

ALABAMA WORKFORCE INVESTMENT SYSTEM

Department of Commerce
Workforce Development Division
401 Adams Avenue, Suite 380
Post Office 304103
Montgomery, Alabama 36130-4103

January 22, 2019

GOVERNOR'S WORKFORCE INNOVATION DIRECTIVE NO. PY2014-06, Change 02

SUBJECT: Local Workforce Development Boards Membership Appointments and Board Functions

1. **Purpose.** To transmit the State's Policy guidance and procedures for Local Workforce Development Board recertification under the Workforce Innovation and Opportunity Act (WIOA).
2. **Discussion.** Governor's Workforce Innovation Directive Number PY2014-06, dated February 26, 2015, provided the requirements for the certification of Local Workforce Development Boards (LWDBs). Subsequent to the issuance of the policy all seven new LWDBs were certified by the Governor. Per the WIOA, Section 107, the Governor is required to certify one LWDB for each Local Area in the state once every two years.

The seven LWDBs in Alabama were certified as follows:

- Southwest AL Partnership for Training and Employment LWDB (June 16, 2017)
- Central AL Partnership for Training and Employment LWDB (June 16, 2017)
- North AL Works! LWDB (June 16, 2017)
- Central AL Works! LWDB (July 21, 2017)
- East AL Works! LWDB (July 21, 2017)
- West AL Works! LWDB (July 21, 2017)
- Southeast AL Works! LWDB (July 21, 2017)

Therefore, all seven LWDBs in Alabama are up for recertification as the initial two years expire on June 15, 2019 for three LWDBs and on July 20, 2019 for the remaining four LWDBs.

Recertification shall be granted to one (1) LWDB in each designated local area based on the following criteria:

- Membership of the local WDB is compliant with the membership criteria outlined in the LWDB Membership criteria contained in the WIOA State Policy on Appointment of Individuals to Local Workforce Development Boards as issued on February 26, 2015 via Governor's Workforce Innovation Directive Number PY2014-06.

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- During the most recent period of certification (prior two (2) years) the LWDB has ensured positive outcomes for workforce investment activities carried out in the local area, including successful attainment of performance accountability measures and achievement of sustained fiscal integrity.

In cases where LWDBs fail to achieve recertification, the Governor shall appoint a compliant LWDB following the process outlined in WIOA Section 107(c)(1)(B)(ii).

LWDBs may be decertified per the WIOA Section 107(c)(3) in certain cases, including when:

- The LWDB is found to have committed fraud, abuse, and/or failure to carry out required functions.
 - In this case, the Governor shall provide notice to the CEO(s) and the LWDB, and an opportunity for comment which will last no less than 30 days.
- The LWDB has failed to meet the local performance accountability measures for such local area in accordance with section 116(c) for two (2) consecutive program years.

If a Local WDB is decertified, the Governor, in consultation with the CEO in the local area, may issue a reorganization plan and require that a new board be appointed per the criteria established in the WIOA State Policy on Appointment of Individuals to Local Workforce Development Boards issued via Governor's Workforce Innovation Directive Number PY2014-06.

When subject to reorganization, the local board and CEO for a local area have 30 days after receiving notice of the reorganization plan to appeal to the Governor to rescind or revise the plan. The Governor must provide the CEO with a ruling within 30 days of receiving the appeal. The local board and CEO have 30 days from the date of receiving the Governor's ruling to file an appeal with the Secretary of Labor. The Secretary must make a final decision within 30 days of receiving the appeal. However, the Governor's ruling will be effective at issuance, and will remain effective unless rescinded or revised by the Secretary of Labor per the WIOA Section 116(g)(2)(B,C).

3. Action.

In accordance with WIOA Section 107(c)(2), the State WIOA Board will recommend recertification of a Local Board if they have met WIOA membership requirements, met or exceeded performance accountability measures, and achieved sustained fiscal integrity. In addition to the requirements under WIOA Section 107(c)(2), Local Boards requesting recertification must provide a status update that outlines progress made toward implementation of several other key WIOA provisions.

1. The Chief Elected Official (CEO) must complete the forms issued with GWID No. PY2014-06 pertaining to the list of WIOA-compliant board members as

well as the certification of board membership as being consistent with Section 107 of the WIOA.

2. The LWDB met or exceeded negotiated WIOA performance measures for PY2017 and PY2018 for the Adult, Youth, and Dislocated worker programs without failing the same performance measure in both PY2017 and PY2018. Note that LWDBs should be "on track" for compliance with the PY2018 performance measures. The LWDB must provide documentation of compliance.
3. The Local Board Achieved Sustained Fiscal Integrity, which means that the LWDB may not have been found in violation of one or more of the following during PY2017 or PY2018 and must provide a signed statement addressing each item.
 - Final determination of significant finding(s) from audits, evaluations, or other reviews conducted by state or local governmental agencies or the U.S. Department of Labor identifying issues of fiscal integrity or misexpended funds due to the willful disregard or failure to comply with any WIOA requirement, such as failure to grant priority of service or verify participant eligibility.
 - Gross Negligence, which is defined as a conscious and voluntary disregard for the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.
 - Failure to observe accepted standards of administration. Local Areas must have adhered to the applicable uniform administrative requirements set forth in Title 2 CFR Parts 200, et al and 2 CFR 2900, appropriate Office of Management and Budget circulars or rules, WIOA regulations, and state guidance. Highlights of these responsibilities include the following:
 - Timely reporting of WIOA participant and expenditure data.
 - Timely completion and submission of the required annual single audit in accordance with 2 CFR Part 200, Subpart F – Audit Requirements.
 - **Have not been placed on cash hold for longer than 30 days** *(in Alignment with WIOA Section 106[e][2]).*

4. The LWDB must provide a status update on key WIOA Provisions and must demonstrate they have taken steps toward implementing key WIOA provisions and are moving toward a unified, customer-focused system. This includes, but is not limited to, strategic planning, developing new services, entering into new collaborative partnerships, and creating innovative workforce development strategies in alignment with the WIOA. In the event that WDD Monitors need to corroborate the Local Board's implementation efforts that are outlined in this status update, Local Boards must retain adequate supporting documentation. Progress must be demonstrated for the following WIOA provisions:
- Meeting new youth services requirements.
 - Adhering to the *Uniform Guidance* requirements.
 - Developing sector initiatives and career pathways in high demand industries in coordination with community colleges, apprenticeship programs, adult basic education, and other training providers.

The completed request for recertification must be submitted to the State Board no later than 5:00 p.m., April 5, 2019.

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4. Contact. Questions regarding this Directive should be referred to Dennis T. Hopper, Supervisor, Workforce Boards Section at (334) 242-5158 or dennis.hopper@commerce.alabama.gov.



Steve Walkley, Division Director
Commerce, Workforce Development Division

1/28/2019

Date