

# Roles and Responsibilities of Local Elected Officials Policy



**Effective Date:** 10/01/2018  
**Duration:** Indefinite

## **BACKGROUND:**

The Workforce Innovation and Opportunity Act (WIOA) identifies that the Chief Local Elected Official is the chief elected executive officer of a unit of general local government. In a case where a Local Workforce Development Area includes more than one (1) unit of general local government, the Local Elected Officials (LEO's) shall execute an agreement that specifies the respective roles of each individual elected official (in this case, the LEO's), especially in the appointment of members of the Local Workforce Development Board (LWDB). The standards for Local Board composition are explained in WIOA Section 107(c)(1)(B). The Northeast TN Local Workforce Development Area is composed of eight (8) counties, each of which has a County Mayor serving as the Local Elected Official (LEO) for purposes of this policy document.

## **REFERENCES:**

20 CFR 679.310(g), 20 CFR 679.420, WIOA Section 101(d)(3)(E), TEGL 27-14; WIOA Section 102(b)(1)(E), WIOA Section 106(a), WIOA Section 106(b)(1)(A)(ii), WIOA Section 106(c)(2), WIOA Section 107, WIOA Section 107(c)(1)(A), WIOA Section 107(c)(1)(B), WIOA Section 107(d)(1), WIOA Section 107(d)(9), WIOA Section 107(d)(10), WIOA Section 107(d)(12)(A), WIOA Section 107(d)(12)(B), WIOA Section 116(c), WIOA Section 121(b)(1)(A), WIOA Section 121(b)(1)(C), WIOA Section 121(c), WIOA Section 121(e), Workforce Services Policy – Local Governance, Workforce Services Guidance – Memorandum of Understanding, Workforce Services Policy – One-Stop Certification, Workforce Services Policy – Transitional Local Plans

## **PURPOSE:**

This policy is to inform the LEO's of their roles and responsibilities as it relates to the governance of the Local Workforce Development Areas under WIOA.

### **I. Definitions:**

- a. Local Elected Official (LEO): Local elected officials of general government within a county (county mayors or county executives). The highest elected official in the highest authority local jurisdiction, the County Mayor, shall be considered the LEO for their respective county.
- b. Chief Local Elected Official (CLEO): The individual LEO that is selected by the LEOs as a group to act on behalf of the LEO group and to represent the Local Workforce Development Area (LWDA).

### **II. Designation of a Chief Local Elected Official (CLEO):** The LEOs must select a CLEO who will represent the LEOs in the LWDA. This selection is outlined in the Interlocal Agreement which must include the following information:

- a. Selection/appointment 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, LWDB, Fiscal Agent, or other administrative entities;
- b. The designation of the CLEO to serve as the signatory on behalf of the LEOs;
- c. Outline of decisions that may be made by the CLEO on behalf of the LEOs; and
- d. Name, title, and contact information of the selected CLEO.

- III. Major Responsibilities of the CLEO:** CLEOs are tasked with the following responsibilities:
- a. **Appointment of members to the LWDB (WIOA Section 107(c)(1)(A)):**  
The CLEO is authorized to appoint the members of the LWDB in accordance with criteria established by the Governor in partnership with the State Workforce Development Board (SWDB or State Board). This agreement should include the agreed-upon means by which the CLEO will appoint members to the LWDB (TEGL 27-14). (Workforce Services Policy – Local Governance available at: [https://www.tn.gov/assets/entities/labor/attachments/Completed\\_WFS\\_Policy\\_\\_Local\\_Governance.pdf](https://www.tn.gov/assets/entities/labor/attachments/Completed_WFS_Policy__Local_Governance.pdf))
  - b. **Submission of regional and local plans (WIOA Section 106(c)(2) and WIOA Section 107(d)(1) Local Plans):**  
Each CLEO, in partnership with the Local 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 Plan. If the local area is part of a planning region, the LWDB shall comply with WIOA Section 106(c)(2) in the preparation and submission of a Regional Plan. At the end of the first two (2) year period of the four (4) year Local Plan, each CLEO and LWDB shall review the Local Plan. Each CLEO, in partnership with the LWDB, 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 Plans will be offered a comment period of 30 days before being electronically submitted
    - Plan submission shall be made by e-mail by a local designated single point of contact appointed by the CLEO
  - c. Designate the Local Grant Recipient for Funds Allocated to the Local Area (WIOA Section 107(d)(12)(B))
  - d. Appointment of the Fiscal Agent for the LWDA (20 CFR 679.420)
  - e. Approval of the designation and certification of One-Stop Operators (Workforce Services Policy – One-Stop Delivery)
  - f. Develop Memorandum of Understanding with One-Stop Partners (Workforce Services Guidance – Memorandum of Understanding)
  - g. Oversee the One-Stop Service Delivery System (WIOA Section 121(e))
  - h. Approve and oversee the LWDB budget (WIOA Section 107(d)(12)(A))
  - i. Request LWDA designation and AJC certification
  - j. Provide input to establish the bylaws of the LWDB (20 CFR 679.310(g))
  - k. Negotiate and reach agreement on local performance measures (WIOA Section 107(d)(9))
  - l. Establish agreements between all LWDA LEOs and Between LEOs and LWDB.

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

The Alliance for Business and Training shall serve as the grant recipient for WIOA funds in NETLWDA. Notwithstanding this designation, the Local Elected Officials of NETLWDA shall be liable for any misuse of the funds allocated to the local area. Liability is shared by all counties in NETLWDA, as outlined in the Interlocal Agreement. In order to assist in the administration of the grant, the CLEO may designate an entity as a Fiscal Agent to serve as a grant sub-recipient for such funds. This designation shall not relieve the LEOs of the liability for misuse of the funds. The Alliance for Business and Training has been designated as Fiscal Agent.

The CLEO and NETLWDB has established a WIOA compliant system structure. A compliant WIOA system structure consists of properly establishing the WIOA roles outlined below:

- a. Fiscal Agent
- b. Staff to the Board
- c. One-Stop-Operator
- d. Career Service Providers
- e. Other Service Providers

**V. 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. For NETLWDA, the Alliance for Business and Training shall serve as the Fiscal Agent. The Fiscal Agent acts only on the direction and authorization of the CLEO and the LWDB. 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 the Uniform Guidance, 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 sub-recipients regarding fiscal issues.

**VI. Approval of the Designation and Certification of One-Stop Operators (See Workforce Services Policy– One-Stop Certification and WIOA Section 107(d)(10)):**

Consistent with an approved State Plan, the NETLWDB, with the agreement of the CLEO, is authorized to designate or certify One-Stop Operators 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 Sec. 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 [Responsible reintegration of offenders] of the Second Chance Act of 2007; and
- Programs authorized under part A [Block Grants to States for 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).

With the approval of the NETLWDB and the CLEO, other entities that carry out workforce development programs may be AJC Partners for the local area and carry out responsibilities described in WIOA Section 121(b)(1)(A).

**VII. Develop Memorandum of Understanding with One-Stop/AJC Partners (WIOA Section 121[c])**

The NETLWDB, with the agreement of the CLEO, shall develop and enter into a Memorandum of Understanding (MOU) between the LWDB and One-Stop Partners concerning the operation of the One-Stop Service Delivery System in the local area.

**VIII. Oversee the One-Stop Service Delivery System**

Consistent with an approved State Plan, the NETLWDB, with the agreement of the CLEO, shall conduct oversight with respect to the One-Stop Service Delivery System in the local area. (WIOA Section 121€).

**IX. Approve and Oversee the LWDB budget**

The NETLWDB shall develop a budget for the activities of the LWDB, consistent with the Local Plan and subject to the approval of the CLEO, which should include insight from all LWDA LEO's. (WIOA Section 107(d)(12)(A)).

**X. Request LWDA Designation**

The NETLWDA CLEO requested the official designation of the NETLWDA. NETLWDA consists of Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington counties. (WIOA Section 101[d][3][E], WIOA Section 106[a], and WIOA Section 106[b][1][A][ii])

**XI. AJC Certification**

a. Involvement of Partners: Following submission of the Notice of Intent to Apply for Certification, all AJC Partners worked collaboratively to develop their certification application package. In order to request a certification application review, the following components were submitted to the Workforce Services Division, Tennessee Department of Labor and Workforce Development

- A completed Notice of Intent to Apply, jointly signed by the lead CLEO [Chief Local Elected Official] and the membership of the Regional Planning Council;
- An assessment of the region, including the sector strategies for the reason, the workforce development needs of the key employers (or a plan to identify them), and a plan for how the system will address those identified needs for the following two-year period; and
- A Memorandum of Understanding signed by all partners.

The complete results of the system's pre-certification self-assessment, which should include relevant discussion of how any deficiencies identified during the initial Self-Assessment have been addressed in advance of the certification review. (See Workforce Services Policy–One-Stop Certification.)

- b. In accordance with State Workforce Development Board/TDLWD Guidance, the NETLWDB shall conduct future AJC Certifications.

**XII. Provide Input to Establish the Bylaws of the LWDB**

The LWDB must establish by-laws, consistent with State policy for Local Board membership, that at a minimum address:

- The nomination process used by the CLEO to select the Local Board Chair and members;
- The term limitations and how the term appointments will be staggered to ensure only a portion of membership expires in a given year;
- The process to notify the CLEO of a WDB member vacancy to ensure a prompt nominee;
- The proxy and alternative designee process that will be used when a WDB 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 WDB member participation;
- The process to ensure WDB 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 Local Board as deemed appropriate by the CLEO.

**XIII. Negotiate and Reach Agreement on Local Performance Measures**

The NETLWDB, the Chief Local Elected Official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in WIOA Section 116(c).

**XIV. Establish Agreements Between all LWDA LEOs and Between LEOs and LWDB:**

Local Elected Officials shall execute an Interlocal Agreement and a Local Board Partnership Agreement.

- a. **The Interlocal Agreement** (WIOA Section 107[c][1][B]): An Interlocal Agreement between the Local Elected Officials is required. The Interlocal Agreement is a binding agreement between all Local Elected Officials (LEOs) in a local area that designates authority to one (1) CLEO and outlines LEO responsibilities within the LWDA. This agreement must be updated within ninety (90) days of the election of a new CLEO. (See Workforce Services Guidance – Memorandum of Understanding and 20 CFR 679.420). Options available to the LEOs in the formation of this agreement may include, but are not limited to, the following:
  - Selection of the Chief Local Elected Official;
  - Designation of a grant recipient;
  - Appoint an entity to serve as Fiscal Agent and document such appointment in the Interlocal Agreement; or
  - Method for proportionate assumption of liability;

- If the CLEO appoints a Fiscal Agent, there must be a written agreement with that entity to clarify that the designation of a Fiscal Agent shall not relieve the LEOs of the liability for any misuse of grant funds;
- Have other locally developed procedures consistent with the Act and described in the Interlocal Agreement;
- Options available to the CLEO may include, but are not limited to:
  - Review and approve actions taken by the NETLWDB relating to the designation of one-stop operators and their termination for cause;
  - Appoint a committee of LEOs to review actions of the NETLWDB to designation of one-stop operators and their termination for cause;
  - Review and approve the plan as developed by the LWDB;
  - Appoint a committee of LEOs to develop the plan in conjunction with a similar committee of the LWDB;
  - Designate one or more LEOs to serve on the LWDB's planning committee;
  - Designate one or more LEOs to monitor the LWDB's planning committee and report to the LEOs; or
  - Have other locally developed procedures consistent with the Act and described in the Interlocal Agreement.
- Options available to the CLEO, regarding MOUs, may include, but are not limited to:
  - Review and approve the Memorandum of Understanding (MOU) developed by the LWDB;
  - Appoint a committee of LEOs to assist the LWDB (or relevant committees thereof) in the development of the MOU;
  - The CLEO may approve and sign the MOU;
  - Have other locally developed procedures consistent with the Act and described in the Interlocal Agreement.
- Options available to the CLEO, concerning the LWDB budget, may include, but are not limited to:
  - Review and approve the budget of the LWDB;
  - Appoint LEOs to serve on a budget committee of the body of LEOs, which will review and approve monitoring activities of the LWDB, with or without further approval by the LEOs as a body
  - Appoint one or more LEO's to serve on the budget committee of the LWDB; or
  - Have other locally developed procedures consistent with the Act and described in the Interlocal Agreement.

b. **The Partnership Agreement:** The Partnership Agreement between the LEOs of the eight (8) county Northeast TN Local Workforce Development Area and the LWDB outlines the purpose of the Agreement and provides guidance on the nomination and appointment of members to the LWDB. This agreement defines that the CLEO has sole appointing authority and must solicit nominations in order to fill LWDB vacancies. It defines the budget approval process and how meeting agendas should be set. Finally, the agreement must outline how LWDBs will work with the CLEO to discuss and execute the strategy, vision and goals for the LWDA.

- The NETLWDA Partnership Agreement outlines the processes for nomination, appointment and removal of LWDB members;
- The NETLWDB is the body certified as such by the governor of the State of Tennessee. The Partnership Agreement recognizes the responsibility of the

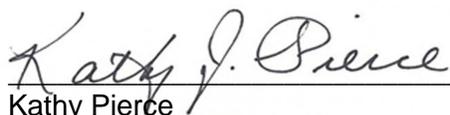
NETLWDB to provide policy guidance, planning, and general oversight with respect to activities conducted under § 107 of WIOA, in partnership with the LEO consortium;

- The Partnership Agreement outlines the roles and relationship between the CLEO, the LEOs, the NETLWDB, and the Grant Recipient and Fiscal Agent. This may include, but is not limited to information related to the responsibilities of the Northeast TN Local Workforce Development Board for determining:
  - Structure of the LWDB, e. g., committee structure and related responsibilities;
  - How meeting agendas are set;
  - How the CLEO and the LWDB will communicate the vision and needs of the local communities;
  - How the CLEO and the LWDB will communicate the shared goals and workforce development needs of the LWDA;
  - How performance metrics will be reviewed, monitored, shared and communicated;
  - How strategic planning will be conducted;
  - How the LWDB budget will be developed and implemented, including review by the CLEO;
  - How monitoring and oversight of programs administered by the LWDB will be conducted;
  - Development and approval of By-laws;
  - Selection and oversight of the One Stop Operator;
  - Selection and oversight of other service providers, as appropriate;
  - Conduct of an Annual Meeting;
  - Others, as appropriate.
  
- The Partnership Agreement will also include methods by which the Agreement may be modified or amended.

**CONTACT:** Questions concerning the above may be addressed to Kathy Pierce, Executive Director of the NETLWDB at [kpierce@ab-t.org](mailto:kpierce@ab-t.org).

This policy will remain in effect until amended, modified, or set aside by the Northeast Tennessee Local Workforce Development Board.

APPROVED:



Kathy Pierce  
NETLWDB Executive Director



Jay Richardson  
NETLWDB Chair