

**Alabama Workforce Board
401 Adams Avenue
Montgomery, Alabama 36104**

Alabama Workforce Board Policy PY2024-2

Subject: Roles and responsibilities of Chief Local Elected Officials (CLEOs) under the Workforce Innovation and Opportunity Act (WIOA)

Purpose: This Policy is intended to inform the CLEOs of their roles and responsibilities as it relates to the governance of Alabama's Local Workforce Development Areas (LWDAs) under WIOA.

Effective Date: December 11, 2024

References: 20 CFR § 679.300; 20 CFR § 679.310(g), 20 CFR § 679.420, WIOA Section 101(d), TEGL 04-15; TEGL 15-16; TEGL 16-16; TEGL 17-16; WIOA Sections 102, 106, 107, 116, and 121; Alabama Act 2024-115


Discussion: This policy describes the roles and responsibilities of the Chief Local Elected Officials (CLEO) under the Workforce Innovation and Opportunity Act (WIOA). The CLEO is elected from the Local Elected Officials (LEOs) in a Local Area and has oversight and administrative responsibilities for the Regional Workforce Board and the Local Area plans and budgets. This is a new policy from the Alabama Workforce Board.

Action: The CLEO for each Local Workforce Area should read and follow the guidance when working with the Local Areas, Regional Workforce Boards and partner agencies. This is also to ensure that each Local Area is in compliance with the WIOA law, rules and regulations.

Contact: Questions regarding this policy should be referred to Margaret Henderson at Margaret.henderson@commerce.alabama.gov or by phone at 334.242.5300.



Tammy Wilkinson, Division Director
Workforce Development Division



Date

Chief Local Elected Officials (CLEO) WIOA Roles and Responsibilities Policy

Alabama Workforce Board Policy PY2024-2

This policy rescinds Governor's Workforce Innovation Directive PY2014-06 through Change 3.

Background

The Chief Local Elected Official (CLEO) is responsible for providing leadership to the Regional Workforce Board (RWB); the CLEO must effectively leverage community partners and resources to take full advantage of WIOA funds. The CLEO should work to connect community groups, the Regional Workforce Board, business community and employers, and one-stop operator and service providers to ensure that the entire local area has access to WIOA services. The CLEO, in conjunction with Local Elected Officials (LEOs) and the Regional Workforce Board, should ensure that the WIOA funds are spent entirely on allowable activities to address the workforce development needs within their Local Workforce Development Area (LWDA). The LEO is the chief elected executive officer of a unit of general local government. In a case where a Local Workforce Development Area (LWDA) includes more than one (1) unit of general local government the LEOs shall execute an agreement that specifies the respective roles of each LEO in electing a CLEO. In Alabama, the chairperson of each county commission is a LEO. LEOs in each LWDA select a CLEO from amongst themselves.

Definitions

1. Local Elected Official (LEO) – Local elected officials of general government within a county. The chair of the county commission in each of Alabama's 67 counties.
2. Chief Local Elected Official (CLEO) – A LEO elected by the LEOs in a LWDA to serve as the CLEO for the area.

Election of a Chief Local Elected Official

The LEOs must elect a CLEO who will represent the LEOs in the LWDA. The chairs of each county commission in the LWDA serve as LEOs. LEOs must meet as a board to elect a CLEO from amongst themselves. If the LEOs fail to select a CLEO, the Governor may carry out the duties of the CLEO in the LWDA. The Interlocal Agreement must include the following information on the process for electing CLEOs:

- The election process and term of the CLEO, which must include steps to ensure that their duties would not create, or be perceived to create, a conflict of interest between the consortium of LEOs, Regional Workforce Board, fiscal agent, or other administrative entities (in Alabama, the LEOs are the chair of the county commission in each county. LEOs must elect a CLEO from amongst themselves who shall serve throughout the length of the four-year local plan cycle. The CLEO may be reelected by the LEOs so long as the CLEO maintains his or her position as a county commission chair).
- The designation of the CLEO to serve as the signatory for the LEOs.
- Outline decisions that may be made by the CLEO on behalf of the LEOs.
- Name, title, and contact information of the appointed CLEO.

Major Responsibilities of the CLEO

CLEOs are tasked with the following responsibilities:

- Establish a formal nomination and appointment process and appoint members to the Regional Workforce Board;

- Consult and assist the Regional Workforce Board with the development and submission of regional and local plans;
- Act as the local grant recipient for funds allocated to the LWDA;
- Appoint the fiscal agent for the LWDA;
- Approve the designation and certification of one-stop operators;
- Consult with Regional Workforce Board and one-stop partners to develop Memorandum of Understanding for each Regional Workforce Board;
- Oversee the one-stop service delivery system;
- Approve and oversee the Regional Workforce Board budget;
- Request LWDA designation and certification;
- Establish the bylaws of the Regional Workforce Board;
- Negotiate and reach agreement on local performance measures; and
- Establish interlocal agreements between all LWDA LEOs and between LEOs and the Regional Workforce Board.

Appointment of the Members of the Regional Workforce Board (WIOA Section 107[c][1][A])

The CLEO is authorized to appoint the members of the Regional Workforce Board in accordance with criteria established by the Governor in partnership with the Alabama Workforce Board (AWB). Before making appointments to the Regional Workforce Board, the CLEO shall consult with the Secretary of Workforce.

Submission of the Regional and Local Plans (WIOA Section 106[c][2] and WIOA Section 107[d][1])

Each CLEO, in partnership with the Regional Workforce Board, shall develop and submit to the Governor a four (4) year local plan. The local plan shall support the strategy described in the state plan, in accordance with WIOA Section 102(b)(1)(E), and otherwise be consistent with the state combined WIOA plan and the Strategic Workforce Plan. At the end of the first two (2) year period of the four (4) year local plan, each CLEO and Regional Workforce Board shall review the local plan. Each CLEO, in partnership with the Regional Workforce Board, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

Local Grant Recipient for Funds Allocated to the Local Area (WIOA Section 107[d][12][B])

The CLEO shall serve as the grant recipient for, and shall be liable for any misuse of, the funds allocated to the LWDA. Liability may be shared across each county but must be outlined in the Interlocal Agreement. To assist in the administration of the grant, the CLEO may designate an entity as a Fiscal Agent to serve as a grant subrecipient for such funds. This designation shall not relieve the CLEO of the liability for misuse of the funds. CLEOs and Regional Workforce Boards must ensure that each LWDA has an established WIOA compliant system structure in place. A compliant WIOA system structure consists of properly establishing the WIOA roles outlined below:

- Fiscal Agent
- Staff to the Regional Workforce Board (This can be an individual director or an entity, but staff to the Regional Workforce Board must be limited to same functions as the Regional Workforce Board. For example, an entity cannot be staff to the Regional Workforce Board and a service provider.)
- One-stop-operator
- Service Providers

Appointment of the Fiscal Agent (20 CFR § 679.420)

The CLEO may serve as the fiscal agent or may designate a fiscal agent. If the CLEO designates a fiscal agent, the CLEO must ensure this agent has clearly defined roles and responsibilities. The Fiscal Agent acts only on the direction and authorization of the CLEO and the Regional Workforce Board. In general, the fiscal agent is responsible for the following functions:

- Receipt of funds;
- Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA, and the corresponding Federal Regulations and state policies;
- Respond to audit financial findings;
- Maintain proper accounting records and adequate documentation;
- Prepare financial reports; and
- Provide technical assistance to subrecipients regarding fiscal issues.

Approval of the Designation and Certification of One-Stop Career Centers (WIOA Section 107(d)(10))

The Regional Workforce Board, with the agreement of the CLEO, and consistent with the Governor's guidance, is authorized to designate and certify one-stop career centers and to terminate for cause the eligibility of such operators.

Required one-stop partners are entities that carry out:

- Programs carried out under Title I (Workforce Development Activities) of WIOA;
- Programs authorized under Wagner-Peyser;
- Adult education and literacy activities authorized under Title II of WIOA;
- Programs authorized under Title I of the Rehabilitation Act of 1973 (other than Section 112 [Client Assistance Program under Basic Vocational Rehabilitation Services] or Part C [American Indian Vocational Rehabilitation Services] of Title I of such Act);
- Activities authorized under Title V [Community Service for Older Americans] of the Older American Act of 1965;
- Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006;
- Activities authorized under Chapter 2 [Adjustment Assistance for Workers] of Title II of the Trade Act of 1974;
- Activities authorized under Chapter 41 of Title 38, United States Code [Job Counseling, Training, and Placement Service for Veterans];
- Employment and training activities carried out under the Community Services Block Grant;
- Employment and training activities carried out by the Department of Housing and Urban Development;
- Programs authorized under state unemployment compensation laws;
- Programs authorized under Section 212 of the Second Chance Act of 2007; and
- Programs authorized under Part A [Temporary Assistance for Needy Families] of Title IV of the Social Security Act, unless the option to remove the entity carrying out such programs as a required partner is exercised by the Governor in accordance with WIOA Section 121(b)(1)(C).

Develop Memorandum of Understanding (MOU) with One-Stop Partners (WIOA Section 121[c])

The Regional Workforce Board, with the agreement of the CLEO, shall develop and enter into an MOU (between the Regional Workforce Board and one-stop partners) concerning the operation of the one-stop service delivery system in the LWDA.

Oversee the One-Stop Service Delivery System (WIOA Section 121(e))

Consistent with an approved State plan, the Regional Workforce Board, with the agreement of the CLEO, shall conduct oversight with respect to the one-stop service delivery system in the local area.

Submission and Approval of the Annual Budget (Section 25-15-7, Code of Alabama 1975, and WIOA Section 107(d)(12)(A))

The Regional Workforce Board shall develop a budget, for the activities of the Regional Workforce Board, consistent with the local plan, State WIOA Plan, and the Strategic Workforce Plan, and subject to the approval of the CLEO. The CLEO, on behalf of the Regional Workforce Board, shall submit an annual budget request to the Secretary of Workforce and the Executive Committee that is consistent with the Strategic Workforce Plan and WIOA State plan required by Section 25-15-6, Code of Alabama 1975. A regional workforce board's annual budget submission shall demonstrate that the membership of the board satisfies the relevant WIOA state workforce development board membership requirements, including the requirements set forth in WIOA and the Alabama Workforce Transformation Act (AWTA; Act 2024-115), including the requirement that a regional workforce board may not exceed twenty (20) members. A Regional Workforce Board may not expend state or federal workforce development funds except pursuant to a categorical annual budget approved by the Secretary of Workforce.

Request LWDA Designation and Certification (WIOA Section 101[d][3][E], WIOA Section 106[a] and WIOA Section 106[b][1][A][iii]) – The CLEO requests the official designation of the LWDA.

Establish the Regional Workforce Board Bylaws

The CLEO must establish bylaws for the Regional Workforce Board, consistent with state policy for Regional Workforce Board membership, that, at a minimum, addresses:

- The nomination process used by the CLEO to select the Regional Workforce Board chair and members;
- The term limitations for the Regional Workforce Board and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;
- The process to notify the CLEO of a Regional Workforce Board member vacancy to ensure a prompt replacement;
- The proxy and alternative designee process that will be used when a Regional Workforce Board member is unable to attend a meeting and assigns a designee;
- The use of technology, such as phone and web-based meetings, that will be used to promote Regional Workforce Board member participation;
- The process to ensure Regional Workforce Board members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities; and
- A description of any other conditions governing appointment or membership on the Regional Workforce Boards as deemed appropriate by the CLEO.

Negotiate and Reach Agreement on Local Performance Measures

The Regional Workforce Board, the CLEO, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in WIOA Section 116(c).

Establish Agreements Between all LWDA LEOs and Between LEOs and Regional Workforce Board

1. **LEOs and Regional Workforce Board Partnership Agreement:** The partnership agreement is intended to establish roles and responsibilities between the LEOs, between the LEOs and the CLEO, and between the CLEO and the Regional Workforce Board regarding local WIOA governance. New partnerships agreements must be established by October 1, 2025.
2. **The Interlocal Agreement (WIOA Section 107[c][1][B]):** Options available to the LEOs in the formation of this agreement may include, but are not limited to, the following:
 - Name one CLEO (and that their unit of general local government) to serve as the grant recipient;
 - Appoint an entity to serve as the grant subrecipient, or fiscal agent, and document such appointment in the interlocal agreement; or
 - Have other locally developed procedures consistent with WIOA and described in the interlocal agreement.

Furthermore, the interlocal agreement should address the following:

- If a single CLEO is appointed as grant recipient, will the unit of general local government of that CLEO 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 CLEO appoints a grant subrecipient (fiscal agent), there must be a written agreement with that entity to clarify that the designation of a fiscal agent shall not relieve the CLEO of the liability for any misuse of grant funds.
3. **The Interlocal Agreement – Concerning the Local Plan:** Options available to the CLEO may include, but are not limited to the following:
 - Review and approve, as a body, the plan as developed by the Regional Workforce Board;
 - Appoint a committee of LEOs to develop the plan in conjunction with a similar committee of the Regional Workforce Board;
 - Designate one or more LEOs to serve on the Regional Workforce Board's planning committee;
 - Designate one or more LEOs to monitor the Regional Workforce Board's planning committee and report to the LEOs; or
 - Have other locally developed procedures consistent with the Act and described in the Interlocal Agreement.
 4. **The Interlocal Agreement Concerning One-Stop Procurement:** An interlocal agreement between the CLEO and the Regional Workforce Board is required and must be adopted no later than October 1, 2025. The interlocal agreement is a binding agreement between all LEOs in a local area that designate authority to one (1) CLEO and outlines LEO responsibilities within the LWDA. This agreement must specify the roles of the LEOs, the CLEO, and the Regional Workforce Board and must explain how each entity will carry out its partnership responsibilities under WIOA. This agreement must be updated within sixty (60) days of the election of a new CLEO. Options available to the CLEO may include, but are not limited to:
 - Review and approve, as a body, actions taken by the Regional Workforce Board relating to the designation of one-stop operators and their termination for cause;
 - Appoint a committee of LEOs to review actions of the Regional Workforce Board relating to designation of one-stop operators and their termination for cause; or

- Have other locally developed procedures consistent with the Act and described in the interlocal agreement.

The method chosen by the CLEOs should be outlined in their interlocal agreement.

5. **The Interlocal Agreement – Concerning Partner MOUs:** Options available to the CLEO, regarding MOUs, may include, but are not limited to:
- Review and approve, as a body, the MOU developed by the Regional Workforce Board;
 - Appoint a committee of LEOs to assist the Regional Workforce Board (or relevant committees thereof) in the development of the MOU;
 - The CLEO, representing all of the LEOs for a LWDA, must approve and sign the MOU.

Failure to properly establish a local WIOA system structure that is compliant with all WIOA regulations, Alabama laws, Alabama Department of Workforce, and Alabama Workforce Board policies; federal regulations; and IRS guidelines will prevent the LWDA from receiving any WIOA funds.

6. **The Interlocal Agreement – Concerning Regional Workforce Board Budget:** Options available to the CLEO, concerning the Regional Workforce Board budget, may include, but are not limited to:
- Review and approve, as a body, the budget of the Regional Workforce Board;
 - Appoint LEOs to serve on a budget committee of the body of LEOs, which will review and approve monitoring activities of the Regional Workforce Board, with or without further approval of the LEOs as a body;
 - Appoint one or more LEOs to serve on the budget committee of the Regional Workforce Board; or
 - Have other locally developed procedures consistent with the Act and described in the interlocal agreement.

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