



To: Workforce Development Board Chairs
Workforce Development Board Directors
Regional Chief Elected Officials *REA*

From: Regina Ashley, Associate Chief Operations Officer for Policy
Indiana Department of Workforce Development

Date: April 17, 2015

Subject: WIOA T1-(107)-P2
Definition of a Unit of General Local Government, Designation of Regional Chief Elected Official, and Content of CEO Agreement

Purpose

To provide guidance to local workforce areas regarding the definition of a unit of general local government; the process of designating a Regional Chief Elected Official (RCEO); and the responsibilities of the Chief Elected Officials (CEOs) consistent with the Workforce Innovation and Opportunity Act (WIOA). Since all units of government have chiefs, we will use "CEOs" to refer to all the local elected officials, and "RCEO" to refer to the elected official who will be the signatory on agreements.

Rescission

DWD Policy 2010-08, Change 1, Defining and Designating Local Elected Officials and the Chief Elected Official for a Local Workforce Service Area.

References

Workforce Innovation and Opportunity Act (WIOA) Section 3 (9); Section 107(c)(1); et. al.

Michael R. Pence, *Governor*
Steven J. Braun, *Commissioner*

10 N Senate Avenue
Indianapolis, IN 46204-2277
www.IN.gov/dwd

Phone: 317.232.7670
Fax: 317.233.4793

An Economic Development Partner

Content

Definition of a Unit of General Local Government

Section 3 (9) of the Workforce Innovation and Opportunity Act (WIOA) defines a chief elected official as the chief elected executive officer of a unit of general local government in a local area. Section 3 (62) defines a unit of general local government to be “any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.” To simplify the process of obtaining local agreements, DWD further defines a unit of general local government as:

- All counties in the local workforce area regardless of size.
- All incorporated cities and towns with a population of 50,000 or more in the local workforce area according to the U.S. Census Bureau, Census 2010.

Designation of the Regional Chief Elected Official

WIOA 107 (c)(1)(B) requires areas that have more than one general unit of local government to execute an agreement among those units that specifies the roles of the individual CEOs in carrying out their responsibilities identified in the law. Indiana further requires that CEOs identify one CEO to be the RCEO. All workforce areas in Indiana have more than one unit of general local government (except Marion County, which has no incorporated cities with a population exceeding 50,000 other than Indianapolis).

Any other counties, cities, or towns in a local workforce area that are willing to share in the liability and responsibilities for the CEOs in oversight of the WIOA Title 1 programs may **elect** to participate in the CEO agreement, but are not **required** to. Participation on the CEO council or in CEO meetings is separate from participation on the board. CEOs may vote on their own council, but have no vote on the Workforce Development Board unless they have been specifically appointed to that body.

A CEO may be a mayor, county or municipal council member, or a county commissioner. If the particular unit of government has a multi-member body as its CEO (e.g., a council or a commission), it is recommended such unit of government choose a spokesperson from among the elected officials to act on its behalf. The RCEO may be any of the CEOs that participate in the CEO agreement.

The written CEO agreement can assign different CEOs to different responsibilities. Examples follow. You do not need to structure your agreement identical to the process in the example; just be sure to describe what your local elected officials agreed to:

Responsibility	CEO(s)	Process (EXAMPLE)
Appointment of board members	Name(s)	Each CEO to appoint one business representative from his/her county or city. CEO of the largest incorporated city in the workforce area to appoint all other board members.
Serve as, or designate fiscal agent for WIOA Title I funds	Name (s)	Majority of CEOs agree in writing to designation of fiscal agent.
Act as a contact person for all CEO business and sign all contracts/grant agreements not requiring the approval of all CEOs. (i.e., the RCEO)	Name(s)	Rotated annually among CEOs.
Assume liability for misused or disallowed costs.	Name(s)	Proportionately assumed by CEOs consistent with the proportion of misused or disallowed costs expended within their jurisdictions.

Other responsibilities that must be included in the agreement are:

- In partnership with the local board:
 - approve additional one-stop partners (121(b)(2));
 - develop a local plan;
 - engage in a regional planning process (if required) pursuant to sec. 106(c);
 - conduct oversight with respect to the WorkOne delivery system in the local area pursuant to Sec 107(d)(8);
 - negotiate performance accountability measures as described in section 116(c);
 - designate or certify WorkOne operators; and
 - develop and enter into the memorandum of understanding with WorkOne partners.
- Provide consultation to the state in Identification of regions, including planning regions, for the purposes of section 106(a), and the designation of local areas under section 106.
- Comment on the Unified State Plan.
- Approve the local budget developed by the board.
- Agree with the Governor that the board may be designated or certified as one-stop operator.
- Provide consultation to the State board in establishing objective criteria and procedures for use by local boards in assessing the effectiveness, physical and programmatic accessibility and continuous improvement of WorkOne centers and the WorkOne delivery system, consistent with the requirements of section 101(d)(6).
- Reach agreement, with the local board and WorkOne partners, on infrastructure funding pursuant to 121(h)
- Provide consultation to the Governor for:
 - A reorganization plan in the event of local board decertification;

- A state infrastructure funding mechanism;
- Any activity to be funded by the Governor in the local area under WIOA Title 1; and
- Allocating the funds that are allotted to the State for youth activities and statewide workforce investment activities under section 127(b)(1)(C) and are not reserved under subsection (a); and allocating adult employment and training activities and statewide workforce investment activities under section 132(b)(1)(B) and are not reserved under subsection (a)(1), in accordance with paragraph (2) or (3); and (B) the funds that are allotted to the State for dislocated worker employment and training activities and statewide workforce investment activities under section 132(b)(2)(B) and are not reserved under paragraph (1) or (2) of subsection (a), in accordance with paragraph (2);
- Work in conjunction with the local board and an entity designated by the state for the provision of rapid response activities;
- Along with the local board and the Governor, provide consultation to the Secretary concerning any activity to be funded by the Secretary in the local area under WIOA Title I.

Failure to Reach Agreement

If the CEOs fail to reach agreement after a reasonable period of time, the Governor will first provide technical assistance through the Field Operations Division of DWD. If technical assistance fails to result in an agreement, the Governor may appoint the members of the board from among individuals nominated or recommended.

Effective Date

July 1, 2015

Ending Date

Upon rescission.

Contact for Questions

policy@dwd.in.gov

Action

1. CEOs of general units of local government as defined in this policy must enter into a CEO agreement for the local workforce area. At a minimum, the content must include the following:
 - Identify all counties in the workforce area of any size and provide name, title, and contact information for the chief elected official of each.
 - Identify all cities and towns with a population of 50,000 or more in the local workforce area and provide name, title, and contact information for the CEO of each.
 - Identify cities and towns of less than 50,000 who have opted in to the agreement and provide name, title, and contact information for the CEO of each.
 - Address the responsibilities of the CEOs identified above and in the Act and who will assume responsibility for each. Note:
 - The local agreement may provide for all responsibilities to be assigned to one individual or for responsibilities to be divided among the CEOs. The exception is that only person may be designated as the RCEO and sign all contracts/grant agreements not requiring the approval of all CEOs. There is no need to delineate all the responsibilities in the Act if a single individual or single decision making process is to be used for all. Responsibilities assigned to one individual may be rotated among CEOs or distributed among CEOs as long as the process is described
 - A CEO executive council may be designated by the CEOs themselves to act as a group under majority rule for making decisions.
 - CEO ad hoc committees may be described for various functions (e.g., working with the local board on the local plan; budget approval; one-stop operator certification).
 - Identify the fiscal agent and describe the process by which the fiscal agent was designated. Note: The fiscal agent does not have to be competitively procured.
 - Describe the process for repaying misused or disallowed funds.
 - Address the issue of proxy voting for responsibilities that require majority decision.
 - Include the start and end dates of the period of agreement. At a minimum, CEO agreements must be updated every five years.
 - Outline the process for making amendments to the agreement.
 - Include the printed name, signature, and date for all required CEOs and any CEOs from smaller units of local government who opt in.

- Include language to the effect that a CEO's signature is binding on the unit of local government, not on the individual CEO; i.e., the agreement continues to be in effect even if the CEO for that unit changes.
 - Sub-agreements are allowable. For example, all the cities in a county may sign an agreement among themselves agreeing that one mayor or one county commissioner may represent them.
2. Maintain the agreement and any sub-agreements on file in the office of the RCEO identified as the single point of contact for contracts and grant agreements, with a copy at the Workforce Development Board office.
 3. Submit an electronic pdf copy of the executed agreement and any sub-agreements by July 1, 2015 (with no signatures earlier than the quarter previous to submission) policy@dwd.in.gov.
 4. Submit any modifications to the agreement to same within 90 days of modification.
 5. Renew the agreement no less than every five years and resubmit to policy@dwd.in.gov.
-