



ARKANSAS WORKFORCE DEVELOPMENT BOARD

SPECIAL CALLED
FULL BOARD MEETING

MARCH 15, 2024
9:30 A.M.

ARKANSAS DIVISION OF WORKFORCE SERVICES

AGENDA

VIRTUAL VIA ZOOM

AGENDA

March 15, 2024



ARKANSAS WORKFORCE DEVELOPMENT BOARD FULL BOARD MEETING

9:30 a.m. – 10:30 a.m.

Call to Order Thomas Anderson, Chairman
Roll Call.....Board Staff

Agenda Item 1: ACTION

Minutes of February 28, 2024 Full Board Meeting Thomas Anderson, Chairman

Agenda Item 2: INFORMATIONAL

Director's Report.....Dr. Charisse Childers, Director
Arkansas Division of Workforce Services

Staff Report.....Eddie Thomas, Deputy Director
Angela Cook, Assistant Director- Office of Employment & Training
Arkansas Division of Workforce Services

Agenda Item 3: ACTION

Policy 5.4- WIOA Outreach Allowable Activities

Eddie Thomas, Deputy Director
Arkansas Division of Workforce Services

Agenda Item 4: ACTION

Policy 5.3, Change 1- High Concentration of Youth Awards

Doss Burgess, Grants Manager
Arkansas Division of Workforce Services

Location:
Virtual- ZOOM Platform
Special Called Meeting



Agenda Item 5: ACTION

Policy 6.4, Change 1- Certification of AR Workforce Centers

Dr. Claudia Griffin, Policy Specialist
Arkansas Division of Workforce Services

Agenda Item 6: ACTION

Policy 6.5, Change 1- Certification of Local Workforce Development Boards

Rebecca Edwards, Policy Specialist/Outreach Manager
Arkansas Division of Workforce Services

Board Open Discussion

Public Opportunity to Address the Board

Announcements

Adjournment

Location:
Virtual- ZOOM Platform
Special Called Meeting



MINUTES
ARKANSAS WORKFORCE DEVELOPMENT BOARD
February 28, 2024

The Arkansas Workforce Development Board convened on February 28, 2024, beginning at 10:03 a.m. The meeting was conducted virtually. Chairman Tom Anderson presided with the following members voicing their presence: Mr. Thomas Anderson, Commissioner Joseph Baxter, Mr. Len Blaylock, Ms. Karen Breashears, Dr. Charisse Childers, Mr. Miles Crawford, Judge Bradon Ellison, Mr. William French, Ms. Abby Houseworth, Mr. Randy Henderson, Ms. Rebecca Ives, Ms. Candice Lawrence, Mr. Brian Marsh, Dr. Trenia Miles, Mr. Justin Major, proxy for Clint O'Neal, Ms. Latanyua Robinson, Mr. Robert Thorne, Ms. Tina Moore, proxy for Dr. Ken Warden, and Dr. Cassandra Williams-Stokes. Governor Sarah Huckabee Sanders, Ms. Holley Little, Mr. George Nunnally, and Mr. Kelley Sharp, were unable to attend. A quorum was established.

Chairman's Opening Comments: Chairman Anderson welcomed the board.

Agenda Item 1-ACTION-Full Board Meeting Approval: Chairman Anderson asked if there were any revisions/corrections that needed to be made to the January 16, 2024, minutes.

Hearing none, a motion was made by Ms. Karen Breashears to approve the minutes and seconded by Mr. Robert Thorne. The motion carried unanimously with none opposed.

Agenda Item 2-ACTION-WIOA Combined State Plan:

Chairman Anderson stated that at the last meeting, the first draft of the State Plan was approved by the board. The next step was to allow a thirty-day public comment period, which ended on February 25, 2024. Chairman Anderson yielded the floor to Dr. Charisse Childers and staff to share updates concerning the public comment period. Dr. Childers stated that public comments were received throughout the full duration of the period including an extensive comment submitted on 2-25-24. Dr. Childers stated that staff members are working on addressing the comments received and incorporating them into the plan. She concluded by stating that the goal would be to submit the WIOA Combined State Plan into the online portal as soon as March 1, 2024, and no later than March 4, 2024.

Deputy Eddie Thomas reviewed all public comments with the board and answered questions from the board on the comments received.

Chairman Anderson entertained a motion to approve the PY 24-27 WIOA Combined State Plan, contingent upon all revisions being made.

The motion was made by Karen Breashears and seconded by Ms. Becky Ives. The motion carried unanimously with none opposed.

Board Open Discussion: Chairman Anderson opened the floor to discuss items that might be of interest to the board. Ms. Becky Ives talked about a possible collaboration with Excel by Eight. Ms. Candice Lawrence shared more about the organization and also recommended that Alison Williams, former Chief of Staff for Governor Hutchinson and current Coalitions Director for the organization, as a potential board member.

Chairman Anderson shared his experience attending the 2024 National Governor's Association Winter Workforce Institute in Washington, D.C. with Deputy Thomas. Chairman Anderson also stated that a

special board meeting will need to be held before the next regular board meeting in May of 2024. He provided proposed dates for the special board meeting.

Public Opportunity to Address the Board: None

Announcements: None

Adjournment: Chairman Anderson asked for a motion to adjourn the meeting. A motion was made by Mr. Brian Marsh and seconded by Mr. Randy Henderson. The motion carried unanimously with none opposed. Meeting adjourned at 10:48 a.m.

Thomas Anderson, Board Chairman
Arkansas Workforce Development Board

Charisse Childers, Director
Arkansas Division of Workforce Services

*Minutes recorded by Victoria Hall
Arkansas Division of Workforce Services Staff*



Hugh McDonald
SECRETARY OF
COMMERCE

Charisse Childers,
Ph.D.
DIRECTOR

**DIVISION OF WORKFORCE SERVICES
ISSUANCE NUMBER PY 23-XX**

March 15, 2024

FROM: Charisse Childers, Ph.D., Director

TO: Local Workforce Development Area Administrators/Service Providers

SUBJECT: Allowable Uses of Workforce Innovation and Opportunity Act (WIOA) Funds for Outreach Activities for Federal Formula and Competitive Grant Awards - ADWS Policy Number: WIOA 5.4.

Purpose: This issuance and policy will provide guidance for WIOA allowable outreach activities, in compliance with Training and Employment Guidance Letter (TEGL) 03-23; to be used by the local workforce development boards to draft an outreach policy, outreach plan, and outreach budget.

Background: The public workforce system plays a critical role in connecting talent with opportunity, connects diverse customers to employment and training opportunities, and helps employers recruit skilled employees that match their employment opportunities.

To fully communicate the workforce system's value and expand awareness of its services to job seekers and employers, the system must conduct effective and targeted outreach. WIOA requires grantees to inform the public about services, conduct proactive outreach to underserved populations, and make individuals aware of services that can support their employment needs.

This policy seeks to demonstrate the flexible uses of both formula and competitive grant funds to conduct outreach activities and to empower the workforce system to maximize its reach, specifically to those in underrepresented communities who are most in need of employment and training services.

General Information/Funding Opportunity: Outreach activities may include, but are not limited to, public awareness campaigns, community events, social media, and partnerships with local organizations. All outreach methods must be cost-effective and align with the objectives of WIOA. Reference TEGL 03-23 part 4. *Allowable Outreach Activities*.

Funding: ADWS will fund up to \$15,000 per local workforce development board with the goal of increased WIOA enrollments across the state. Funds awarded for WIOA allowable outreach activities must be utilized for additional outreach activities and not to supplant WIOA formula funds awarded for youth, adult, and

dislocated worker programs. Governor's discretionary/statewide dollars will be used to fund this initiative.

Period of Performance: March 15, 2024, through February 28, 2025.

Subgrant agreements for these awards must include the outreach plan and outreach budget as attachments. Templates will be provided by ADWS.

Expected Outcomes: WIOA section 116 establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of states and local areas in achieving positive outcomes for individuals served by the workforce development system's six core programs.

Action Required: ADWS requests that local workforce development boards and competitive grantees review, revise, or develop and implement policies and procedures that guide the allowable use of funds to conduct outreach activities to meet program goals. A policy regarding WIOA outreach activities must be developed by each local workforce development board in compliance with TEGL 03-23.

Local workforce development boards interested in applying for outreach funding awards, up to \$15,000, should submit a proposal, budget, and outreach plan to WIOA@arkansas.gov by close of business (COB) on April 19, 2024.

Inquiries: Eddie Thomas, ADWS Deputy Director, at eddie.thomas@arkansas.gov.

Attachments:

[TEGL 03-23](#)

ADWS Outreach Plan Template

Outreach Proposal and Budget Template

Expiration Date: Ongoing.



***Workforce Innovation and
Opportunity Act***
Office of Employment & Training

ADWS Policy Number: WIOA 5.4 Effective Date: March 15, 2024

Arkansas Division of Workforce Services (ADWS) WIOA Allowable Outreach Policy

Purpose:

The purpose of this policy is to establish guidelines and procedures for allowable outreach activities conducted under the Workforce Innovation and Opportunity Act (WIOA) to facilitate access to workforce development programs and services for eligible individuals. WIOA requires grantees to inform the public about services, conduct proactive outreach to underserved populations, and make individuals aware of services that can support their employment needs. Grantees and subgrantees, including local workforce development boards, are encouraged to conduct outreach activities to meet the needs of their customers and fulfill grant objectives.

Background:

Training and Employment Guidance Letter (TEGL) 03-23 aims to empower grantees to maximize the reach of workforce development services by providing clarity on how formula and discretionary grant funds can be used to conduct outreach activities.

The public workforce system plays a critical role in connecting talent with opportunity, connects diverse customers to employment and training opportunities, and helps employers recruit skilled employees that match their employment opportunities. To fully communicate the workforce system's value and expand awareness of its services to job seekers and employers, the system must conduct effective and targeted outreach.

WIOA requires grantees to inform the public about services, conduct proactive outreach to underserved populations, and make individuals aware of services that can support their employment needs.

The Uniform Guidance regulates the administrative and financial requirements of federal grant funds, including WIOA formula grants and the Department of Labor's (DOL) competitive grants; see 2 CFR part 200 and DOL's exceptions at 2 CFR part 2900. Specifically, 2 CFR 200.421 allows for grantees to recruit

program participants and to engage businesses by communicating with them. The American Job Center (AJC) brand was created to increase awareness of the services of the public workforce system and to facilitate outreach.

This policy seeks to demonstrate the flexible uses of both formula and competitive grant funds to conduct outreach activities and to empower the workforce system to maximize its reach, specifically, to those in underrepresented communities who are most in need of employment and training services.

Policy Statement:

ADWS is committed to ensuring that all outreach activities conducted under WIOA comply with the guidelines and regulations outlined in Training and Employment Guidance Letter (TEGL 03-23), the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200), and U.S. Department of Labor (DOL) exceptions at 2 CFR part 2900.

Policy Guidelines:

1. Compliance with TEGL 03-23, 2 CFR part 200 and DOL exceptions 2 CFR part 2900:

All grantees and sub-grantees must adhere to the provisions of TEGL 03-23, 2 CFR part 200, and DOL exceptions 2 CFR part 2900, when conducting outreach activities. State and local workforce development boards must develop and implement policies and procedures that guide the allowable use of funds for outreach activities to meet program goals.

2. Eligibility Determination:

Outreach activities must be targeted toward individuals who are potentially eligible for WIOA services, including but not limited to, dislocated workers, low-income adults, and youth. This includes individuals with barriers.

3. Non-Discrimination:

Grantees and sub-grantees must not engage in discriminatory outreach practices and must provide equitable access to its programs and services regardless of race, color, religion, sex, national origin, disability, or any other protected status.

4. Outreach Methods:

Outreach activities may include, but are not limited to, public awareness campaigns, community events, social media, and partnerships with local organizations. All outreach methods must be cost-effective and in alignment with the objectives of WIOA. Reference TEGL 03-23 part 4. Allowable Outreach Activities.

5. Documentation and Record Keeping:

Each grantee and sub-grantee must maintain records of all outreach activities, including documentation of the target audience, nature of the outreach, costs incurred, and outcomes achieved. These records must be retained in accordance with applicable federal and state regulations.

6. Cost Allowability:

All costs associated with outreach activities must be reasonable, necessary, and allocable per 2 CFR §200.421 (Definitions for “advertising and public relations”). Each grantee and sub-grantee

must ensure that outreach costs are adequately documented, tracked, and reported in compliance with federal regulations. **The key is to make sure that the grantee is promoting federally-funded activities, services, and programs and is not solely promoting the organization's name recognition or image.** Reference TEGL 03-23 part 4.a. *Defining Advertising and Public Relations*.

7. Required Approvals:

All purchases of advertising and outreach activities must comply with current State and ADWS procurement procedures. Advertising and outreach expenditures must be budgeted and have a marketing plan. In addition, ADWS has determined that all purchases in excess of \$5,000.00 must have prior approval by the state.

8. Monitoring and Oversight:

ADWS will conduct periodic (at least annually) reviews of outreach activities to ensure compliance with TEGL 03-23 and 2 CFR part 200. Any identified issues or instances of non-compliance will be addressed promptly.

9. Funding Requirements:

Funds awarded for WIOA allowable outreach activities must be utilized for additional outreach activities and not to supplant WIOA formula funds awarded for youth, adult, and dislocated worker programs.

Responsibilities:

Grantees and subgrantees are responsible for ensuring compliance with this policy and for providing oversight of all outreach activities conducted under WIOA.

Review and Revision:

This policy will be reviewed annually and updated as necessary to reflect changes in federal regulations or organizational practices.

Implementation:

This policy must be communicated to all employees and partners involved in outreach activities under WIOA, and they will be expected to adhere to its guidelines.

General rules of thumb – The first step in assessing if a cost is allowable cost to a WIOA grant is to determine if the cost is necessary. Some questions to consider are: Is this cost necessary for the performance of the grant? Will this cost assist the organization in achieving its grant's outcomes and goals?

Another step in assessing an allowable cost to a WIOA grant is reasonableness. When testing for reasonableness of a cost, consider the prudent person theory. In the prudent person theory, your organizations must consider:

- Would a prudent person use Federal funds to purchase such items?
- Would you have used your own funds to purchase such items?

- Do internal controls (MOU/IFA, policies, sub-recipient agreements, contracts, etc.) exist that designate/describe outreach activities and/or limits?
- Is the federal grant receiving a benefit and if so, are costs properly allocated based on the relative benefit received?
- If costs are to be shared with other funding streams, are costs being allocated properly?

Ways to conduct outreach – Below is a list of several examples of activities and platforms allowed with grant funds. See [TEGL 03-23](#) for more detail on each of the following:

- In-Person Outreach:* Such as attending job fair, meeting participants at community locations, rapid response events, mobile one-stop centers, high school/college career days, etc. For each type of special or targeted population, the grantee may need a unique method or strategy for locating, attracting, and retaining participants for your program. If the grantee does not have enough staff, consider conducting outreach through organizations that are willing and able to spread the grant's key messages to their audience.
- Print:* Include a variety of materials including advertising and written articles in the local newspaper or neighborhood newsletter, informational postcards, brochures and flyers, doorknob hangers, pamphlets, and leaflets. Other examples include bus stop signage, advertising on benches, banners, billboards, vehicle wraps, etc. QR codes may be used in print media to direct potential participants to online information on the grant-funded activities, services, or programs.
- Radio and TV:* Examples include advertising or stories on local radio and TV stations, public service announcements and press releases, on-air interviews with local radio or TV stations, etc.
- Websites:* The organization or program website is an excellent way to provide practical information about how participants and community members can engage with the organization and receive services. Note that all websites funded with federal funds must meet the accessibility requirements established by Section 508 of the Rehabilitation Act of 1973.
- Email Communication:* Signature lines can include an additional website link, QR code, or description of an upcoming event or workforce activities, services, and/or program offerings. Use plain language wherever possible.
- Text Messaging (SMS) Applications:* These may be particularly well-suited to grantees who need to communicate with participants in real time. In addition, this is a way to remind participants of upcoming appointments or outstanding documents, to promote a new program/service offering, or to blast out employment opportunities. Some texting tools have functions to automate messages to go out at certain times to groups of people, and track analytics such as if and when the messages are opened or website links clicked. As with all activities, grantees must ensure participant data privacy. It is also important to review the data privacy policies of these text messaging applications and other social media platforms.

- g. *Social media*: The use of grant funds to create social media accounts, such as Instagram, Facebook, LinkedIn, and other platform accounts to promote the grant services offered, raise awareness of the program, and strengthen relations with the community is an effective way to virtually connect with customers regardless of distance. Please note there may be Federal or state laws that prohibit the use of certain platforms, so grantees should be aware of any restrictions before use. In addition, grant award terms may prohibit certain activities, such as lobbying and these restrictions apply to social media as well. For more ideas on how to develop social media strategies, view the webinar: [Yes, WIOA Can! Post, Like, Follow, Share! Using Social Media as an Outreach and Marketing Tool](#).
- h. *Quick Response (QR) codes*: QR codes are a square holding a barcode-like graphic, comprised of machine-readable information. When someone uses a cell phone to take a picture of the QR code, the phone recognizes the machine-readable information, and can then go to a specific website. QR codes require minimal space, are easy to scan, can store a good amount of information, and can be used to link to text, digital business cards, multimedia, and social media channels.
- i. *Influencers*: Influencers are people that have often amassed large followings via different types of media platforms and use their power of influence to communicate information. Influencers may be able to assist grantees in conducting outreach activities by communicating to potential participants what programs and services they offer. Grantees using a contracted personality should provide details/speaker's notes to the influencer to promote the Federal award's activities, services, and programs. When considering whether to use an influencer for outreach, the grantee should consider the Uniform Guidance's Cost Principles. Other things that might be considered are the influencer's reputation, follower base, any state or local vetting requirements, the receptivity of potential participants, the technology access of participants and the cost-benefit compared to a more traditional outreach modality.
- j. *Blog and Podcast Interviews*: These platforms are usually interactive content that may be individually or serially posted and can discuss a Federally-funded activity, service, or program offering to a specifically targeted audience. The frequency of use, potential participant cost, and availability of ongoing content should all be considered when using this outreach strategy.
- k. *Mobile American Job Centers (AJCs) or workforce service delivery vehicles*: To reach people where they live, shop, and gather, particularly in more rural areas, grantees may consider purchasing a vehicle to conduct outreach as well as provide employment and training services. The Uniform Guidance considers motor vehicles as general-purpose equipment, which are allowable under the Cost Principles. Costs to repair and maintain the vehicle are also allowable. The costs of the vehicle and its maintenance must meet all the "factors of allowability" outlined in [2 CFR 200.403](#), and in some circumstances, prior written approval from DOL-ETA may be required. Prior written approval from DEED is always required if the equipment unit price is \$5,000 or more. If the motor vehicle benefits two or more programs, the cost of the mobile AJC and the costs to maintain the

vehicle must be allocated to the other programs based on the relative benefit received ([2 CFR 200.405\(d\)](#)). ETA encourages grantees to leverage relationships with other partners that serve the same community and may have the same purpose or mission when purchasing, staffing, and maintaining a mobile AJC unit.

Outreach in Multiple Languages - Grantees can use funds to create materials in multiple languages or to procure translation and interpretation services. Offering materials translated into the languages used in the community is a key effort to improve outreach and, indeed, may be required depending upon the circumstances. See [29 CFR 38.9](#). Additionally, consider expanding outreach efforts to individuals who have Limited English Proficiency (LEP) through the use of a language access guide (called the “I Speak Card”). The “I Speak Card” is a language identification card/poster that will assist in identifying a preferred language for potential participants that speak a language other than English, so they can obtain the necessary assistance. Organizations can use such a card to pinpoint the appropriate speakers for anyone that requests services through the organization. Also, visit the LEP website (<https://www.lep.gov/>) for tips on addressing language barriers. Finally, consider partnering with local organizations that serve a diverse population for assistance in drafting culturally competent outreach materials in a variety of languages as this will help build a stronger relationship and presence with the local community.

Accessibility – Grantees must make information about their services accessible to individuals with disabilities by providing auxiliary aids and services, including information in alternative formats, and can use funds to ensure outreach materials (including, for example, printed materials, forms, and presentations) are accessible. In addition, when developing, procuring, maintaining, or using electronic and information technology with Federal funds, including websites and electronically stored documents or information, grantees should provide access to and use of information and data for individuals with disabilities that is comparable to what is provided for individuals without disabilities. Grantees can refer to Government Services Administration’s (GSA) website on electronic and information technology accessibility (www.Section508.gov) as a resource. Please note that specific accessibility standards apply to QR codes. DOL’s Office of Disability Employment Policy, DOL’s Civil Rights Center, and ETA have created a WIOA 188 guide to nondiscrimination for individuals with disabilities, available at <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-188-workforce-innovation-opportunity-act/guide>. The guide provides several examples of making materials, space, and services more fully accessible for individuals with disabilities.

This guidance provides examples but does not address every potential scenario. Grantees are encouraged to review their outreach plans and consider the examples to most effectively reach and best serve jobseekers and employers.



Hugh McDonald
SECRETARY OF COMMERCE

Charisse Childers, Ph.D.
DIRECTOR
DIVISION OF WORKFORCE SERVICES

DIVISION OF WORKFORCE SERVICES ISSUANCE NUMBER PY23-

Date: March 15, 2024

From: Charisse Childers, Ph.D., Director

To: Local Workforce Development Board Directors

Subject: Funding Allocation Methodology for WIOA High Concentration of Eligible Youth

- I. **Purpose:** To award funding for assistance to the Local Workforce Development Boards (LWDB) for “Eligible Youth” found in the WIOA law, Title 1, section 129. Eligible Youth are defined as individuals 16-24 years of age, who are considered low-income persons, and who have one or more of the following risk factors:
 - A. Deficient in basic literacy skills;
 - B. A school dropout;
 - C. Within the age of compulsory attendance, but has not attended school for at least the most recent complete school year calendar quarter;
 - D. Homeless, a runaway, or foster child;
 - E. Pregnant, or a parent;
 - F. An offender;
 - G. An individual who requires additional assistance to complete an educational program, or secure and hold employment.
- II. **General Information:** It is the Division of Workforce Services’ intent to categorize and prioritize risk factors that can be documented with reliable data from the following: 2020 Census; Arkansas Department of Education; Arkansas Department of Human Services; Arkansas Crime Information Center; and the Arkansas Department of Health.

Part 1: ADWS Methodology to Define WIOA High Concentration of Eligible Youth for Additional Funding

- A. Count the individuals for each county in each of the categories we have available data.
- B. Group the State's 75 counties into Local Workforce Development Areas (LWDA) and add the total number for each county in the LWDA to determine the total number in each LWDA. Some

individuals will fit more than one category, but that will serve to weight more heavily areas that have more individuals with multiple eligibility factors.

- C. (In all category calculations for the City of Little Rock LWDA and Central LWDA, a percentage of Pulaski County totals are used.) (Percentage used for the City of Little Rock LWDA is City of Little Rock's Population divided by Total Pulaski County Population).
- D. Divide the LWDA's weighted number of "Eligible Youth" by the LWDA's total population to determine what weighted percentage of the LWDA's population consists of Eligible Youth.
- E. We propose any area that has a weighted percentage of Eligible Youth, as compared to its overall population, that is equal to or greater than *22.50% will be deemed as having a "High Concentration of Eligible Youth" for purposes of the funding formula.
- F. Thus, each LWDA that has a weighted percentage of Eligible Youth equal to *22.50% or more will share in the funds. This is based on a formula of Total Eligible Youth divided by the total dollars available. The multiplier is used to determine each area's amount to be awarded.

Funding allocation based on a total of \$200,000.00 with 50% allocated from Part 1.

%						\$200,000.00
50%	Summary and Allocation					
	Local Area	Eligible Youth Risk Factor	> or = 22.50%	Factor	Percentage	\$100,000.00
	Eastern	24.08%	24.08%	0.016084	28.16%	\$ 28,156.40
	Northwest	23.76%	23.76%	0.012885	22.56%	\$ 22,556.20
	Northeast	23.66%	23.66%	0.011822	20.70%	\$ 20,695.37
	Southwest	23.28%	23.28%	0.008001	14.01%	\$ 14,005.76
	Southeast	22.82%	22.82%	0.003419	5.99%	\$ 5,985.40
	Central	22.74%	22.74%	0.002611	4.57%	\$ 4,571.07
	Western	22.71%	22.71%	0.002302	4.03%	\$ 4,029.80
	West Central	22.49%				\$ -
	Little Rock	21.95%				\$ -
	North Central	21.03%				\$ -
	Total	22.85%		5.71%	100.00%	\$100,000.00

Note: Source is LMI Summary Report for Eligible Youth by county and local.

Part 2: Funding Per LWDB based on "Average Barriers per Participant" calculation.

The Part Two funding factor is the "Average Barriers per Participant Calculation". WIOA focuses on serving individuals with barriers to employment and seeks to ensure access to quality services for these populations. The Average Barriers per Participant Calculation is obtained by dividing the total barriers served by the total participants. The higher the average, the more effective the services to this special population. In this calculation, the higher the percentage of Average Barriers per Participant, the higher the allocation percentage.

Funding allocation based on a total of \$200,000.00 with 50% allocated from Part 2.

50%	Summary and Allocation				
	Local Area	Barrier Per Participant		Percentage	\$100,000.00
	Eastern	2.94		15.05%	\$ 15,045.64
	North Central	2.01		10.30%	\$ 10,301.59
	Western	1.93		9.90%	\$ 9,904.37
	Little Rock	1.93		9.89%	\$ 9,887.30
	West Central	1.92		9.84%	\$ 9,836.07
	Northwest	1.92		9.84%	\$ 9,836.07
	Southwest	1.92		9.84%	\$ 9,836.07
	Central	1.87		9.56%	\$ 9,562.84
	Southeast	1.72		8.82%	\$ 8,822.86
	Northeast	1.36		6.97%	\$ 6,967.21
	Total	19.52		100.00%	\$100,000.00

Note: source of barrier data is the AJL system.

Total Funding based on \$200,000.00 available.

100%	Summary and Allocation				
	Local Area				\$200,000.00
	Eastern				\$ 43,240.65
	Northwest				\$ 32,397.66
	Western				\$ 13,934.17
	Northeast				\$ 27,603.97
	Southwest				\$ 23,847.21
	West Central				\$ 9,844.10
	Southeast				\$ 14,808.26
	Central				\$ 14,133.91
	Little Rock				\$ 9,888.49
	North Central				\$ 10,301.59
	Grand Total			100.00%	\$200,000.00

Note: All awarded funds must be expended by February 28, 2025.

- HCY Awards Period of Performance is March 1, 2024, through February 28, 2025.
- All funds will be awarded by March 1, 2024, and must be expended by February 28, 2025.
- All expenditures must be in compliance with Uniform Guidance 2 CFR §200 and other applicable federal and state regulations.
- Financial reports are due no later than the 15th of each month.

III. **Action Required:** Questions regarding the allocation methodology or funding may be submitted to Angela Cook, ADWS E&T Assistant Director, at Angela.Cook@arkansas.gov. Please copy Grants Managers, Sharon Bogard, at Sharon.Bogard@arkansas.gov, and Doss Burgess, at Doss.Burgess@arkansas.gov, on all correspondence.

IV. **Expiration Date:** February 28, 2025

V. **Attachments:**

- Detailed Project Description form
- Funding Allocation form



**Arkansas Division of Workforce Services (ADWS)
Workforce Innovation and Opportunity Act (WIOA)
High Concentration of Youth Funding
Allocation Methodology Policy**
as defined by the Labor Market Information (LMI)

PURPOSE:

The purpose of this policy is to provide the procedure that will be followed when funding the WIOA required activity of providing additional assistance to Local Workforce Development Areas (LWDA) that have a high concentration of eligible youth. The procedure for funding this program is patterned after the Department of Labor's Youth, Adult, and Dislocated Worker funding stream formulas. **Substantial updates, included in change 1 are underlined.**

REFERENCES:

WIOA §129

20 CFR 681.200-290

20 CFR 682

Secretary's annual Lower Living Standard Income Level (LLSIL) for 2023

2023 Health and Human Services "Poverty Guidelines"

BACKGROUND:

States are required to provide additional assistance to local areas that have a high concentration of eligible youth (WIOA § 129 (b)(1)(F)). At least 75% of these funds provided to local areas must be used to provide youth workforce development activities for out-of-school youth, as defined in WIOA § 129(a)(1)(B), unless the local area has an exception as described in WIOA § 129(a)(4)(B) (129 § (a)(4)(A) \; 20 CFR 682.200(1)). Up to 25% of the funds may be spent on in-school youth.

POLICY:

- I. **Criteria:** To award funding for assistance to the Local Workforce Development Areas (LWDA's) for "Eligible Youth" found in the WIOA law, Title 1, section 129. Eligible Youth, for the purpose of this policy, are defined as individuals 14-24 years of age, who

are considered low-income persons and who have one or more of the following risk factors as defined by LMI:

- A. Deficient in basic literacy skills;
- B. A school dropout;
- C. Within the age of compulsory attendance, but has not attended school for at least the most recent complete school year calendar quarter;
- D. Homeless, a runaway, or foster child;
- E. Pregnant, or a parent;
- F. An offender;
- G. An individual who requires any additional assistance to complete an educational program, or secure and hold employment (as determined by each LWDA).

- II. General Information:** It is the Division of Workforce Services' intent to categorize and prioritize risk factors that can be documented with reliable data from the following: 2020 Census; Arkansas Department of Education; Arkansas Department of Human Services; Arkansas Crime Information Center; and the Arkansas Department of Health. **(These sources will be updated annually).**

Part 1: ADWS Methodology to Define WIOA High Concentration of Eligible Youth for Additional Funding

- A. Calculate the individuals for each county in each of the categories relying on available data provided by LMI.
- B. Group the State's 75 counties into LWDAs and add the total number for each county in the LWDA to determine the total number in each LWDA. Some individuals will meet the criteria for more than one category. This calculation considers the number of barriers versus the number of individuals.
- C. In all category calculations for the City of Little Rock LWDA and Central LWDA, a percentage of Pulaski County totals are used. Percentage used for the City of Little Rock LWDA is City of Little Rock Population divided by Total Pulaski County Population.
- D. The LWDA's weighted number of "Eligible Youth" is divided by the LWDA's total population to determine what weighted percentage of the LWDA's population consists of Eligible Youth.
- E. Any LWDA that has a weighted percentage of Eligible Youth, as compared to its overall population, that is equal to or greater than the risk factor designated by ADWS, will be deemed as having a "High Concentration of Eligible Youth" for purposes of the funding formula.
- F. Each LWDA meeting the aforementioned criteria, will be awarded additional youth funding. This is based on a formula of total Eligible Youth divided by the total dollars available to be awarded under the part one methodology. This multiplier is used to determine each LWDA's amount to be awarded. **(Note: this weighted percentage of Eligible Youth risk factor will be adjusted annually as required to meet ADWS's goal of no less than 50% of the LWDAs receiving funding.)**

Note: Sources for this report are available from the Arkansas Division of Workforce Services, Labor Market Information.

Part 2: Funding Per LWDA based on “Average Barriers per Participant” Calculation

- A. The part two funding methodology is based on the “**Average Barriers per Participant Calculation**”.
- B. WIOA focuses on serving individuals with barriers to employment and seeks to ensure access to quality services for these populations.
- C. The Average Barriers per Participant calculation is obtained by dividing the total barriers served by the total participants. The higher the average, the more effective the services to this special population.
- D. In this calculation, the higher the percentage of Average Barriers per Participant, the higher the allocation percentage of the available funds will be awarded.

Note: The source for this data is the Arkansas Job Link (AJL) system or the state’s current management information system. Each LWDA enters the barriers for each participant.

III. Additional Information:

- A. ADWS will not fund awards calculated at less than \$5,000.00.
- B. Awards will be distributed on a “funds available” basis, through WIOA Formula Grants/State Set-Aside Funds for WIOA program activities.
- C. Award amounts and award dates will be published in an ADWS issuance prior to award date.



Hugh McDonald
SECRETARY OF COMMERCE

Charisse Childers, Ph.D.
DIRECTOR
DIVISION OF WORKFORCE SERVICES

DIVISION OF WORKFORCE SERVICES ISSUANCE NUMBER PY XX-XX

March 15, 2024

FROM: Charisse Childers, Ph.D., Director

TO: Local Workforce Development Board Members
Local Workforce Development Board Directors
Local Chief Elected Officials
Arkansas Workforce Center Partners

SUBJECT: Certification of Arkansas Workforce Centers

I. **Purpose:** The purpose of this issuance is to announce the updates and changes to ADWS Policy No. WIOA I-B – 6.4 (*Certification of Arkansas Workforce Centers Policy and Procedures*), through ADWS Policy No. WIOA I-B – 6.4, Change 1 (*Certification of Arkansas Workforce Centers Policy and Procedures*).

II. **References:**

WIOA §§ 101(d), 121, & 188
20 CFR 678.800 & 679.130
34 CFR 361.800 & 463.800
Training and Employment Guidance Letter (TEGL) 16-16

III. **General Information:** The Arkansas Workforce Development Board (AWDB), in consultation with the chief elected officials (CEOs) and local workforce development boards (LWDBs), must review the Arkansas Workforce Centers and the one-stop delivery system for certification at least once every three (3) years. The criteria used for the certification is established in the Arkansas Combined State Plan [WIOA § 121(g)(1), 20 CFR 679.130, 20 CFR 678.800, 34 CFR 361.800, and 34 CFR 463.800] and the local plans. This assessment must also examine the physical and programmatic accessibility of the centers in accordance with WIOA § 188 and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). LWDBs may establish additional criteria relating to service coordination achieved by the one-stop delivery system.

LWDBs are responsible for oversight of the Arkansas Workforce Centers in their areas and the delivery of services through those centers [WIOA § 121(a)(3)]. As part of this oversight, LWDBs must assess each Arkansas Workforce Center, following procedures and criteria established by the AWDB. If the LWDB is the one-stop operator, the AWDB must evaluate the centers in that area for certification [WIOA § 121(g)(1), 20 CFR 678.800, 34 CFR 361.800, and 34 CFR 463.800].

IV. **Action Required:** LWDBs and their contractors, as well as partner agencies, must distribute ADWS Policy No. WIOA I-B – 6.4, Change 1 (*Certification of Arkansas Workforce Centers Policy*

and Procedures) to ensure that workforce system staff are familiar with its content and requirements.

Except in areas where the LWDB serves as the one-stop operator, each LWDB must complete an application for certification for every physical center in their geographical local workforce development area, including both comprehensive and affiliate workforce centers. Where an LWDB serves as the one-stop operator, the AWDB must use the criteria to evaluate the centers for certification [20 CFR 679.130(f)(1)].

In selecting the certification team, LWDBs should utilize caution in ensuring that no more than one (1) LWDB member participates on the certification team. The inclusion and participation of at least two (2) LWDB members would be viewed as a “meeting” and would require meeting all public notice requirements [Arkansas Freedom of Information Handbook].

Each Arkansas Workforce Center, whether comprehensive or affiliate, must be evaluated for certification by the appropriate entity by close of business (COB) **May 31, 2024**.

These applications must be submitted to:

E-mail: WIOA@arkansas.gov

Subject Line: “Application for Arkansas Workforce Center Certification”

- V. Inquiries:** All questions or concerns are welcome and may be submitted to WIOATA@arkansas.gov.

VI. Attachments:

ADWS Policy No. WIOA I-B – 6.4 (*Certification of Arkansas Workforce Centers Policy and Procedures*)

- VII. Expiration Date:** June 30, 2026.



ADWS Policy Number: WIOA I-B – 6.4 , Change 1 Effective Date: March 15, 2024

Certification of Arkansas Workforce Centers Policy and Procedures

PURPOSE: The purpose of this policy is to provide guidance concerning the certification of Arkansas Workforce Centers.

REFERENCES:

WIOA §§ 101(d), 121(g), & 188

A.C.A. 15-4-3706 & 15-4-3711

20 CFR 652.202, 678.310, 678.800 & 679.130

34 CFR 361.800, 361.310, 361.315, 463.310, & 463.800

Training and Employment Guidance Letters (TEGLs) 15-16 & 16-16

Arkansas WIOA Combined State Plan Program Years (PY) 24-27

BACKGROUND:

Arkansas Workforce Centers were designed after and are part of the American Job Center network. American Job Centers were established under the Workforce Investment Act of 1998 (WIA) as a national name for the one-stop centers required by WIA and reauthorized in the Workforce Innovation and Opportunity Act of 2014 (WIOA). They were designed to provide a full range of assistance to job seekers under one roof, offering training referrals, career counseling, job listings, and similar employment-related services.

Consistent with the requirement in WIOA § 121(e)(4) for the use of a common identifier, the U.S. Department of Labor (DOL), in coordination with the U.S. Department of Education (ED), established the American Job Center network as a unifying name and brand that identifies online and in-person workforce development services as part of a single network of publicly funded services [TEGL 16-16]. Within the American Job Center network, Arkansas has branded its one-stop centers as Arkansas Workforce Centers.

The vision for the American Job Center network reflects the long-standing and ongoing work of dedicated workforce professionals to align a wide range of publicly funded or privately funded education, employment, and training programs, while also providing high-quality customer service to all job seekers, workers, and businesses [TEGL 16-16]. This vision supports the vision that the Arkansas Workforce Development Board (AWDB) adopted for Arkansas's workforce development delivery system at their regular quarterly meeting

in October 2015. Their stated vision was for Arkansas to have a world-class workforce that is well educated, skilled, and working in order to keep Arkansas's economy competitive in the global marketplace.

The workforce system envisioned by WIOA is quality- focused, employer-driven, customer-centered, and tailored to meet the needs of regional economies. It is designed to increase access to and opportunities for the employment, education, training, and support services that individuals need to succeed in the labor market, particularly those with barriers to employment. It aligns workforce development, education, and economic development programs with local and regional economic development strategies to meet the needs of local and regional employers. This design provides a comprehensive, accessible, and high-quality workforce development system. The alignment in the design provides all customers access to high-quality workforce development centers that connect them with the full range of services available in their communities, whether they are looking to find jobs, build basic educational or occupational skills, earn a postsecondary certificate or degree, obtain guidance on how to make career choices, or are businesses and employers seeking skilled workers [Arkansas State Plan 2020-2023].

PURPOSE OF AN ARKANSAS WORKFORCE CENTER

The purpose of the Arkansas Workforce Centers is to [TEGL 16-16]:

Provide job seekers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages.

Provide access and opportunities to all job seekers, including individuals with barriers to employment, such as individuals with disabilities, to prepare for, obtain, retain, and advance in high-quality jobs and high-demand careers.

Enable businesses and employers to easily identify and hire skilled workers and access other supports, including education and training for their current workforce.

Participate in rigorous evaluations that support continuous improvement of workforce centers by identifying which strategies work better for different populations.

Ensure that decisions made by policymakers, employers, and jobseekers are informed by high-quality integrated data.

CHARACTERISTICS OF AN ARKANSAS WORKFORCE CENTER

The Arkansas WIOA Combined State Plan Program Years 2024-2027 lists the following characteristics of a high-quality Arkansas Workforce Center. This criterion must be used in the evaluation and certification of Arkansas Workforce Centers. Each center must:

- Provide excellent customer service to job seekers, workers, and businesses by delivering quality employer services, reflecting a welcoming environment, providing career services that empower, improving the skills development of job seekers, and creating opportunities for customers.
- Reflect innovative and effective service design by providing an integrated intake process, actively engaging industry sectors, using market-driven principles, using innovative delivery models, offering both virtual and center-based services, and ensuring access to all customers.
- Operate with integrated management systems and high-quality staffing by reflecting robust partnerships, organizing services by function, using common performance indicators, offering highly trained career counselors, implementing integrated policies, cross-training and equipping center staff, and maintaining integrated case management.
- Focus on helping those with barriers to employment.

OVERSIGHT AND OPERATION OF THE ARKANSAS WORKFORCE DEVELOPMENT SYSTEM

The local workforce development boards (LWDBs), with the agreement of the chief elected officials (CEOs), are responsible for oversight of the one-stop delivery system, developing and entering into memoranda of understanding (MOUs) described in WIOA § 121(c), and designating or certifying one-stop operators under WIOA § 121(d) [WIOA § 121(a)].

The management of the Arkansas workforce delivery system is the shared responsibility of the AWDB, LWDBs, CEOs, core WIOA partners, other required partners, and workforce center operators [TEGL 16-16].

SELECTION and RESPONSIBILITIES OF THE ONE-STOP OPERATOR

Each LWDB must select or designate a one-stop operator through a competitive process, even if the one-stop operator is a consortium of three or more partners or is the LWDB itself. This competitive process must be repeated at least every four (4) years [TEGL 15-16]. LWDBs must prepare written documentation explaining the competitive process to be followed in selecting a one-stop operator. [20 CFR 678.605]. Records and supporting documentation on the expenditure of federal funds for the competitive selection of the one-stop operator must be retained to sufficiently support the expenditures reported on the quarterly ETA-9130 form. Record retention requirements are also applicable to document that a conflict of interest does not exist in the selection of the one-stop operator, as well as all other LWDB decisions.

[WIOA§121(d)(2)A), 20 CFR 678.605, 20 CFR 678.615(a), & TEGL 15-16]. Other specific information concerning the selection or designation of one-stop operators, especially when an LWDB or a consortium applies to be the one-stop operator, may be found in WIOA § 107(g)(2), WIOA § 121(d), 20 CFR 678.605, and TEGL 15-16.

An LWDB that is approved to be a one-stop operator by the CEOs and the Governor must have their conflict-of-interest policies and procedures approved by ADWS, as the Governor's administrative entity [20 CFR 678.610(d)]. Any organization that is selected to serve in more than one function (one-stop operator, local fiscal agent, LWDB staff, and direct provider of services) must have an agreement with the LWDB and the CEOs that includes how the organization will carry out its responsibilities while demonstrating compliance with corresponding WIOA regulations and the state's conflict-of-interest policy.

The one-stop operator also carries out the following activities through the Arkansas Workforce Centers [TEGL 16-16]:

- Facilitates integrated partnerships that seamlessly incorporate services for the common customers served by multiple program partners.
- Develops and implements operational policies that reflect an integrated system of performance, communication, and case management, and uses technology to achieve integrated and expanded service offerings.
- Organizes and integrates Arkansas Workforce Center services by function (rather than by program), when permitted by a program's authorizing statute and, as appropriate, through coordinating staff communication, capacity building, and training efforts. Functional alignment involves having Arkansas Workforce Center staff who perform similar tasks serve on relevant functional teams (e.g., skills development team or business services team), using strategies outlined in TEGL 16-16.

- Ensures that appropriate career services are available through the one-stop delivery system.

COMMON IDENTIFICATION AS AN ARKANSAS WORKFORCE CENTER

Every Arkansas Workforce Center must be identified by the proper common identifier, which must include the words “a proud partner of the American Job Center network”. The common identifier, similar to the example below, must be placed either on a sign in front of the workforce center, on the door to the center, or both. The common identifier must also be used on advertising and documents used by the workforce center. Other acceptable versions of the common identifier may be obtained from the ADWS Communications Director.



POLICY:

At least once every three (3) years, the Arkansas Workforce Center (whether comprehensive or affiliate) must be evaluated and certified [WIOA § 121(g)(1), 20 CFR 678.800, 34 CFR 361.800, & 34 CFR 463.800]. Centers may also be evaluated for cause at any time [A.C.A. 15-4-3711].

The AWDB, in consultation with the CEOs and LWDBs, must review and update the objective criteria and procedures to use when certifying the American Job Centers. This collaboration is done every two (2) years as part of the review and modification of the Arkansas WIOA Combined State Plan [WIOA § 121(g)(1), 20 CFR 679.130, 20 CFR 678.800, 34 CFR 361.800, and 34 CFR 463.800]. The criteria must evaluate the Arkansas Workforce Centers and the one-stop delivery system for effectiveness, customer satisfaction, physical and programmatic accessibility, and continuous improvement [WIOA § 121(g)(1) and 20 CFR 678.800(a)(2)]. Additional criteria may be required by federal and state laws, regulations, and guidance.

The AWDB criteria for evaluation of comprehensive workforce centers are the minimum criteria listed in this policy. Affiliate centers are required to meet only the criteria that are relevant to the programs in these centers.

LWDBs may establish additional criteria or set higher standards for service coordination achieved by the one-stop delivery system. If the LWDB establishes additional criteria, the criteria must be in their local plan, which must be approved by the Governor or his/her designee [20 CFR 678.800, 34 CFR 361.800, 34 CFR 463.800, & TEGL 16-16].

Although management of the Arkansas Workforce Centers is the shared responsibility of the AWDB, LWDBs, CEOs, the six WIOA core program partners, other one-stop partners, Arkansas Workforce Center operators, and service providers [TEGL 16-16], the LWDBs have the responsibility of oversight of the centers with respect to a successful service delivery system [WIOA §121(a)(3)]. The certification process establishes a minimum level of quality and consistency of services in Arkansas Workforce Centers across the state. The certification criteria allow states to set standard expectations for customer-focused and seamless services from a network of employment, training, and

related services that help individuals overcome barriers to obtaining and maintaining employment.

Evaluations of effectiveness must include how well the one-stop center partners integrate available services for participants and businesses, meet the workforce development needs of participants, meet the employment needs of local employers, operate in a cost-efficient manner, coordinate services among the one-stop partner programs, and provide access to partner program services to the maximum extent practicable, including providing services outside of regular business hours where there is a workforce need, as identified by the LWDB. These evaluations must take into account feedback from one-stop customers. They must also include evaluations of how well the one-stop center ensures equal opportunity for individuals with disabilities to participate in or benefit from the one-stop center services. These evaluations must include criteria evaluating how well the centers and delivery systems take actions to comply with the disability-related regulations implementing WIOA §188 [20 CFR 678.800(b), 34 CFR 361.800, & 34 CFR 463.800].

Comprehensive Arkansas Workforce Centers:

Each local workforce development area must have at least one certified comprehensive Arkansas Workforce Center, as described in WIOA § 121(g), 20 CFR 678.305, 34 CFR 361.305, and 34 CFR 463.305 [TEGL 16-16 (4)(C)]. During all business hours, each comprehensive Arkansas Workforce Center must have [TEGL 16-16 (4)(C) & 20CFR 678.305]:

- At least one WIOA title I staff person physically present.

- Career services provided as listed in 20 CFR 678.430, 34 CFR 361.430, and 34 CFR 463.430.

- Access to training services described in 20 CFR 680.200.

- Access to any employment and training activities carried out under WIOA §134(d).

- Access to programs and activities carried out by one-stop partners listed in 20 CFR 678.400 through 678.410, 34 CFR 361.400 through 361.410, and 34 CFR 463.400 through 463.410.

- Workforce and labor market information.

A customer must have access to all these programs, services, and activities during all regular business hours [TEGL 16-16, 20 CFR 678.305(c), 34 CFR 361.305(c); & 34 CFR 463.305(c)]. The LWDB may establish other service hours and other times to accommodate the schedules of individuals who work on regular business days or who, because of life circumstances, are not able to access the comprehensive center during regular business hours. Centers that are not open outside of regular business hours must have a plan for how they will provide services to individuals who cannot visit a center during regular business hours [TEGL 16-16 & 20 CFR 678.305(c)].

Unless otherwise required, “access” does not mean that each required partner must provide these services directly on-site at the Arkansas Workforce Center. Access to each partner program and its services means:

- Having a program staff member physically present at the Arkansas Workforce Center;

- Having a staff member from a different partner program physically present at the Arkansas Workforce Center appropriately trained to provide information to customers about the programs, services, and activities available through all partner programs; or

- Making available a direct linkage through technology to a program staff member who can provide meaningful information or services. A direct linkage means providing direct connection at the one-stop center, within a reasonable time, by phone or through a real-time Web-based

communication to a program staff member who can provide program information or services to the customer. A direct linkage cannot exclusively be providing a phone number or computer Web site or providing information, pamphlets, or materials. [TEGL 16-16 & 20 CFR 678.305(d)].

The evaluation of the hours of access to service is part of the evaluation of effectiveness in the one-stop certification process [20 CFR 678.305(c)]. Suggestions for ways that services can be provided during all business hours without representatives of all programs physically at the comprehensive center can be found in TEGL 16-16 and 20 CFR 678.305.

The Arkansas Workforce Center certification criteria requires the center to have a business liaison team as the single point of contact for business services. It is expected that staff involved with initiating employer contacts will participate on the team in a coordinated outreach program under the Arkansas Workforce Center name and marketing approach. The team must consist of business contact staff from all partner programs and must, at a minimum, provide the following structure and coordination in approaching the business community [Arkansas Combined State Plan PY 24-27,]:

- A team leader to coordinate the activities of the team.

- A coordinated "script" to market the system to employers.

- Use of the Arkansas Workforce Center name as the primary marketing approach, with agency specialty areas (i.e., Arkansas Rehabilitation Services, Services for the Blind, Disabled Veterans' Outreach Program (DVOP), Local Veterans Employment Representatives (LVERs), etc.) presented as a part of the overall system, as needed.

- An information sharing strategy that makes contact results available to all team members.

- A clear menu of services across all partners.

- A division of duties with employer sector specializations as deemed appropriate for quality customer service.

- Multiple agency participation with clear cost and information sharing commitments.

- At a minimum, job searches, employer contacts, job orders, or job development leads performed by any center staff as a result of outreach will be entered into the Wagner- Peyser database (Arkansas JobLink).

All comprehensive Arkansas Workforce Centers must be physically and programmatically accessible to individuals with disabilities, as described in WIOA §188 and 29 CFR Part 38. To ensure meaningful access to all customers, Arkansas Workforce Centers must incorporate the principles of universal and human-centered design. These principles include, for example, flexibility in space usage; the use of pictorial, written, verbal, and tactile modes to present information for customers with disabilities or English language learners; providing clear lines of sight to information for seated or standing users; providing necessary accommodations; and providing adequate space for the use of assistive devices or personal assistants [TEGL 16-16].

Every comprehensive center must be identified as an Arkansas Workforce Center as described above, and the normal hours of operation of the center must be posted on or near the entrance to the center.

Required Partners:

WIOA § 121(b) identifies the required one-stop programs that must be available in a comprehensive workforce center, as well as the additional programs that may be one-stop partners with the approval of the LWDB and CEOs. Generally, the entity that carries out the program serves as the one-stop partner. This may be the grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in a local area. It is the responsibility of the federal grant recipient to ensure that the subrecipient that is providing services in that local area properly and effectively participates in the one-stop delivery system. If the federal grant recipient has issued or awarded part of or its entire program funds to a subrecipient or subcontractor in accordance with program requirements, the federal grant recipient remains the entity responsible for fulfilling the roles and responsibilities of a one-stop partner program. If a program does not have a local administrative entity, the responsible state agency is considered the one-stop partner. If a program listed below is not carried out in a local area, the requirements relating to a required one-stop partner are not applicable to that program or entity in regard to that local area's one-stop delivery system [20 CFR 678.415, 34 CFR 361.415, 34CFR 463.415, & TEGL 16-16].

Representatives of the following programs and activities (one-stop partners) must be in each comprehensive center if the programs or activities exist in the local area, as explained in the previous paragraph [WIOA § 121(b)(B), 20 CFR 361.400, 20 CFR 678.400, 34 CFR 361.400, 34 CFR 463.400 & TEGL 16-16]:

- WIOA title I-B Adult, Dislocated Worker, and Youth programs.

- WIOA title I-B Job Corps.

- WIOA title I-D YouthBuild.

- WIOA title I-D Native American programs.

- WIOA title I-D (Sec. 167) Migrant and seasonal farmworker programs.

- WIOA title II Adult Education and Family Literacy Act (AEFLA) programs.

- WIOA title III Wagner-Peyser Act Employment Service program authorized under the Wagner-Peyser Act (20 U.S.C. 49 et seq.) as amended by WIOA title III.

- WIOA title IV Vocational Rehabilitation (VR) programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. et seq.) as amended by WIOA title IV (Arkansas Rehabilitation Services and Division of Services for the Blind).

- Senior Community Service Employment Program authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et. seq.).

- Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (The representative is the eligible recipient(s) at the postsecondary level or a consortium of eligible recipients at the postsecondary level in the local area) [20 CFR 678.415].

- Trade Adjustment Assistance activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

- Jobs for Veterans State Grants programs authorized under chapter 41 of title 38, U.S.C.

- Employment and training activities carried out under the Community Services Block Grant (42 U.S.C. 9901 et seq.).

- Employment and training activities carried out by the Department of Housing and Urban Development.

Programs authorized under state unemployment compensation laws (in accordance with applicable federal law).

Programs authorized under sec. 212 of the Second

Chance Act of 2007 (42 U.S.C. 17532) and WIOA sec. 169 (e.g., Reentry Employment Opportunities).

Temporary Assistance for Needy Families (TANF) authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) unless exempted by the Governor.

Specific information concerning the entities for each of these programs and activities may be found in 20 CFR 678.415, 34 CFR 361.415, & 34 CFR 463.415.

Additional Partners:

With the approval of the LWDB and the CEOs, additional entities that carry out workforce development programs may be one-stop partners. These additional partners may include, but are not limited to [WIOA §121(b)(2), 34 CFR 361.410, 34 CFR 463.410, & TEGL 16-16]:

Employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b-19).

Employment and training programs carried out by the Small Business Administration.

Supplemental Nutrition Assistance Program (SNAP) employment and training programs authorized under section 6(d)(4) and 6(o) of the Food and Nutrition Act of 2008 (U.S.C. 2015(d)(4)).

Client Assistance Program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732).

Programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

Other appropriate federal, state, or local programs, including, but not limited to, employment, education, and training programs provided by public libraries or in the private sector.

Affiliate Arkansas Workforce Centers:

Local areas may also have affiliate Arkansas Workforce Centers to increase the availability of one-stop services to individuals in the local areas [20 CFR 678.300 (d)]. An affiliate Arkansas Workforce Center is a site that makes available to job seekers and employer customers one or more of the one-stop partners' programs, services, and activities. An affiliate site does not need to provide access to every required one-stop partner program. The frequency of a program staff's physical presence in the affiliate site will be determined at the local level through partner MOU negotiations. If affiliate sites are used by a local area as part of the service delivery strategy, the affiliate site must be implemented in a manner that supplements and enhances customer access to services [20 CFR 678.310, 34 CFR 361.310, 34 CFR 463.310, & TEGL 16-16].

Every affiliate center must be identified as an Arkansas Workforce Center as described above, and the normal hours of operation of the center must be posted on or near the entrance to the center.

even if they are the only partner providing services at that location, must be identified as an Arkansas Workforce Center. In addition, the hours of normal operation must be posted at or near the door of the affiliate center.

All affiliate sites must be physically and programmatically accessible to individuals with disabilities, as described in WIOA § 188 and 29 CFR part 38 [20 CFR 678.310, 34 CFR 361.310, 34 CFR 463.310, & TEGL 16-16].

Wagner-Peyser Act employment services cannot be the only services at an affiliate site [20 CFR 652.202, 20 CFR 678.310,

20 CFR 678.315, 34 CFR 361.310, 34 CFR 361.315, 34 CFR 463.310]. If Wagner-Peyser Act employment services are provided at an affiliate center, there must be at least one or more other partners in the affiliate center with a physical presence of combined staff more than 50 percent of the time the center is open. The other partner(s) may not be the partner administering the local veterans employment representatives program, disabled veterans' outreach program, or unemployment compensation program. If Wagner-Peyser Act employment services and any of these 3 programs are provided at an affiliate site, an additional partner or partners must have a presence of combined staff in the center more than 50 percent of the time the center is open [20 CFR 652.202, 20 CFR 678.315, 34 CFR 361.315; 34 CFR 463.315T].

Roles and Responsibilities of Partners of all Arkansas Workforce Centers

Basic Career Services must be available in all Arkansas Workforce Centers. At a minimum, all of these basic career services as described in WIOA §134(c)(2)(A)(i-xi), 20 CFR 678.430(a), 34 CFR 361.430(a), and 34 CFR 463.430(a) must be provided in the local area through the one-stop delivery system during all normal business hours (see these references and TEGL 16-16 for more details concerning this list):

- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs, including co-enrollment among these programs.

- Outreach, intake (including worker profiling), and orientation to information about other programs and services available through the one-stop delivery system.

- Initial assessment of skill levels, aptitudes, abilities, and supportive service needs.

- Labor exchange services, including job search and placement assistance; career counseling, including provision of information on in-demand sectors and occupations, and information on nontraditional employment; information from career profiles and interest inventories; and appropriate recruitment and other business services on behalf of employers.

- Referrals to, and coordination of activities with, other programs and services.

- Workforce and labor market employment statistics, including job vacancy listings, information on job skills necessary to obtain the vacant jobs listed, and information related to local occupations in demand, their earnings, skill requirements, and opportunities for advancement.

- Performance information and program cost information on eligible providers of education, training, and workforce services by program and type of providers.

- Information, in usable and understandable formats and languages, on local performance accountability measures as well as additional performance information related to the one-stop delivery system.

- Information, in usable and understandable formats and languages, concerning availability of and referral to childcare, child support, medical assistance, Supplemental Nutrition Assistance

Program (SNAP), earned income tax credit, Housing and Urban Development (HUD) housing assistance, Temporary Assistance for Needy Families (TANF), transportation assistance, and other supportive services.

Assistance in establishing eligibility for financial aid for training and education programs not provided through WIOA.

Meaningful assistance in filing unemployment insurance claims, as described in 20 CFR 678.430(a)(10)(i).

Individualized Career Services, as appropriate, must be available to eligible individuals when these services are necessary for an individual to obtain or retain employment [20 CFR 678.430(b), 34 CFR 361.430(b), 34 CFR 463.430(b), & TEGL 16-16] (must be available in all comprehensive centers):

Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include diagnostic testing, use of other assessment tools, and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve their employment goals, including the list of, and information about, the eligible training providers.

Group counseling, which involves addressing certain issues, problems, or situations shared by group members.

Individual counseling, which is a one-on-one session regarding certain issues, problems, or situations.

Career planning.

Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training.

Internships and work experiences (including transitional jobs) that are linked to careers.

Workforce preparation activities, including those listed in 34 CFR 463.34.

Financial literacy services for youth, as described in sec. 129(b)(2)(D) of WIOA and 20 CFR 681.500.

Out-of-area job search assistance and relocation assistance.

English language acquisition programs, including those described in 34 CFR 463.31.

VR career services authorized under 34 CFR 361.48(b).

Follow-up Career Services must be provided, as appropriate and allowed, for each partner program.

Business Services, as described in 20 CFR 678.435, 34 CFR 361.435, 34 CFR 463.435, and TEGL

16-16 must be provided, as appropriate, through each partner program or through the network of program partners.

A Memorandum of Understanding must be developed and executed by the LWDB and the one-stop partners, with the agreement of the CEOs, relating to the operation of the one-stop delivery system [20 CFR 678.500, 34 CFR 361.500, 34 CFR 463.500, TEGL 16-16]. The MOU is the product of local discussion and negotiation [20 CFR 678.510(a)]. Each local area may use an “umbrella” MOU that groups all partner programs together, or partners may enter into separate agreements between each partner or groups of partners.

MOUs must include [TEGL 16-16; 20 CFR 678.500]:

- A description of the services to be provided as well as the method of coordinating and delivering

the services, including the frequency of the program staff's physical presence.

An agreement on funding the infrastructure costs of each one-stop center as well as the shared services and operating costs of the one-stop system.

Methods to ensure the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials available through the one-stop delivery system.

Method(s) for referral for appropriate services and activities between the one-stop operator and partner programs or between partner programs.

- The duration of the MOU and procedures for amending it [TEGL 16-16, page 20].

Assurances that each MOU will be reviewed, and if substantial changes have occurred, renewed, not less than once every 3-year period to ensure appropriate funding and delivery of services.

- The signatures of the LWDB Chair, the CEOs, and authorized representatives of each one-stop partner, as well as the time period for which the agreement is effective.

Failure to reach MOU negotiations must be reported to ADWS, as the administrative entity of the Governor, and the AWDB. If the ADWS and the AWDB cannot help the LWDB resolve the impasse, they must report the failure to the Secretary of Labor and to the head of any other federal agency with oversight of a partner's program [20 CFR 678.510(c)(2)]. However, impasses related to infrastructure cost funding must be resolved using the state funding mechanism described in 20 CFR 678.730 [20 CFR 678.510(c)(1)]. Additional information about the requirements of MOUs may be found in TEGL 16-16 and from guidance issued by ADWS.

PROCEDURES:

Arkansas Workforce Centers (both comprehensive and affiliate) must be evaluated no less than once every three (3) years [WIOA § 121(g)(1), 20 CFR 678.800, 34 CFR 361.800, & 34 CFR 463.800]. This evaluation is carried out by the LWDB (or the AWDB if the LWDB is the one-stop operator), using the most recent Form 6.4 (Application for Arkansas Workforce Center Certification) approved by the AWDB. If any criteria or higher standards for service coordination have been established by the LWDB and placed in the local plan or the local plan modification, and the plan has been approved by ADWS, as the WIOA administrative entity of the Governor, the additional criteria must be clearly identified in an addendum to Form 6.4 (Application for Arkansas Workforce Center Certification). The center may also be evaluated "for cause" at any time.

Each Arkansas Workforce Center certification team will be established by the LWDB (or the AWDB if the LWDB is the one-stop operator) [20 CFR 678.800(a)(3)]. The certification team is responsible for conducting independent and objective evaluations of workforce center sites and making certification recommendations to the LWDB (or AWDB if the LWDB is the one-stop operator).

The certification teams must physically visit each center in the local area, and they must report observations accurately. They must also document and retain observation reports. Observations are inclusive of interviews, discussions, documentation presented, and evidence reviewed.

An Arkansas Workforce Center certification team is comprised of at least three members (only two members are required for the team if the LWDB is the one-stop operator, and state staff not associated with the workforce center are certifying the center). Suggested team members are an LWDB member (only one is allowed, per the Arkansas Freedom of Information Act Handbook), at least one individual who represents local partners (but not an LWDB member or a partner physically located

in the center being reviewed) with specific expertise serving populations with disabilities or other barriers to employment, and at least one additional certification team member who has expertise in at least one category being evaluated. LWDB staff may be included if the LWDB staff member is not also staff of the one-stop operator and if such individual is not a representative of a partner in the center. Certification team members must be free from conflicts of interest (e.g., one-stop operator staff, the local office manager, and anyone else who is physically located in the center may not be on the certification team). The certification team may use experts from the state level or outside of the local area to ensure evaluations are objective. They may also use local experts who represent targeted populations and have no ties to the workforce center. A team may divide responsibilities based on the expertise of each individual team member.

Each certification team must render a written determination within 30 days of conducting each one-stop center evaluation. There are three possible determinations: (1) certification, (2) provisional certification with a requirement that the one-stop operator provide an action plan and timelines for meeting certification standards, and (3) decertification. When an LWDB completes an application for certification, the application must be submitted by email to WIOA@arkansas.gov for review and confirmation. The determination is not final until designated ADWS staff review and approve the determination of the certification team.

Provisional Certification: Provisional certifications must be accompanied by a detailed description of the issues/concerns identified so that one-stop operators have sufficient information around which to develop required action plans and timelines. Deadlines for meeting certification requirements must be given on Form 6.4. Except for extenuating circumstances, the deadline may be no more than three (3) months. ADWS staff must review the application and documentation before the determination is final.

Decertification (first time or no issues in past): A determination to not certify or decertify a workforce center must be accompanied by a detailed description of the deficiencies, including an explanation as to why the certification team believed the deficiencies could not be addressed or resolved through provisional certification. ADWS staff must review the application and additional information before the determination is final.

If the determination of the certification team is decertification, ADWS will not only review all submitted documentation, but will also perform a follow-up visit of the workforce center to talk with the certification team. If this is the first time a determination of other than certified has been received by the one-stop operator at that location, ADWS staff will work with the LWDB to determine if a provisional certification determination would be more appropriate and what steps should be taken to bring the one-stop center into certification.

Decertification (previous history of issues): If the certification team renders a decertification determination, and a provisional certification determination has been made previously without improvement, then a decision must be made by the LWDB concerning next actions to be taken. If the decision is to terminate the one-stop operator and issue a new request for proposals, plans must be submitted to the state to ensure continuity of service between the time the one-stop operator leaves

and a new one-stop operator is selected. If other remedies are determined to be more appropriate, this plan of action must be submitted to WIOA@arkansas.gov. In either case, a second certification evaluation must be completed within six (6) months of the original decertification to determine if the improvement plan was effective or if more corrective action must occur.

If the certification team renders a certification determination and ADWS staff question the information presented in Form 6.4 and/or other documentation received, ADWS staff may talk with the certification team and visit the center(s) in question to determine the accuracy of the information provided. ADWS may also request additional documentation concerning the certification of the center(s). **If discrepancies exist** concerning documentation received and observations at the center, ADWS may appoint a new certification team for the center(s).

All documentation must be submitted to WIOA@arkansas.gov within 30 days of the certification visit. Any correspondence to resolve identified concern(s) must be submitted to WIOA@arkansas.gov within five (5) calendar days from the communication of the concern(s). Failure to meet these timelines will result in a notification being sent to the LWDB chair, the AWDB chair, and the local CEOs notifying them of the delay for their local center certification. Continued non-responsiveness may result in the decertification of the workforce center involved.

Appeals

Operators of comprehensive workforce centers that are not certified may choose to appeal those determinations in writing to the LWDB (or the AWDB if the LWDB is the one-stop operator), using the applicable LWDB or AWDB appeals process. Those appeals will be subject to the processes and procedures outlined in the appropriate appeals policy.



Hugh McDonald
SECRETARY OF COMMERCE

Charisse Childers, Ph.D.
DIRECTOR
DIVISION OF WORKFORCE SERVICES

DIVISION OF WORKFORCE SERVICES ISSUANCE NUMBER PY XX-XX

March 15, 2024

FROM: Charisse Childers, Ph.D., Director

TO: Local Workforce Development Board Members
Local Workforce Development Board Directors
Local Chief Elected Officials

SUBJECT: Certification of Local Workforce Development Boards

I. **Purpose:** The purpose of this issuance is to announce the updates and changes to ADWS Policy No. WIOA I-B – 6.5 (*Certification of Local Workforce Development Boards*), through ADWS Policy No. WIOA I-B – 6.5, Change 1.

II. **References:**

WIOA § 107
20 CFR part 679
Arkansas Act 907 of 2015
A.C.A. § 15-4

III. **General Information:** A.C.A. § 15-4-3709 requires that in every local workforce development area (LWDA) there is a local workforce development board (LWDB) certified by the Governor at least once every two (2) years. Each LWDB must consist of representatives of specific positions who were nominated by specific entities, as described in A.C.A. § 15-4 and Arkansas Policy No. WIOA I-B – 6.5, Change 1 (*Certification of Local Workforce Development Boards Policy and Procedures*). Certification is based on proper membership of the LWDB and on proper actions taken by the LWDB.

IV. **Action Required:** All required documentation listed in ADWS Policy No. WIOA I-B - 6.5, Change 1, section D.4 must be uploaded to both the LWDA's permanent maintenance file through the ADWS SharePoint system and submitted to WIOA@arkansas.gov by close of business (COB) on **May 15, 2024**.

V. **Inquiries:** All questions or concerns must be submitted to WIOATA@arkansas.gov.

VI. **Attachments:**

- ADWS Policy No. WIOA I-B – 6.5, Change 1 (*Certification of Local Workforce Development Boards Policy and Procedures*)

VII. **Expiration Date:** June 30, 2026.



Workforce Innovation and Opportunity Act
Office of Employment & Training

ADWS Policy Number: WIOA I-B – 6.5, Change 1

Effective Date: March 15, 2024

Certification of Local Workforce Development Boards Policy and Procedures

PURPOSE: The purpose of this policy is to provide guidance concerning the membership and certification of local workforce development boards.

REFERENCES:

WIOA §§ 3 & 107

20 CFR 679

Arkansas Act 907 of 2015

A.C.A. § 15-4

Training and Employment Guidance Letter (TEGL) 27-14, Change 1

BACKGROUND:

Arkansas Act 907 of 2015 requires that in every local workforce development area (LWDA) there is a local workforce development board (LWDB) certified by the Governor, and the purpose of this board is to carry out the functions described in A.C.A. § 15-4-3711 [WIOA § 107(a); 20 CFR 679.350; A.C.A. § 15-4-3709(a)]. the LWDB is responsible for developing a strategy to continuously improve and strengthen the workforce development system in the local areas. The board is also responsible for providing oversight in collaboration with the required and additional partners through the Arkansas Workforce Centers in the local areas. Through their oversight and innovations, the boards can Maximize and continue to improve the quality of services, customer satisfaction, and effectiveness of the services provided [20 CFR 679.300(b)].

The vision of the LWDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The LWDB is to partner with other employers, service providers, and members of the workforce development system to build a quality workforce to meet the skills needed by employers and to assist Arkansans in their pursuit of well-paid, productive jobs [20 CFR 679.300]. To accomplish this vision, chief elected officials (CEOs) must appoint LWDB members who represent the wide range of knowledge and experience needed to effectively represent all facets of the workforce development system.

These representatives must be actively engaged in the activities of the LWDB, as well as activities that support their represented area of the workforce system. They must be carefully chosen from individuals who can best contribute to providing the benefits of the Workforce Innovation and Opportunity Act (WIOA) to all eligible

individuals in the LWDA.

The Arkansas Division of Workforce Services (ADWS), as the WIOA administrative entity of the Governor, in partnership with the Arkansas Workforce Development Board (AWDB), must establish the criteria for use by the CEOs in the LWDA to use in the appointment of members of the LWDBs [WIOA § 107(b)(1); 20 CFR 679.350; 20 CFR 679.320; A.C.A. § 15-4-3709(b); TEGL 27-14]. ADWS must also certify each LWDB once every two years [WIOA § 107(c)(2)(A); 20 CFR 679.350; A.C.A. § 15-4-3710(a)].

To ensure that the most effective representatives of required entities are included on the LWDB, all LWDB **members** must have optimum policy-making authority within the LWDA for the entities they represent [20 CFR 679.320(f); TEGL 27-14]. A representative with “optimum policy-making authority” is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action [20 CFR 679.340(a)]. “Optimum policy-making authority” may be documented by the position of the nominee if he or she is the owner, the president, a chief executive officer, a chief operating officer, or other executive of the entity. **If the potential member is not an executive officer, optimum policy-making authority must be documented by a letter from an executive of the entity stating that the nominee can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.** This letter must be on the letterhead of the entity represented, dated, and signed by the authorized executive officer. The content of the letter must also contain a summary of the job description and the experience of the potential member.

POLICY and PROCEDURES:

Membership on the LWDB:

The chief elected officials (CEOs) of the LWDA appoint the members of the LWDBs based on the criteria developed by the Arkansas Division of Workforce Services in partnership with the Arkansas Workforce Development Board from nominations submitted as described below [WIOA § 107(b)(1)]; 20 CFR; 679.320; 20 CFR 379.310(A); A.C.A. § 15-4-3709(b)&(g)(1); TEGL 27-14]. Any additional requirements or processes established in the local CEO Agreement must also be followed.

At a minimum, the criteria for the membership of each LWDB must meet the following guidelines [WIOA § (b)(2); 20 CFR 679.320(b); A.C.A. § 15-4-3709(c); TEGL 27-14]. Documentation attesting to meeting the criteria must be maintained and must be made available to the certification team.

Each LWDB must include representatives from four categories: business representatives; workforce representatives (or representatives of the workforce); representatives of education and training; and representatives of government, economic development, and community development entities [WIOA § (b); TEGL 27-14;

Business Representatives. Business representatives must represent the workforce needs and interests of the local workforce development area’s business community. They must be able to inform the local board about the needs of businesses in the local area, as well as to commit their businesses to actions that meet those needs.

To meet this goal, at least fifty-one percent (51%) of the LWDB must be representatives of businesses in the LWDA who [WIOA § 107(b)(2)(A); A.C.A. § 15-4-3709(c)(1); 20 CFR 679.320(b); TEGL 27-14]:

- 1) Are owners of businesses, chief executives or operating officers of businesses, or other business executives or employees with optimum policymaking ~~or hiring~~ authority, as defined above, of the entity they represent WIOA § 107(b)(1); 20 CFR 679.320(b)(1); A.C.A. § 15-4-3709(c)(1)(A); TEGL 27-14]; and
- 2) Represent businesses or organizations 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. At least two (2) of the representatives must represent small businesses as defined by the Small Business Administration WIOA § 107(b)(2); 20 CFR 679.320(b)(2); A.C.A. § 15-4-3709(c)(1)(B); TEGL 27-14].

For the purposes of this policy, “business” is defined as a privately owned and managed entity. This definition does not include entities owned or managed by a city, school district, state-supported college, county, state, or other such government entity. As long as they are otherwise eligible to serve, private sector representatives may be selected from for-profit or private nonprofit businesses.

The chief elected officials should appoint business representatives who reflect the employment opportunities in the local area, including the region’s larger employers and emerging growth areas, while also including small business owners, as required.

To assist in meeting the business-driven purpose of the LWDB, the chairperson and the vice-chairperson of the LWDB must be elected from the business representatives on the local board.

The CEO(s) must select the business representatives from nominees from local business organizations and business trade associations [WIOA 107(b)(2)(A)(iii); 20 CFR 679.320(g)(1); A.C.A. §15-4-3709(c)(1)(C)]. For the purpose of nominating business representatives to the local board, a business organization is an entity that is an organized group of business representatives, the purpose of which is to benefit all of the business members. Examples include, but are not limited to chambers of commerce, local economic development associations, and local merchants’ associations. The Federal Trade Commission (FTC) defines a trade association as a not-for-profit organization made up of a collection of companies and/or individuals with common interests who work in the same industry. The purpose of the organization is to promote and improve business conditions in that line of commerce. This policy does not prohibit the business organization or business trade association from nominating a qualified executive officer of the business organization or business trade association if the nominee meets all requirements.

The nomination letter must be made on organizational letterhead by the president, director, or chief

executive officer of the business organization or business trade association. The nomination must be dated the day it was sent or signed. The following documentation must be provided to the CEO(s) before an appointment can be made:

- 1) A description of the high-quality, in-demand occupations for which employment opportunities are available in the business. *[WIOA § 107(b)(2)(A)(ii); 20 CFR 679.320(b)(2); A.C.A. § 15-4-3709(c)(1)(B); TEGL 27-14]* Such documentation may be a letter from a company business executive, information from the business website, labor market information provided by the Arkansas Division of Workforce Services (ADWS), or other such documentation.
- 2) A letter from the owner, chief executive officer, chief operating officer, or other executive officer that the individual can speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action, unless the individual being nominated is the business owner, chief executive officer, or chief operating officer, or another executive officer *[WIOA § 107(b)(2)(A)(i); WIOA § 107(b)(5); 20 CFR 679.320(b)(1); 20 CFR 679.320(g); A.C.A. § 15-4-3709(c)(1)(B)] 20 CFR 679.340(a); TEGL 27-14].*

At least two (2) of the members must represent small businesses as defined by the U.S. Small Business Administration (SBA) *[20 CFR 679.320(b)]*. Documentation must be provided that each small business qualifies as a small business by the SBA. The SBA definition of “small business” is determined by many factors, including the type of business, the number of employees, and the average yearly revenue. To document that a business qualifies as a small business, local areas may use the size standards tool at <https://www.sba.gov/size-standards/index.html> or they may request a document or a statement from the business’s executive specifying that the SBA has declared the business to be a small business.

Representatives of the Workforce. Representatives of the workforce (or workforce representatives) must represent the needs and interests of employees in the local area. They must be able to inform the local board about the needs of employees and assist the local board with policies related to the training and development of employees and potential employees. Representatives of the workforce must be able to commit their organizations to actions that meet those needs and that increase the availability of quality workers in the local area. Not less than twenty percent (20%) of the members of each LWDB must be representatives of the workforce within the LWDA who meet at least one of the following numbered criteria *[WIOA § 107(2)(B); 20 CFR 679.320(c); A.C.A. § 15-4-3709(c)(2); TEGL 27-14]*. At least one representative from each of the numbered criteria must be included on the LWDB unless the criterion does not apply, or the criterion contains the phrase “may include”:

If employees of businesses in the LWDA are represented by one or more labor unions or organizations, the CEO(s) must select at least two labor representatives from individuals nominated by local labor federations *[WIOA § 107(b)(2)(B)(i); 20 CFR 679.320(c)(1); A.C.A. § 15-4-3709(c)(2)(A); TEGL 27-14]*. If the local area has no labor unions or organizations, this information must be documented and submitted with the application for certification.

If no employees of businesses in the LWDA are represented by labor organizations, the CEOs

must select representatives from individuals nominated by other organizations that represent employees [WIOA § 107(b)(2)(B)(i); 20 CFR 679.320(c)(1); A.C.A. § 15-4-3709(c)(2)(A); TEGL 27-14]. This may include employee organizations that are not affiliated with labor federations and/or are not unions; however, they must represent employees (e.g. non-union teacher organizations).

If there is a joint labor-management, or union affiliated registered apprenticeship program in the LWDA, a representative must be selected from individuals nominated by this program and who must be a training director or member of a labor organization [WIOA § 107(b)(2)(B)(iii); 20 CFR 679.320(c)(2); A.C.A. § 15-4-3709(c)(2)(B); TEGL 27-14]. If the LWDA does not have such a program, the CEOs must retain documentation to support the lack of a program. In addition, a representative of a registered apprenticeship program in the LWDA must be selected from nominations by apprenticeship programs [WIOA § 107(b)(2)(B)(iii); 20 CFR 679.320(c)(2); A.C.A. § 15-4-3709(c)(2)(B); TEGL 27-14].

Representatives of the workforce may include representatives of community-based organizations (CBOs) that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including but not limited to, organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities [WIOA § 107(b)(2)(B)(iii); 20 CFR 679.320(c)(3); A.C.A. § 15-4-3709(c)(2)(C); TEGL 27-14].

Representatives of the workforce may include representatives of organizations that have demonstrated experience and expertise, as defined in 20 CFR 679.340(b), in addressing the employment, training, or education needs of eligible youth, including, but not limited to, representatives of organizations that serve out-of-school youth [WIOA § 107(b)(2)(B)(iv); 20 CFR 679.320(c)(4); 20 CFR 679.340(b); A.C.A. § 15-4-3709(c)(2)(D); TEGL 27-14].

Relevant definitions for representatives of the workforce, for the purposes of this policy:

- a) A labor organization is an association of workers who have combined to protect or promote their combined interests by bargaining collectively with their employers to secure better working conditions, wages, and similar benefits. “Similar benefits” include benefits traditionally provided by labor organizations such as strike, lockout, death, sickness, accident, and other benefits. Labor organizations need not be recognized as labor unions [<https://www.irs.gov/charities-non-profits/other-non-profits/labor-organizations>].
- b) A labor union is a labor organization that has met certain legal requirements to be classified as a union.
- c) A labor federation is an organization representing workers and consisting of two or more labor unions [Cambridge Business English Dictionary].
- d) Employee organization means any organization, association, committee, or group, in which employees participate and which exists for the purpose of employee representation, in whole or in part, of dealing with employers concerning matters incidental to employment relationships [29 U.S. Code § 1002(4)].
- e) Community-based organization means a private nonprofit organization (which may include a faith-based organization), that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development [WIOA § 3(10)].

Regarding an individual, the term “demonstrated experience and expertise” means that the individual has one of the following characteristics [20 CFR 679.340(b)]:

Is a workplace learning advisor, as defined in WIOA § 3(70), who has the knowledge and skills necessary to advise other employees of their organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress

toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency;

Contributes to the field of workforce development, human resources, training and development, or a core program function; or

Is recognized by the LWDB for valuable contributions in education or workforce development related fields.

The individual must also have optimum policy-making authority, as required for all LWDB members. [20 CFR 679.320(f)]

Education and Training Representatives. Representatives of education and training help the LWDB understand the requirements and availability of programs of study that prepare individuals for in-demand employment that leads to self-sufficiency. They must be able to commit their entities to actions that meet the needs of potential participants, as well as the business needs in the local area. Each LWDB must include representatives of entities administering education and training activities in the LWDA [WIOA § 107(b)(2)(C); 20 CFR 679.320(d); A.C.A. § 15-4-3709(c)(3)]. At least one representative from each of the following numbered criteria must be included on the LWDB unless the criterion does not apply, or the criterion contains the phrase “may include”:

Must Include a representative of eligible providers administering adult education and literacy activities under WIOA title II [WIOA § 107(b)(2)(C)(i); 20 CFR 679.320(d)(1); A.C.A. § 15-4-3709(c)(3)(A)]. This representative must be designated by the Director or Deputy Director of the Arkansas Title II Adult Education program, as stated below.

Must Include a representative of institutions of higher education providing workforce investment activities, including, but not limited to, community colleges [WIOA § 107(b)(2)(C)(ii); 20 CFR 679.320(d)(2); A.C.A. § 15-4-3709(c)(3)(B)]. Nominees for this position may be made by individual institutions or by a local consortium of institutions.

May include representatives of local educational agencies and of community-based organizations administering education and training activities with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment [WIOA § 107(b)(2)(C); 20 CFR 679.320(e)(1); A.C.A. § 15-4-3709(c)(3)(C)]. Nominations for this position may be made by the individual local education agencies that address the educational and training needs of individuals with barriers to employment, or they may be made by organizations that specialize in the needs of individuals with barriers to employment.

Government, Economic Development, and Community Development Representatives.

Representatives of government, economic development, and community development inform the board concerning available programs and services and use their positions to attempt to meet the needs of employers and potential employees in the local area. They must be able to speak for their entities and to commit their entities to actions. Each LWDB must include representatives of government, economic development, and community development entities serving the LWDA [WIOA § 107(b)(2)(D); A.C.A. § 15-4-3709(c)(4)].

At least one representative from each of the following numbered criteria must be included on the LWDB unless the criterion does not apply:

Must Include a representative of economic and community development entities [WIOA § 107(b)(D)(i); 20 CFR 679.320(d)(3)(i); A.C.A. §

15-4-3709(c)(4)(A)]; Nominations must be made by either local economic and community development entities or by a state agency.

Must Include an appropriate representative providing services to the LWDA under the Wagner-Peyser Act. 29 U.S.C. § 49 et seq., [WIOA §

- 1) 107(b)(2)(D)(ii); 20 CFR 679.320(d)((3)(ii); A.C.A. § 15-4-3709(c)(4)(B)]. This representative must be designated by the Director or Deputy Director of the Arkansas Division of Workforce Services , as stated below.

Must include an appropriate representative carrying out programs under title I of the Rehabilitation Act of 1973, 29 U.S.C. § 720 et seq., other than

29 U.S.C. § 112 [repealed], § 732, or 741, serving the LWDA [WIOA § 107(b)(2)(D)(iii); 20 CFR 679.320(d)((3)(iii); A.C.A. § 15-4-3709(c)(4)(C)]. This representative must be designated by the Director or Deputy Director of the Arkansas Division of Workforce Services, as stated below.

When a representative of an Arkansas state agency is required, the Director or Deputy Director of the appropriate agency must designate the required representative(s) for the LWDB. If possible, this representative must work or live within the local area. This designation must be accepted by the CEOs. The designation of the agency representative must be done in writing by July 1 of each year, either on agency letterhead or by agency email signed by the Director or Deputy Director of the agency. A replacement representative must be designated to the local board within one month if the local board representative no longer works for the agency or leaves the local board for another reason.

Other Allowed LWDB Members. The CEOs may select other entities to serve on the LWDB if they determine that such representatives will contribute to the decisions made by the board. The CEO Agreement must be followed in the selection of these members. Each member must have optimum policy-making authority within the entities represented [20 CFR 679.320(f); 20 CFR 679.340]. Nominees must be made by a chief elected official of the LWDA. The chief elected official must write the nomination letter detailing the demonstrated experience. If the potential member is not an executive officer, an executive officer of the entity must submit a letter stating that the person has optimum policy-making authority.

The LWDB may include representatives of agencies or entities administering programs serving the LWDA relating to transportation, housing, and public assistance [WIOA § 107(b)(D)(iv); 20 CFR 679.320(e)(2); A.C.A. § 15-4-3709(c)(4)(D)].

The LWDB may include representatives of philanthropic organizations serving the LWDA [WIOA § 107(b)(D)(v); 20 CFR 679.320(e)(3); A.C.A. § 15-4-3709(c)(4)(E)].

The LWDB may include other individuals or representatives of entities that the CEOs in the LWDA may determine to be appropriate [WIOA § 107(b)(2)(E); 20 CFR 679.320(e)(4); A.C.A. § 15-4-3709(c)(5)].

Nomination Procedure and Required Documentation:

- 1) Unless otherwise specified, nominations must be submitted in writing by an authorized signatory on the letterhead of the nominating entity, or as otherwise designated above. The nomination letter must be dated.

- 2) An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation in each entity [20 CFR 679.320(h)]. Separate nomination documentation must be completed and submitted for each entity.
- 3) The following documentation must be submitted with each nomination:
 - a) Documentation supporting the individual's qualifications to serve in the nominated category.
 - b) Documentation supporting the individual's optimum policy-making authority for the entity represented, such as, but not limited to [20 CFR 679.320(f)]:

Documentation that the individual is a chief executive officer, a chief operating officer, or other executive officer of the entity represented [TEGL 27-14]; **or**

- i. If the nominee does not hold the position of an executive officer within the entity, a letter must be submitted from an executive officer stating that the nominee can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and may commit that entity to a chosen course of action.
- 4) Staff of the LWDB must use the documentation provided to complete Section 1 of the Board Member Nomination & Appointment Form (Attachment A to the CEO Membership Guide for LWDBs) and submit the form and documentation to the CEOs for consideration for appointment to the LWDB. The nominated individual may not be appointed to be on the LWDB without all required documentation. When a nominee is selected for membership on the LWDB by the CEOs, Section 2 of the Board Member Nomination & Appointment Form must be completed and signed in accordance with the process and requirements established in the CEO Agreement. The length of appointment on the LWDB must follow the LWDB bylaws.
- 5) The new appointee must sign a conflict-of-interest form that details any conflicts of interest the person may have. The conflict-of-interest document must be renewed by each board member by July 1 of each year and within 45 days of any change in the financial interests of the member that may give rise to a conflict of interest.
- 6) Every new member must receive board orientation within 45 days of appointment. A signed board orientation acknowledgement must be maintained with other board member documentation.
- 7) When a new member is appointed to the LWDB or an existing member is reappointed to the LWDB, the following documentation must be submitted to WIOA@arkansas.gov within 10 calendar days of the appointment date:
 - a) Nomination documentation (see CEO Membership Guide for LWDBs for details)
 - b) Conflict-of-interest form
 - c) Board Member Nomination & Appointment Form (Attachment A to the CEO Membership Guide for LWDBs)
 - d) Updated Board Member Roster (Attachment B to the CEO Membership Guide for LWDBs)

The acknowledgement of board member orientation must be submitted within 45 calendar days of appointment.

- 8) When a member is reappointed to the LWDB, Steps 1-4 and Step 7 above must be repeated, and documentation must be submitted to WIOA@arkansas.gov within 10 calendar days of the reappointment date.
- 9) If a board member no longer meets the requirements of the category represented, the board member must be removed from the category. If appropriate, the member may be nominated and appointed to another category by following Steps 1-4 and Step 7 above.
- 10) When an LWDB member is added or removed from the board membership, the Board Member Roster (Attachment B to the CEO Membership Guide for LWDBs) must be revised to reflect the current board membership and submitted to WIOA@arkansas.gov, with a copy to the appropriate regional advisor for the LWDA. It must also be posted to the LWDB website within 10 calendar days of the date of the change.

LWDA Governance and Administration:

Note: This section is not all-inclusive. Additional information may be found in the CEO Membership Guide for LWDBs.

The LWDB must comply with A.C.A. Tit.25, Ch.19 concerning the Arkansas Freedom of Information Act, including A.C.A. § 25-19-106 concerning Open Public Meetings. Part of this requirement is that two or more LWDB members may not discuss Board matters outside of open, recorded meetings [Arkansas Freedom of Information Act Handbook]. Minutes and recordings of meetings must be kept and may be examined for compliance with the Arkansas Freedom of Information Act Handbook, which may be found on the Arkansas Attorney General's website at <https://arkansasag.gov/wp-content/uploads/2022-FOIA-Handbook-20th-Edition.pdf>. Meetings and documentation (such as minutes, attendance records, recordings, etc.) must also comply with all other applicable state and federal regulations and ADWS Issuance PY16-19.

Conflict-of-interest forms listing entities for which there might be a conflict of interest must be completed by each LWDB member and committee member prior to their first meeting each program year.

LWDB Certification:

Once every two (2) years, ADWS as the Governor's administrative entity, must certify one (1) LWDB for each LWDA in the state [WIOA §107(c)(2)(A); 20 CFR 679.350; A.C.A. § 15-4-3710(a)].

The first certification of a new LWDB will be based on membership criteria given in this policy.

[WIOA §107(c)(2)(B); A.C.A. §15-4-3710(b)]

The second and subsequent certifications will be based on the membership criteria in this policy and also on the extent to which the LWDB has ensured that the workforce development activities carried out in the LWDA have enabled the LWDA to meet the corresponding performance accountability measures and achieve sustained fiscal integrity [WIOA §107(c)(2)(B); A.C.A. § 15-4-3710(b)].

Failure of an LWDB to achieve certification must result in the decertification of that board. [WIOA §107(c); A.C.A. § 15-4-3710(c)]. A new LWDB may be appointed and certified for the LWDA pursuant to a reorganization plan developed by ADWS, as the administrative entity of the Governor, in consultation with the CEOs in the LWDA [WIOA §107(c)(3)(C); A.C.A. § 15-5-3710(e)].

After providing notice and an opportunity for comment, ADWS, as the administrative entity of the Governor, may decertify an LWDB at any time for:

Fraud or abuse [WIOA §107(c)(3)(A)(i); (A.C.A. § 15-4-3710(d)(1))];

Failure to carry out the functions specified for the LWDB, as listed in

A.C.A. § 15-4-3711; [WIOA§107(c)(3)(A)(iii); (A.C.A. § 15-4-3710(d)(2)); or
Failure to meet the local performance accountability measures for two (2) consecutive program
years [A.C.A. § 15-4-3710(d)]. [WIOA§107(c)(3)(B)); (A.C.A. § 15-4-3710(d)(3)).

Documents that must be available to the Certification Team for review are:

CEO Agreement, if there is more than one (1) CEO in the LWDA, that specifies the respective roles
of the individual CEOs [WIOA§107(c)(B); 20 CFR 679.310(e); A.C.A. § 15-4-3709(g)(2)]:

In the appointment of the members of the LWDB from the individuals nominated to be
members [WIOA §107(c)(B), A.C.A. §15-4-3703(1)(B) & A.C.A. §15-4-3709(g)(2)(A)]; and

In carrying out the other responsibilities assigned to the CEOs under WIOA, Pub. L. No. 113-128
[WIOA§107(c)(B)(III); A.C.A. §15-4-
3709(g)(2)(B)].

CEO bylaws discussed in 20 CFR 679.310(g).

All nomination forms, signed by the CEOs appointing the LWDB members.

Board minutes for the last two (2) years, showing attendance and the voting/abstention of
members as required by ADWS Issuance PY16-09.

most recent Local Plan (and the Regional Plan, if appropriate).

Youth Service Provider Chart (Listing each of the 14 elements and the available service provider(s) for
each).

- a) LWDB Title I-B Grievance and Complaint Procedures, as required by ADWS Policy No. WIOA I-B - 4.3.
Local Priority of Service for Veterans Policy and Procedures, as required by ADWS Policy No. WIOA I-B –
2.2.
Local Priority of Service for Individuals with Barriers to Employment Policy and Procedures, as
required by ADWS Policy No. WIOA I-B – 2.8.
Local Follow-up Services Policy for Adults and Dislocated Workers, as described in ADWS Policy No.
WIOA I-B – 3.1.
Local Work Experience Policy, as required by ADWS Policy No. WIOA I-B – 3.8.
- b) Local Supportive Services Policy and Procedures, as required by ADWS Policy No. WIOA I-B – 3.9.
Local Confidentiality Policy and Procedures, as required by ADWS Policy No. WIOA I-B – 4.1.
- c) Local Self-Sufficiency Definition, as required in 20 CFR 680.710.
Local individual training account Policy and Procedures.
Contracts and/or agreements for the provision of Title I-B Services.
All requests for proposals issued in the last two (2) years for services that must be procured
through a competitive bidding process.

Note: Although the certification team will ensure that the LWDA has the required LWDB documentation, the
ADWS Accountability and Compliance Unit will also review LWDB documentation for content, as necessary
and as required by federal and state regulations. LWDB documentation is subject to review by the ADWS
Accountability and Compliance Unit at any time for compliance according to state and federal regulations.

Appeals: If the Governor determines that a reorganization of the LWDA is required due to a substantial violation
of WIOA title I or because the LWDA has failed to meet local performance indicators for consecutive program
years, the LWDB may appeal this decision to the U.S. Department of Labor as explained in ADWS Policy No.
6.1, WIOA §§ 116(g)(2)(A) & 184(b); and 20 CFR 361.225, 463.225, 677.225, 683.410, or
683.650; TEGL 27-14.