

OREGON WORKFORCE INVESTMENT BOARD

Policy No. 02 Board Certification

Purpose

The purpose of this policy is to establish the membership criteria and other criteria for local Workforce Investment Boards, and the procedures the Governor will use to certify local Workforce Investment Boards as requested by Chief Elected Officials.

References

The Workforce Investment Act of 1998 (WIA), Pub. L. 105-220; USC 9276(c) requires the establishment of a local Workforce Investment Board in each local area of a state. The Act requires Governors of states to certify the local boards. The Act further requires Governors, in consultation with the State Board, to establish criteria for use by Chief Elected Officials in the local areas for appointment of members of the local boards in accordance with the Act.

Oregon will comply with the requirements of Federal law through a system of Workforce Investment Boards.

ORS 285A.452-461 (SB 917) authorizes Regional Workforce Committees, states their composition, and outlines the responsibilities of such boards under Oregon law.

HB 2989 (C-Engrossed) creates certain criteria for local workforce boards.

Background

The Oregon Workforce Advisory Committee (OWAC) wishes to establish policy that complies with the Governor's responsibility to establish a consistent, statewide workforce system. The OWAC further supports clear lines of responsibility and authority between the State, WIA areas, and workforce regions, preserving local control, flexibility, and decision making through Local Elected Officials and Workforce Investment Boards.

Because economic and other factors vary from region to region within the state, as much flexibility as possible will be extended to Local Elected Officials and local workforce partners in the design and governance of local workforce system. Local Elected Officials and local boards will be given as broad a purview as possible, within legal, programmatic, and budgetary parameters, to design systems and programs which best meet the workforce needs of the region. By agreement between Local Elected Officials and the Governor, WIA areas with multiple workforce regions will establish regional workforce investment boards.

Definitions

Local. Under the WIA, local is defined as Workforce Investment Area. At the request of Chief Elected Officials, Workforce Investment Areas may be multi-regional, i.e., be composed of more than one workforce region. ORS 285A-452-461 (SB917) creates a system of regional workforce committees for the purpose of regional strategic workforce leadership and planning. Under the WIA, Oregon is committed to addressing Federal and state requirements while building on our experience to create an integrated workforce system with appropriate levels of local, regional, multi-regional, and state level flexibility, decision making and authority.

Regional. Means a county or group of counties that share a common labor market, workforce needs and services, formally designated by the Governor as a Workforce Region.

One Stop Partner. The WIA lists the programs that must be represented on local boards as one-stop partners. In Oregon, the entities that carry out the programs and activities identified in the Act are the partners, not the programs or activities themselves.

Chief Elected Official. County Commission or Judge designated by each County Commission and the Mayor of Portland.

Workforce Investment Board Membership

One Workforce Investment Board (WIB) shall be appointed in each designated Workforce Investment Area and shall serve as the local Workforce Investment Board pursuant to the Workforce Investment Act of 1998. The membership of the board shall be consistent with Title I, sec.117(b) of the Act, with a business majority and chair, and shall be appointed by the Chief Elected Official(s) from each area. Chief Elected Officials shall consider members of existing local workforce development boards, such as PICs and Regional Workforce Committees, for membership. The WIB must contain, at a minimum, two or more members representing the categories described in WIA section 117(b)(2)(A)(ii)-(v), and at least one member representing each One-Stop partner. Members of the board who represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. Members may represent more than one entity.

The following is a summary of the required WIB composition and the procedures to be observed by Chief Elected Officials in making the appropriate appointments.

(1) Representatives of business in the local area , who: are owners of businesses, chief executives or operating officers of business, and other business executive or employers with optimum policymaking or hiring authority; represent businesses with employment opportunities that reflect the employment opportunities of the local area; and are appointed from among individuals nominated by local business organizations and business trade associations;

Private not-for-profit businesses that represent significant employment opportunities in a community, and that are not considered otherwise to be workforce contractors, one-stop

partners or service providers, e.g., not-for-profit hospitals, may be considered as businesses under this membership category.

A majority of the members of the WIB must be from this business membership category. In addition, the WIB will elect the Chair from this category.

(2) Representatives (two or more) of local educational entities, which may include representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies institutions, or organizations representing such local educational entities;

(3) Representatives (two or more) of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;

(4) Representatives (two or more) of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);

(5) Representatives (two or more) of economic development agencies, including private sector economic development entities;

(6) Representatives of each of the One-Stop partners who represent agencies and/or organizations who carry out the following:

Mandatory

- Programs authorized under Title I of WIA (adults, dislocated workers, youth, Job Corps, Native American programs, migrant and seasonal farmworker programs, and veterans workforce programs);
- Programs authorized under the Wagner-Peyser Act (Employment Services);
- Adult education and literacy activities authorized under Title II of the Act;
- Vocational rehabilitation programs authorized under title I of the Rehabilitation Act of 1973;
- Welfare To Work programs authorized under section 403(a)(5) of the Social Security Act;
- Senior Community Employment Program activities authorized under title V of the Older American's Act;
- Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act;
- Trade Adjustment Assistance and NAFTA Transitional Adjustment Assistance activities authorized under chapter 2 of title II of the Trade Act of 1974 (TAA and NAFTA);
- Activities authorized under chapter 41 of title 38, U.S. Code (DVOP/LVER);

- Employment and training activities carried out under the Community Services Block Grant (Community Action Agencies);
- 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);
- TANF programs authorized under part A of title IV of the Social Security Act; and
- Employment and training and work programs authorized under section 6(d)4 and section 6(o) of the Food Stamp Act of 1977.

Optional

The Act provides that other entities that carry out a human resource program, including federal, state and local programs and programs in the private sector may serve as additional partners if the local board and Chief Elected Official(s) so approve. Additional partners may include:

- Programs authorized under the National and Community Service Act of 1990; and
- Other appropriate programs, including programs related to transportation and housing.
- May include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

Workforce Investment Areas comprised of more than one workforce region are encouraged to draw a preponderance of WIB members from Regional Workforce Investment Boards (RWIBs).

Regional Workforce Investment Board Membership

In those Workforce Investment Areas comprised of more than one workforce region, a Regional Workforce Investment Board (RWIB) shall be appointed for each region. The membership of each RWIB may be consistent with WIB membership requirements, but at a minimum shall consist of:

- 1) Representatives of business in the local area who are appointed by the Chief Elected Official from among individuals nominated by local business organizations and business trade associations (the Chair shall be elected from this category);
- 2) Representatives of labor organizations (for an area in which employees are represented by labor organizations), nominated by local labor federations; and
- 3) Representatives from the local mandatory one stop partners who are actively participating in the one-stop system and desire a place on the board.

Inclusive partnerships at the local level are desirable and encouraged. With the exception of those requirements stated here, membership requirements for the WIBs, as described in WIA do not apply to Regional Workforce Investment Boards.

Alternative Entity

The Governor may certify an alternative entity as a WIB, at the request of the Chief Elected Official(s), pursuant to WIA section 117(i).

While RWIBs may not be considered as an alternative entity under WIA, membership of WIBs and/or RWIBs may be considered to be an alternate structure under ORS 285A.458 (5), (SB 917).

Unless the Governor certifies a WIB as an alternate entity, WIBs must be newly created.

Workforce Investment Board Responsibilities

Oregon's Workforce Investment Boards (WIBs) shall be strategic leaders in addressing workforce development issues in their WIA areas, including but not limited to WIA requirements, and shall advise the State Board on policy related to workforce issues. The State WIB, local WIBs (and in the case of multi-regional areas, Regional Workforce Investment Boards through the appropriate WIA area WIB) are a part of a statewide workforce development system, and are expected to carry out strategies and policies that build on state investments.

Oregon is constructing a workforce development system based on partnerships and linkages. The principle of partnership is critical in developing boards and in considering their duties and responsibilities. Partners are expected to interact based on collaboration, not ownership.

WIBs. In partnership with the Chief Elected Official where applicable, WIBs shall have all the responsibilities specified in WIA section 117(d), to include:

- Developing the five-year local plan;
- Conducting oversight of the one-stop system, youth activities and employment and training activities under Title I of WIA, in partnership with the Chief Elected Official;
- Selecting the one-stop operators with the agreement of the chief Elected Official;
- Selecting eligible youth providers based on the recommendation of the youth council, identifying eligible providers of adult and dislocated worker intensive and training services, and maintaining a list of eligible providers as required in WIA;
- Developing a budget for the purposes of carrying out the duties of the local board, subject to the approval of the Chief Elected Official;
- Negotiating and reaching agreement on local performance measures with the Chief Elected Official and the Governor;
- Assisting the Governor in developing the statewide employment statistics system under the Wagner-Peyser Act;
- Coordinating workforce investment activities with economic development strategies and developing employer linkages;
- Promoting private sector involvement in the statewide workforce investment system;
- Appointing, in cooperation with the Chief Elected Official, a youth council as a subgroup of the local board, and coordinating workforce and youth plans and activities with the youth council;

- Carrying out regional planning activities if part of a state designated region for regional planning, as required by the state; and
- Conducting business in an open manner (sunshine provisions).

Multi-regional Workforce Investment Areas will assure that the following decisions will be made with applicable concurrence from Chief Elected Officials and the Workforce Investment Board, at the workforce regional level:

- Designating one-stop operators;
- Developing local performance targets (including unique, regional performance measures);
- Developing regional 5-year plans and as part of the WIA area 5 year plan;
- Oversee the disbursal of funds, in accordance with the 5-year plan, by the designated fiscal agent, within the requirements of the WIA;
- Providing, in coordination with WIB staff, oversight to local workforce activities;
- Strengthening partnerships with employers, Community Solutions Teams and others;
- Establishing, as is deemed appropriate by the regional board, regional youth committees to build a comprehensive youth strategy; and
- Identifying and certifying regional training and service providers in accordance with established WIB policy.

Local Boards as Service Providers

As required under WIA, a board or the staff of a board may not directly provide core services, or intensive services, or be designated or certified as a one-stop operator unless agreed to by the Chief Elected Official and the Governor. Sufficient evidence of approval of the Chief Elected Officials may be expressed through regional and WIA area plans.

A board or the staff of a WIB may not provide training services, unless granted a waiver by the Governor in accordance with WIA section 117(f)(1), which states that such a waiver, among other provisions, is based on evidence that there is an insufficient number of eligible providers of the requested program of training services to meet local demand in the local area. The waiver shall apply for not more than one year and may be renewed for not more than one additional year.

Conflict of Interest

As part of the local (and regional) plan there will be included a description of how the WIB (and RWIB) will develop and follow appropriate processes to avoid violating Oregon or Department of Labor conflict of interest rules.

Board Purview

In order to build an effective workforce development system, WIBs will find it necessary to bring a variety of services and funding streams together. The WIA offers opportunity for boards to have both a direct (under Title I) and indirect (Titles II, III and IV, and other partners) impact on a broader customer base, including job seekers and employers. It is important for boards to

be able to differentiate between those programs and services upon which they have direct impact and decision making for and those they influence and participate in through collaboration.

One way to represent the spheres of influence is through ‘tiers’ as described below:

Tier 1. Tier 1 is the area of actual control of funds, including fiscal and reporting responsibilities. Under the WIA, this includes Title I, through the one-stop partners who are members of the board. This also includes other sources of funding received by the board as a legal entity.

Tier 2. Tier 2 is the area of influence through partnerships. This will include Titles II, III, and IV of the Act and other funding streams operated by one-stop partners.

Tier 3. This is the area of collaboration, in which the local board widens its sphere of influence by tying its workforce development activities to other community activities, such as economic development and k-12 education.

Certification Procedures

The Governor, as required under WIA, shall certify local WIBs every two years beginning July 1, 2000. Submittal of required materials shall be due to the state 90 days prior to the beginning of the applicable two-year period (e.g., April 1, 2002 for the year beginning July 1, 2002). It is not necessary for the Governor to certify RWIBs, although the WIB must present documentation that it has done so.

The governor or the delegated state agency shall issue a schedule and instructions for submission of materials needed for certification. Materials shall be submitted by the Chief Elected Official(s) in each local area. The instructions shall, at a minimum, require the submission of:

1. A written statement of local board composition which shall be consistent with Title I, sec. 117(b) or (I) of WIA, and with ORS 285A.452-461 (SB 117). This statement shall include the names of individual appointed and their qualifications, and a description of the nominating process.
2. A description of the basic organizational structure and operational framework through which the local board intends to carry out its roles and responsibilities as outlined in this policy, including the documentation of concurrence between the local board and the chief local elected official(s) where required.

Approved by:	Cam Preus-Braly, Governor’s Workforce Policy Coordinator
Date:	
Effective Date:	July 23, 1999

This policy will remain in effect until amended or rescinded by the state Workforce Investment Board (the Oregon Workforce Advisory Committee, or its successor).