

Oklahoma Employment Security Commission
Workforce Integrated Programs Division

MEMORANDUM #M-01-2009

TO: WIA Board Chairs and Board Staff

FROM: Richard J. Gilbertson, Director
Workforce Integrated Programs Division

DATE: February 10, 2009

SUBJECT: Clarification of LWIB Responsibilities and Executive Committees

Dear Chairs and Staff:

Previously, you received an email from me on July 1, 2008 with the subject line entitled "Board Responsibilities." This email is being reissued as a Memorandum and is being posted to OESC's website for future reference. The subject line has been changed to more clearly reflect the nature of this communication. Nothing else has been changed.

It has come to our attention that some local workforce investment areas have authorized the local board's executive committee to act as if they represent the full board. The purpose of this memo is to clarify what constitutes action of the local workforce investment board as required by the Workforce Investment Act.

Section 117 of the Workforce Investment Act requires the establishment of local workforce investment boards to perform a number of functions from creating a local plan to connecting, brokering, and coaching. Subpart C, Local Governance Provisions, of the Final Regulations likewise spells out the make up, roles, and local plan requirements of local boards. Both the Act and regulations makes clear that the local board is responsible for performing the various functions listed in Section 117(d).

OETI 09-2006, Change 1, and Change 2, also clarifies that local boards are responsible for creating the local plan and carrying out the functions listed in the Act. The only provision for some entity other than a certified local workforce investment board to carry out these functions is if an old Private Industry Council was grandfathered - no PICs were grandfathered in Oklahoma. Therefore, the only entity authorized to take action on behalf of a local workforce investment board is the board itself, not a committee of the board.

Congress went to some effort to make sure the requisite business, program, and community representatives are members of these local boards and even requires the Governor to periodically certify that the appropriate representatives are members of the board.

We understand that you may have problems getting a quorum of local board members to take action. As a result, some local boards have resorted to authorizing their executive committee to act in the absence of a quorum of the full board pending later ratification by the full board. We believe this is acceptable - it allows the committee to keep things moving but the full board is still the entity making the decisions.

Local boards that have authorized their executive committee or other committees to take action in lieu of full board action are not in compliance with the Act and all such decisions concerning Section 117(d) functions will be considered invalid unless and until ratified by the full board.

If you still have questions about our expectations please call Richard Gilbertson at (405) 557-7121.

Sincerely,

Richard Gilbertson
WIP Director