

Roles of Chief Elected Officials

SUBJECT: The Roles of Chief Elected Officials to be Included in a Chief Elected Official Agreement

REFERENCE: Section 117, 118, and 121

BACKGROUND: Sec. 117(c)(1)(B)(i) of the Workforce Investment Act states: "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 may execute an agreement that specifies the respective roles of the individual chief elected officials..."

POLICY: The roles of the chief elected officials that should be included in a Chief Elected Official Agreement:

CEO ROLE: Appointment of the members of the local workforce investment board.

Requirements of the Law

WIA provides that the members of each local board shall include:

- Representatives of business in the local area who are owners of businesses, chief executive or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority. These persons are to represent businesses with employment opportunities that reflect the employment opportunities of the local area. They are to be appointed from among individuals nominated by local business organizations and business trade associations.
- Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and post-secondary 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.
- Representatives 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.
- Representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present).
- Representatives of economic development agencies, including private sector economic development entities; and
- Representatives of each of the one-stop partners; and
- May include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

As with the representatives of business, each of the representatives of other sectors are to be individuals with optimum policymaking authority within the entities they represent. A majority of the members of the local board are to be representatives of business in the local area. The "Interim Final Rules and Regulations" defines the term representatives as meaning more than one; therefore, the number of representatives of business must be equal to the number of other representatives plus one.

Options available for the CEO Agreement

Choices available to the chief elected officials may include, but are not limited to:

- Each chief elected official shall appoint members from nominations submitted by entities in their county or city. This method would require a specified proportional number of members from each unit of local government.
- The chief elected official from the county or city of residence of the nominees would recommend the appointment of a nominee and the chief elected officials as a body would appoint the member.
- A committee of chief elected officials would be responsible to recommend appointments to the chief elected officials as a body, or the appointment process could be delegated to the committee.
- Other locally developed policy consistent with the Act and described in the CEO agreement.

CEO ROLE: Local grant recipient for funds allocated to the local area.

Requirement of the Law

Section 117(d)(3)(B)(i)(I) of WIA states: "The chief elected official 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 chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability."

Section 117(d)(3)(B)(i)(II) of WIA states: "In order to assist in the administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds..."

Options available to the CEO Agreement

Choices available to the chief elected officials may include, but are not necessarily 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 subrecipient or fiscal agent.
- Appoint an entity to serve as grant subrecipient or fiscal agent and document such appointment in the CEO agreement.

The CEO agreement should further respond to:

- 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 subrecipient 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?

CEO ROLE: Partner with the Local Workforce Investment Board in submission of the local plan.

Requirements of the Law

Sec. 118(a) of WIA states: "Each local board shall develop and submit to the Governor a comprehensive 5-year local plan (referred to in this title as the local plan), in partnership with the appropriate chief elected official. The plan shall be consistent with the State plan."

Options available for the CEO Agreement

Choices available to the chief elected officials may include, but are not limited to:

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

CEO ROLE: Approval of the Local Workforce Investment Board's designation and certification of one-stop operators.

Requirements of the Law

Sec 121(d)(1) of WIA states: "...the local board, with the agreement of the chief elected official, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators."

Options available for the CEO Agreement

Choices available to the chief elected officials may include, but are not limited to:

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

CEO ROLE: Come to an agreement with the Local Workforce Investment Board in the development of a memorandum of understanding with one-stop partners.

Section. 121(c)(1) of WIA states: "The local board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the local board and the one-stop partners)...concerning the operation of the one-stop delivery system in the local area."

Options available for the CEO Agreement

Choices available to the chief elected officials may include, but are not limited to:

- Review and approve, as a body, the memorandum of understanding developed by the Local Workforce Investment Board.
- Appoint a committee of CEOs to assist the Local Workforce Investment 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.
- Other locally developed procedures consistent with the Act and described in the CEO agreement.

CEO ROLE: Provide oversight, in partnership with the Local Workforce Investment Board, of the One-stop delivery system in the local area.

Requirements of the Law

Sec. 121(a)(3) of WIA states: "consistent with the State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall...conduct oversight with respect to the one-stop delivery system in the local area."

Options available for the CEO Agreement

Choices available to the chief elected officials may include, but are not limited to:

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

CEO ROLE: Approve the budget of the Local Workforce Investment Board.

Requirements of the Law

Sec. 117(d)(3)(A) of WIA states: "The local board shall develop a budget for the purposes of carrying out the duties of the local board...subject to the approval of the chief elected official."

Options available for the CEO Agreement

Choices available to the chief elected officials may include, but are not limited to:

- Review and approve, as a body, the budget of the Local Workforce Investment Board.
- Appoint CEOs to serve on a budget committee of the body of CEOs, which will review and approve the budget of the Local Workforce Investment 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 Investment Board and recommend approval or disapproval to the CEOs as a body.
- Other locally developed procedures consistent with the Act and described in the CEO Agreement.