



ARKANSAS GOVERNANCE TRAINING

CHIEF ELECTED OFFICIALS

FEBRUARY 3, 2021

1:30 PM – 3:00 PM



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ATTENDANCE TRACKER

▶ Please follow this link (it's also in the chat) to register your attendance in today's training:

- <https://forms.office.com/Pages/ResponsePage.aspx?id=8NjBXmLLAECzJ45jsFRwSI3AIBJhIO9Govz0kmAziPBUNTJNN0tMQ004VjFKNVQxQ0cxTVUyTIZPVi4u>

PRESENTERS



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AGENDA



1. Purpose of today's training
2. Key governance responsibilities of Chief Elected Officials
 - Including responsibilities shared with Local Workforce Development Board (LWDB).
3. Questions & answers

TRAINING OBJECTIVES



- ▶ Build understanding of the unique roles and responsibilities of elected officials within the workforce system
- ▶ Introduce best practices and additional information to help elected officials develop and maintain an effective governance structure

ENGAGING WITH US DURING THE SESSION

- ▶ Submit questions through sli.do
 - Go to sli.do
 - Enter the event code: [#ARCEO](https://sli.do/#ARCEO)
- ▶ Any questions that do not get answered on the call today, we will work with ADWS to get answers to you.



WHO IS IN THE AUDIENCE?

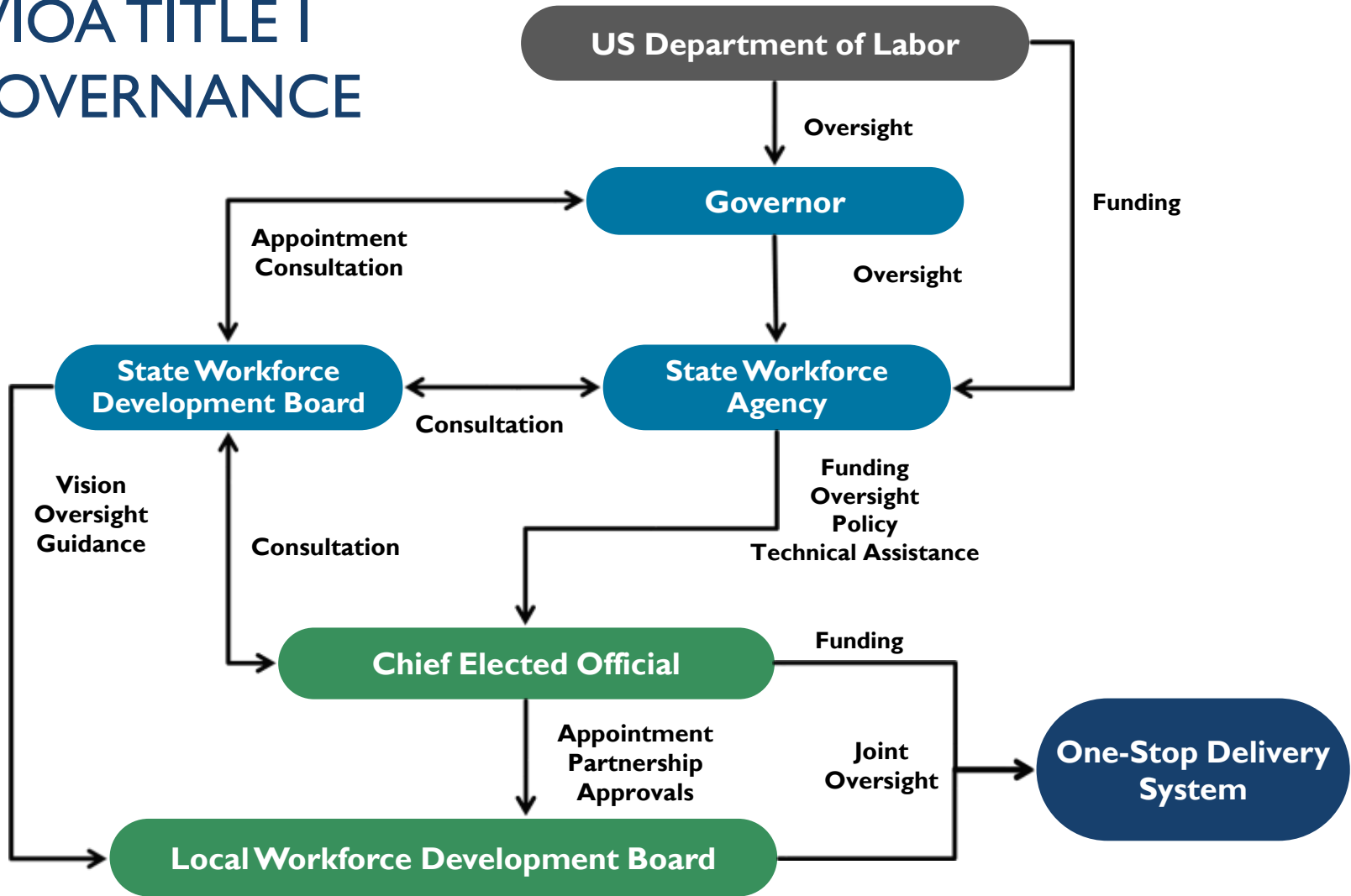
What is your role in the
Arkansas Workforce System?

1. Chief Elected Official
2. Local Workforce Development Board member
3. Local Workforce Development Board staff
4. Other: Please specify

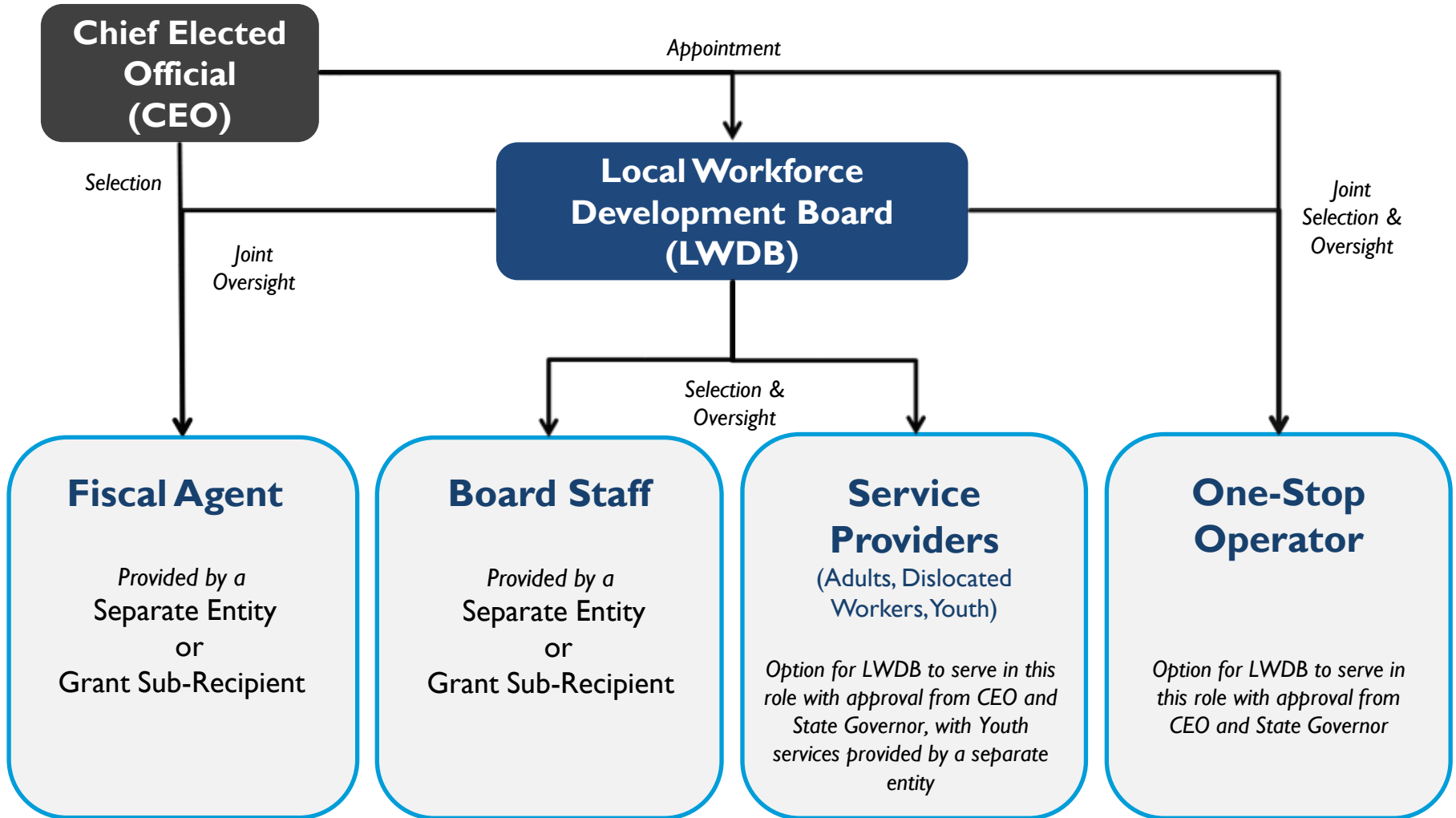


GOVERNANCE FRAMEWORK

WIOA TITLE I GOVERNANCE



LOCAL WORKFORCE SYSTEM OVERSIGHT OPTIONS





OVERVIEW OF KEY GOVERNANCE TASKS



CEO ROLES AND RESPONSIBILITIES

How would you rate your knowledge of your responsibilities under WIOA?

1. I'm in the dark.
2. I know enough to be dangerous.
3. Move over, I can teach this.

CEO ROLES AND RESPONSIBILITIES

Appointment/
Selection

Review and
Approve

High Level
Oversight

Strategic
Planning

KEY APPOINTMENT/ SELECTION TASKS

- I. Select a Chair for the Chief Elected Official (CEO) Consortium
- II. Appoint members to the Local Workforce Development Board (LWDB)
- III. Create initial bylaws for LWDB
- IV. May select a grant sub-recipient or fiscal agent

■ Not an exhaustive list

I. SELECT A CHAIR FOR CEO CONSORTIUM



CHAIR OF CEO CONSORTIUM

- ▶ Selected by the CEOs from among the CEOs
- ▶ Convenes the CEOs and represents them in meetings and in receipt of communication from state agency or SWDB
- ▶ Designated signatory for board appointments and agreements
- ▶ Other duties as determined by the CEOs

II. APPOINT MEMBERS TO THE LWDB

- ▶ CEOs appoint the Local Workforce Development Board (LWDB) members
- ▶ WIOA provides clear guidelines for who can serve on the LWDB
- ▶ All required members must have voting privilege
- ▶ Not the function of Board Staff or the Administrative Entity



APPOINTMENT OF MEMBERS

THE PURPOSE OF THE LWDB IS TO DEVELOP AND IMPLEMENT A STRATEGIC VISION FOR THE WORKFORCE SYSTEM.

- ▶ Starting with the right composition of board members from key sectors to support talent development drives the success of the board.

CATEGORIES OF LWDB MEMBERSHIP

Business

Workforce

Education &
Training

Government

BUSINESS REPRESENTATIVES

- ▶ Must be **51%** of the total board composition
- ▶ Must
 - Be owners, chief executives, or operating officers of businesses
 - Having policymaking or hiring authority
 - Provide employment in in-demand industry sectors or occupations in the local area
- ▶ Two of the seats must be filled by small businesses

WORKFORCE REPRESENTATIVES

- ▶ Must be **20%** of the total board composition
- ▶ Must include representatives of labor organizations nominated by local labor federations or by other representatives of employees
- ▶ Must include a member of a labor organization or a training director from an apprenticeship program
- ▶ *May* include a member of a community-based organization with expertise in working with veterans or individuals with disabilities
- ▶ *May* include a member of an organization with expertise in serving eligible youth and out of school youth

EDUCATION & TRAINING REPRESENTATIVES

- ▶ Must include a representative of adult education
- ▶ Must include a representative from higher education providing workforce investment activities including community colleges
- ▶ *May* include representatives of local educational agencies and community-based organization with expertise in serving individuals with barriers to employment

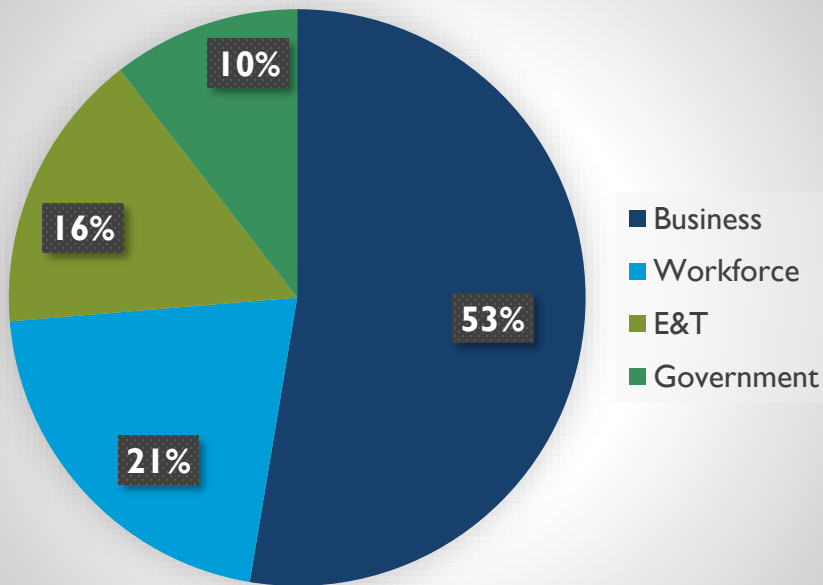
GOVERNMENT REPRESENTATIVES

- ▶ Must include a member from economic and community development entities
- ▶ Must include a member from the state employment service under the Wagner-Peyser Act
- ▶ Must include a representative from Vocational Rehabilitation
- ▶ *May* include a member from agencies running transportation, housing or public assistance programs
- ▶ *May* include a member from philanthropic organizations

NOMINATION OF MEMBERS

- ▶ Business representatives must be nominated by local business organizations or business trade associations
- ▶ Labor representatives must be nominated by local labor federations
- ▶ When there is more than one local provider of adult education services or multiple higher education institutions providing workforce activities, nominations must be solicited from those providers and institutions. This provides a representative selection process for these membership categories.

LWDB MEMBERSHIP COMPOSITION



Category	Number of Members
Business	10
Workforce	4
Employment & Training	3
Government	2
Total	19

III. CREATE INITIAL BYLAWS FOR LWDB



BYLAWS MUST MINIMALLY ADDRESS

- ▶ Nomination process used by CEOs to select LWDB members
- ▶ Term limits and how terms will be staggered
- ▶ Process to notify the CEOs when a vacancy occurs
- ▶ Proxy and alternative designee process
- ▶ Permissible use of technology for web-based and phone meetings
- ▶ Process to ensure LWDB members:
 - Convene system's stakeholders
 - Broker relationships with a diverse range of employers
 - Leverage support for workforce development activities
- ▶ Any other conditions deemed appropriate by the CEOs

IV. MAY SELECT A GRANT SUB- RECIPIENT OR FISCAL AGENT



SELECT A FISCAL AGENT OR GRANT SUB-RECIPIENT

- ▶ WIOA states that the CEO *may* designate a fiscal agent or grant sub-recipient
 - Designation of a fiscal agent does not relieve the local elected officials of liability for the misuse of grant funds.
- ▶ Should an entity not be designated, the CEO's (Chair of the CEO Consortium) unit of government shall fulfill the role

FISCAL AGENT/ GRANT SUB RECIPIENT CONSIDERATIONS

CEO bears financial liability with or without a designated grant sub recipient or fiscal agent.

CEO may designate a grant sub-recipient/ fiscal agent

By designating, the CEO agrees the entity has reliable internal controls and ability to perform role.

CEO ensures the designated entity has clearly defined roles and responsibilities.

Designated grant sub-recipient/ fiscal agent disburses funds at the direction of LWDB.

STANDARD ROLE OF THE FISCAL AGENT

- ▶ In general, the fiscal agent is responsible for the following functions:
 - Receive funds
 - Ensure sustained fiscal integrity and accountability for expenditures in accordance with OMB, WIOA, regulations, and state policies
 - Respond to audit findings
 - Maintain proper accounting records and adequate documentation
 - Prepare financial reports
 - Provide technical assistance to sub-recipients regarding fiscal issues

OPTIONAL ROLES FOR THE FISCAL AGENT

- ▶ At the direction of the LWDB, the fiscal agent may have the following additional functions:
 - Procure contracts or obtain written agreements
 - Conduct financial monitoring of service providers
 - Ensure independent audit of all employment and training program

FIREWALLS



Any organization selected or appointed to perform more than one role must develop a written agreement with the CEO and LWDB which outlines how the organization will demonstrate internal controls and prevent conflict of interest.

20 CFR 679.430

WHAT QUESTIONS DO YOU HAVE?



KEY REVIEW & APPROVE TASKS

- I. Approve LWDB budget
- II. Approve MOU and IFA
- III. May approve LWDB to be the One-Stop Operator
- IV. May approve LWDB to be the Adult/Dislocated Worker Career Services Provider



- Not an exhaustive list

I. APPROVE LWDB BUDGET

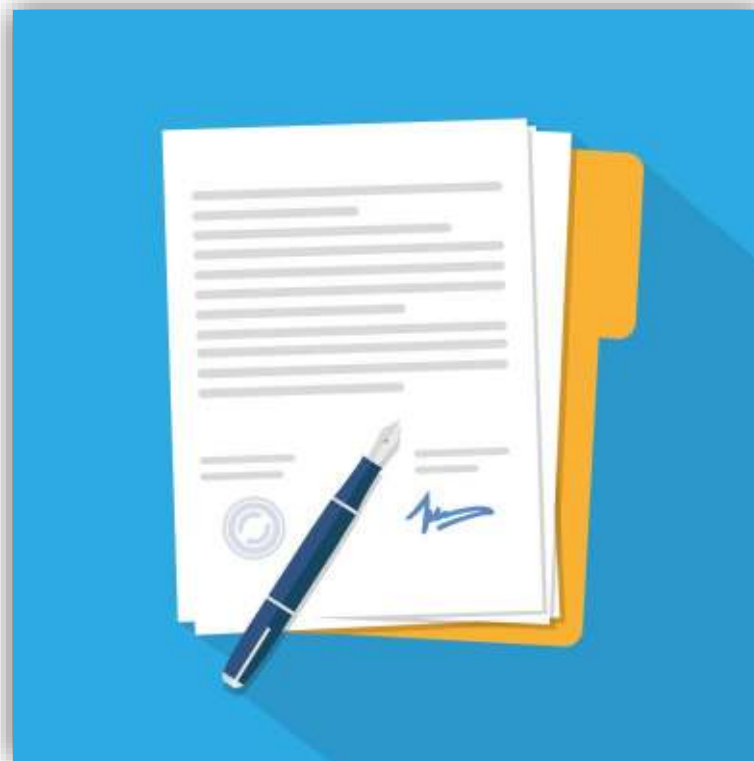


LWDB BUDGET



- ▶ All funds allocated to the local area must be budgeted
- ▶ Types of funds:
 - Adult
 - Dislocated worker
 - Youth
 - Could have:
 - Rapid Response
 - Statewide Reserve
 - Other

II. APPROVE THE MOU AND IFA



MEMORANDUM OF UNDERSTANDING (MOU)



The agreement which outlines the operation of the one-stop delivery system and identifies the role each partner will play.

INFRASTRUCTURE FUNDING AGREEMENT (IFA)

Financial plan to fund the services and operating costs of the one-stop delivery system.

Requires the active participation and good faith effort of all partners

Partners are required to pay their proportionate share of infrastructure costs

III. MAY APPROVE LWDB TO BE ONE-STOP OPERATOR

- ▶ LWDBs, with the approval of the CEO and the Governor, may be selected as the One-Stop Operator through either:
 - Competitive procurement or
 - Sole source determination (when consistent with state policy)
- ▶ LWDBs must prepare written documentation outlining the competitive process to be used

ROLE OF THE ONE-STOP OPERATOR



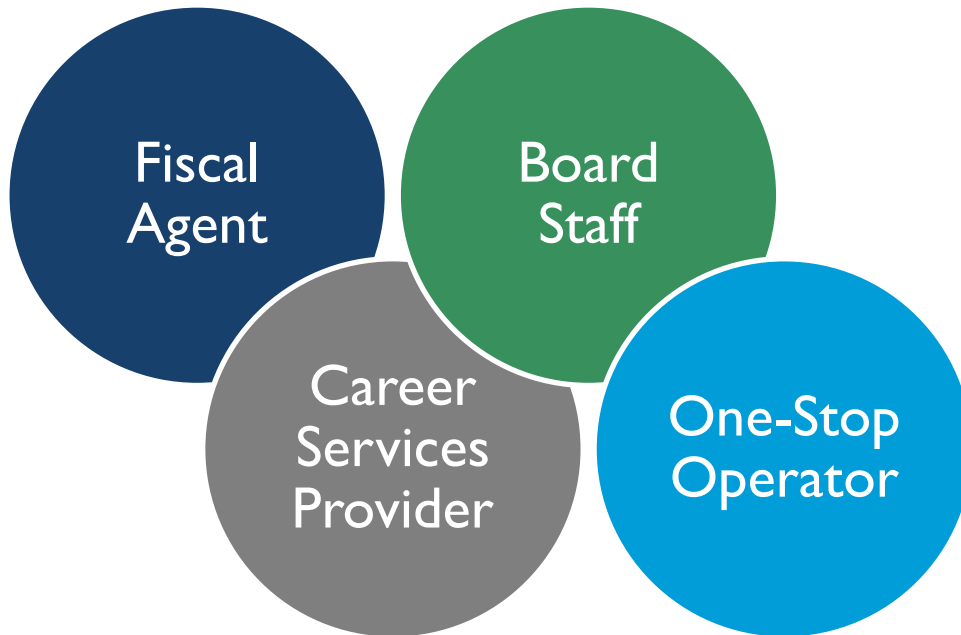
- ▶ The role of the One-Stop Operator is to coordinate the service delivery of required one-stop partners and service providers.
- ▶ The One-Stop Operator must be competitively procured, at a minimum, every four years.

IV. MAY APPROVE LWDB TO BE PROVIDER OF CAREER SERVICES FOR ADULTS AND DISLOCATED WORKERS

- ▶ LWDBs with the approval of the CEO and the Governor may be selected as career services provider for adults and dislocated workers.
- ▶ Career Services must be provided through the One-Stop System and may be provided by the One-Stop Operator or through contracts with services providers.

20 CFR 679.410(b), 20 CFR 680.160

FIREWALLS (2)



Any organization selected or appointed to perform more than one role must develop a written agreement with the CEO and LWDB which outlines how the organization will demonstrate internal controls and prevent conflict of interest.

20 CFR 679.430

ONE-STOP OPERATOR AND CAREER SERVICES PROVIDER



- ▶ There must be appropriate firewalls in place regarding the competition, subsequent oversight, monitoring, and evaluation of the chosen provider.
- ▶ Must have firewalls and internal controls within the operator service entity as well as specific policies and procedures at the LWDB.

20 CFR 678.625, 20 CFR 679.430

WHAT QUESTIONS DO YOU HAVE? (2)



KEY HIGH LEVEL OVERSIGHT TASK

Enter into a written agreement outlining how financial liability will be shared.



AGREEMENT ON SHARED LIABILITY

- ▶ If the LWDA is multi-jurisdictional, a written agreement **is required** which outlines how CEOs will apportion liability in the event costs are determined as disallowed and require repayment to USDOL or the state agency.
- ▶ Typically, liability for costs which are determined to be disallowed and require repayment, rest with the entity responsible for incurring the cost.
 - This should be clearly stated in contracts and other legal documents of the LWDB.

WHAT QUESTIONS DO YOU HAVE? (3)





CEO CHECK IN

I'd like to learn more about...

1. My financial liability
2. LWDB membership
3. Required agreements
4. Approving the local workforce development board's budget
5. Other: Please specify

EVALUATION

- ▶ Please take a minute and give us feedback on the session today:

Arkansas CEO Session Survey

(https://www.surveymonkey.com/r/AR_WIOA_Gov_CEOs_2-3-21)

CONTACT US!



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THANK YOU!



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