

**Alabama Workforce Investment System**

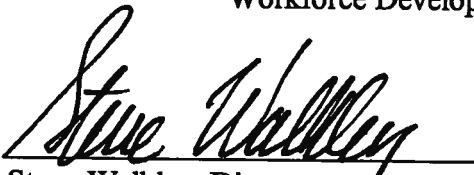
**Alabama Department of Economic and Community Affairs  
Workforce Development Division  
401 Adams Avenue  
Post Office Box 5690  
Montgomery, Alabama 36103-5690**

JAN 7 1999

**GOVERNOR'S WORKFORCE DEVELOPMENT DIRECTIVE NO. PY99-04**

**SUBJECT:** Appointment of Individuals to Local Workforce Investment Boards/Youth Councils

- 1. Purpose.** To transmit the State's policy on appointment of individuals to local workforce investment boards.
- 2. Discussion.** Section 117 of the Workforce Investment Act requires the establishment of a local workforce investment board in each local area of a State. The Governor of the State, in partnership with the State Board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards in such areas.
- 3. Action.** Chief elected officials must follow the attached state policy when appointing individuals to serve on a local workforce investment board and youth council.
- 4. Contact.** Any questions regarding this directive should be referred to Ray Clenney, Workforce Development Division, at (334) 242-5300.

  
Steve Walkley, Director  
Workforce Development Division

Attachment

**Workforce Investment Act  
State Policy on the Appointment of Individuals to  
Local Workforce Investment Boards and Youth Councils**

**Purpose:** To provide Local Elected Officials with the State's policy on the appointment of local workforce investment board members.

**Reference:** The Workforce Investment Act of 1998, Chapter 2-Local Provisions, Section 117. Local Workforce Investment Boards.

**Effective Date:** This policy is in effect for Program Year 1999 implementation of the Workforce Investment Act of 1998 and subsequent redesignation.

**Background:** The Workforce Investment Act of 1998 requires the Governor of the State, in partnership with the State Board, to establish criteria for use by chief elected officials in the local areas for appointment of members of the local workforce investment boards in such local areas.

**Criteria for Local Board Appointments:** The Governor, in conjunction with the State Board, has developed criteria that must be met in the appointment of local board members. The chief elected official in each local workforce investment area is authorized to appoint the local board. The membership of each local board must be in compliance with the requirements contained in Section 117 of the Workforce Investment Act. The membership shall include, at a minimum:

- ▶ representatives of business in the local area, who-
  - are owners of businesses, chief executives or operating officers of businesses, and other business executives or employees with optimum policy making or hiring authority;
  - represent businesses with employment opportunities that reflect the employment opportunities of the local area; and
  - are appointed from individuals nominated by local business organizations and business trade associations;
- ▶ representatives of local education entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among the nominations by regional or local education agencies, institutions, or organizations representing such local educational entities; and
- ▶ representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees; and
- ▶ representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present); and

- ▶ representatives of economic development agencies, including private sector economic development entities and
- ▶ representatives of each of the one-stop partners; and
- ▶ may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

**NOTE:** Documentation of nominations must be maintained as it will be required in the process of certifying local workforce investment boards.

**Authority of Board Members:** Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policy making authority within the organizations, agencies, or entities.

**Majority:** Representatives from the business community shall constitute a majority of the total membership.

**Chairperson:** The local board shall elect a chairperson from the members representing the business community.

**Multiple Units of Government in Local Area:** In a situation in which a local area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the representative roles of the individual chief elected officials in (a) the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established by the Governor; (b) carrying out any other responsibilities assigned to such official under this subtitle. If, after a reasonable effort, the chief elected officials are unable to reach an agreement, the Governor may appoint members of the local Board from individuals so nominated or recommended.

**Functions:** The local board shall-

- ▶ develop the local five-year plan consistent with Section 118 of the Act, in partnership with the chief elected official, and submit to the Governor for approval;
- ▶ conduct oversight of the one-stop system, youth activities, and employment and training activities under Title I of WIA, in partnership with the chief elected official;
- ▶ select eligible youth service providers based on the recommendations of the youth council, and identifying eligible providers of adult and dislocated worker intensive services;
- ▶ maintain a list of eligible providers with performance and cost information;
- ▶ develop a budget for the purpose of carrying out the duties of the local board, subject to the approval of the chief elected official;
- ▶ negotiate and reach agreement on local performance measures with the chief elected official and the Governor;

- ▶ assist the Governor in developing the statewide employment statistics system under the Wagner-Peyser Act;
- ▶ coordinate workforce investment activities with economic development strategies and developing employer linkages;
- ▶ promote private sector involvement in the statewide workforce investment system through effective connecting, brokering, and coaching activities, through intermediaries such as the one-stop operator in the local area or through other organizations, to assist such employers in meeting hiring needs.

**Limitations:** No local board may provide the training services described in WIA Section 134(d)(4) unless granted a waiver. The Governor, pursuant to a request from a local board, may grant written waiver of the prohibition set forth in the Act if a local board:

- ▶ submits to the Governor a proposed request for a waiver that includes-
  - satisfactory evidence that there is an insufficient number of eligible providers of such a program of training services to meet local demand in the local area;
  - information demonstrating that the program that the board meets the requirements for an eligible provider of services under Section 122 of the Act; and
  - information demonstrating that the program of training services prepares participants for an occupation that is in demand in the local area.
- ▶ makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than 30 days; and
- ▶ includes, in the final request for the waiver, the evidence and information listed above, and the comments received during the public comment period.

A waiver granted to a board shall apply for a period of not to exceed one year. The waiver may be awarded for additional periods of not to exceed one year, pursuant to requests from the local board, if the board meets the requirements listed above in making the request.

The Governor may revoke a waiver granted if the State determines that the local board involved has engaged in a pattern of inappropriate referrals to training services operated by the local board.

A local board may provide the core services described in WIA Section 134(d)(2) or the intensive services described in WIA Section 134(d)(3) through a one-stop delivery system described in WIA Section 134 (c) or be designated or certified as a one-stop operator only with the agreement of the chief elected official and the Governor.

Nothing in the Workforce Investment Act shall be construed to provide a local board with the authority to mandate curriculum for schools.

## State Policy on the Appointment of Individuals to Youth Councils

The Workforce Investment Act states that there shall be established, as a subgroup within each local board, a youth council appointed by the local board, in cooperation with the chief elected official for the local area.

**Membership:** The membership of each youth council shall include-

- ▶ members of the local board with special interest or expertise in youth policy;
- ▶ representatives of youth services agencies, including juvenile justice and local law enforcement agencies;
- ▶ representatives from public housing authorities;
- ▶ parents of eligible youth seeking assistance under this Act;
- ▶ individuals, including former participants, and representatives or organizations, that have experience relating to youth activities;
- ▶ representatives of the Job Corps, as appropriate, and
- ▶ may include such other individuals as the chairperson of the local board, in cooperation with the chief elected official, determines to be appropriate.

**Functions:** Members of the youth council who are not members of the local board shall be voting members of the youth council and nonvoting members of the local board. The duties of the youth council include-

- ▶ developing the portions of the local plan relating to eligible youth, as determined by the chairperson of the local board;
- ▶ subject to the approval of the local board and consistent with section 123 of the Act-
  - recommending eligible providers of youth activities, to be awarded grants or contracts on a competitive basis by the local board to carry out the youth activities; and
  - conducting oversight with respect to the eligible providers of youth activities, in the local area.
- ▶ coordinating youth activities authorized under section 129 of the Act in the local area; and
- ▶ other duties determined to be appropriate by the chairperson of the local board.

**Certification:** The Governor shall, once every two years, certify one local board for each workforce investment area within the State. Such certification shall be based on criteria established under WIA Section 117(b) and, for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures.

**Decertification:** The Governor may decertify a local board at any time after providing notice and opportunity for comment, for-

- ▶ fraud or abuse; or
- ▶ failure to carry out the functions of the local board; or
- ▶ failure to meet the local performance measures for local area for 2 consecutive program years

If the Governor decertifies a local board for a local area, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area, and in accordance with the criteria established WIA Section 117(b).

**Attachment #1**

I, \_\_\_\_\_, Chief Elected Official of the \_\_\_\_\_

Local Workforce Investment Area, submit the below named individuals for certification by the Governor as Local Workforce Investment Board members. I certify that the composition of the Board is consistent with Section 117 of the Workforce Investment Act, and the guidance provided by the Governor's Workforce Division Directive PY99-04. The individual selected as Board Chair, per Section 117(b)(5) of the Workforce Investment Act, was selected from among the representatives of private sector businesses.

\_\_\_\_\_  
Chief Elected Official

\_\_\_\_\_  
Date

**Local Workforce Investment Board**  
**Local Workforce Investment Area \_\_\_\_\_**

Name	Organization	Position/Office Held	Category (Business/Labor/etc.)
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\* Board Chair



**Local Workforce Investment Board**  
**Local Workforce Investment Area \_\_\_\_\_**

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Youth Council

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\* Chair

Youth Council

Local Workforce Investment Area \_\_\_\_\_

Name	Organization	Position/Office Held	Category (Business/Labor/etc.)
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