

LOCAL GOVERNANCE

WORKFORCE SYSTEM POLICY

Workforce Development System Administration

Effective Date: January 1, 2025

Last Revised: June 6, 2024

Note: During the policy overlap period from June 10, 2024, to December 31, 2024, local workforce development boards will be monitored according to the minimum standards outlined in both the 2015 and 2024 Local Governance Policy versions. Boards may adhere to the less stringent requirement between the two policy versions.

Policy Owner: *Pennsylvania Department of Labor & Industry Bureau of Workforce Development Administration*

Policy Contact: *Pennsylvania Department of Labor & Industry Bureau of Workforce Development Administration*
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Policy Purpose

This policy articulates the local governance requirements and associated provisions of the Workforce Innovation and Opportunity Act, or WIOA, and Pennsylvania's Workforce Development Act. WIOA assigns responsibilities at the federal, state, and local levels for the creation and maintenance of a workforce development delivery system. The workforce delivery system requires a collaborative effort among education, business, labor, economic development, public agencies, and community-based organizations in the delivery of services available under multiple programs to job seekers and employers. Chief elected officials, or CEOs, working with local workforce development boards, or LWDBs, ensure the provision of services at the designated local workforce development area, or LWDA, or region level.

Policy Statement

This policy and its attachments are based upon *WIOA Title I, Subtitle A, Chapter 2, Section 107 - Local Workforce Development Boards*, its governing regulations and guidance from U.S. Department of Labor, or U.S. DOL. Required CEO and LWDB roles, responsibilities, and authority, as defined by WIOA, are outlined herein. Additionally, the policy sets forth requirements for the composition and appointment of LWDB members as well as other provisions including LWDB certification, committees, bylaws and restrictions. The policy provides guidance for agreements between the various entities within Pennsylvania's public workforce development system. Finally, the policy provides LWDBs with *Attachment 1: Conflict of Interest Code Form LWDB Member*, *Attachment 1a: Conflict of Interest Code Form Non-Board Member*, *Attachment 2: Local Workforce Development Board Membership List*, *Attachment 3: Multiple Category Representation Visualization* and *Attachment 4: Local Workforce Development Board Member Individual Nomination Form*.

Scope

This policy applies to CEOs, LWDB chairs, LWDB members, LWDB staff, designated fiscal agents and local administrative entities.

Audience

Local elected officials, LWDB chairs, LWDB members, LWDB staff, the Pennsylvania Workforce Development Board, or PA WDB, chair, members and staff, the Pennsylvania Department of Labor & Industry, or L&I and L&I's leadership,

staff, and management.

Related Policies

- Designation of Pennsylvania’s Local Workforce Development Areas
- Financial Management Policy
- WIOA Regional and Local Plans
- PA CareerLink® System Operator
- Sanctions

Definitions

Abuse is excessive or improper use of a thing, or to use something in a manner contrary to the natural or legal rules for its use. Abuse can occur in financial or non-financial settings.

American Job Center® Network, or AJC, is the common identifier to be used by each one-stop delivery center as required by WIOA and is to be used alongside the PA CareerLink® brand. It is a federally required, unifying name and brand that identifies online and in-person workforce development services as part of a single network. Refer to Pennsylvania’s Workforce System Common Identifier Policy for more information.

Bureau of Workforce Development Administration, or BWDA, is the entity responsible for the administration of workforce funds on behalf of L&I.

Chief Elected Official, or CEO, is the chief executive officer of a unit of general local government in an LWDA.

Externally Placed Lead CEO is a newly elected CEO that is selected to be the lead CEO in an LWDA that is composed of multiple units of local government.

Fraud is wrongful or criminal deception intended to result in financial or personal gain and includes false representation of fact, making false statements or concealment of information.

Incomplete Term is a term that, for any reason, is vacated before the pre-determined end date (e.g., a member resigns, is removed for cause or is unable to perform the required functions of the office for personal reasons, poor health, death, failure to meet LWDB bylaws or other reasons that preclude LWDB membership).

Internally Placed Lead CEO is a CEO already serving in an LWDA that is selected to be the lead CEO in an LWDA that is composed of multiple units of local government.

PA CareerLink® is the registered trademark for Pennsylvania’s online job matching system for jobseekers and employers as well as Pennsylvania’s one-stop centers. Additional identifiers at the local level are not prohibited in accordance with 20 CFR 678.900(d).

Pennsylvania Department of Labor & Industry, or L&I, is the agency which has been designated by the governor to serve as the state administrative entity and state workforce agency.

Sustained Fiscal Integrity, per WIOA Section 106(e), when used with respect to a local workforce development area, or local area, means that the U.S. Secretary of Labor has not made a formal determination, during either of the last two (2) consecutive years preceding the determination regarding such integrity, that either the grant recipient or the administrative entity of the area mis-expended funds provided under subtitle B due to willful disregard of the requirements of the provision involved, gross negligence or failure to comply with accepted standards of administration. Expanded definition found at 20 C.F.R. 679.260.

Resources

Guidance-specific attachments (A through D) are embedded into the Local Governance policy proper. Other supporting documents are found at the [L&I website](#), below the posting of this policy.

- Attachment A: Local Governance Policy Provisions, Procedures and Guidance
- Attachment B: Chief Elected Official Agreement Guidance
- Attachment C: Chief Elected Official and Fiscal Agent Agreement Guidance
- Attachment D: Chief Elected Official and Local Workforce Development Board Partnership Agreement Guidance
- Attachment 1: Conflict of Interest Code Form LWDB Member
- Attachment 1a: Conflict of Interest Code Form Non-Board Member
- Attachment 2: Local Workforce Development Board Membership List
- Attachment 3: Multiple Category Representation Visualization
- Attachment 4: Local Workforce Development Board Individual Nomination Form
- Attachment 5: Epilogue

Supporting Information

- WIOA, Public Law 113-128, enacted July 22, 2014
- WIOA Final Rule, 20 Code of Federal Regulations, or CFR, Chapter V
- Training and Employment Guidance Letter, or TEGL, No. 19-14, Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014, February 19, 2015
- Pennsylvania Workforce Development Act, amended July 7, 2022
- Pennsylvania's Workforce System Common Identifier Policy
- Pennsylvania's Workforce System Sanctions Policy

Chief Elected Officials

Local governance begins with the CEO(s), who by legislation is financially liable for workforce funds allocated to an LWDA. The CEO is also responsible for appointing LWDB members, approving the LWDB budget and serving as the local grant recipient.

To help administer grant funds, the CEO(s) may designate an entity to serve as a fiscal agent; however, such designation shall not relieve the CEO of liability for any misuse of grant funds.

In addition to the above responsibilities, the CEO(s) must ensure the LWDB:

Is cognizant of and aligns LWDB priorities with Pennsylvania's WIOA Combined State Plan and modification, if applicable);

- Elects a private-sector business representative as the local board chair;
- Competitively procures a One-Stop Operator(s) for the PA CareerLink® system in the local area;
- Understands and promotes PA CareerLink® programs, services and activities;
- Assists the state in developing the statewide employment statistics system under the Wagner- Peyser Act;
- Coordinates with economic development strategies and establishes employer linkages with workforce development activities;
- Carries out regional and local planning responsibilities as required by WIOA and L&I; and,
- Conducts business in a transparent manner by making information available to the public about the activities of the LWDB including but not limited to; the regional and local plans prior to final submission and following approval by L&I; membership; designation of the local workforce system operator; the award of grants or contracts; and minutes of local board meetings.

Local Workforce Development Boards

Establishment. WIOA requires the establishment of a LWDB in each local area of a state to carry out the functions described in section 107(d), (and any functions specified for the local board under this Act or the provisions establishing a core program) for such area. Each LWDB shall be certified by the governor of the state at least once every two (2) years.

Role. The LWDB represents a wide variety of individuals, businesses and organizations throughout the local area. The LWDB serves as a strategic convener to promote and broker effective relationships between the CEO(s) and economic, education and workforce partners throughout the local area.

The LWDB must work to develop a comprehensive and high-quality workforce development system by collaborating with its workforce, education, and economic development partners to improve and align employment, training and education programs under WIOA. LWDB members must actively participate and collaborate closely with the required and other partners of the workforce development system, including public and private organizations. This is crucial to the LWDB's role to integrate and align a more effective, job-driven workforce development system.

Criteria established by the state for local board membership appointments must, at minimum, meet the requirements provided in *Attachment 2: Local Workforce Development Board Membership List* and this guidance.

Membership Composition. For each local in the state, the members of the LWDB must be selected by the CEO consistent with criteria established by the governor and PA WDB pursuant to WIOA Section 107(b)(1) and must meet the composition requirements of WIOA Section 107(b)(2). The LWDB must include representatives from all required categories as detailed in *Attachment 2: Local Workforce Development Board Membership List* and may include additional representatives as deemed appropriate by the CEO.

- A majority of board members must be **business representatives** who are owners, chief executive officers,

Attachment A: Local Governance Policy Provisions, Procedures and Guidance

chief operating officers, other business executives or employers with optimum policymaking or hiring authority in the local area. Board members are to be representatives of businesses, including small businesses or organizations representing businesses, that provide employment opportunities in the local area and in in-demand industry sectors or occupations (as defined in WIOA Section 3(23)).

- A minimum of two (2) members must represent a **small business** as defined by the U.S. Small Business Administration.
- Not less than 20 percent of the members of the local board must be **workforce representatives**. Such representatives must include:
 - Two or more representatives of labor organizations (or other employee representatives if there are no labor organizations operating in the local area); and,
 - One or more representatives of a joint-labor management registered apprenticeship program (or other registered apprenticeship program if there is no joint labor- management program in the local area). In areas with joint apprenticeship programs, the apprenticeship representative must be a member of a labor organization or a training director.
- The LWDB must include one (1) representative from each of the following **training providers**:
 - An eligible training provider administering literacy and adult education activities under Title II of WIOA; and,
 - An institution of higher education, including community colleges, providing workforce development activities.
- The LWDB must also include one (1) representative from each of the following **governmental and economic and community development entities**:
 - Governmental and economic and community development entities;
 - State Employment Service Office under Wagner-Peyser serving the local area; and,
 - Programs carried out under Title I of the Rehabilitation Act of 1973.
- Per 20 CFR §679.320, The LWDB **may** include individuals or representatives of workforce and other appropriate entities in the local area including:
 - Community-based organizations (CBOs) with demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment (including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities); and
 - Organizations with demonstrated experience and expertise in addressing the employment, training or education needs of WIOA-eligible youth, including organizations serving out-of-school youth (OSY). "Demonstrated experience and expertise" means an individual who is a workplace learning advisor as defined in WIOA Section 3(70); contributes to the field of workforce development, human resources, training and development or a core program function; or who the LWDB recognizes for valuable contributions in education or workforce development related fields;
 - Entities administering education and training activities who represent local education agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
 - Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
 - Philanthropic organizations serving the local area; and
 - Other appropriate individuals as determined by the chief elected official.

Although these members are not required under the Act, the commonwealth encourages CEOs to confer voting

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privileges on these members and that they carry the same rights and responsibilities as required members. If a CEO elects to not confer voting privileges to an LWDB member serving in a non-required category, the CEO must articulate the decision in the appointment letter. Regardless of voting privileges, all LWDB members will be calculated toward the required categorical membership for business and workforce percentages.

The LWDB must elect a chairperson from among the business representatives on the local board as required by WIOA Section 107(b)(5), and members must represent diverse geographic areas within the local area.

Members who represent organizations, agencies or other entities must have optimum policymaking authority. Optimum policymaking authority means an individual is reasonably expected to speak affirmatively on behalf of the entity they represent and to commit that entity to a chosen course of action. Individuals appointed to the LWDB in an optional capacity who do not represent an organization, agency or entity are not required to have optimum policymaking authority. Examples include retired board members, retired professionals, past elected officials and citizens.

Multiple Entity Representation A single individual may be appointed to represent more than one membership category, including business, if the individual and the entity they represent meets all the criteria for representation for each category. For example, individuals representing more than one required category must have optimum policymaking or hiring authority within each of the categories they are representing. Individuals will count towards category percentages and minimums for each category they represent. Individuals representing more than one category will only have one vote.

Attachment 2: Local Workforce Development Board Membership List explains board categories, member composition guidance, and other provisions. *Attachment 3: Multiple Category Representation Visualization* provides an example of an individual who counts towards category percentages and minimums for each category he/she represents.

Membership Provisions

Nominations WIOA requires that the CEO establish a formal nomination policy to facilitate appointments to the board that ensures:

- Business representatives are appointed from among individuals nominated by local business organizations and business trade associations;
- Labor representatives are appointed from among individuals who have been nominated from local labor federations; and,
- When there is more than one local area provider of adult education and literacy activities under Title II, or multiple institutions of higher education providing workforce investment activities, the CEO must solicit nominations from those particular entities (20 CFR 679.320(g)(3)), respectively, in appointing the required representatives. This requirement provides for a representative selection process for these membership categories.

The CEO(s), or their designees, for an LWDA must contact the appropriate entities in the local area for nominations to appoint members or fill vacancies on the LWDB.

Representatives of business; labor organizations; adult education and literacy; and higher education are required to be nominated prior to appointment to the LWDB. Nominating organizations must submit a written communication directly to the CEO(s) with a copy provided to the local board, which:

1. Local boards may use *Attachment 4: Local Workforce Development Board Individual Nomination Form*, or
2. If a written letter is submitted, it must be on the appropriate nominating agency's letterhead, or if the written communication is an email, it must contain the signature block of the nominating entity and the email address domain name must match the nominating entity's name.

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- a. The letter or email must designate the appropriate category or categories for which the member is being nominated.
- b. The letter or email must describe the nominee's optimum policymaking and/or hiring authority for the category or categories to be represented.
- c. The letter or email must include the qualifications of the nominee, and in the case of representatives of business shall include a description of how the individual provides employment opportunities in the local area in an in-demand industry sectors or occupations and provides high-quality, work relevant training and development to its workforce or the workforce of others (in the case of organizations representing businesses).
- d. The letter or email may include additional documentation (e.g., resume, etc.) supporting the qualifications of the nominee.

See *Attachment 2: Local Workforce Development Board Membership List* for board categories, member composition guidance, and other provisions.

Appointments

CEOs have sole authority to appoint members to the LWDB.

- A CEO shall appoint individuals who meet all the requirements to represent a particular membership category. If the member's status changes and the member no longer meets the requirements, then the member's appointment is no longer valid and the member may not continue serving on the local board in the appointed role. Common examples include a member changing positions within an organization and no longer holding optimum policymaking or hiring authority, or a member severing their employment or formal association with the entity they are representing.
- CEO(s) must appoint members to negotiated terms that do not expire at the same time; thus, maintaining continuity among board members. Additionally, CEOs should consider staggering appointments according to membership category so that the members of a particular category do not all expire at the same time (e.g., representatives of business, etc.).
- Proof of the appointment (e.g., appointment letter signed by the CEO or a copy of meeting minutes) and proof of appointment details (i.e., appointee's name, defined term, and appointment category) must be maintained at the LWDB office in accordance with record retention requirements and be made available upon request by federal and state agencies. Appointment details must be sent by the CEO, or designee, to the appointed member.

Terms All terms, except interim appointments, must be no less than two (2) years and no more than four (4) years. All terms, including interim appointments, must have a defined start date and end date. The start date, term's duration and end date are agreed upon with appointees before appointment. A LWDB member's term begins on the pre-determined start date. Appointments cannot be retroactive or backdated. A member's appointment expires on the pre-determined end date, the effective date of a member's resignation or the date the member is removed for cause.

Interim Appointments If a member is unable to complete an agreed-upon term appointment, a CEO may make an interim appointment of another individual to complete the incomplete term. All interim appointees must satisfy the same nomination and appointment membership provisions as full-term candidates. An interim appointment may be for the remainder of an incomplete term; or, the CEO may establish, in agreement with the intended appointee, a new term. Whichever is decided, the appointment must be made before reaching 120 days after a term's pre-determined end date or before reaching 120 days after a term becomes an incomplete term.

Term Limitations A local board and CEO may decide to limit the number of terms to which an individual may be appointed. This limitation must be written into the local board's bylaws.

Attachment A: Local Governance Policy Provisions, Procedures and Guidance

Subsequent Appointments/Reappointments If the LWDB's bylaws allow, the CEO can appoint a member for additional terms, which is called a reappointment. Reappointments should follow the same procedure as initial appointments, including submitting nomination documentation. The original nomination remains valid for the reappointment unless there are changes. The local board must confirm the accuracy of the original nomination details; if any changes are found, a new nomination is required. Reappointments should be arranged before a member's current term ends, necessitating advance planning by the CEO. Members whose terms end before the reappointment process is completed cannot carry out any official board duties, such as voting or deliberating, until the start of their subsequent term.

Authority of LWDB Members LWDB members who represent organizations, agencies or other entities shall be individuals with optimum policymaking authority within the organizations, agencies or entities they represent.

Category Realignment If, during a member's term, an individual's membership category changes, including assignment to a secondary or tertiary membership category in addition to the initial category to which a member was appointed, the individual must be renominated, if the change or additional category representation requires nomination, and appointed/reappointed.

Vacancies A vacancy impacting LWDB membership compliance must be filled within 120 days. If a vacancy goes beyond the 120-day deadline and results in the LWDB being out of compliance with statutory or regulatory guidance for required membership composition, the LWDB must request and receive an approved, written waiver from the director of BWDA or the director's designee before the next LWDB meeting.

Requests to Waive the 120-day requirement to make an appointment Requests to waive the 120-day requirement identified in this policy must be submitted via email to L&I at least one (1) week before the expiration of the 120 days. Each request must provide an explanation of why a vacancy will not be filled in the required timeframe. Waivers must be requested by the LWDB chairperson and/or LWDB staff executive director.

All requests should be addressed to the following resource account: RA-LI-BWDA-Policy@pa.gov. If approved, the waiver will extend the period an additional 30 days or as negotiated with BWDA. Failure to fill the vacancy may result in sanctions to the LWDB. See *Pennsylvania's Workforce System Sanctions Policy* for more information.

Removal LWDB members must be removed by the CEO(s) if there is evidence or documentation of:

- Violation of conflict of interest policy;
- Failure to complete a Statement of Financial Interest or Conflict of Interest Code Form within 30 days of beginning to serve in an official capacity on the LWDB;
- Failure to meet LWDB member representation requirements defined in WIOA and this policy; or,
- Proof of fraud or abuse.

LWDB members may be removed for other reasons outlined in the LWDB bylaws, as written by the CEO and which define the specific criteria for removal, such as lack of attendance. LWDBs must define the specific criteria, in CEO-written bylaws, that will be used to establish just- cause and the process for removal. L&I reserves the right to investigate allegations of wrongdoing that result in the removal of a LWDB member. The CEO(s) will be formally notified of the results of any investigation.

Conflicts of Interest Local board members must complete the *Attachment 1: Conflict of Interest Code Form LWDB Member* prior to performing any official action. *Attachment 1: Conflict of Interest Code Form LWDB Member* must be completed at the beginning of a member's initial term and at the beginning of any subsequent terms. LWDBs must maintain an updated copy of each board member's Conflict of Interest Code form for monitoring purposes.

Pennsylvania Department of State, or DOS, Registration Entities wishing to nominate a proposed individual for

Attachment A: Local Governance Policy Provisions, Procedures and Guidance

LWDB membership consideration, and to maintain the LWDB appointment, must ensure compliance pursuant to Pennsylvania's Title 15 PA Consolidated Statute or other appropriate Commonwealth statute that regulates and/or acknowledges an entity's legal status. Entities that nominate an individual(s) for LWDB membership and desire to maintain a LWDB membership must be registered with the Pennsylvania Department of State's Bureau of Corporations and Charitable Organizations.

Functions of the LWDB

The LWDB must perform the roles and responsibilities outlined in WIOA Section 107(d).

LWDB Staff

WIOA grants LWDBs with the authority to hire a director and other staff to assist in carrying out its functions. LWDBs must establish and apply a set of qualifications for the director position that ensures the individual selected has the requisite knowledge, skills and abilities to meet identified benchmarks and to assist in carrying out the functions of the LWDB. The LWDB director and staff are subject to the limitations on the payment of salary and bonuses described in WIOA Section 194(15). In general, staff assigned to a LWDB may only assist the LWDB in fulfilling its required functions.

If the LWDB selects an entity to staff the board that provides additional workforce functions beyond those required, such an entity is required to enter into a written agreement with the LWDB and CEO(s) to clarify their roles and responsibilities. This agreement is to further define administrative board entity/CEO which activities will be administered by the board and which will not. The agreement may include but is not limited to which funding streams will follow the processes governed by the board and which will not; which staff will support the board and which will not; which activities are completed by the administrative entity and will not be managed by the LWDB processes; and any other activities that are deemed necessary.

Restrictions

Designation of PA CareerLink® operators must follow the guidelines described in *Pennsylvania's Local Workforce Delivery System – PA CareerLink® System Operator* policy.

The LWDB, its staff, the fiscal agent (if one exists) and fiscal agent staff are prohibited from providing training services. See: WIOA Section 107(g)(1)(A) for more information.

If career services and training services are offered by the organization that employs LWDB staff and/or fiscal agent staff, the organization designated to perform these functions must describe in the CEO & LWDB partnership agreement how the organization will carry out its responsibilities while demonstrating compliance with WIOA and ensuring no conflict of interest.

Once steps have been taken to address and resolve any issues and/or concerns, the CEO(s), in collaboration with the LWDB, must submit a written request for a structure exception to L&I. This must happen every two years in conjunction with the development of the WIOA local plan or statutory required two-year WIOA local plan modification. The structure exception request must demonstrate a reporting structure within the inter-related agency that is separated into divisions. Details of the structure exception must be included in the WIOA local plan as detailed in L&I's planning policy and guidance.

Service delivery limitations in WIOA apply to the LWDB as an entity, but not to the members of LWDB as individuals. Members of the LWDB may not provide services in their capacity as a member of the LWDB; however, if an individual member is also an employee of a service provider, that entity is not precluded from providing services. This must be consistent with federal, state and local conflict of interest requirements.

Certification

Attachment A: Local Governance Policy Provisions, Procedures and Guidance

L&I is responsible for certifying a LWDB for each LWDA in the commonwealth. LWDBs are encouraged to contact their assigned BWDA Oversight Services monitor any time regarding certification, as the bureau remains available to provide the necessary technical assistance.

Initial certification L&I is required to ensure a newly appointed LWDB complies with the criteria as outlined in WIOA Section 107(b) and with this policy. L&I will consider federal, state and local membership composition requirements when evaluating each LWDB's membership.

Second or subsequent certification. In accordance with WIOA Section 107(c)(2), L&I is required to conduct a certification review of each LWDB every two (2) years. Certification will be based on the extent that the local workforce system's activities are able to meet local performance accountability measures and any prescribed outcomes as outlined in the local grant agreement; sustained fiscal integrity; and the LWDB composition. Additionally, single audits for LWDBs must be complete and up to date.

A LWDB shall not be certified until it complies with the membership requirements.

If a LWDB meets all membership requirements but fails to meet all performance measures and outcomes and/or sustained fiscal integrity, certification may be granted for a one-year review period, instead of a two-year period. At the end of the one-year review period, the certification process will be repeated with an updated review of performance, fiscal integrity and membership composition. If this review shows the LWDB is meeting all performance measures and outcomes for a given program year and has sustained fiscal integrity, a certification will be granted for the remainder of the two (2) year period.

If a LWDB is on a one-year review period and fails to meet performance measures and outcomes and/or sustain fiscal integrity for a second-consecutive year, the LWDB may be decertified. In such cases, L&I will issue a written notice to the CEO(s) for the LWDA, providing opportunity for comment prior to decertification. *Note:* Decertification will only occur when L&I has determined that attempts at technical assistance have been exhausted.

At any time during the two-year certification period, if more than 10 percent of the LWDB membership is removed for cause, a certification review must occur to ensure membership compliance and assess board stability.

Procedures. To facilitate the initial certification of a LWDB, the CEO(s) or a designee must submit a current LWDB membership list to L&I within 90 days following full local board appointment. Thereafter, LWDBs shall provide membership lists to L&I on a quarterly basis.

Although all certifications after the initial certification are conducted every two (2) years, L&I may provide a report of LWDB's membership annually to ensure membership composition requirements are maintained. If such requirements are not met, L&I will provide the technical assistance necessary to aid in compliance.

Approval. Certification by L&I will be evidenced by notification of approval from L&I, in writing, to the LWDB.

Denial. L&I may choose not to certify a LWDB for any of the following reasons:

- Membership composition does not comply with federal, state or local membership requirements;
- The LWDB has not submitted a single audit that is complete and up to date (for second and subsequent certifications);
- The LWDB has not sustained fiscal integrity (for second and subsequent certifications);
- The LWDB has not met local performance accountability measures and any prescribed outcomes as outlined in the local grant agreement (for second and subsequent certifications); or,
- Failure to carry out responsibilities articulated in law, published regulation, policy, or grant agreement.

Attachment A: Local Governance Policy Provisions, Procedures and Guidance

If L&I chooses not to certify a LWDB for any reason, a written notification will be issued citing the reason(s) and the action(s) the LWDB must take to obtain certification.

Failure to achieve certification within 120 days of the date of the re-certification report from BWDA may result in an interruption of workforce development activities and funding in an LWDA. A LWDB unable to achieve certification by June 30 of the certification year is at risk of an elevated funding risk status and may be subject to sanctions up to and including decertification. BWDA Oversight & Monitoring will provide technical assistance to help navigate the certification process as necessary and requested.

Decertification

A LWDB is subject to decertification by L&I under the following conditions:

- Failure to meet all LWDB certification requirements;
- Failure to carry out required functions of the LWDB;
- Fraud; or,
- Abuse

In accordance with WIOA Section 107(c)(3), if a LWDB is decertified, L&I may require a new LWDB be appointed for the LWDA pursuant to a reorganization plan developed by L&I in consultation with the CEO(s).

Sunshine Provisions

The LWDB must comply with provisions of the Pennsylvania Sunshine Act (65 P.S. 271 et seq.) Sunshine Provisions. As required by WIOA Section 101(g), state and LWDBs must conduct business in an open manner. Therefore, the LWDB must make available to the public, through electronic means and open meetings, information about LWDB activities such as the WIOA local plan development, modifications to the WIOA local plan, LWDB membership, LWDB bylaws and minutes of LWDB's meetings.

Committees

WIOA authorizes LWDBs to establish committees to help carry out their responsibilities.

Standing Committees: Pennsylvania does not require the establishment of standing committees; however, if established, standing committees must abide by the following requirements. The use of standing committees expands opportunities for stakeholders to participate in LWDB decision-making, particularly for representatives of organizations that may no longer sit on the LWDB but continue to have a stake in the success of LWDB decisions. Such committees also expand the capacity of the LWDB in meeting required functions. Standing committee membership should be representative of the local area and include individuals with diverse background and ethnicities.

According to WIOA Sec. 107(b)(4)(A), the role of a standing committee is to assist LWDBs and gather information on behalf of the LWDB. This is to mean the role of a committee is to discuss and recommend items to the LWDB for deliberation and official action, defined in Sec. 703 of the PA Sunshine Act. Committees cannot take official action on agency business on behalf of the LWDB.

According to WIOA Sec. 107(b)(4)(A), all standing committees shall be chaired by a member of the LWDB and may be partially comprised of other members of the LWDB. Additionally, standing committees must include other appointed individuals that are not members of the LWDB that have appropriate experience and expertise to advise on issues that support the LWDB's ability to attain the goals of the WIOA state, local and regional plans and the objective of providing customer focused services to individuals and businesses.

All standing committee meetings must generate meeting minutes outlining the date, time, location, members present, members absent, whether a quorum of the committee is achieved, and a comprehensive narrative of the

content of discussion or recommendation to the LWDB.

Youth Standing Committee If established, a youth standing committee represents a mechanism for a LWDB to coordinate area-wide youth services, assist with planning and oversee operational youth programs. A youth standing committee serves as the architect in designing and building comprehensive youth services at the local level. This committee shall, at a minimum:

- Help to identify gaps in services and develop a strategy to use competitive selections or community partnerships to address the unmet needs of youth;
- Coordinate youth policy;
- Ensure quality services;
- Leverage financial and programmatic resources; and,
- Recommend eligible youth service providers to the local board.

Membership If established, a youth standing committee must include LWDB members with a demonstrated record of success in serving eligible youth and young adults, as well as other individuals with appropriate expertise and experience who are not members of the LWDB. The committee's members shall bring their expertise to help address the employment, training, education, human and supportive service needs of eligible youth, especially out-of-school youth, young people who have become disconnected and those with barriers.

If established, Youth committee membership:

- must include a committee chair that is a member of the LWDB;
- may include other members from the LWDB, such as: educators (e.g., teachers, including special education, school counselors, administrators and school board members); employers (e.g., representing high priority or in-demand occupations); and representatives of human service agencies, who have special interest or expertise in youth policy; and
- shall include non-members of the LWDB who have appropriate experience and expertise (e.g., juvenile court judges, local law enforcement agencies, and disability advocates).

Fiscal Standing Committee Pennsylvania encourages, but does not require, the establishment of a Fiscal Standing Committee. To help ensure WIOA's fiscal aspirations are implemented and maintained on a local level, L&I requires LWDBs to have a fiscal standing committee as part of the local board structure. Fiscal standing committees represent a mechanism for LWDBs to increase the level of local coordination and responsible use of the multiple grants associated with WIOA's required programs, develop budgets and identify resources to leverage support for workforce development activities. A fiscal standing committee can assist in the important role of fiscal oversight in the local area regarding all WIOA related activities.

If established, this committee may:

- Conduct fiscal and financial oversight of programmatic and administrative entities;
- Analyze strategic plans and determine fiscal ramifications;
- Develop and recommend fiscal policies, procedures and processes;
- Ensure that internal controls are established and put into practice for the LWDB, LWDB staff, local area administrative entity, designated fiscal agent, and all sub-recipients for all contracted funds passed through the LWDB;
- Develop, recommend, and monitor budgets associated with the LWDB;
- Approve operating and program specific budgets and any modifications required;
- Review Local Area Memoranda of Understanding;
- Review annual One-Stop Operating Budgets;
- Approve the disbursement and payment of funds as defined by established policy;
- Review expenditures to assure stable financial management and reduce duplicate administrative costs;

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- Ensure the fiscal agent reports timely and accurately;
- Reconcile budgets on a quarterly basis;
- Ensure an annual audit of the LWDB is performed by an independent certified public accounting firm;
- Provide oversight of the audit and audit resolution process at both the fiscal agent and sub-recipient level and issue management decisions accordingly;
- Review tax returns;
- Provide proper guidance and oversight of procurement of agreements, contracts and grants;
- Provide fiscal review and oversight of contracts and agreements;
- Provide oversight and monitoring of activities to comply with administrative requirements such as the payment of LWDB's operational costs and preparing monthly/quarterly budgeted and actual expenditures;
- Address any complaints of fraud;
- Act as a liaison between local workforce development entities and L&I when fiscal expertise is required; and,
- Such other duties as may be assigned by the LWDB chair.

Membership LWDBs should consider members that represent businesses and agencies that can help achieve the objectives and goals of the committee. The fiscal standing committee must be chaired by a member of the LWDB. The fiscal standing committee should include members of the LWDB who have the appropriate experience and expertise needed to review and approve complex financial, fiscal and budgetary matters. The committee shall include other individuals with appropriate expertise and experience who are not members of the LWDB.

Other Standing Committees: Additionally, local boards are encouraged to established committees to focus on serving low-skilled adults, Indians and Native Americans, individuals with disabilities and other relevant priorities for the local area. Additional information regarding standing committees can be found in WIOA Section 107(b)(4).

Additional standing committees may include:

- A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with WIOA Section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 regarding providing programmatic and physical access to the services, programs and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for individuals with disabilities
- Industry-specific standing committees; and
- A standing committee which addresses service delivery.

Executive Committees

While WIOA is silent on the establishment and use of executive committees, Pennsylvania law permits their establishment and use by the PA WDB. Pennsylvania law is silent on the establishment and use of executive committees by local workforce development areas; however, Pennsylvania workforce system policy permits their establishment and use by LWDBs if specific conditions are met.

The LWDB, in consultation with the CEO(s), must determine if the LWDB will have an executive committee. Executive committees shall act in accordance with the LWDB bylaws.

The following governs LWDB executive committees only.

LWDB executive committees are subject to the provisions of the Pennsylvania Sunshine Act.

If the LWDB, in consultation with the CEO(s), has determined that an executive committee will be a part of the local board's structure, the bylaws must:

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- Establish an executive committee;
- Recognize that executive committee membership is limited to current LWDB members
Note: Local boards may have additional individuals participate in executive committee meetings, but those individuals do not have voting privileges.
- Detail the specific scope of responsibilities for the executive committee and frequency of meetings;
- Outline the composition of the executive committee (e.g., quantity and categorical representation);
- State the authority of the executive committee (i.e., can vote on behalf of the board, provide recommendations to the board, or can provide preliminary decision with full board approval)
- Clearly identify what the executive committee should not do;
- Articulate the process in place for full LWDB review of executive committee minutes, discussions, and recommendations to the full LWDB; and
- Take into consideration federal and state laws, regulations, policies and guidance which may limit the decisions that can be delegated to committees.

Carefully drafted bylaws and committee charters can help to ensure the executive committee serves its intended purpose and does not exceed its authority.

Bylaws

While bylaws' content may be recommended to CEOs by LWDBs, bylaws are ultimately written by CEOs. These bylaws must establish, at a minimum, the following sections:

- **Establishment** A statement that the LWDB is established in accordance with WIOA Section 107.
- **Name** The name of the LWDB.
- **Purpose** The purpose for the establishment of the LWDB consistent with WIOA.
- **Duties and responsibilities** Acknowledge the duties and responsibilities as outlined in WIOA and in the partnership agreement between the CEO(s) and the LWDB.
- **Membership** A description of the LWDB membership.
- **Terms and term limitation** A description of the terms and the length of time a member can serve on the LWDB.
- **Local workforce development board chair election** A description of the process used to elect a LWDB chair, including term details.
- **Election of officers** A description of the process used to elect officers, officer positions, terms, removal of officers and specific officer roles and responsibilities.
- **Meetings**
 - Information on how often local workforce development board and committee meetings will be held;
 - Acknowledgement of Sunshine Act open meeting requirements and compliance;
 - A description of the process of announcing regular and special meetings;
 - Acknowledgement that a quorum must consist of at least a simple majority of the currently appointed membership; and,
 - While not required, demonstration of ability for public attendance by phone or web-based technology is encouraged.
- **Delegation of LWDB duties** Acknowledge that members will not be permitted to delegate any LWDB duties to proxies or alternates.
- **Committees** A list of all committees, including the description and composition of each and a description of the process for their formation. If an executive committee is established, the full LWDB must vote to ratify the sections of the bylaws that detail the composition and the authority of the executive committee.
- **Conflict of Interest** A conflict of interest policy meeting the standards set forth in the state's Conflict of Interest Code form and that acknowledges that LWDB members and LWDB staff must adhere to the following:

Attachment A: Local Governance Policy Provisions, Procedures and Guidance

- A LWDB member or LWDB staff must not vote on or participate in any decision-making capacity in any matter that would provide direct financial benefit to the member or the member's immediate family or on matters of the provision of services by the member or the entity the member represents.
- A LWDB member must avoid even the appearance of a conflict of interest. Prior to serving, members must sign *Attachment 1: Conflict of Interest Code Form LWDB Member* and complete a statement of financial interest form. The LWDB must appoint an individual to timely review the disclosure information and advise the chair and appropriate members of potential conflicts. *Attachment 1: Conflict of Interest Code Form LWDB Member* must also be completed prior to any reappointment.
 - LWDB must maintain an updated copy of each member's Conflict of Interest Code form for monitoring purposes.
 - Members appointed to LWDBs meet the definition of public official as outlined in *Commonwealth of Pennsylvania Management Directive 205.10 Amended and Financial Disclosures required by the Public Official and Employee Ethics Act*. Public Officials are required to complete and file statements of financial interest forms each year the position is held and the year following end of service. The forms are due on or before May 1 for the prior calendar year for current and previous members. Newly appointed board members must complete and file statements of financial interests forms prior to performing any LWDB duties or May 1st, whichever is sooner. Forms can be obtained from County Board of Elections offices, local political subdivisions, the State Ethics Commission or online at www.ethics.pa.gov. Signed Statement of Financial Interest forms must be maintained by the LWDB and be available for L&I review.
 - In accordance with *Section 1104 of the PA Public Official and Employee Ethics Act*, each nominee for a county-level or local office shall file a statement of financial interest for the preceding calendar year with the governing authority of the political subdivision in which they are a nominee and, if different, with the official or body that is vested with the power of confirmation at least ten days before the official or body shall approve or reject the nomination.

Prior to discussion, vote or decision on any matter before the LWDB, if a member or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization or property that would be affected by any official action, the member must disclose the nature and extent of the interest or relationship and must abstain from discussion and voting on or in any other way participating in the decision on the matter. All abstentions must be recorded in the minutes of the LWDB meeting, including sub-committees, and be maintained as part of the official record. The lack of abstentions shall also be recorded in the minutes of the LWDB meeting.

Any non-board members participating in an LWDB subcommittee, including standing or ad-hoc committees, supporting a procurement in any function (e.g., reviewer, drafter, etc.), must complete *Attachment 1a: Conflict of Interest Code Form Non-Board Member*. Individuals serving on subcommittees must avoid even the appearance of a conflict of interest. Prior to serving, members must sign *Attachment 1a: Conflict of Interest Code Form Non-Board Member*. LWDBs must maintain an updated copy of each non-board member's Conflict of Interest Code form for monitoring purposes.

A conflict of interest includes, but is not limited to:

- A direct or indirect financial interest in the award of the contract to any entity;
- The member or an immediate family member is currently employed by, or is a consultant to or under contract to, the entity seeking the award;
- Negotiating or has an arrangement regarding future employment or contracting with any entity seeking the

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award; or

- Has an ownership interest in, or is an officer or director of, any entity seeking the award.
 - It is the responsibility of the LWDB members and staff to monitor potential conflicts of interest and bring it to the LWDB's attention in the event a member does not make a self-declaration.
 - A LWDB must ensure that its members, staff, the fiscal agent (if one exists) and fiscal agent staff do not direct, and are not involved in, the daily activities of its PA CareerLink® Operator, workforce service providers, workforce system partners or contractors.
 - Local board members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner.
- **Compensation and reimbursement of expenses** A description of the policy on compensating LWDB members and reimbursing expenses.
- **Amendment** A description of the process for amending the bylaws.
- **Compliance with law** Acknowledgement stating, in execution of its business, the LWDB must comply with the WIOA and its corresponding regulations as well as policies and directives from L&I and the PA WDB.

Agreements

Each of the agreements listed below are locally driven and maintained by the local administrative entity in accordance with records retention requirements. The agreements must be made available upon request by federal or state agencies.

- **CEO agreement:** This agreement is only required where there is more than one unit of general local government (i.e., more than one county) that make up the LWDA. In such cases, the CEOs must execute a written agreement that specifies the respective roles and liability of the CEOs. L&I provides guidance for this agreement at *Attachment B: Chief Elected Official Agreement Guidance*.
- **CEO and fiscal agent agreement:** The CEO(s) of an LWDA opting to designate an entity to serve as the fiscal agent for workforce funds that are allocated to the local area must enter into an agreement with the fiscal agent. Guidelines detailing the minimum requirements for the agreement can be found at *Attachment C: Chief Elected Official and Fiscal Agent Agreement Guidance*.
- **CEO and LWDB partnership agreement:** In accordance with WIOA Section 107(b) the state must establish criteria for the appointment of LWDB members by the CEO(s). To ensure the criteria established by the state is acknowledged by both the CEO(s) and the members of the LWDB, a partnership agreement is required. L&I, as the designated representative of the governor, provides the guidance for this agreement at *Attachment D: Chief Elected Official and Local Workforce Development Board Partnership Agreement Guidance*.

Combination of Agreements

In LWDA's where the CEO(s) has designated the LWDB and/or its staff to serve as the fiscal agent, the local board may combine the ***Chief Elected Official and Fiscal Agent Agreement*** and the ***Chief Elected Official and Local Workforce Development Board Partnership Agreement***. The unified agreement will maintain the title of "***Chief Elected Official and Local Workforce Development Board Partnership Agreement***" but **must** contain the elements required for both agreements as shown in the appendices.

Attachment B: Chief Elected Official Agreement Guidance

This agreement is only required where there is more than one unit of general local government (i.e., more than one county) that make up the LWDA. In such cases, the CEOs must execute a written agreement that specifies the respective roles and liability of the CEOs. L&I provides the following guidance for this agreement.

Required Inclusions

CEOs within a local workforce development area must enter into an agreement that, at a minimum, includes the following sections:

- **Liability of funds.** Acknowledge that in official capacity, the CEO is liable for all workforce funds in the local workforce development area as noted in WIOA Section 107 and outline the process for determining each CEO and their political jurisdiction's share of responsibility. This determination should be based on allocation, population, expenditures or other criteria determined by the CEO(s).
- **Grant recipient and signatory.** Acknowledgement that the CEO(s) are the grant recipient for all local workforce funds as outlined in WIOA Section 107 unless a fiscal agent designation has occurred. If the CEO(s) do not appoint a fiscal agent, they must outline the process they will use to sign contracts and enter into agreements related to WIOA. This may be accomplished by designating signatory authority to a lead CEO. If a lead CEO is used in this capacity, CEO(s) must include the information outlined in Subsection B(1).
- **Fiscal agent designation.** If a fiscal agent is designated, an agreement must be executed as detailed in *Attachment C: Chief Elected Official and Fiscal Agent Agreement Guidance*.
- **Local workforce development board budget approval.** Describe the process for reviewing and approving the LWDB annual budget as required in WIOA.
- **Participating CEO(s).** The agreement must contain the name, representation, contact information, signature and date for each participating CEO in the local workforce development area.
- **Amendment or change to the CEO agreement.** Outline the process that will be used for amendments or changes to the CEO agreement. All amendments or changes must be maintained at the local administrative entity and must be made available upon request by any federal or state agencies.
- **CEO Written Acknowledgement Statements.** Within 120 days of a new internally or externally placed lead CEO designation within the LWDA, the LWDB must ensure the new lead CEO submits a written statement acknowledging:
 - a. Having read, a full understanding of, and agreeing to comply with the current CEO agreement, and,
 - b. The CEO reserves the option to request negotiations to amend the CEO agreement at any time during the official's tenure as a CEO.

Recommended Inclusions

To improve the coordination and functionality of the local workforce system, CEOs are encouraged to address the following items in their agreement.

- **Designation of a lead CEO.** L&I recommends CEOs select a lead CEO who will act on behalf of the other CEOs. If a lead is appointed, the following information must be sent to the local administrative entity and maintained on file for review by L&I:
 - Appointment process and term of the lead;
 - Designation of the lead to serve as the signatory for the CEOs;
 - Decisions that may be made by the lead on behalf of the CEOs; and,
 - Name, title and contact information of the appointed lead.
- **Local workforce development board representation.** Outline how the CEOs will ensure LWDB representation is in compliance with federal and state statutes, regulations and policies. Additionally, L&I suggests that in multi-county areas, the LWDB representation be a fair and equitable factor in all counties within the local workforce development areas.

Attachment B: Chief Elected Official Agreement Guidance

- **Communication.** Describe how the CEOs will communicate with one another regarding LWDB activities. L&I encourages the establishment of a method for communications between the CEOs as a group, as well as with the LWDB members.

Attachment C: Chief Elected Official and Fiscal Agent Agreement Guidance

The CEO(s) of a local workforce development area opting to designate a fiscal agent for workforce funds that are allocated to the local area must enter into an agreement with the fiscal agent.

Note: In workforce development areas where the CEO(s) has designated the LWDB and/or its staff to serve as the fiscal agent, the LWDB may combine the **CEO and Fiscal Agent Agreement** and the **CEO and Local Workforce Development Board Partnership Agreement**. L&I provides the following guidance for this agreement:

Required Inclusions

CEO(s) within a local workforce development area must enter into an agreement with the designated fiscal agent entity that, at a minimum, includes the following sections:

- **Parties.** Identify the entity that has been designated as the fiscal agent for workforce funds in the local workforce development area, as well as the identity of the participating CEO(s).
- **Purpose.** To outline the agreement between the CEO(s) and the designated fiscal agent on roles and responsibilities of the entity designated as fiscal agent.
- **Term of agreement.** This section of the agreement must include the start and end dates of the agreement. It must also outline the circumstances for termination outside the term and the procedure to do so.
- **Roles and responsibilities.** Acknowledge the roles and responsibilities of the fiscal agent with regard to the local workforce funds. Such roles and responsibilities include, but are not limited to:
 - a. **Contracts.** The fiscal agent shall guide the contracting process between the LWDB and its service providers. Contracts shall include, at a minimum:
 - A statement of work covering the services to be provided, measurable outcomes and penalty provisions;
 - Catalog of Federal Domestic Assistance title and number;
 - Award name and number;
 - Federal agency and pass-through state agency; and,
 - Funding availability timeframes.

All documents must be maintained by the fiscal agent in accordance with established records retention requirements.

- b. **Reporting.** The fiscal agent is responsible for submitting accurate and timely financial status reports, making adjustments when necessary and ensuring reporting mechanisms are uniform. Additionally, the fiscal agent is responsible for ensuring expenditures are allocated against appropriate cost categories and within cost limitations as specified in federal and state statutes, regulations and policies.
 - c. **Reconciliation.** The fiscal agent is responsible for reconciling records/reports in a timely manner and at least on a quarterly basis; reviewing and updating, if necessary, its reconciliation process on an annual basis; and ensuring that combined disbursements, receipts, accruals, obligations and cash balances of sub-grantees and the fiscal agent match those reported to L&I.
 - d. **Monitoring.** The fiscal agent is responsible for overseeing and monitoring the fiscal activities of the local workforce development area, sub-recipients, service providers and contractors; communicating all fiscal related audit findings, including any corrective actions, to the LWDB and sub-recipients; and providing technical assistance to the local administrative entity and service providers with regard to financial issues.
- **Assurances.** The fiscal agent must assure that:
 - a. It will receive and manage all federal, state or local workforce funds for the local workforce development area;
 - b. It is responsible for the receipt, disbursement, accounting and reporting of all funds related to program

Attachment C: Chief Elected Official and Fiscal Agent Agreement Guidance

- operations based on the federal, state or local workforce funds of the local workforce development area;
- c. It will maintain adequate systems of internal control to ensure compliance with rules and regulations, to include a description of the internal control system to be used; and,
 - d. The processes are in place to approve draw requests from and issue funding to subrecipients and vendors.
- Contract procedures.
 - a. **Authority.** This section of the agreement must describe who has the authority and/or responsibility to amend, modify, resolve or otherwise process these procedures, including the process to execute this agreement.
 - b. **Modification.** This section must also include the circumstances for modification, and the procedure to do so.
 - Authority and signatures.
 - a. **Authority of the CEO(s) and fiscal agent signatory.** This section of the agreement should include such narrative as, “The individuals signing this agreement have the authority to commit the parties they represent to the terms of this agreement and do so by signing below.”
 - b. **Signature counterparts.** All parties to this agreement must sign the agreement. This section of the agreement may include the following language to allow for signatures at the same time: “This agreement may be executed in any one or more counterparts, the originals of which, when taken together and bearing the signatures of all parties to this agreement, shall constitute one and the same agreement.”
 - **CEO Written Acknowledgement Statements.** Within 120 days of when a newly elected CEO beginning office within the LWDA, the LWDB must ensure the new CEO submits to the LWDB a written statement acknowledging:
 - a. Having read, a full understanding of, and agreeing to comply with the current CEO and fiscal agent agreement; and,
 - b. The CEO reserves the option to request negotiations to amend the CEO and fiscal agent agreement at any time during the official’s tenure as a CEO.

Attachment D: Chief Elected Official and Local Workforce Development Board Partnership Agreement Guidance

To ensure the criteria established by WIOA and the commonwealth are acknowledged by both the CEO(s) and the LWDB members, L&I requires a partnership agreement. The following guidance has been established for this agreement.

Required Inclusions

The LWDB and CEO(s) must enter into a partnership agreement that, at a minimum, addresses the following sections:

- **Local workforce development board membership** WIOA authorizes CEO(s) to appoint the members of the LWDB in accordance with the criteria established under section 107(b) of the WIOA and the guidelines in this policy. Authority to appoint members to the local workforce development board lies solely with the CEOs.
- **Relationship between CEO(s) and the local workforce development board** Establish roles and responsibilities of the CEO(s) and the LWDB along with a description of the partnership and specific responsibilities.
 - **WIOA local plan requirements** Describe how the WIOA local plan will be developed in partnership between the CEO(s) and the LWDB.
 - **Budget and approval** As referenced in WIOA 107, describe how the LWDB will develop the local workforce development area's budget and the process for obtaining approval from the CEO(s).
 - **Workforce system operator** Establish the guidelines that will be followed by the LWDB for selection of a local workforce system Operator, including the process for getting a CEO agreement on the selection.
 - **Local workforce development board policies** Describe the process for approving local workforce policies.
 - **Memorandum of understanding** Describe the process for demonstrating CEO's agreement on the memorandum of understanding between workforce system partners and the LWDB.
 - **Multiple roles (if applicable)** In the event career services and training services are offered by the organization that employs LWDB staff and/or fiscal agent staff, the organization designated to perform these functions must describe how the organization will carry out its responsibilities while demonstrating compliance with WIOA and ensuring no conflict of interest.
 - **Non-WIOA related activities** When the LWDB functions outside of WIOA, the LWDB must ensure that only those WIOA activities are charged to the appropriate WIOA funding stream. All non-WIOA related activities must be charged to non-WIOA funding streams.
- **Authorized signatures** The partnership agreement must be signed by the current CEO(s) that have been identified as participating in the CEO agreement and by the LWDB chair at the time of the signing.
- **Amendments, change or election** Any amendment or change to the partnership agreement, notice of an election of a new CEO, or notice of an election of a new LWDB chair must be maintained and be made available for monitoring by L&I.
- **CEO and LWDB Chair Written Acknowledgement Statements** Within 120 days of a newly elected CEO or LWDB chair beginning office within the LWDA, the LWDB must ensure the new CEO or LWDB chair submits to the LWDB a written statement acknowledging:
 - a. Having read, a full understanding of, and agreeing to comply with the current partnership agreement; and,

Attachment D: Chief Elected Official and Local Workforce Development Board Partnership Agreement Guidance

- b. The CEO or board chair reserves the option to request negotiations to amend the partnership agreement at any time during the official's tenure.

Recommended Inclusion

Establish requirements for providing updates/sharing information with the CEO(s) regarding activities, performance outcomes and budgets. L&I suggests having at least one joint meeting held annually between the CEO(s) and the LWDB.