

June 30, 2015

WIOA TRANSITION POLICY #4 INITIAL CERTIFICATION OF LOCAL WORKFORCE DEVELOPMENT BOARDS

This transition policy is one in a series of policies DCEO is issuing to provide initial local guidance regarding implementation of the Workforce Innovation and Opportunity Act (WIOA). It is our intent to establish a new, streamlined and comprehensive framework for policy issuances over the next few months.

I. POLICY

A. Initial Certification of Local Workforce Development Boards

The Department of Commerce and Economic Opportunity will make a determination regarding the initial certification of all Local Workforce Development Boards (LWDBs) based on compliance with criteria established in Section 107 of the Workforce Innovation and Opportunity Act (WIOA) and this policy.

The composition of each LWDB will be evaluated on the following criteria:

- 1. Federal membership composition requirements encompassing business, representatives of the workforce, including labor organizations, local education program representatives and representatives of governmental and economic and community development entities; (Sec. 107)(b)(2))
- 2. Specific requirements for each of the above membership categories; (Refer to WIOA Transition Policy #3 Local Workforce Development Board Membership Requirements.)
- 3. Authority of board members (optimum policy making authority);
- 4. Majority business membership;
- 5. At least twenty percent (20%) workforce/labor membership; and
- 6. Compliance with the CEO Agreement and LWDB Bylaws of the local board.

If the LWDB meets requirements for initial certification, it will be certified for a two-year period. Initial LWDB certifications will be effective from October 1, 2015 through September 30, 2017.

B. Recertification of Local Workforce Development Boards

WIOA requires each LWDB to be recertified every two years. The first recertification will be effective beginning October 1, 2017. Recertification of local boards will be based on the extent to which the local board has ensured:

- 1. Board composition requirements have been maintained;
- 2. Local workforce activities enable the LWDA to meet negotiated standards related to performance measures; and
- 3. Fiscal integrity, as defined in WIOA (Sec. 106)(e)(2), has been sustained.

Additional requirements regarding LWDB recertification will be provided in a future policy issuance.

C. Decertification of Local Workforce Development Boards

LWDBs are subject to decertification by DCEO under one or more of the following conditions:

- 1. Failure to carry out functions of the board; or
- 2. Fraud and/or abuse.

A written notice of decertification and opportunity for appeal will be provided before decertification becomes effective. An LWDB that is decertified or fails to achieve initial certification will be required to reappoint and submit a revised membership listing and repeat the process for initial certification. Additional detail regarding LWDB decertification will be provided in a future policy issuance.

D. Appeal of Certification, Decertification of Local Workforce Development Boards

If an LWDB is denied certification or decertified by the state, it may appeal the decision. The Office of Employment and Training (OET) will notify the LWDB of its decision regarding the appeal within twenty-one (21) days from the receipt of the request by the LWDB. Additional detail regarding LWDB appeals of a certification, recertification or decertification decision will be provided a future policy issuance.

E. Other Requirements

The following general provisions shall be applicable to all LWDBs.

1. Sunshine Provision

- a. LWDB meetings must follow the provisions of the Illinois Open Meetings Act and should be conducted accordingly.
- b. Local boards must conduct business in an open manner as required by Sec. 107(e).
- c. Through electronic means and open meetings, the "sunshine provision" provides the public, on a regular basis, information on the activities of the local board.
 - 1) This includes information regarding the local plan, list and affiliation of local board membership, local board bylaws consistent with 20 CFR 679.31(g), designation and certification of the Illinois workNet operators, grants and contracts awarded to eligible providers of workforce investment activities including providers of youth activities, and minutes of formal meetings of the local board. (20 CFR 679.39(a-f))
 - 2) The minutes of meetings of the local board will be made available upon request and with the knowledge that the public may add their input to the process.

2. Parliamentary Procedures

- a. All LWDBs must adopt a generally accepted parliamentary procedure, such as Robert's Rules of Order, to ensure that LWDB's conduct business in an orderly and ethical fashion.
- b. The LWDB's meeting procedures should be noted in its bylaws, and business must be conducted accordingly.

II. PROCEDURES

A. Initial LWDB Certification

Initial LWDB certification requires the electronic submittal of a complete LWDB Certification information packet (preferably in .pdf format) to DCEO.

The packet consists of the following:

 A copy of a WIOA compliant CEO Agreement, signed and dated by the CEO(s). (Refer to WIOA Transition Policy #2 – Chief Elected Official Delegation of Authority and Acknowledgment of Financial Liability for minimum requirements of a CEO Agreement.) Among other requirements, the CEO Agreement must clearly identify:

- a. The CEO(s) who have authority to appoint members;
- b. The CEO(s) who have authority to submit appointment requests to DCEO; and
- c. Grant Recipient designation. (Refer to WIOA Transition Policy #2 Chief Elected Official Delegation of Authority and Acknowledgment of Financial Liability.)
- 2. A narrative demonstrating how the business members of the LWDB provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; (Sec. 107)(b)(2)(ii)
- 3. A statement of accessibility indicating:
 - a. All LWDB and LWDB committee meetings will be held in accessible facilities; and
 - b. All materials and discussions are in an accessible format (i.e., large print, Braille, interpreter, etc.) for all members, as needed or indicated.
- 4. Complete LWDB membership forms
 - a. Nomination forms (DCEO/LWDB Form # 001) for all business, education and labor members being appointed;
 - b. Appointment/Reappointment Forms (DCEO/LWDB Form # 002) for all LWDB members; (Refer to WIOA Transition Policy #3 Local Workforce Development Board Membership Requirements.)
 - c. A current and accurate Composition Summary Form (DCEO/LWDB Form # 003); and
 - d. A current and accurate Composition Summary Form Additional CEO Signature Page (DCEO/LWDB Form # 004), if applicable.
 - e. Forms # 001, # 002, # 003 and # 004 in an Excel format are provided as attachments to this policy.
- 5. The completed LWDB Certification information packet must be emailed to beverly.miller@illinois.gov with an electronic carbon copy to lora.dhom@illinois.gov no later than August 14, 2015.
 - a. Do not submit partial packets. Packets without all required signatures, required members and completed documents as outlined in this policy will not be accepted

and/or reviewed. If the packet is not in compliance with state and local requirements as determined by OET staff, the packet will be returned to the local board staff for revisions.

b. A letter of certification will be issued once the LWDB has been determined to be in compliance.

B. LWDB Bylaw Compliance

- 1. Upon notification of LWDB certification, the new board is required to review and revise its bylaws for WIOA compliance. At a minimum the bylaws should include:
 - a. The nomination process used by the CEO(s) to elect the local board chair and members;
 - b. The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;
 - c. The process to notify the CEO(s) of a board member vacancy to ensure a prompt nominee;
 - d. If utilized by the LWDB, the proxy and alternative designee process that will be used when a board member is unable to attend a meeting and assigns a designee as per the requirements of 20 CFR 679.110(d)(4);
 - e. The use of technology, in accordance with the Open Meetings Act, such as phone and web-based meetings, that will be used to promote board member participation (20 CFR 679.110(d)(5);
 - f. The process to ensure board members actively participate in convening the workforce development system's stakeholders, brokering relationship with a diverse range of employers, and leveraging support for workforce development activities;
 - g. A description of any other conditions governing appointment or membership on the board as deemed appropriate by the CEO(s); (20 CRF 679.310(g)(1-7);
 - h. The adopted generally accepted parliamentary procedure, such as Robert's Rules of Order, chosen by the LWDB;
 - i. The LWDB's policy assuring attendance and participation of its members;
 - i. Quorum requirements;
 - k. Any standing committees the LWDB has established; (Refer to WIOA Transition Policy #3 Local Workforce Development Board Membership Requirements.)

- 1. The LWDB's conflict of interest policy, which may not be any less stringent than the requirements of WIOA Transition Policy #3 Local Workforce Development Board Membership Requirements;
- m. The LWDB's policy on absentee voting, if allowed by the LWDB; and
- n. The process the board will take when expedient action is warranted between board meetings, such as calling a special meeting or allowing the Executive Committee to act on behalf of the board.
- 2. Within ninety (90) days of LWDB certification, the revised bylaws must be signed, dated and emailed to beverly.miller@illinois.gov with an electronic carbon copy to lora.dhom@illinois.gov. OET will review the bylaws to assure the bylaws support the certified LWDB composition. Follow-up will be performed with local board staff as necessary.

C. Appeals of a Certification or Decertification Decision

- 1. The LWDB has twenty-one (21) days, from the date of receipt of the notice of denial in which to file an appeal to DCEO. The appeal must include the following information:
 - a. A statement that the LWDB is appealing the denial;
 - b. The reason(s) certification or recertification should be granted or decertification should not be made;
 - c. LWDB contact information to request additional information, if necessary; and
 - d. The signature of the CEO.
- 2. The appeal must be submitted formally, in writing to DCEO, and must be sent by registered mail no later than the 21st day from the date of receipt of the notice of denial.

Appeals must be sent to:

Appeal of Certification Decision Illinois Department of Commerce and Economic Opportunity Office of Employment and Training 500 East Monroe Street – 9th Floor Springfield, Illinois 62701

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- 3. DCEO will review the request for appeal within twenty-one (21) days of its receipt.
 - a. If an administrative error was made or if additional information submitted by the LWDB changes the basis upon which the original decision was issued, the decision may be reversed and the LWDB granted certification or recertification or the decertification may be revoked.
 - b. If DCEO reverses its decision, it will notify the LWDB of its action in writing.
 - c. If DCEO does not reverse its decision to deny LWDB certification or recertification or upholds its decision to decertify the LWDB, they shall notify the LWDB within twenty-one (21) days from the receipt of the request by the LWDB.

III. INQUIRIES

Inquiries related to the requirements of this policy may be directed to:

Lora Dhom Illinois Department of Commerce and Economic Opportunity Office of Employment and Training (217) 558-2429 lora.dhom@illinois.gov

IV. ATTACHMENTS

DCEO/LWDB Form # 001 – Nomination Form

DCEO/LWDB Form # 002 – Appointment/Reappointment Form

DCEO/LWDB Form # 003 – Composition Summary Form

DCEO/LWDB Form # 004 – Composition Summary Form Additional CEO Signature Page

Sincerely,

Julio Rodriguez, Deputy Director

Office of Employment and Training

JR:mb

1-Date / /	NOMINATION FORM LOCAL WORKFORCE DEVELOPMENT BOARD	2-LWDA #
Nomination For	ms must be submitted to the State and kept on	file at the local level
	Nominating Entity Information	
3-Nominating Entity Name		
4-Contact Person:	5-Contact Person	on Phone: () -
	Nominee Information	
6-Nominated Individual's Name (Last, First)	7-Nominated Individual's Organization	8-City/County Representing (Enter N/A, if applicable)
	Signature	

June 2015 DCEO/LWDB Form # 001

10-Date

9-Signature of Contact Person

11-Title of Contact Person

1-LWDA#	APPOINTMENT, LOCAL WORKF		INTMENT FO	RM		
2-Name	3-F	Representing I	Entity			
4-Street Address	•	5-City		6-County Represen	ting	Residence County (if required)
7-State 9-Phone () 10-Fax () -	8-Zip ext		Appointn Reappoil	ntment	ember being r	eplaced:
authority (Attach additional pag	onstrating optimum policy making es, if necessary)		r change/new contact racteristics (Optional Male	Female	erican Indian an	
requires that I publicly disclo myself or an entity that I rep voting on such matters. (Co	mation is accurate and complete. I fur ose any conflict of interest, whether re- tresent or that would provide direct fina- inflict of interest is a situation in which a pen influence the objective exercise of his or he	al or apparent ancial benefit erson, such as a	t, prior to discussion to myself or a men in public official, an en	n on a matter regard ober of my immediate	ing provision of a family and sh	of services by nall abstain from
Fill out appropriate Entity F	Representative(s) below					ness as defined by the
Agriculture, Food & Natur Business Management & A Finance Hospitality & Tourism Law, Public Safety, Correct Research and Developme 17-Workforce Representative Labor Organization Community-Based Orga	nt Opportunities (Check ONLY One): al Resources Architecture dministration Education & Government Human Serv ions & Security Manufacturi nt Science, Te	e & Construction Training Ital & Public Adnorates Ing Inchnology, Eng Approintment - la Int Apprentices	inistration ineering & Math bor organization only hip Program/Appre	mil. SE Arts, A/V Tec Energy Health Scier Information Marketing Transportation enticeship Program	BA.gov. chnology & Com ce Technology ion, Distributio	
Youth Organizations Services Provided (must	demonstrate expertise and effectiveness in	n the field of ad	dressing employmen	t, training, or education	needs of youth)	:
Community-Based Orga	entative Title II or multiple insti Education and Literacy Activities nization demonstrate expertise and effectiveness in	itutions of highe	r education providing Institution Local Ed	ministering adult educa workforce investment of Higher Education ucation Agency r training needs of indiv	activities servinั๋	
19-Gov't and Econ/Comm Devel Economic and Commun Wagner-Peyser Act (Em Vocational Rehabilitation	ity Development ployment Service)		_	rtation, Housing, and opic Organization	Public Assista	ance
20-Other Representative	data abasild by the control of the	and alone 191				
21-Term of Appointment (FROM	date should be the original appointment	ent date, if kno	own)			

June 2015 DCEO/LWDB Form # 002

LOCAL WORKFORCE DEVELOPMENT BOARD COMPOSITION SUMMARY FORM

1-LWDB Name _____ 2-Date ___/ ___/ ___ 3-LWDA # _____

														-Entity Representing k Appropriate Column(s))									
			7-Reason for Submission				(>5	Business (>50% of Board membership)			(≥ 20% (of Board ership)	i	Educati	raining	Governmental & Economic/ Community Development					Other		
4-Appointment Date (mm/dd/yyyy)	5-Term Expiration Date (mm/dd/yyyy)	6-Name (Last, First)	Current Member	Appointment	Filling Vacancy	Re-Appointment	Business & Employers (A Small business as dfined by SBA)	Business & Employers (NOT a small business)	Chairperson (One selected from Business)	Labor Organizations (At least 2 representatives)	Labor/Apprenticeship (At least 1 rep., if available)	CBO for Employment, Training or Education	Employment, Training or Education for Youth	Eligible Providers of Adult Education and Literacy (≥1)	Institutions of Higher Education (≥ 1)	Local Educational Agencies and CBOs	Economic and Community Development (≥ 1)	State Employment Services under Wagner-Peyser (≥ 1)	Programs under Title I of the Rehabilitation Act (≥ 1)	Transportation, Housing and Public Assistance	Philanthropic Organizations	Other as Deemed Appropriate by the CEO	
		Total for Category:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
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LOCAL WORKFORCE DEVELOPMENT BOARD COMPOSITION SUMMARY FORM

1-LWDB Name _____ 2-Date ___ / ___ / ___ 3-LWDA # _____

					8-Entity Representing (Check Appropriate Column(s))																	
			7-Reason for Submission				(>50	Busines 0% of B embersl	oard		(≥ 20% (kforce of Board ership)	I	Educat	tion & T	raining	Governmental & Economic/ Community Development					Other
4-Appointment Date (mm/dd/yyyy)	5-Term Expiration Date (mm/dd/yyyy)	6-Name (Last, First)	Current Member	Appointment	Filling Vacancy	Re-Appointment	Business & Employers (A Small business as dfined by SBA)	Business & Employers (NOT a small business)	Chairperson (One selected from Business)	Labor Organizations (At least 2 representatives)	Labor/Apprenticeship (At least 1 rep., if available)	CBO for Employment, Training or Education	Employment, Training or Education for Youth	Eligible Providers of Adult Education and Literacy (> 1)	Institutions of Higher Education (≥ 1)	Local Educational Agencies and CBOs	Economic and Community Development (≥ 1)	State Employment Services under Wagner-Peyser (≥ 1)	Programs under Title I of the Rehabilitation Act (≥ 1)	Transportation, Housing and Public Assistance	Philanthropic Organizations	Other as Deemed Appropriate by the CEO
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LOCAL WORKFORCE DEVELOPMENT BOARD COMPOSITION SUMMARY FORM

3-LWDA # 1-LWDB Name 2-Date 8-Entity Representing (Check Appropriate Column(s)) **Business** Workforce Governmental & Economic/ 7-Reason for Submission (>50% of Board (≥ 20% of Board **Education & Training** Other **Community Development** membership) membership) Local Educational Agencies and CBO Institutions of Higher Education (≥ 1) Eligible Providers of Adult Educatior Business & Employers (A Small business as dfined by SBA) Chairperson (One selected from Business) Philanthropic Organizations (At least 1 rep., if available) (At least 2 representatives Employment, Training or Rehabilitation Act (≥ 1) Business & Employers (NOT a small business) Labor/Apprenticeship Labor Organizations CBO for Employment, Training or Education State Employment Services Wagner-Peyser (≥ 1) **Education for Youth Current Member** Appointment 5-Term Expiration 4-Appointment Date 6-Name Date (mm/dd/yyyy) (Last, First) (mm/dd/yyyy) 0 0 0 0 0 0 0 9-TOTALS: Members = 0 Entities Represented = Total for Category: 0 0 Cells highlighted in RED indicate a lack of sufficient representation of that entity. 10-Signature of Local Chief Elected Official Subject to certification required by Section 107 of the Workforce Innovation and Opportunity Act and WIOA Transition Policy #3 and #4, the persons nominated herein have been duly appointed to the Local Workforce Development Board by the Chief Elected Officials of this Local Workforce Development Area. This appointment is consistent with the local CEO agreement and bylaws. Signature of Local Chief Elected Official (Attach additional signature page, if necessary.)

June 2015 DCEO/LWDB Form # 003

Local Workforce Development Board Membership # of Entities Represented 0 # of Board Members 0

>50% majority shall be representatives of businesses in the local area, to include the Chairperson, who

Chairperson elected by members of the board from among the approved business representatives

Are Owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority; and who, represent businesses (including small businesses), or organizations representing businesses, 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 area.

Are appointed from among individuals nominated by local business organizations and business trade associations.

At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Information on small business size standards matched to North American Industry Classification Codes (NAICS) may be found at: https://www.sba.gov/sites/default/files/files/Size Standards Table.pdf

Are Owners of businesses, CEOs or operating officers of businesses as described above, but do NOT represent small business.

≥ 20% Shall be representatives of the workforce within the local area, who

Shall include representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been **nominated** by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees

Shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such program exists

May include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities

May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth

Representatives of entities administering education and training activities in the local area, who

Shall include a representative of eligible providers administering adult education and literacy activities under title II

Shall include a representative of institutions of higher education providing workforce development activities (including community colleges)

SPECIAL RULE.—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board, respectively, shall be appointed from among individualsnominated by local providers representing such providers or institutions, respectively.

May include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment

Representatives of governmental and economic and community development entities serving the local area, who

Shall include a representative of economic and community development entities

Shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area

Shall include an appropriate representative of the programs carried out under Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (26 U.S.C. 732, 741), serving the local area

May include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance

 $\textbf{May} \ include \ representatives \ of \ philanthropic \ organizations \ serving \ the \ local \ area$

Such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate

 $No\ entries\ are\ required\ on\ this\ form.\ It\ automatically\ fills\ as\ the\ Composition\ Summary\ form\ is\ completed.$

Red Highlighted Boxes indicate there is not enough representation appointed to meet the requirements of the Workforce Innovation and Opportunity Act.

As members are appointed, the limits of other representation may change to meet the minimum requirements.

Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities.

The members of the board shall represent diverse geographic areas within the local area.

Instructional and Error messages will appear when a limit for a particular representative appointment cell has not been met.

LWDB COMPOSITION SUMMARY FORM **ADDITIONAL CEO SIGNATURE PAGE**

LWDA #: Signature of Chief Elected Official(s) This form to be used when more than one Chief Elected Officials in the local workforce area must sign. All CEOs should sign the form and enter the current date in the MM/DD/YYYY format. Dates must be within 90 days of nominee signature and within 30 days of submission date. Subject to certification required by Section 107 of the Workforce Subject to certification required by Section 107 of the Workforce Innovation and Opportunity Act and WIOA Transition Policy #3 and #4, Innovation and Opportunity Act and WIOA Transition Policy #3 and #4, the persons nominated herein have been duly appointed to the Local the persons nominated herein have been duly appointed to the Local Workforce Development Board by the Chief Elected Officials of this Local Workforce Development Board by the Chief Elected Officials of this Local Workforce Area. This appointment is consistent with the local CEO Workforce Area. This appointment is consistent with the local CEO agreement and bylaws. agreement and bylaws. Signature Signature Subject to certification required by Section 107 of the Workforce Subject to certification required by Section 107 of the Workforce Innovation and Opportunity Act and WIOA Transition Policy #3 and #4, Innovation and Opportunity Act and WIOA Transition Policy #3 and #4, the persons nominated herein have been duly appointed to the Local the persons nominated herein have been duly appointed to the Local Workforce Development Board by the Chief Elected Officials of this Local Workforce Development Board by the Chief Elected Officials of this Local Workforce Area. This appointment is consistent with the local CEO Workforce Area. This appointment is consistent with the local CEO agreement and bylaws. agreement and bylaws. Signature Signature Date Date Subject to certification required by Section 107 of the Workforce Subject to certification required by Section 107 of the Workforce Innovation and Opportunity Act and WIOA Transition Policy #3 and #4, Innovation and Opportunity Act and WIOA Transition Policy #3 and #4, the persons nominated herein have been duly appointed to the Local the persons nominated herein have been duly appointed to the Local Workforce Development Board by the Chief Elected Officials of this Local Workforce Development Board by the Chief Elected Officials of this Local Workforce Area. This appointment is consistent with the local CEO Workforce Area. This appointment is consistent with the local CEO agreement and bylaws. agreement and bylaws. Signature Signature Date Date Subject to certification required by Section 107 of the Workforce Subject to certification required by Section 107 of the Workforce Innovation and Opportunity Act and WIOA Transition Policy #3 and #4, Innovation and Opportunity Act and WIOA Transition Policy #3 and #4, the persons nominated herein have been duly appointed to the Local the persons nominated herein have been duly appointed to the Local Workforce Development Board by the Chief Elected Officials of this Local Workforce Development Board by the Chief Elected Officials of this Local Workforce Area. This appointment is consistent with the local CEO Workforce Area. This appointment is consistent with the local CEO agreement and bylaws. agreement and bylaws. Signature Signature Subject to certification required by Section 107 of the Workforce Subject to certification required by Section 107 of the Workforce Innovation and Opportunity Act and WIOA Transition Policy #3 and #4, Innovation and Opportunity Act and WIOA Transition Policy #3 and #4, the persons nominated herein have been duly appointed to the Local the persons nominated herein have been duly appointed to the Local Workforce Development Board by the Chief Elected Officials of this Local Workforce Development Board by the Chief Elected Officials of this Local

Workforce Area. This appointment is consistent with the local CEO agreement and bylaws.

Signature

Workforce Area. This appointment is consistent with the local CEO agreement and bylaws. Signature

DCEO/LWDB Form # 004 June 2015