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## Proposed Rule Summary

In accordance with Arkansas Code Annotated 25-15-218, the Arkansas Department of Workforce Services is proposing the following policy:

### **Roles and Responsibilities of Chief Elected Officials**

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

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

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

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

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## Roles and Responsibilities of Chief Elected Officials

### Purpose:

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

### Reference:

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

### Policy:

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

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

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

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

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

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

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

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

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

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

### **The CEO Agreement**

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

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

Further, the CEO agreement should respond to the following:

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

## **Submission of the Local Plan**

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

## **The CEO Agreement**

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

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

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

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

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

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

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

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

### **The CEO Agreement**

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

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

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

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

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

### **The CEO Agreement**

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

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

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

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

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

#### **The CEO Agreement**

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

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

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

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

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

#### **The CEO Agreement**

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

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

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