

Alabama Workforce Investment System

**Alabama Department of Economic and Community Affairs
Workforce Development Division
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Montgomery, Alabama 36103-5690**

MAR 9 2000

GOVERNOR'S WORKFORCE DEVELOPMENT DIRECTIVE NO. PY99- 13

SUBJECT: Local Workforce Investment Board (LWIB) Certification/Decertification Procedures

- 1. Purpose.** To transmit policies and procedures regarding initial certification, biennial recertification, and decertification of local workforce investment boards.
- 2. Discussion.** WIA Section 117(c)(2)(A) requires certification every two years that the membership composition of LWIBs is consistent with membership criteria jointly established by the Governor and the State Board. This LWIB membership criteria and related procedures are contained in GWDD No. PY99-04 (Appointment of Individuals to Local Workforce Investment Boards/Youth Councils). Section 117(c)(2)(A) requires that the Governor certify one local board for each local workforce investment area (LWIA) in the State.

Section 117(c)(3) provides for the Governor's decertification of a local board for specific cause. The Workforce Development Division (WDD) will perform these certification reviews on behalf of the Governor.

- 3. Action.** LWIAs shall prepare and submit to the WDD documentation detailing the membership composition of their respective LWIBs. This documentation shall minimally include, for each member, the specific membership information required by GWDD No. PY99-04.

Documentation necessary to accomplish first year (PY 2000) local board certification should be received by the WDD by March 31, 2000.

LWIAs will be advised by Workforce Development Division staff of any potential compliance issues related to the composition of their respective local board. It will be necessary for the LWIAs to take appropriate action in order to resolve any such 'issues' and resubmit the amended membership data to the WDD as soon as possible. Each local board must have received notice of PY 2000 certification prior to May 1, 2000. Failure to achieve certification will trigger the following procedures:

If the originally submitted listing of local board members appears to have serious WIA compliance problems, i.e., if State staff anticipate that the LWIA may be unable to correct the composition problems prior to the July 1, 2000 start date, the chief local elected official (CLEO) will be notified of the need to begin work on restructuring the local board. Such "serious compliance problems" would generally involve LWIA failure to nominate to the local board one or more of the membership groups required by GWDD PY99-04.

In order to achieve subsequent year (PY 2002, PY 2004) LWIB certification, LWIAs shall prepare and submit to the Workforce Development Division documentation detailing the membership composition of their respective local boards. This composition must be in accord with the membership categories detailed in GWDD PY 99-04. LWIAs may submit, in lieu of a full membership listing, a statement that no changes in membership have occurred subsequent to the last certification.

The Governor may revoke prior certification, or decertify, a local board if it is:

- a) established that the local board has either committed or knowingly allowed the commission of fraudulent acts with regard to the disbursement of WIA funds, or the violation of any provision of WIA dealing with participants' safety considerations or rights and grievance procedures; or
- b) established that the local board has exhibited deficient performance, i.e., it has failed to adequately execute one or more of the functions required under Section 117(d); or
- c) established that the LWIA has failed to meet its prescribed Adult, Dislocated Worker, or Youth performance measures for two consecutive program years.

ADECA will inform the affected local board and CLEO of its intention to decertify the local board. WDD will also provide notice of this action to the general public residing in the LWIA, thereby affording the public an opportunity to provide comment.

Following decertification, the CLEO of the affected LWIA must, within thirty calendar days, propose an appropriately restructured local board to ADECA for certification consideration. The relevant GWDD PY99-04 criteria, along with any specific additional State guidance, should be observed by the CLEO when submitting a restructured LWIB for certification consideration.

4. **Contact.** Questions should be submitted to Ray Clenney, State Planning Section, at (334)/242-5300.



Steve Walkley, Division Director
Workforce Development Division