

Oklahoma Employment Security Commission



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Rev. W. B. Parker, Chairman

Representing Employees

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OKLAHOMA EMPLOYMENT AND TRAINING ISSUANCE #10-2005

TO: Chief Local Elected Officials
WIA Board Chairs
WIA Board Staff

FROM: Director, Employment and Training Division

DATE: May 18, 2005

SUBJECT: WIA Board Nomination, Appointment, and Certification

PURPOSE: To clarify the nomination, appointment, and certification process for Local Workforce Investment Boards.

BACKGROUND: The Workforce Investment Act indicates the State should establish policies, interpretations, guidelines and definitions to implement Title I of the Workforce Investment Act as long as these policies, interpretations, guidelines and definitions are not inconsistent with the Act. In June 1999 OESC issued Oklahoma's Workforce Development System Process Guide along with Local Elected Officials Consortium Agreement Guidance and Instructions. These companion documents were intended to establish the original framework for WIA implementation, including the process for designation of workforce investment areas and the Governor's criteria for appointment of members to local workforce investment councils and workforce investment area boards. Beginning on July 1, 2003, Local Workforce Development Councils were no longer a required element of the workforce system in Oklahoma. In March 2002, the Process Guide and Consortium Agreement Guidance were incorporated into policy. Since then, a Memorandum of Understanding Toolkit has been used in conjunction with WIA Roles and Responsibility Policy issuances to ensure viable local workforce investment systems are developed and maintained.

MESSAGE: This issuance replaces OETI #04-2004, WIA Board Nomination, Appointment and Certification process dated March 3, 2004 and is prepared to better align State policy guidance with the Workforce Investment Act and with forms used in the nomination, appointment and certification process.

1. Membership requirements

The following membership criteria have been established for local Workforce Investment Board membership:

The **Local Workforce Investment Area Board** must have as a majority of members, business representatives from the private sector. A *private* business is defined as "a for profit business whose income is derived from the sale of goods or services." These businesses are alternatively referred to as *Private Sector* representatives. *Public* entities are defined as "not for profit organizations that receives public funds." These agencies represent the *Public Sector*. To ensure the local board appropriately reflects employment opportunities within the workforce investment area, private business representatives must be appointed from both large and small businesses and should represent each labor market within a workforce investment area. In support of the Governor's intent that Oklahoma's workforce investment system be private business driven, public entities or businesses should not be appointed to represent the private sector. This applies even in those cases where a local board has determined that a public entity or business is a major employer within their workforce investment area.

The Workforce Investment Act further requires that business representatives on the Workforce Investment Area Board represent businesses whose job opportunities reflect the employment opportunities within that specific local area. In those workforce investment areas that contain multiple local labor markets, business representatives on the board shall be selected on a proportionate basis from nominations appropriately submitted by each local labor market.

Other WIA Board members will consist, at a minimum, of the following entities or programs:

At least two representatives of local educational entities from the following categories:

- Local educational agencies,
- Local school boards,
- Entities providing adult education and literacy activities, and
- Post-secondary education institutions (including community colleges where they exist).

At least two labor representatives;

At least two representatives from Community Based Organizations, including organizations representing the following:

- Individuals with disabilities, and
- Veterans.

At least two representatives from economic development agencies, including private sector economic development entities;

At least one representative from each of the following programs or agencies:

- Oklahoma Department of Human Services,
- Oklahoma Employment Security Commission,
- WIA Title I (Adult and Dislocated Worker and Youth)

- Adult Basic Education and Family Literacy Program,
- Post-secondary Carl D. Perkins Vocational and Applied Technology Education program,
- Oklahoma Department of Rehabilitation Services,
- Community Service Block Grant (if that program is expending grant funds for employment and training activities),
- Title V Senior Community Services Employment program (if National Sponsor), and
- Housing and Urban Development programs (if those programs are expending grant funds for employment and training activities).

At least one WIA title I National Program operator for each of the following categories (if they are present in the local labor market):

- Native American programs,
- Migrant & Seasonal Farm Worker programs,
- Job Corps,
- Youth Opportunity Grants,
- Veterans Workforce Investment programs, and

And may include such other individuals or representatives of entities as the Chief Local Elected Official may determine to be appropriate.

Members of the Local Board must be individuals with optimum policy making authority within the organizations, agencies, or entities that they are representing. Business representatives must be owners of businesses, chief executives or operating officers, or other executives or employers with optimum policy making or hiring authority.

Local Board members terms shall be for fixed and staggered lengths of 1, 2 or 3-year increments as established by the appointing officials and the board's by-laws. Board Chairs may remove members in accordance with the Board's by-laws. Failure to attend regularly, improper handling of a conflict of interest situation, taking a job outside the business or labor sector the member was appointed to represent, or taking a job which does not have optimum policy making authority and other issues as determined by the appointing officials and the board's by-laws shall constitute cause for resignation or removal. Once a WIA Board member has been removed by the State, no re-classification of appointed and certified members will be allowed during the members appointed term.

Vacancies shall be filled in the same manner as initial appointments:

- Members whose terms expire may continue to serve on the Board until their replacement is appointed.
- CLEOs will make every effort to fill a vacancy within ninety (90) calendar days from the date he/she receives appropriate nominations.
- The form at Attachment 2, or a similar form developed by nominating entities, must be used during this process and must be maintained as an integral part of the board certification process.

2. Nominations

The Act specifies that certain representatives must be nominated for Local Workforce Investment Board membership by particular organizations. The State has further defined the nominating entities as they relate to business representatives.

The Workforce Investment Act indicates that business representatives to the Local Workforce Investment Board must be appointed from nominees of local business organizations or business trade associations. These nominating entities are not further defined in the Act or by USDOL in their final regulations. For the purpose of nominations to local boards, Oklahoma has defined “local business organizations” as local Chambers of Commerce. Lead city chambers of commerce should nominate business representative from their local labor market areas. The State recognizes that there may be exceptions where the CLEO may determine that other community organizations may be more appropriate for making these nominations.

WIA Board staff must seek appropriate nominations and submit them to their Chief Local Elected Official (CLEO) for action. The CLEO may require more nominations than there are vacancies in order to exercise discretion in the selection and appointment of business representatives. The CLEO may also initiate the process of adding new members by seeking appropriate nominations, and making appointments in accordance with membership requirements, including the desire to include optional board members. However, entities that represent more than one funding stream should have no more than one representative on the Board.

3. Appointment of representatives

The Act indicates that chief elected officials will make appointments to the Local Workforce Investment Board. Local elected officials in the workforce investment area will address, in their Consortium Agreement, the selection of a *Chief Local Elected Official* and the process for making Local Board appointments. The form at attachment 2 can be adapted for local use or the form used by nominating entities can be used to complete the appointment. A copy of each completed appointment shall be provided to the Director of Employment and Training and is an integral document in the certification process. To avoid confusion between Chief Executive Officers (CEOs) and Chief Elected Officials (CLEOs), the State is using the term Chief Local Elected Official (CLEO) for the local elected official selected to function as the “chief.”

The local WIA board is appointed by the chief elected official(s), in the local area, in accordance with state criteria and the local elected official consortium agreement. The local elected officials, in their Consortium Agreement, can identify other local elected officials who may share this appointment authority.

Occasionally new business representatives determine that someone else in their organization is more appropriate to serve on the WIA Board. When this occurs, it is not necessary to seek this member’s resignation and seek new nominations, etc. As long as any substitute is from the same business, and also has optimum policy making authority, it is acceptable to replace the originally appointed member with this designee.

4. Certification

The Act requires that the State re-certify WIA Boards every two years. However, the State believes local Boards should be in significant compliance with membership requirements at all times. As a result, the State requires that local Boards must provide updated Board Membership summaries to the Director of Employment and Training whenever changes to membership are made.

The term “certify” means the Local Workforce Investment Area Board meets all the conditions for establishment according to the Act and the State’s membership criteria, including the appointments, the methods of nominations, and the final composition of the board. Chief Local Elected Officials will be responsible for submitting information necessary to certify the WIA Boards.

WIA Boards may vote to add members for a variety of reasons. There may be a need to better meet the employment opportunities in the area, or business membership may be below the majority rule, or there could simply be a drop in Local Board membership. Failure to fill optional positions will not contribute to any decision regarding a local board being out of substantial agreement with requirements of the Act or final rules, unless the vacancy results in the private sector being less than 51% of the membership.

Local boards must provide updated Board Membership summaries to the Director of Employment and Training whenever changes to membership are made.

5. Recertification

Any requests to re-certify WIA Boards must include information concerning proportionality of employment opportunities as described in the membership section of this document. The required Workforce Investment Area Board Certification forms are at Attachment 1 and they require the CLEO to indicate that reasonable efforts were made to follow the membership, nomination, and certification process.

6. Decertification

Failure to submit re-certification requests in a timely fashion may result in:

- de-certification of WIA Boards,
- withdrawal of the State’s agreement that WIA Board staff may also perform WIA title I services,
- or other appropriate actions.

The State may de-certify a WIA Board for fraud, abuse, failure to carry out the functions of the Board, or for failure to meet the performance measures for two consecutive program years. De-certification may occur any time after the State has provided notice to the WIA Board granting them a reasonable opportunity for comment. If the State de-certifies a WIA Board, the State may require that a new WIA Board be appointed and certified pursuant to a reorganization plan developed by the State in consultation with the Chief Local Elected Official for the area.

ACTION: This issuance is official policy, and should be retained in local policy files. Please ensure that all interested parties are aware of this issuance.

CONTACT PERSON: Michael Ferguson, Director, Employment and Training Division at (405)557-5315, mike.ferguson@oesc.state.ok.us or Jeane Burruss, Workforce Systems Chief, at (405)557-7134, jeane.burruss@oesc.state.ok.us

b. Members of the WIA Board elect a chairperson from among the business representatives serving on the WIA Board.

Chairperson's Name and Title	Chairperson's Address & Phone Number	Chairperson's Organization

II: REPRESENTATIVES FROM THE ONE-STOP DELIVERY PROGRAMS

a. The WIA Board includes at least one representative from Title I Adult and Dislocated Worker and Youth programs.

NOTE: The Workforce Investment Act, Title I program representative will be designated by the local elected officials.

Member's Name and Title	Member's Organization	Nominating Organization
1.		
2.		

b. The WIA Board includes at least one representative from the Department of Human Services.

NOTE: The representative can be drawn from Temporary Assistance to Needy Families or Food Stamps. The Department of Human Services will designate their WIA Board representative.

Member's Name and Title	Member's Organization	Nominating Organization
1.		
2.		
3.		

c. The WIA Board includes at least one representative from the Oklahoma Employment Security Commission.

NOTE: The Oklahoma Employment Security Commission will designate their WIA Board Representative.

Member's Name and Title	Member's Organization	Nominating Organization
1.		
2.		

d. The WIA Board includes at least one representative from the Adult Basic Education and Family Literacy Program.

NOTE: The State Superintendent of Schools will designate their WIA Board representative.

Member's Name and Title	Member's Organization	Nominating Organization
1.		
2.		
3.		

e. The WIA Board includes at least one representative for the Post-Secondary Carl D. Perkins Vocational and Applied Technology education program.

NOTE: The Area Career Technology Center and Community Colleges operating these programs will nominate a WIA Board representative.

Member's Name and Title	Member's Organization	Nominating Organization
1.		
2.		
3.		

f. The WIA Board includes at least one representative from the Department of Rehabilitation Services.
 NOTE: The Department of Rehabilitation Services will designate their WIA Board representative.

Member's Name and Title	Member's Organization	Nominating Organization
1.		
2.		
3.		

g. The WIA Board includes at least one Title I National Program Operator from each of the following categories if they are present in the Workforce Investment Area.

NOTE: WIA Title I National program operators will designate a WIA Board representative. At least one representative may be chosen to represent all of the category's programs in the area (e.g., the Native American Program category may have more than one program in the area. One representative can represent all of that category's programs in the area).

Member's Name and Title	Member's Organization	Nominating Organization
(1) Native American Programs		
1.		
2.		
(2) Migrant and Seasonal Farm Worker		
1.		
2.		
(3) Job Corps		
1.		
2.		

(4) Youth Opportunity Grants		
1.		
2.		
(5) Veterans Workforce Investment Programs		
1.		
2.		
<p>h. The WIA Board includes at least one representative from the Community Services Block Grant (CSBG) program (employment and training). NOTE: Community Action Agencies will nominate WIA Board representatives. Representatives are only required in the program operator expends CSBG funds on employment and training activities.</p>		
Member's Name and Title	Member's Organization	Nominating Organization
1.		
2.		
3.		
<p>i. The WIA Board includes at least one representative from the Title V Senior Community Services Employment Program. NOTE: Nominations may be submitted by the Title V grantees, as well as the National grant recipients in the Workforce Investment Area.</p>		
Member's Name and Title	Member's Organization	Nominating Organization
1.		
2.		

j. The WIA Board includes at least one representative from HUD (employment and training).

NOTE: Local Housing Authorities will nominate a WIA Board Representative. Representatives are only required if the Local Housing Authorities expend HUD grant funds on employment and training activities.

Member's Name and Title	Member's Organization	Nominating Organization
1.		
2.		
3.		

III. OTHER REPRESENTATIVES

The Chief Local Elected Official chooses at least two representatives of local educational entities from the following categories:

NOTE: The two required representatives may not be from the same local educational entities

Member's Name and Title	Member's Organization	Nominating Organization
a. Local Educational Agencies		
1.		
b. Local School Boards		
1.		
c. Entities providing adult education and literacy activities		
1.		
d. Post-secondary educational institutions (including community colleges)		
1.		

IV. LABOR REPRESENTATIVES

Note: Nominations of the labor representatives must be made by state or regional labor councils.

Member's Name and Title	Member's Organization	Nominating Organization
1.		
2.		
3.		

Local Workforce Investment Board Nomination Slate

Workforce Investment Area: _____

Name of Nominee: _____

Position/Title: _____

Organization: _____

Nominated to Represent: _____

(Sector or Organization from WIA §117(b)(2)(a))

Contact Information

Address: _____

Telephone No: Work _____ Home _____

FAX: _____

E-Mail: _____

Nominating Agency/Organization: _____

Address: _____

Telephone No: _____ FAX No: _____

Signature of President, Director, or other Official of Nominating Organization

Date