

# AGENDA

JUNE 9, 2015

## ARKANSAS WORKFORCE DEVELOPMENT BOARD FULL BOARD MEETING

1:00 P.M.

Call to Order .....Charlie Clark, Chair

Message from the Governor.....The Honorable Asa Hutchinson  
Governor, State of Arkansas

### Agenda Item 1 – ACTION

Drawing of Board Member Terms.....Charlie Clark, Chair

### Agenda Item 2 – ACTION

Board Bylaws .....Charlie Clark, Chair

### Agenda Item 3 – ACTION

Council Resolution 2015-1 (Stipend Payments) .....Charlie Clark, Chair

### Agenda Item 4 – ACTION

Committee Assignments .....Charlie Clark, Chair  
Cindy Blakeney Varner, DWS  
Assistant Director for Employment Assistance

### Agenda Item 5 – ACTION

Input on Local Workforce Development Area Designation .....Cindy Blakeney Varner, DWS

### Agenda Item 6 – ACTION

Policy on Certification of Local Workforce Development Boards .....Cindy Blakeney Varner, DWS

### Agenda Item 7 – ACTION

Policy on Chief Elected Officials Roles and Responsibilities.....Cindy Blakeney Varner, DWS

Arkansas Workforce Center at Little Rock  
5401 S. University Avenue  
Little Rock, Arkansas



**Agenda Item 8 – ACTION**

Eligible Training Provider Initial Eligibility Certification Process.....Cindy Blakeney Varner, DWS

**Agenda Item 9 – INFORMATION**

Workforce Development Training Grants Update ..... Lisa Ferrell, Project Administrator  
ADWS Discretionary Grants Division

Announcements

Adjournment

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**NEXT MEETING DATES**

July 21, 2015	9:00 a.m.	Full Board Meeting	DoubleTree Hotel, Little Rock
July 21-22, 2015	10:00 a.m.	WIOA Training	DoubleTree Hotel, Little Rock
October 13, 2015	10:00 a.m. 1:00 p.m.	Committees Full Board Meeting	Little Rock Little Rock
January 12, 2016	10:00 a.m. 1:00 p.m.	Committees Full Board Meeting	Little Rock Little Rock

**For Consideration of the  
Arkansas Workforce Development Board**

**June 9, 2015**

**AGENDA ITEM 1 – ACTION:** Drawing of Board Member Terms

**INFORMATION/RATIONALE:** Arkansas Code Annotated § 15-4-3704 of the Arkansas Workforce Innovation and Opportunity Act requires that the initial member terms be assigned by lot. At the meeting on June 9, board members will draw for staggered terms of one year, two years, three years, or four years.

**For Consideration of the  
Arkansas Workforce Development Board**

**June 9, 2015**

**AGENDA ITEM 2 – ACTION:** Board Bylaws

**RECOMMENDATION:** It is recommended that the Arkansas Workforce Development Board approve the attached board bylaws.

**INFORMATION/RATIONALE:** Bylaws are the written rules by which an organization is governed and set forth the structure of the board and responsibilities. Attached is a document containing draft board bylaws for consideration.

# Arkansas Workforce Development Board By-Laws

Est. June 9, 2015

## Article I: Appointments

### Section 1. Authority

The Arkansas Workforce Development Board is organized under provisions of Arkansas Annotated Code 15-4-3704, the Arkansas Workforce Innovation and Opportunity Act, and Public Law 113-128, the Workforce Innovation and Opportunity Act of 2014. Membership and duties of the Board are as defined in those Acts and in these by-laws.

### Section 2. Term of Appointment

The initially appointed members of the Board shall draw lots to determine service terms as follows:

- (1) One-fourth shall be appointed for a term of one year.
- (2) One-fourth shall be appointed for a term of two years.
- (3) One-fourth shall be appointed for a term of three years.
- (4) One-fourth shall be appointed for a term of four years.
- (5) As each initial appointment term expires, all appointments made by the Governor will be for four (4) years.

### Section 3. Attendance

- 1) Attendance required. In order to ensure broad representation and a quorum, all board members have a responsibility to attend all regular or special meetings of the board or commission.
- 2) Excessive absences. A board member shall be subject to removal from the board in the event the member shall fail to present to the Governor a satisfactory excuse for his absence. Unexcused absences from three (3) successive regular meetings, without attending any intermediary called special meetings, shall constitute sufficient cause for removal. (According to Arkansas Code Annotated § 25-16-804, the Governor may remove a board or commission member for good cause.)
- 3) Notice and removal procedures. Removal of board members shall be in accordance with the following:
  - a. Within thirty (30) days after each regular board meeting, the Executive Director of the board shall notify, in writing, the Governor of any member who has been absent from three (3) successive regular meetings, without attending any intermediary called special meetings. The Executive Director's notice to the Governor shall include a copy of all meeting notices and attendance records for the past year.

- b. Within sixty (60) days after receiving the notice and supporting documentation from the Executive Director, the Governor shall notify, in writing, the board member of his intent to remove the member for cause.
  - c. Within twenty (20) days of the date of the Governor's notice, the member may request an excused absence as provided by this section or may file within the Governor's Office notice that the member disputes the attendance records and the reasons thereby.
  - d. The Governor shall grant an excuse for illness of the member when verified by a written sworn statement by the attending physician, or other proper excuse as determined by the Governor.
  - e. After twenty (20) days of the date of the Governor's notice, if no rebuttal is received or other adequate documentation submitted, the member may be removed in accordance with the provisions set forth.
- 4) Reimbursements withheld. Any board or commission member referred to the Governor because of excessive absences under the provisions of this section shall not be entitled to any stipend payments for attending meetings of the board until the board or commission receives notification from the Governor that the member has been excused for the absences.

**Article II: Officers**

**Section 1. Chairperson**

The Governor shall select annually on June 1 a chairperson for the Board from among the representatives of business described in A.C.A 15-4-3704. The Chairperson shall preside at all meetings of the Board and Executive Committee and shall have such other duties, powers, and responsibilities as are assigned by the Board or these by-laws.

**Section 2. Vice-Chairperson**

The Chairperson, upon consultation with the Governor, shall annually select by July 1 a Vice-Chairperson from among the members of the Board. The Vice-Chairperson shall act as Chairperson in the absence or disability of the Chairperson and shall have such other duties, powers and responsibilities as are assigned by the Chairperson, the Board, or these by-laws.

**Article III: Powers and Functions**

**Section 1. Powers and Functions**

The Arkansas Workforce Development Board shall have specific responsibilities as provided in A.C.A. 15-4-3706. The Board also shall have any other responsibilities identified in Public Law 113-128, or assigned by the Governor.

## Article IV: Meetings

### Section 1. Regular Meetings

The Board shall meet at least quarterly at such time and location as the Chairperson may select. The Executive Committee shall meet as needed between the quarterly board meetings at the call of the chair of the executive committee or upon the request of seventy-five percent (75%) of the executive committee members, and the chair of the executive committee shall report any actions of the executive committee to the board at the quarterly meetings. Each other committee shall meet at such times and locations as called by the committee chairperson and consistent with applicable provisions of the Administrative Procedures Act. Communications requesting consideration by the Board from persons not members thereof shall be in writing to the Board director at least twenty (20) days prior to a regularly scheduled Board meeting. Items brought by Board members may be added to the agenda with a two-thirds (2/3) vote of the members present.

### Section 2. Special Meetings

Special meetings of the Board for any purpose may be called by the Chairperson of the Board or upon the written request of a majority of the membership of the Board.

### Section 3. Notice of Meetings

Written notice stating the place, day and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall be deposited in the mail, hand delivered, or sent by way of electronic mail or fax not less than seven (7) days before the date of a regular meeting and not less than one (1) day before the date of a special meeting. Such notice shall be sent to Board members, the media and individuals who have submitted a written request to be notified of meetings.

### Section 4. Order of Business

The regular order of business at all meetings of the Board shall be as follows:

- A. Roll call
- B. Action on the minutes of the preceding meeting(s)
- C. Report of the Chairperson
- D. Report of the staff director
- E. Report of the Executive Committee
- F. Report of the standing committees
- G. Report of any *ad hoc* committees
- H. Other specified agenda items
- I. Communications, petitions and miscellaneous
- J. Adjournment

### Section 5. Rules

Meetings of the Board and its committees shall be conducted in accordance with the policies specified in these by-laws and generally recognized procedures

(e.g., Robert's Rules of Order, the process used by the Arkansas General Assembly, or other common methods of proceeding). Any objections to procedure must be made at the time an action is taken by the Board or committee.

## **Article V: Committees**

### **Section 1. Enumeration and Selection**

There shall be four (4) standing committees of the Board and such other committees as the Board or the Chairperson may determine from time to time to be necessary or appropriate. Unless otherwise specified, committee members and chairpersons shall be appointed by the Chairperson of the Board. The standing committees are as follows:

- A. Executive Committee
- B. Strategic Planning Committee
- C. Program and Performance Evaluation Committee
- D. Temporary Assistance for Needy Families Oversight Committee

### **Section 2. Executive Committee**

The Executive Committee shall be formed and meet as needed between the quarterly board meetings at the call of the chair of the executive committee or upon the request of seventy-five percent (75%) of the executive committee members. Upon the initial meeting of the Workforce Development Board, the Chairperson shall name an interim Executive Committee, which shall expire after six months. The Board shall select an Executive Committee to take effect the seventh month.

The Executive Committee shall have the authority of the Board to act during the interim between Board meetings but shall defer to the Board, whenever practical, action on matters of major policy implications. Executive Committee decisions will be implemented immediately and will be ratified at the next full Board meeting. Between Board meetings the Executive Committee shall review and coordinate the work of the other committees. All Board functions not specifically enumerated and assigned to another committee by these by-laws shall be the responsibility of the full Board and the Executive Committee, unless the function is assigned by the Chairperson to another standing or ad hoc committee.

The membership of the Executive Committee shall include:

- § At least five (5) members representing businesses;
- § At least one (1) chief elected official;
- § At least two (2) representatives of workers;

The Arkansas Department of Workforce Services shall provide staff support to the board.

### Section 3. Strategic Planning Committee

The Strategic Planning Committee shall act in an advisory capacity to the Board to carry out the following functions:

- § The development, implementation, and modification of the state workforce development plan
- § The review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the state to align workforce development programs in the state in a manner that supports a comprehensive and streamlined workforce development system in the state, including the review and provision of comments on the state plan, if any, for programs and activities of one-stop partners that are not core programs;
- § The development and continuous improvement of the workforce development system in the state, including:
  - The identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system;
  - The development of strategies to support the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment;
  - The development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;
  - The development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;
  - The identification of regions, including planning regions, after consultation with local boards and chief elected officials;
- § The development of strategies to support staff training and awareness across programs supported under the workforce development system;
- § The development and review of statewide policies affecting the coordinated provision of services through the state's one-stop delivery system, including the development of—
  - Guidance for the allocation of one-stop center infrastructure funds; and
  - Policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in such system;
- § The development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system, including such improvements to:
  - Enhance digital literacy skills;

- Accelerate the acquisition of skills and recognized postsecondary credentials by participants;
  - Strengthen the professional development of providers and workforce professionals; and
  - Ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas;
- § The development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities, to local areas.

The Committee also will perform other functions related to strategic planning activities. To the extent feasible, appointments to the Strategic Planning Committee shall be similar to the categorical representation of the Board as a whole.

**Section 4. Program and Performance Evaluation Committee**

The Program and Performance Evaluation Committee shall act in an advisory capacity to the Board to carry out the following functions:

- § The continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers with planning and delivering services, including training services and supportive services, to support effective delivery of services to workers, jobseekers, and employers;
- § The development and updating of comprehensive state performance accountability measures, including state adjusted levels of performance, to assess the effectiveness of the core programs in the state;
- § The identification and dissemination of information on best practices, including best practices for:
  - The effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;
  - The development of effective local boards, which may include information on factors that contribute to enabling local boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and
  - Effective training programs that respond to real time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences, and that evaluate such skills, and competencies for adaptability, to support efficient placement into employment or career pathways;
- § Objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers;
- § The preparation of an annual report;
- § The development of the statewide workforce and labor market information system;

- § The development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the state; and
- § The development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs).

To the extent feasible, appointments to the Strategic Planning Committee shall be similar to the categorical representation of the Board as a whole.

**Section 5. Temporary Assistance for Needy Families Oversight Committee**

Temporary Assistance for Needy Families Oversight Committee provides oversight of the Temporary Assistance for Needy Families Program and ensures that all program participants are receiving the assistance, information, and the services needed to help these low-income parents prepare for and connect with employment that will lead to a self-sufficient wage.

The member of the committee shall include:

- § At least five (5) members representing businesses;
- § At least one (1) chief elected official;
- § At least one (1) member from among those members representing workers;
- § The director of the Department of Workforce Services;
- § The director of the Division of County Operations of the Department of Human Services as a standing voting committee member who is also not a member of the Arkansas Workforce Development Board

**Article VI: Quorum and Voting**

**Section 1. Quorum**

A simple majority of the members shall constitute a quorum at Board or committee meetings. Board or committee action shall require a simple majority of those members present during a meeting at which a quorum is present. The Chairperson may determine the method of voting, except that any member may request individual polling. Secret balloting shall not be allowed. Any member may request that his/her vote or abstention be made part of the minutes.

**Section 2. Proxies**

Proxy votes will not be allowed for Board or committee meetings. Proxy representation for agency directors who are unable to be present is expected.

## **Article VII: Public Information**

### **Section 1. Official Pronouncements**

The Chairperson of the Board or his/her designee is the only member of the Board authorized to make official pronouncements for the Board. The staff director, or the agency providing staff support, is authorized to speak for the Board and its membership.

### **Section 2. Releases and General Information**

The staff director, or the agency providing staff support, may issue such news releases, general information and other communications regarding the business of the Board as will serve its interest.

## **Article VIII: Open and Public Meetings**

### **Section 1. Public Business**

The Arkansas Workforce Development Board exists to serve the public interest. Actions of the Board and its meetings shall be conducted openly and in compliance with the Arkansas Freedom of Information Act, ACA 25-19-101, *et seq.*, as amended.

## **Article IX: Amendments**

### **Section 1. Method of Amendment**

These by-laws may be amended or repealed at any regular meeting of the Board by a two-thirds affirmative vote of the Board during a meeting at which a quorum is present, provided that copies of such amendments shall be submitted in writing to each member at least seven (7) days before the meeting at which time they are to be proposed; provided, however, that these by-laws may be adopted initially by a two-thirds affirmative vote of the full Board without regard to the seven (7) day notification period. Amendments must be proposed in writing and may be offered by any member of the Board or by the staff director.

## For Consideration of the Arkansas Workforce Development Board

June 9, 2015

**AGENDA ITEM 3 – ACTION:** Council Resolution 2015-1: Board Member Stipend

**RECOMMENDATION:** It is recommended that the Arkansas Workforce Development Board approve Council Resolution 2015-1 allowing board members to accept a stipend for reimbursement of expenses to attend meetings of the board.

**INFORMATION/RATIONALE:** Arkansas Code Annotated § 15-4-3704 allows the Arkansas Workforce Development Board by a majority vote of the total membership of the board cast during its first regularly scheduled meeting of each calendar year, the board may authorize payment to its members of a stipend not to exceed one hundred ten dollars (\$110) per meeting attended. The board members shall receive no other compensation, expense reimbursement, or in-lieu-of payments as provided in § 25-16-902.

A draft council resolution is attached for consideration by the board.

**ARKANSAS WORKFORCE DEVELOPMENT BOARD  
COUNCIL RESOLUTION NUMBER 2015 – 1**

**WHEREAS**, the Arkansas Workforce Development Board (AWDB) conducts its matters as an entity prescribed by the Workforce Innovation and Opportunity Act (WIOA); and

**WHEREAS**, the ADWB serves the Governor of the State of Arkansas as a policy advisory entity in accordance with WIOA law; and

**WHEREAS**, it has been determined that the AWDB and its activities are encompassed by A.C.A. §15-4-3706; and

**WHEREAS**, A.C.A. §15-4-3704 (h)(1) and (2) states, “By a majority vote of the total membership of the Arkansas Workforce Development Board cast during its first regularly scheduled meeting of each calendar year, the Arkansas Workforce Development Board may authorize payment to the appointed members of a stipend not to exceed one hundred ten dollars (\$110) per meeting attended of the full Arkansas Workforce Development Board or its committees, and the Arkansas Workforce Development Board members shall receive no other compensation, expense reimbursement, or in-lieu-of payments except as provided by A.C.A. §25-16-902.” and “The stipend shall be paid from Workforce Innovation and Opportunity Act funding awarded to the state and authorized for Arkansas Workforce Development Board activities.”

**BE IT RESOLVED**, that the Arkansas Workforce Development Board adopts as its official and stated policy the reimbursement of expenditures to its members in accordance with A.C.A. §15-4-3704 for the entire calendar year of 2015.

## For Consideration of the Arkansas Workforce Development Board

June 9, 2015

**AGENDA ITEM 4 – ACTION:** Committee Assignments

**RECOMMENDATION:** It is recommended that the Arkansas Workforce Development Board members indicate their preference for serving on one of the following committees.

**INFORMATION/RATIONALE:** The Arkansas Workforce Development Board has four standing committees. The committees and their purposes are listed in the board bylaws in Agenda Item 2 of this board book. The board chair of the Arkansas Workforce Development Board is responsible for appointing members to the committees; however, it is important to match up those appointments with interests expressed by the members. A committee assignment preference form will be available at the meeting on June 9 for members to complete. The board chair will take those preferences into consideration when making committee assignments, which will be announced at the July 21, 2015 board meeting.

# For Consideration of the Arkansas Workforce Development Board

June 9, 2015

## **AGENDA ITEM 5 – ACTION:** Input on Local Workforce Development Area Designation

**INFORMATION/RATIONALE:** Per the federal and state Workforce Innovation and Opportunity Act, the Governor is responsible for designating local workforce development areas in Arkansas. Each local workforce development area will have one local workforce development board to oversee operations within the geographical area. In making the determination of local workforce development areas, the Governor shall take into consideration that local workforce development areas are consistent with labor market areas in the state; are consistent with regional economic development areas in the state; and have available federal and non-federal resources necessary to effectively administer activities under the Workforce Innovation and Opportunity Act.

The federal and state WIOA require consultation with the Arkansas Workforce Development Board, chief elected officials (county judges and mayors) and local boards. Information on the Governor's designation plan for local workforce development areas will be provided at the meeting on June 9.

## For Consideration of the Arkansas Workforce Development Board

June 9, 2015

**AGENDA ITEM 6 – ACTION:** Policy on Certification of Local Workforce Development Boards

**RECOMMENDATION:** It is recommended that the Arkansas Workforce Development Board approve the attached policy on Certification of Local Workforce Development Boards.

**INFORMATION/RATIONALE:** The Arkansas Workforce Development Board (AWDB) serves as the Governor’s WIOA State Workforce Development Board. The AWDB’s goal is to assist and advise the Governor through recommendation of policies and strategies to increase coordination and thus efficiencies of operation between all workforce development programs.

Each WIOA local workforce development area is required to establish and maintain a local workforce development board. The chief elected officials (county judges and mayors) appoint the local Board, which is certified every two (2) years by the Governor.

The local board is part of a statewide workforce development system which is business-driven, customer-centric, streamlined, and outcome oriented. The local board is expected to carry out strategies and policies that support both the economic development mission(s) of the local area and the AWDB’s goals. The local Board sets policy for the local area, in the context of broader state policy, and shall act as the regional strategic leader, or acts in partnership with a designated regional leader, in addressing workforce development issues, including but not limited to WIOA activities.

The attached policy provides guidance to chief elected officials in appointing the local board members and the initial and subsequent certification of the boards.

This policy has been reviewed by the directors and staff of the current ten local workforce investment boards established under the Workforce Investment Act (predecessor to WIOA) and the WIOA Roundtable Policy Committee, which is made up of staff members from the Arkansas Department of Workforce Services, Arkansas Department of Career Education, Arkansas Rehabilitation Services, Division of Services for the Blind of the Department of Human Services, Registered Apprenticeship, and local workforce board directors. The feedback received from these groups was considered and incorporated where possible into the final draft presented for the board’s consideration.



Policy Number: \_\_\_\_\_ Effective Date: \_\_\_\_\_

## Certification of Local Workforce Development Boards

### PURPOSE:

To describe the purpose of and criteria for establishing and certifying a local Workforce Development Board under the Workforce Innovation and Opportunity Act (WIOA).

### REFERENCES

Workforce Innovation and Opportunity Act, P.L. 113-128, Section 107  
Arkansas Code Annotated §15-4-3709 and §15-4-3710

### POLICY

The Arkansas Workforce Development Board (AWDB) serves as the Governor’s WIOA State Workforce Development Board. The AWDB’s goal is to assist and advise the Governor through recommendation of policies and strategies to increase coordination and thus efficiencies of operation between all workforce development programs.

Each WIOA local workforce development area is required to establish and maintain a local workforce development board. The Chief Elected Officials (CEOs) appoint the local Board, which is certified every two (2) years by the Governor.

The local board is part of a statewide workforce development system which is business-driven, customer-centric, streamlined, and outcome oriented. The local board is expected to carry out strategies and policies that support both the economic development mission(s) of the local area and the AWDB’s goals. The local Board sets policy for the local area, in the context of broader state policy, and shall act as the regional strategic leader, or acts in partnership with a designated regional leader, in addressing workforce development issues, including but not limited to WIOA activities.

The local board must be led by committed business leaders who can ensure that the local workforce development system is responsive to current and projected labor market demand, will contain a broad range of partners needed to develop a comprehensive vision for the local workforce system, and will focus on strategic decisions, not operational management.

The local board has responsibility for making the following critical decisions:

- § How best to organize the regional workforce system so as to most effectively serve the needs of the current and emerging private sector employers and job seekers.
- § How best to provide comprehensive services to regional private sector employers;

- § How best to deploy available resources to achieve negotiated local performance accountability measures and build capacity for continuous improvement;
- § How to expand the resource base and service capability through the development of strategic partnerships, an integrated service delivery system, and generation of additional public and private funding.

The local board carries out their responsibilities in partnership with local chief elected officials. The joint responsibilities include, but are not limited to the following:

- § Developing a vision and goals for the local workforce development system that are aligned with both the economic development mission(s) for the local area and AWDB's goals.
- § Development of the four-year local strategic plan;
- § Selection of one-stop operator(s) and locations;
- § Selection of training providers;
- § Approval of the local one-stop operation(s) budget;
- § Program oversight;
- § Negotiations with the Governor to reach agreement on local performance accountability measures; and
- § Any other activities as required by the Arkansas Workforce Innovation and Opportunity Act § 15-4-3711, or by the Governor.

A Chief Elected Official Agreement to deliver these responsibilities is required where a local area includes more than one unit of local government. The term "Chief Elected Official" means the chief elected officer of a unit of general local government in a local area. This agreement must specify the entity who will serve as the fiscal and administrative agent, as well as the roles of the individual chief elected officials in regard to local board nominations and appointments and carrying out all other responsibilities assigned to the Chief Elected Officials under WIOA.

An agreement between the Chief Elected Officials and the local board is also required, and must be executed no later than September 30, 2015. This agreement must specify the roles of the Chief Elected Officials and the local board and how each will carry out their partnership responsibilities under WIOA. This agreement must be updated within sixty (60) days when new CEO's are elected.

The guidelines for establishment of the local Board include the following sections:

1. Composition of the Local Board
2. Local Board Appointment Process
3. Functions of the Local Board
4. Conflict of Interest
5. Certification of the Local Board

## 1. Composition of the Local Board

A complete list of mandatory and optional local Workforce Development Board members can be found in A.C.A § 15-4-3709 of the Arkansas Workforce Innovation and Opportunity Act and this policy.

Please note there is no limit to the number of members that the local board shall have on its roster, but it must include all mandatory members and maintain the proper membership category percentages as detailed below. Consequently, local board members can represent more than one (1) membership category and do not have the prohibition of dual representation.

### A. Mandatory Members

- § At least 51% of the members must be made up of private sector business representatives located in the local workforce development area. This includes small business or organizations representing business that provide employment opportunities, that at a minimum include high-quality, work relevant training and development in in-demand industry sectors or occupations in the local workforce development area. This includes representatives nominated by local business organizations and business trade associations.
- § Not less than 20% of the members of the local board shall be representatives of the workforce within the local area, including:
  - At least two (2) representatives of organized labor (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations or for a local area in which no employees are represented by such labor organizations other representatives of employees;
  - At least one (1) representative, who shall be a member of a labor organization or a training director, from a joint-labor management apprenticeship program, or if no such program exists in the area, such a representative of an apprenticeship program in the area, if one exists
  - May include representatives of community-based organizations that have 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
- § At least one (1) representative from among nominations made by the Director of the Arkansas Department of Workforce Services (ADWS) to represent WIOA Title III activities for the local area.
- § At least one (1) representative from among nominations made by the Director of the Arkansas Department of Career Education to represent Title II Adult Education and Literacy activities administered locally.

- § At least one (1) representative from higher education providing workforce investment activities, including without limitation community colleges;
- § At least one (1) representative from among nominations made by the Director of the Arkansas Rehabilitation Services to represent WIOA Title IV activities for the local area;
- § At least one (1) representative from among nominations made by the Director of the Division of Services for the Blind of the Arkansas Department of Human Services to represent Title IV activities for the local area

**B. Optional Members**

- § A representative of an entity that administers programs serving the local area relating to transportation, housing, and public assistance.
- § A representative of higher education providing WIOA activities.
- § A representative of a philanthropic organization.
- § Any other individual or representative of an entity as the chief elected officials in the local area shall determine to be appropriate.

**C. Chairperson**

The members of the local board will elect a chairperson annually from among the private sector business representatives. The chairperson serves as the Executive Committee Chair and selects the chairs for all standing committees and taskforces of the local board.

**D. Membership Terms**

- § Members of the board must be individuals with optimum policy making authority within the organizations, agencies, or entities they represent.
- § Members of the board shall be appointed for staggered terms. The specifics shall be outlined in the local board's by-laws.
- § Private sector representatives shall be an appropriate mix of small, medium and large employers that reflect the local labor market, i.e., the business representation shall reflect the industry mix in the local labor market.
- § Individuals serving on the local Board who subsequently retire or no longer hold the position that made them eligible board members shall not continue to serve on the local board.
- § Vacancies resulting from resignations or removal of mandatory members must be filled within 60 days.

## E. Local Board Appointment Process

### Nominations & Selection

The Chief Elected Officials must contact the appropriate entities in the local area for nominations to appoint members and/or to fill vacancies on the local board from business, local educational entities, and labor representatives. Chief Elected Officials shall also design a process for nominations of individuals and other types of representation the officials would like to include on the local board. Vacancies subsequent to the establishment of the local board must be filled in the same manner as the original appointments.

Private sector representatives are to be selected from among individuals nominated by local business organizations (ex. business trade associations, chamber of commerce, economic development agencies). Individual businesses may also nominate themselves or provide nominations of other businesses to the Chief Elected Officials. Private sector representatives can include owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy making or hiring authority.

Local educational entity representatives must be selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities including local school boards, entities providing vocational education, entities providing secondary adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist).

State government representatives must be selected from among individuals nominated by the director of the respective state agency for which representation is needed.

Labor representatives must be selected from among individuals nominated by local labor federations (or in a local area in which no employees are represented by such organizations, other representatives of employees, such as employee organizations and/or the state AFL-CIO).

For all other members, local chief elected officials shall consult with the appropriate groups in the local area for possible individuals to serve, including:

- § Representatives of community-based organizations, including organizations representing individuals with disabilities and veterans where such organizations exist in the area.
- § Representatives of local economic development agencies, including private sector economic development entities.

## F. Functions of the Local Board

### A. Responsibilities

- § The local board shall enter into an agreement with the Chief Elected Officials clearly detailing the partnership between the two entities for the governance and oversight of activities under the WIOA.
- § The local board shall develop a budget for the purpose of carrying out the duties of the local Board. The Chief Elected Officials must approve the budget.
- § The local board may solicit and accept grants and donations from sources other than federal funds made available under WIOA assuming it has organized itself in a manner to do so.
- § The local board, in partnership with Chief Elected Officials, shall develop the vision, goals, objectives, and policies for the local workforce development area. The vision shall be aligned with both the economic development mission(s) for the local area and AWBD's goal.
- § The local board, in partnership with the Chief Elected Officials, shall develop and submit to the Governor, a local strategic plan that meets the requirements in Section 108 of the Workforce Innovation and Opportunity Act.
- § The local board, with the agreement of the Chief Elected Officials, shall designate or certify one-stop operator(s) and shall terminate for cause the eligibility of one-stop operators.
- § The local board shall select eligible providers of youth activities by awarding grants or contracts on a competitive basis.
- § The local board shall identify eligible providers of training services for adults and dislocated workers.
- § The local board, in partnership with the Chief Elected Officials, shall conduct oversight with respect to local programs of youth, adult, and dislocated worker activities authorized under the WIOA.
- § The local board, in partnership with the Chief Elected Officials, will negotiate and reach agreement with the Arkansas Workforce Development Board (ADWB) on behalf of the Governor on local performance accountability measures.
- § The local board shall assist the Governor in developing a statewide employment statistics system.
- § The local board shall coordinate the workforce activities authorized under WIOA with local economic development strategies, and develop employer linkages with those activities.

- § The local board shall promote the participation of local private sector employers through the statewide workforce development system.
- § The local board may employ staff and/or utilize other options for carrying out these responsibilities.
- § The local board is responsible for any other activity as required by the Workforce Innovation and Opportunity Act, Section 107 (d) or by the Governor.

#### **B. Restrictions**

- § The local board may not provide training services unless granted a waiver by the Governor due to an insufficient number of eligible providers of training services to meet the local area demand. The waiver shall apply for not more than one (1) year and shall be renewed for not more than one (1) additional year.
- § The local board may not mandate curricula for schools.
- § The local board may not be designated or certified as a one-stop operator unless an agreement is reached with the chief elected officials and the Governor.

#### **C. Local Board Meetings**

- § All local boards are required to meet at least quarterly or at the call of the chair or upon written request of a majority of the members of the local workforce development board.
- § A simple majority of the local workforce development board shall constitute a quorum.
- § The local board shall share information regarding its meetings and activities with the public subject to the provisions of the Arkansas Freedom of Information Act.
  - The local board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operator(s) consistent with the State plan, and the award of grants or contracts to eligible providers of youth activities, and minutes for formal meetings of the local board.
  - In order to comply with the Sunshine Provisions, each local board and any subcommittee authorized to take official action on behalf of the local Board must do the following:
    - § Take official action and engage in deliberations only at meetings open to the public. "Official action" includes making recommendations, establishing policy, making decisions, and/or voting on matters of local

board business. "Deliberations" are discussions of local board business necessary in order to reach decisions.

- § Ensure that all meetings are held in an accessible location for the disabled and that all information is provided in accessible and alternate formats.
  - § Give public notice of meetings in accordance with applicable state code provisions, including public notice in advance of any special meeting or rescheduled regular meeting. No public notice need be given of an emergency meeting called to deal with a real or potential emergency involving a clear and present danger to life or property.
  - § Insure that votes of local board members be publicly cast and, in the case of roll call votes, recorded.
  - § Keep written minutes of all public meetings, including date, time and place of the meeting, members present, the substance of all official actions, a record of roll call votes, and the names of any citizens who appeared and gave testimony.
- § Closed executive sessions may be used according to the provisions of the Arkansas Freedom of Information Act. Such session may be held during or after an open meeting, or may be announced for a future time. If a closed session is not announced for a specific time, local board members must be notified 24 hours in advance of the date, time, location and purpose of the session. The reason for holding an executive session must be announced at the open meeting either immediately prior or subsequent to the executive session.
- § Official action on any matter discussed at an executive session must be taken at an open meeting.

#### **G. Conflict of Interest**

All members of the local board serve a public interest and trust role and have a clear obligation to conduct all affairs in a manner consistent with this concept. All decisions of the board are to be based on promoting the best interest of the state and the public good.

Accordingly:

- § All members of the local board are subject to the provisions of A.C.A §21-8-1001, A.C.A. §21-8-1002, A.C.A. §21-8-101, A.C.A. § 21-8-304.
- § The local board shall adopt in its bylaws a conflict of interest policy meeting the minimum standards set forth in the provisions of A.C.A §21-8-1001, A.C.A. §21-8-1002,
  - A.C.A. §21-8-101, A.C.A. § 21-8-304. The conflict of interest standards shall apply to all board members (voting and non- voting).

- § A member of a local board must neither cast a vote on, nor participate in, any decision-making capacity on the provision of services by such member (or by an organization that such member directly represents); nor on any matter that would provide any direct benefit to such member or the immediate family of such member. Immediate family means (1) a spouse and (2) any other person residing in the same household as the member, who is a dependent of the member or of whom the member is a dependent. Dependent means any person, whether or not related by blood or marriage, which receives from the member, or provides to the member, more than one-half of his financial support.
- § Any board member (or specific entity represented by that member) who participates in the development of contract specifications or standards is prohibited from receiving any direct financial benefit from any resulting contract.
- § Any board member who participates in a board decision relating to specific terms of a contract, the determination of specific standards for performance of a contract, the development of Invitations for Bid or Requests for Proposals or other such bid processes leading to a contract, or any similar decisions is prohibited from receiving any direct financial benefit from any resulting contract. In addition, no corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust, foundation or other entity shall receive the contract if it would create a conflict of interest for the Board member who participated in this manner.
- § Any board member with a potential or actual conflict of interest must disclose that fact to the local Board as soon as the potential conflict is discovered and, to the extent possible, before the agenda for the meeting involving the matter at issue is prepared. If it is determined during a meeting that a conflict of interest exists, the member must verbally declare such conflict of interest, such declaration must be clearly noted in the minutes, and such member must excuse himself from the remainder of the discussion and voting on that item. Each board member is responsible for determining whether any potential or actual conflict of interest exists or arises for him or herself during his tenure on the board.
- § If a contract or purchase is made by the local board involving its own member with a conflict of interest, the local board shall justify the terms and conditions of the contract or purchase and document that the contract or purchase was adequately bid or negotiated and that the terms of the contract or price of the purchase are fair and reasonable.
- § Local board members who are also one-stop center operators shall not serve on any committees that deal with oversight of the one-stop system or allocation of resources that would potentially be allocated to that member's program.
- § All members of the local board are subject to all other provisions of the Arkansas State law not outlined above.

## **H. Certification of the Local Board**

### **A. Local Level Responsibilities**

- § The Chief Elected Officials shall submit a local board membership appointment form for each board member. Information to be reported on the forms includes the names of the individuals appointed as members of the local board, their title, company or agency name, address, E-mail address, and telephone fax numbers, nominating entity (where applicable), appointment/term expiration date, and sector representation. For business representatives, the industry sector and whether the business is small or large shall be reported. See Membership Appointment Form in Attachment A.
- § The Chief Elected Official must submit a local board Membership Certification form that lists the names of individuals appointed as members of the local board, their title, company or entity name, and sector representation. The Membership Certification form must be submitted by July 31, 2015; however, local Chief Elected Officials are encouraged to make appointments as expeditiously as possible. The Membership Certification must be submitted electronically by E-mail to [wioa@arkansas.gov](mailto:wioa@arkansas.gov).
- § Nominations and completed appointment forms must be kept on file at the local level and must be made available for review during the monitoring of the local board by the Arkansas Department of Workforce Services.
- § The local board must meet 30 days after the Governor's notification of certification approval to elect a chairperson.
- § The name and contact person for the chairperson, as well as any subsequent changes in the chairperson designation, must be submitted to Arkansas Department of Workforce Services, Office of Employment Assistance within ten (10) days of the election.
- § The Chief Elected Officials must submit to the Arkansas Workforce Development Board every two (2) years its updated local board membership information and at the request of the Arkansas Department of Workforce Services.

#### **B. Governor's Responsibility**

- § The Arkansas Workforce Development Board will recommend the certification of the local board to the Governor upon its determination that the composition of the board and the appointment of the individuals to the board are consistent with the criteria established in the Arkansas Workforce Innovation and Opportunity Act.
- § Subsequent certification of the local board is required every two (2) years by the Governor with the recommendation from the Arkansas Workforce Development Board.
- § The Governor will notify the Chief Elected Official of certification or denial of the proposed local board. The criteria for the initial certification will be based on the relevant composition requirements in the Arkansas Workforce Innovation and Opportunity Act. And this policy.

- § If after a reasonable effort, the Chief Elected Officials in a local area with multiple units of local government are unable to reach an agreement as described above, the Governor will appoint the members of the local board from individuals nominated as described above.
- § For subsequent certifications of the local board, in addition to compliance with composition requirements, the Governor will consider the extent to which the local area have enabled the local area to meet the local performance measures and the board's success in carrying out the functions listed in these guidelines.
- § If a local board fails to achieve certification, the Chief Elected Official will be required to reappoint and submit membership listing following the procedures outlined above.

**[LWDB Name] Workforce Development Board  
Member Appointment**

New Appointment       Reappointment

Name of Appointee			
Title, Organization			
Address			
Phone		County	
Email		Minority?	
Industry Represented		Small Business?	

**Term**

Term Start Date		Term Expiration	
-----------------	--	-----------------	--

**Membership Representation (Check all that apply)**

- |  |  |
|--|--|
| <input type="checkbox"/> Organized Labor                       | <input type="checkbox"/> Adult Education           |
| <input type="checkbox"/> Registered Apprenticeship             | <input type="checkbox"/> Vocational Rehabilitation |
| <input type="checkbox"/> Community-Based Organization          | <input type="checkbox"/> Higher Education          |
| <input type="checkbox"/> Youth Services Organization           | <input type="checkbox"/> Local Education Entities  |
| <input type="checkbox"/> Joint Labor-Management Apprenticeship | <input type="checkbox"/> Other (specify below)     |

Category:

- Business
- 20% Representatives of Workforce
- Education
- Government and Economic Development
- Other

**Nominating Party**

Name	
Organization	
Address	

**Chief Elected Official Approval**

Printed Name/Title	Signature	Date

[LWDB Name] Workforce Development Board Certification  
**Board Member Roster**

<b>Date of Submission</b>	
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**Membership Summary**

Category	Count of Members	Percentage of Board Membership
Business		%
Representatives of the Workforce		%
Education Entities		%
Government and Economic Development		%
Other		%
<b>Total</b>		<b>100%</b>

**Business Representatives** (minimum 51% of board)

Name	Company	Title	Optimum policy-making or hiring Authority (Yes or No)	Employment opportunities reflect high quality work-relevant training and development in in-demand industry sectors or occupations (Yes or No)	Nominated by local business or trade association (Yes or No)	Small Business (Yes or No)	Minority (Yes or No)

**Representatives of the Workforce** (minimum 20% of board)

Name	Company	Title	Category	Optimum policy-making or hiring Authority (Yes or No)	Minority (Yes or No)
			Organized Labor		
			Organized Labor		
			Labor-Apprenticeship Partnership		

**Education Entities**

Name	Company	Title	Category	Optimum policy-making or hiring Authority (Yes or No)	Minority (Yes or No)
			Adult Education & Literacy		
			Institution of Higher Education		

**Government and Economic Development**

Name	Company	Title	Category	Optimum policy-making or hiring Authority (Yes or No)	Minority (Yes or No)
			Economic & Community Development		
			Wagner-Peyser Program		
			Rehabilitation Services – ARS		
			Rehabilitation Services - DSB		



## For Consideration of the Arkansas Workforce Development Board

June 9, 2015

**AGENDA ITEM 7 – ACTION:** Policy on Chief Elected Officials Roles and Responsibilities

**RECOMMENDATION:** It is recommended that the Arkansas Workforce Development Board approve the attached policy on the roles and responsibilities of the chief elected officials.

**INFORMATION/RATIONALE:** The Chief Elected Official is the chief elected executive officer of a unit of general local government in a local area. In a case in which a local area includes more than one unit of general local government, the chief elected officials of such units shall execute an agreement that specifies the respective roles of individual elected officials in the appointment of members of the local board.

In accordance with Arkansas Workforce Innovation and Opportunity Act, CEOs of Local Workforce Development Areas are tasked with the following responsibilities:

- Appointment of members of the Local Workforce Development Board
- Local grant recipient for funds allocated to the local area
- Submission of the local plan
- Approval of the designation and certification of one-stop operators
- Coordinate Memorandum of Understanding with one-stop partners
- Oversight of the one-stop delivery system
- Approval and oversight of the Local Workforce Development Board Budget

The attached policy provides guidance to chief elected officials on their role under the Workforce Innovation and Opportunity Act. The Arkansas Department of Workforce Services will provide training to the chief elected officials on June 17 and 18 regarding this policy and provide an opportunity for questions and answers.

This policy has been reviewed by the directors and staff of the current ten local workforce investment boards established under the Workforce Investment Act (predecessor to WIOA) and the WIOA Roundtable Policy Committee, which is made up of staff members from the Arkansas Department of Workforce Services, Arkansas Department of Career Education, Arkansas Rehabilitation Services, Division of Services for the Blind of the Department of Human Services, Registered Apprenticeship, and local workforce board directors. The feedback received from these groups was considered and incorporated where possible into the final draft presented for the board's consideration.



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Policy Number: \_\_\_\_\_ Effective Date: \_\_\_\_\_

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## Roles and Responsibilities of Chief Elected Officials

### Purpose:

The purpose of this policy is to outline and define the roles and responsibilities of the Chief Elected Officials (CEO) of the Local Workforce Development Areas (LWDA) in accordance with the federal Workforce Innovation and Opportunity Act of 2014 and Arkansas Workforce Innovation and Opportunity Act of 2015.

### Reference:

The Workforce Innovation and Opportunity Act (WIOA), Section 3, 107, 108, and 121.  
Arkansas Annotated Code §15-4-3703, §15-4-3708, and §15-4-3709

### Policy:

The Chief Elected Official is the chief elected executive officer of a unit of general local government in a local area. In a case in which a local area includes more than one (1) unit of general local government, the chief elected officials of such units shall execute an agreement that specifies the respective roles of individual elected officials in the appointment of members of the local board from the individuals nominated or recommended to be such members in accordance with standards set forth in WIOA Section 107(b); and in carrying out any other responsibilities assigned to such officials under Title I.

In accordance with Arkansas Workforce Innovation and Opportunity Act, CEOs of Local Workforce Development Areas are tasked with the following responsibilities:

- Appointment of members of the Local Workforce Development Board
- Local grant recipient for funds allocated to the local area
- Submission of the local plan
- Approval of the designation and certification of one-stop operators
- Coordinate Memorandum of Understanding with one-stop partners
- Oversight of the one-stop delivery system
- Approval and oversight of the Local Workforce Development Board Budget

Additionally, an agreement between the Chief Elected Officials and the local board is required, and must be executed no later than September 30, 2015. This agreement must specify the roles of the Chief Elected Officials and the local board and how each will carry out their partnership responsibilities under WIOA. This agreement must be updated within sixty (60) days when new CEO's are elected.

## **Appointment of the Members of the Local Workforce Development Board**

The Chief Elected Official (CEO) in a local area is authorized to appoint the members of the local workforce development board in accordance with State criteria established by the Governor in partnership with the State board. The Chief Elected Official Agreement should include how the CEOs will collectively appoint members to the local workforce development board.

For further details on local board composition, see the Policy on State Certification of Local Workforce Development Boards.

### **Local Grant Recipient for Funds Allocated to the Local Area**

The CEO in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area, unless the CEO reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

In order to assist in the administration of the grant funds, the CEO or the Governor, where the Governor serves as the grant recipient for the local area, may designate an entity to serve as a local grant sub-recipient for such funds or as a local fiscal agent. Such designation shall not relieve the CEO or the Governor of the liability for misuse of the funds.

#### **The CEO Agreement**

Options available to the CEO may include, but are not limited to:

- Name one CEO (and their unit of general local government) to serve as grant recipient;
- Negotiate with the Governor for the Governor to serve as grant recipient or to appoint a grant sub-recipient or fiscal agent;
- Appoint an entity to serve as the grant sub-recipient or fiscal agent and document such appointment in the CEO agreement; or
- Other locally developed procedures consistent with the Act and described in the CEO agreement.

Further, the CEO agreement should respond to the following:

- If a single CEO is appointed as grant recipient, will the unit of general local government of that CEO bear full liability for misuse of grant funds?
- Will the liability for misuse of grant funds be vested proportionately among the units of general local government based on population, number of participants, or other factors determined locally?
- If the CEOs appoint a grant sub-recipient or fiscal agent, will there be a written agreement with that entity and is it understood that such designation shall not relieve the CEO or the Governor (where the Governor serves as the local grant recipient for a local area) of the liability for any misuse of grant funds?

## Submission of the Local Plan

Each local board shall develop and submit to the Governor a four (4) year local plan (beginning July 1, 2016), in partnership with the CEO. The local plan shall support the strategy described in the State plan in accordance with section 102(b)(1)(E), and otherwise be consistent with the State plan. If the local area is part of a planning region, the local board shall comply with section 106(c) in the preparation and submission of a regional plan. At the end of the first two (2) year period of the four (4) year local plan, each local board shall review the local plan and the local board, in partnership with the CEO, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

### The CEO Agreement

Options available to the CEO may include, but are not limited to:

- Review and approve, as a body, the plan as developed by the Local Workforce Development Board;
- Appointment of a committee of CEOs to develop the plan in conjunction with a similar committee of the Local Workforce Development Board;
- Designate one or more CEOs to serve on the Local Workforce Development Board's planning committee;
- Designate one or more CEOs to monitor the Local Workforce Development Board's planning committee and report to the CEOs; or
- Other locally developed procedures consistent with the Act and described in the CEO agreement.

## Approval of the Designation and Certification of One-Stop Operators

Consistent with an approved State plan, the local board, with the agreement of the CEO, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators.

Required one-stop partners are entities that carry out the following:

- Programs carried out under Title I [Workforce Development Activities] of WIOA;
- Programs authorized under Wagner-Peyser;
- Adult education and literacy activities authorized under Title II of WIOA;
- Programs authorized under Title I of the Rehabilitation Act of 1973 (other than Sec. 112 [Client Assistance Program under Basic Vocational Rehabilitation Services] or part C [American Indian Vocational Rehabilitation Services] of Title I of such Act);
- Activities authorized under Title V [Community Service for Older Americans] of the Older American Act of 1965;
- Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006;
- Activities authorized under chapter 2 [Adjustment Assistance for Workers] of Title II of the Trade Act of 1974;
- Activities authorized under chapter 41 of title 38, United States Code [Job Counseling, Training, and Placement Service for Veterans];
- Employment and training activities carried out under the Community Services Block Grant;

- Employment and training activities carried out by the Department of Housing and Urban Development;
- Programs authorized under State unemployment compensation laws;
- Programs authorized under section 212 [Responsible reintegration of offenders] of the Second Chance Act of 2007; and
- Programs authorized under part A [Block Grants to States for Temporary Assistance for Needy Families] of Title IV of the Social Security Act, unless the option to remove the entity carrying out such programs as a required partner is exercised by the Governor in accordance with WIOA Sec. 121(b)(1)(C).

With the approval of the local board and CEOs, other entities that carry out workforce development programs may be one-stop partners for the local area and carry out responsibilities described in Sec. 121(b)(1)(A).

### **The CEO Agreement**

Options available to the CEO may include, but are not limited to:

- Review and approve, as a body, actions taken by the Local Workforce Development Board relating to the designation of one-stop operators and their termination for cause;
- Appointment of a committee of CEOs to review actions of the Local Workforce Development Board relating to designation of one-stop operators and their termination for cause; or
- Other locally developed procedures consistent with the Act and described in the CEO agreement.

The method chosen by the CEOs should be outlined in their CEO Agreement.

## **Memorandum of Understanding with One-Stop Partners**

The local board, with the agreement of the CEO, shall develop and enter into a memorandum of understanding (between the local board and one-stop partners) concerning the operation of the one-stop delivery system in the local area.

### **The CEO Agreement**

Options available to the CEO may include, but are not limited to:

- Review and approve, as a body, the memorandum of understanding developed by the Local Workforce Development Board;
- Appoint a committee of CEOs to assist the Local Workforce Development Board (or relevant committees thereof) in the development of the memorandum of understanding;
- Appoint a committee of CEOs to review and approve the memorandum of understanding; or
- Other locally developed procedures consistent with the Act and described in the CEO agreement.

The method chosen by the CEOs should be outlined in their CEO Agreement.

## **Oversight of the One-Stop Delivery System**

Consistent with an approved State plan, the local board for a local area, with the agreement of the CEO, shall conduct oversight with respect to the one-stop delivery system in the local area.

### **The CEO Agreement**

Options available to the CEO may include, but are not limited to:

- Review and approve, as a body, monitoring activities of the Local Workforce Development Board;
- Appoint CEOs from the local area to serve on a monitoring committee of the body of CEOs, which will review and approve monitoring activities of the Local Workforce Development Board;
- Appoint one or more CEOs from the local area to serve on the monitoring committee of the Local Workforce Development Board; or
- Other locally developed procedures consistent with the Act and described in the CEO agreement.

The method chosen by the CEOs should be outlined in their CEO Agreement.

### **Local Workforce Development Board Budget**

The local board shall develop a budget for the activities of the local board, consistent with the local plan and the duties of the local board, subject to the approval of the CEO.

### **The CEO Agreement**

Options available to the CEO may include, but are not limited to:

- Review and approve, as a body, the budget of the Local Workforce Development Board;
- Appoint CEOs to serve on a budget committee of the body of CEOs, which will review and approve monitoring activities of the Local Workforce Development Board, with or without further approval by the CEOs as a body;
- Appoint one or more CEOs to serve on the budget committee of the Local Workforce Development Board; or
- Other locally developed procedures consistent with the Act and described in the CEO agreement.

The method chosen by the CEOs should be outlined in their CEO Agreement.

## For Consideration of the Arkansas Workforce Development Board

June 9, 2015

**AGENDA ITEM 8 – ACTION:** Eligible Training Provider Initial Eligibility Certification Process

**RECOMMENDATION:** It is recommended that the Arkansas Workforce Development Board approve the attached policy regarding Eligible Training Provider Initial Eligibility Certification.

**INFORMATION/RATIONALE:** Under the Workforce Innovation and Opportunity Act (WIOA), in an effort to ensure that only quality training that leads to employment is available to jobseekers, the State must ensure that a process is in place to determine eligible providers of training. Under WIOA, this process is two-fold—1) initial eligibility and 2) subsequent eligibility. For WIOA implementation purposes, only the initial eligibility process has to be in place by July 1, 2015. This represents an application process for new training providers that have never provided training under the Workforce Investment Act program. A policy for subsequent eligibility must be in place by December 2015. A process for subsequent eligibility is being researched and information will be provided at the July and October 2015 board meetings.

The attached policy provides a process to determine initial eligibility for training providers.

This policy has been reviewed by the directors and staff of the current ten local workforce investment boards established under the Workforce Investment Act (predecessor to WIOA) and the WIOA Roundtable Policy Committee, which is made up of staff members from the Arkansas Department of Workforce Services, Arkansas Department of Career Education, Arkansas Rehabilitation Services, Division of Services for the Blind of the Department of Human Services, Registered Apprenticeship, and local workforce board directors. The feedback received from these groups was considered and incorporated where possible into the final draft presented for the board's consideration.



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Policy Number: \_\_\_\_\_ Effective Date: \_\_\_\_\_

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## Eligible Training Provider Initial Eligibility Certification Policy

### Purpose:

The purpose of this policy is to outline the certification process for new eligible training providers in accordance with the federal Workforce Innovation and Opportunity Act of 2014.

### Reference:

The Workforce Innovation and Opportunity Act (WIOA), Section 122.

### Policy:

To be included on the Eligible Training Provider List (ETPL), providers must submit an electronic application to the Local Workforce Development Board (LWDB) for the area where they wish to provide training services. A separate electronic application must be submitted for each training program. Also, if applying for a training program to be offered at different training locations, a separate electronic application is required for each training location. Each training program must be on the current *Projected Employment Opportunities List*.

Providers who may apply to be included on the ETPL include:

- An institution of higher education that provides a program that leads to a recognized postsecondary credential;
- Another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities, if such activities are provided in combination with occupational skills training. These providers must have all appropriate licenses to operate in the State of Arkansas and will be required to submit copies of such licenses. The information will then be verified by the Arkansas Department of Workforce Services (ADWS).

An entity that carries out programs under the National Apprenticeship Act will be included and maintained on the ETPL for so long as their program remains registered. These providers will be required to contact ADWS to make known their desire to be listed and provide documentation that verifies their program is a registered apprenticeship program certified by the U.S. Department of Labor, Office of Apprenticeship.

The first step of the process is to determine if a provider is qualified to apply using initial eligibility status. All provider/program combinations that have not been previously eligible under WIOA Section 122 or the Workforce Investment Act Section 122 may apply under these rules.

### **Projected Employment Opportunities:**

All training must be directly linked to employment opportunities either in the local area or in an area to which the individual is willing to relocate. If a local area does not have a particular occupation on its projected employment opportunities list, they may send a participant to, or a customer may choose, a training provider/program not approved by their LWDB if that participant agrees in writing that s/he would be willing to relocate or commute to become employed in that occupation.

An occupation is considered an employment opportunity for a local area if it appears on the *Projected Employment Opportunities List* for the State or local area as published by the Labor Market Information (LMI) division of the Arkansas Department of Workforce Services. Occupations on an adjacent local area's list, including local areas in other states, may also be considered employment opportunities in the local area. If a local area would like to train in an occupation that is not on their local area's projected employment opportunities list, but is on the list of an adjacent area, they should contact the Labor Market Information division of the Arkansas Department of Workforce Services to have the occupation added within the Arkansas Consumer Report System web site. For local areas in other states, the LWDB must provide the adjacent area's projected employment opportunities list, along with the adjacent state's contact information and the training occupations before the occupations can be added to the Arkansas Consumer Report System.

### **Required Information for Initial Eligibility:**

The information to be included on the initial application is described below.

1. A description of the training program to be offered including the costs of tuition, books and fees.
2. The program completion rate for **all** individuals participating in the applicable program to be offered by the provider.  
**To calculate:** The number of all participants who completed the program/course during the reporting period divided by the total number of all participants.
3. If the training provider is in a partnership with business/industry and an explanation of the partnership.
4. If the training program leads to a recognized postsecondary credential and a description of the credential.
5. If the program aligns with in-demand industry sectors and occupations.

### **The Initial Eligibility Certification Process:**

1. Providers eligible to apply under this section will complete an online electronic application for "initial certification" through the automated Arkansas Consumer Report System (ACRS) located at [www.arkansascrs.org](http://www.arkansascrs.org). Providers must apply for each individual program. If

multiple training locations exist, an application must be made for each location. Providers may make application to any or all Local Workforce Development Boards (LWDBs) at the same time.

2. The LWDBs will receive the application via Internet file if (1) The program's CIP Code appears on the current *Projected Employment Opportunities List* for the State or Local Workforce Development Area, and (2) Required items are complete and meet minimum qualifications.
3. The LWDB will electronically approve or disapprove each application received via the Internet. The LWDB is responsible for ensuring that the provider's performance information meets or exceeds the State minimum levels.
4. Upon approval by the LWDB, the provider will be automatically placed on the ACRS website as a WIOA Eligible Training Provider for the applicable program.

If the training provider does not have performance data because the training program is a new program, then the provider must submit the following information to the LWDB of application to include:

1. Written justification for the missing data, and
2. The process that will be used to track and record the required information for re-certification.

The LWDB may choose to waive the performance documentation requirement in this situation. The LWDB should submit in writing their intentions to do so to the Arkansas Department of Workforce Services LMI division for processing of the application to continue.

LWDBs have the authority to increase the levels of performance required by the State, and require additional verifiable program-specific information from training providers for initial eligibility. The Department of Workforce Services/LMI division must be notified if these levels of performance are increased.

### State Minimum Performance Standards for Training Providers

<i>Performance Measure</i>	<i>Calculation</i>	<i>State Minimum Level</i>
<b>ALL PARTICIPANT PERFORMANCE MEASURES</b> Programs must meet the State minimum level for the performance measure.		
Program Completion Rate	The number of <u>all</u> participants who completed the program during the reporting period divided by the total number of all participants.	19.5 %