



## Workforce and Talent Development Board Policy

Subject: Appointment and Certification of Local Workforce Development Boards

Publish Date: 02/18/2016

New Policy  Revised Policy

### Overview

The Workforce Innovation and Opportunity Act (WIOA) authorizes chief local elected officials (CLEO) to appoint local board members, requires the Governor to certify local boards, and addresses decertification of boards. This policy contains additional State of Oregon requirements, criteria, and clarifications.

### Policy Statement

#### Appointment of Board Members and Assignment of Responsibilities

The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the criteria established in Oregon's policy *WIOA 107(b) - Local Workforce Development Board Membership*.

- When a local area includes more than one (1) unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials. Such agreements must include:
  - A description the appointment process for members of the local board from the individuals nominated or recommended to be such members, as described in Oregon's policy *WIOA 107(b) Local Workforce Development Board Membership*.
    - Lack of Agreement. If the chief elected officials are unable to reach agreement on the responsibilities and/or process identified above, the Governor may appoint the members of the local board from individuals so nominated or recommended.
      - Chief elected officials have sixty (60) days to reach/renew agreement(s) from the point in time in which a new chief elected official is identified/elected.
  - A description of how each chief elected official will carry out any other responsibilities assigned to such officials, according to WIOA or State policy.
- Current copies of such agreements must be submitted as part of the Local Workforce Development Board Certification Request process (see below).

#### Certification of Local Workforce Development Boards

The Governor shall, once every two (2) years, certify one (1) local board for each local area in the State.

Initial Certification Boards requesting initial certification must:

- Comply with the Local Workforce Development Board Certification Request process (see Attachment B).
- Comply with the requirements contained in Oregon's policy *WIOA 107(b) - Local Workforce Development Board Membership*

#### Subsequent Certification

Boards requesting a second or subsequent certification must:

- Comply with the Local Workforce Development Board Certification Request process (see Attachment B).

- Comply with the requirements contained in Oregon’s policy WIOA 107(b) - Local Workforce Development Board Membership.
- Additionally, subsequent certification will be based upon the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in WIOA section 106(e)(2).

#### Failure to Achieve Certification

Failure of a local board to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to the process described above and in this paragraph.

#### Decertification

The Governor may decertify a local board at any time after providing notice and an opportunity for comment, for:

- Fraud or abuse
- Failure to carry out the functions specified for the local board in described in WIOA section 107(d) and related State policy.
- Nonperformance. [If a local area fails to meet the local performance accountability measures for such local area in accordance with WIOA section 116(c) for 2 consecutive program years.]

#### Reorganization Plan

If the Governor decertifies a local board for a local area, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area and in accordance with the criteria established under WIOA section 107(b) and this policy

### **Effective Date**

2/18/2016

### **Required Action**

Local boards should develop additional policies and procedures, as appropriate, to comply with the above requirements and related issues (examples may include: documenting appointment criteria/processes, timelines for agreements between chief elected officials, etc.). All local policies and procedures must comply with state and federal guidelines, and may add additional criteria, requirements, limitations, etc.

### **Contact**

Questions are to be referred to [WTDBPolicy@hecc.oregon.gov](mailto:WTDBPolicy@hecc.oregon.gov).

### **Attachments**

- Attachment A – Local Workforce Development Board Certification Request Letter (template)
- Attachment B – Local Workforce Development Board Certification Request Process
- Attachment C – References

## **References**

WIOA Sec. 107(c) Appointment and Certification of Board.  
20 CFR § 679.350