signature guidelines?**

Electronic signatures must comply with the Electronic Signatures and Records Act (ESRA) guidelines. Specific questions on ESRA and examples of acceptable electronic signatures should be sent to [erecordinglaw@its.ny.gov](mailto:erecordinglaw@its.ny.gov) or (518) 473-5115.

- 5. How can I find out who the local signatory is in my area for NYSDOL?**

The single State signatory for NYSDOL is yet to be determined. As soon as that individual is designated, the [MOU Signatories and Negotiators](#) spreadsheet will be updated and the LWDB Directors will be notified.

- 6. Is the Point of Contact in Table 1: Partner Program Contact Information the signatory or the negotiator?**

The point of contact may be either the signatory or negotiator, or someone who is neither. The point of contact for each partner should be a person who can answer questions related to the partner program and its services.

- 7. Do we need to request the number of hard copies we need signed for State signature purposes?**

Once State agency staff reviews the draft MOU submission and provides approval, NYSDOL staff will contact the LWDB Director to request the total number of signatures required by the local partners.

NYSDOL and NYSED will each require three signatures, and the Office of Children and Family Services/New York State Commission for the Blind (OCFS/NYSCB) will require two signatures, for a total of eight.

Note that this requirement is only for those local areas requiring pen and ink signatures and not using electronic signatures.

- 8. Can we use a hybrid signature so signatories can use electronic or wet signatures? The pandemic has most people working remotely with not much in-person contact. Relying on the United States Postal Service delivery of documents may take much longer than the deadline for signatures.**

Yes, a hybrid method for signatures is allowed. However, all electronic signatures must comply with ESRA guidelines. There may also be partners who do not allow for electronic signatures. This should be discussed at the partner meeting(s).

- 9. In a multi-county area, is the only signature desired for the Title I partner the signature of the Grant recipient identified in the multi-jurisdictional agreement? The other counties operating Title I services do not need to sign for Title I and would only sign for other partner programs that may be involved, if applicable, as well as the Chief Elected Official (CEO) requirement, correct?**

Each LWDB determined who the signatory will be for the Title I program. There may be more than one Title I signatory if there are multiple counties in the LWDA or if there is a different signatory for the Adult Program and the Youth Program, for example. The designated signatories can be found on the [MOU Signatories and Negotiators](#) spreadsheet.

- 10. We require three spaces for signatures for CEOs, three for TANF signatures, and three for Community Services Block Grant (CSBG) signatures. Can the Template accommodate this?**

There is now a page break option for the signature lines. When clicking the “Page Break” button for Adult/Dislocated Worker(DW)/Youth, it will create a single page for CEO. Then when clicking “Page Break” for Job Corps, it will create a single page for Adult/DW/Youth, etc.

For the additional signature pages required for the same type of partner (i.e., three CEOs), click on the “+” icon/box at the bottom right of line 17., [Additional partner approved by LWDB and CEO] and an additional signature line will appear.

- 11. Do we remove those signature lines that are Non-Applicable (N/A) or just write “N/A” on the signature line?**

With the edits made to the Template allowing for multiple signatures by the same type of partner, existing signature lines cannot be deleted. Please indicate “N/A” on the signature line.

### Service Delivery ([Back to top of document](#))

- 1. Table 2: Service Provision Locations looks the same as first time, listing each partner location and any self-service websites. Has this changed since the 2017 MOU?**

No, this table has not changed since 2017. All Career Centers, Self-Service Resources, and Eligible Partner Program Sites should be listed in this table just as they were in 2017.

- 2. Are there any guidelines on virtual platforms that should or should not be used to engage, provide services, and refer customers?**

We cannot provide advice on specific virtual platforms to use as there may be partners who are not permitted to use certain platforms. This should be discussed at the partner meeting(s).

- 3. In Table 2: Service Provision Locations, we are unable to add a new line for a second Comprehensive Career Center under the space for the first one. We have to add it to the bottom of the table, so not all of the same type Career Centers are together. Is there a way to change this in the Template?**

The text in the table is fillable so that multiple of the same type of service provision location can be together. For example, information for the first Comprehensive Career Center can be entered and



then the cursor can be placed over “Self-Service Resource,” as well as the other fields in the same row. The text can then be changed to another Comprehensive Career Center and a Self-Service Resource can be added further down the table.

- 4. In Table 3: Applicable Career Services, if you mark an “x” for a service, the hashtag symbol disappears. However, if you do not mark a service, the hashtag remains. Is there a way to clear the hashtag from the Template to make the table more readable?**

At this time there is not a way to change this in the macro-enabled form and the hashtags will remain for those services not provided in the LWDA.

- 5. We have two CSBG partners and two YouthBuild partners in our LWDA, each with slightly different lists of applicable career services, and need to add two additional columns to Table 3: Applicable Career Services. How can we add those columns to the Template?**

Columns are not able to be added to the Template at this time. We recommend including all of the services the three CSBG and two YouthBuild partners provide all in the program’s individual column.

## **System Design and Services ([Back to top of document](#))**

- 1. Do TANF/DSS forms need to be rebranded with the American Job Center logo as part of the WIOA partnership/MOU process?**

WIOA regulations at 20 CFR §678.900(b) state that as of November 17, 2016, all primary electronic resources used by the One-Stop Career Center System (“System”), and any newly printed, purchased, or created materials must include the “American Job Center” identifier. Therefore, DSS forms not related to System activities do not need to be revised. However, if a DSS develops a document in collaboration with local WIOA partners for use in the System, this document must include the American Job Center logo.

## **Infrastructure Funding (IF) ([Back to top of document](#))**

- 1. Regarding the budget information sent for the Title III negotiators, one of the Career Centers is no longer operational. Should we use this site in Attachment A?**

The MOU budget information sent to the Title III negotiators is from Calendar Year (CY) 2018, which is the last full year for which data is available. NYSDOL is aware that some of the Career Centers for which data was provided are closed or no longer have a NYSDOL presence. However, because the budget information is from CY 2018, when these Career Centers were open and had a NYSDOL presence, the data should still be reflected in Attachment A for the current MOU.

- 2. The MOU Template states that NYSDOL is looking at monthly or quarterly reconciliation. What is the expectation of reconciliation, and what does it look like for compliance purposes?**

Reconciliation helps to ensure that the infrastructure budget reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to the partner’s use of the Career Center and relative benefit received.

The infrastructure budget is an estimate of a partner’s rent, utilities, technology, and equipment. If it is determined during the periodic reconciliation of these items that there is variation throughout the year, such as when utility costs are lower one quarter and higher the next, it is up to the LWDB



to determine if these variations are significant enough to require amending the MOU. If the variations are not significant, a written amendment may not be necessary.

**3. Is reconciliation required to be done at least quarterly?**

There is no requirement on a timeframe for reconciliation other than it must be done “periodically.” USDOL advises reconciliation to be performed either monthly or quarterly and the partners will determine the timeframe in Section F. of the MOU Template, General Provisions and Assurances for the MOU.

**4. Is reconciliation something that must be documented? If so, does it need to be submitted somewhere? If so, is there a format desired?**

If reconciliation requires any changes to the infrastructure budget, this would be considered a modification to the MOU and must be documented in attachments A and B accordingly. All modifications require signatures from all partners and must be submitted to [LWDB@labor.ny.gov](mailto:LWDB@labor.ny.gov).

Per [USDOL guidance](#), minor changes to a budget are non-substantive and do not require full renewal of the MOU.

**5. If the allocated shares are simply based on current lease agreements, is reconciliation simply ensuring at the local level that all are still paying their stated shares?**

Yes, this is an example of the periodic reconciliation.

**6. What is the next step if the attachments show one partner is paying more than their negotiated fair share of the identified four cost categories? Does cash change hands?**

There is no expectation that cash funds will be exchanged among partners through the MOU process/document. If it is discovered that one partner is paying more than its share of infrastructure costs, necessary changes to existing agreements and/or contracts will continue to take place outside of the WIOA MOU.

**7. What types of costs does NYSDOL typically include under the Technology category for its share of Career Center infrastructure budget costs?**

NYSDOL’s Technology component includes the costs it paid in CY 2018 to the State’s Information Technology Services (ITS) office for network related fees, maintenance, and application costs (which includes all software programs used to serve customers such as the One-Stop Operating System, Reemployment Operating System, and JobZone modifications). Other costs in this category could include internet and/or phone costs if they exist. No personnel costs are included in this category.

**8. Can we include security charges in the Rental of Facilities or Utilities/Maintenance category?**

Guidance in the WIOA regulations at 20 CFR §678.700 and TEGL #[17-16](#) states that infrastructure costs are defined as **non-personnel costs** necessary for the general operation of the Career Center, which include rental of facilities, utilities and maintenance, equipment, and technology. Infrastructure costs **do not include personnel costs**, which include salaries, wages, and fringe benefits of the employees of partner programs.

Salaries for Career Center security guards would be considered a personnel cost and **should not be** included in either the Rental of Facilities or Utilities/Maintenance categories or the full

infrastructure cost budget. However, these security costs and other personnel costs should be included in Table 4 of the MOU Template for the full Career Services System Operating Budget.

Costs associated with security systems within the Career Center **should be** included in infrastructure costs as they are considered non-personnel costs; either under the Attachment A Technology category or within the Rental of Facilities category, if security system costs are built into those costs under an outside lease agreement.

**9. What Program Year (PY) should we use for the annual infrastructure budget?**

NYSDOL's Administrative Finance Bureau (AFB) utilized CY 2018 for the annual operating budget and infrastructure cost information sent to the Title III Wagner-Peyser negotiators as this is the most recent full year for which information is available. We advise partners to use the most recent full year for which their data is available.

**10. In the last round, NYSDOL indicated that it did not expect funds to be exchanged among the partners to reconcile the Infrastructure MOU. Is the expectation the same in this round under the combined MOU?**

Yes, the expectation is the same and there is no expectation that the reconciliation process will cause funds to be exchanged among partners. Agreements and contracts such as space and lease agreements will continue to take place outside of the IF MOU.

**11. If a Career Center only has a Title I partner and no other partners are present, does the partner still have to complete the infrastructure portion?**

Yes, the infrastructure portion of the MOU must be completed for each Career Center in a LWDA, regardless of the number of partners present in the Center. In this case, the negotiated share provided in Attachment B: Negotiated Shares, would be 100% for the Title I partner.

**12. What does the "HL&W" mean on the spreadsheet of infrastructure costs provided to the Title III Wagner-Peyser negotiators? Is it referring to Utilities and Maintenance?**

"HL&W" is Heat, Light, and Water, which would go under Utilities & Maintenance in Attachment A: Annual Career Center Infrastructure Budget.

**13. Regarding use of PY 2018 infrastructure costs to develop a budget to be used on Attachment A, I believe this would mean that in Attachment A, we would be using the dollar share that each partner paid in PY 2018 as well? That dollar share is actually based on PY 2017 infrastructure costs. And to muddy the waters a little more, one partner is no longer utilizing space in that particular Career Center. So I believe we would not include them in the budget, is that correct?**

NYSDOL's infrastructure costs are based on CY 2018 as that is the last full year for which data is available. However, each partner is to develop its budget based on the information it has available.

NYSDOL is aware that some Career Centers for which data was provided are closed or have had changes in partner presence. The data provided by partners should be reflected in Attachment A for the current MOU, if it is available. Changes to this information since the start of PY 2020 should be reflected in Attachment B, as this attachment will provide the current negotiated shares for each partner. If a partner is no longer present in the Career Center, its negotiated share in Attachment B will be 0%.

- 14. In the previous MOU, a NYSDOL location and the county's Community Action office were both listed as providing in-kind contributions in Attachment C. We each provide the other one work space, one day per week, for one employee. This allows us to each send an employee to the other's facility. Do you have a suggestion for the best way to memorialize this in the current MOU? The guidance on third party in-kind contributions does not seem to apply since we are not third parties.**

The value of the loaned space would be part of the partner's budget that pays for the space on Attachment A, and on Attachment B, the amount of the space being loaned would be shown in the partner's share that is being loaned the space. It is similar to how a third-party in-kind contribution is handled, but as noted, since both parties are partners in the Career Center, there is no third party.

- 15. Attachment A contains columns for Rental of Facilities, Utilities and Maintenance, Equipment, and Technology. However, the spreadsheet provided to the Title III representatives only has costs listed for "DOL Net Costs." Can you tell me what this is for and how to portray it in Attachment A?**

The specific breakdown of costs was not available for this Career Center location. Therefore, the net costs can be fully portrayed in the most appropriate category of Attachment A.

- 16. The Attachment A and B template is forcing us to enter whole number percentages in the Negotiated Shares cells in Attachment B. Due to rounding, the shares only add to 99% for one of our Career Centers. The Excel spreadsheet is locked and we are not able to edit this. Is there a fix for this issue?**

This is correct and percentages will be rounded for this version of the MOU. If equating to 99%, please round one of the negotiated shares up to the nearest whole number to equal 100%. Although we would like this document to be as accurate as possible, please note that actual cash will not be exchanged from the shares provided in this document. This exchange will instead take place through formal contracts and agreements executed outside of the MOU process.

- 17. We have partners who are co-located, but are not currently coming into the Career Center due to the pandemic. Should they be included in infrastructure costs for attachments A and B?**

Yes, these partners should be included in infrastructure costs. Although they may not be physically in the Career Center right now, if they are still considered a co-located partner, they must be included. It is also likely these partners will return to the Center in some form before the end of this round of MOUs in June 2023.

- 18. \*\*\*During partner review of the infrastructure budgets, the OCFS/NYSCB negotiator added a line to Attachment A for a CCTV purchased for the Career Center as a cost in the Technology category. OCFS/NYSCB is not a co-located partner in this Career Center, so is listing the cost this way appropriate or should it be a third-party in-kind contribution cost?**

Although OCFS/NYSCB is not a co-located partner in the majority of the Career Centers, they were asked by their federal oversight agency to participate in infrastructure funding for this round of the MOUs. The cost of the CCTVs is considered a non-cash contribution per TEGE #17-16, which states that non-cash contributions "are expenditures incurred by one-stop partners on behalf of the one-stop center and goods or services contributed by a partner program and used by the one-stop center." Therefore, if an OCFS/NYSCB negotiator adds the cost of the CCTV to Attachment A, it should be included as an infrastructure cost (most likely under the Equipment or Technology category).