

# Mass Workforce Issuance

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**Workforce Issuance No. 11-40**

Policy  Information

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**To:** Chief Elected Officials  
Workforce Investment Board Chairs  
Workforce Investment Board Directors  
Title I Administrators  
Career Center Directors  
Title I Fiscal Officers  
DCS Regional Managers

**cc:** WIA State Partners

**From:** George Moriarty, Director  
Department of Career Services

**Date:** June 24, 2011

**Subject:** **Transparency and Integrity of WIB Decisions**

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**Purpose:** To provide notice of recent U.S. Department of Labor clarification of requirements for transparency and integrity in the decision-making process undertaken by Local Workforce Investment Boards (LWIBs) in carrying out their statutory responsibilities.

**Background:** On Thursday, June 16, 2011, the U.S. Department of Labor Employment and Training Administration (ETA) published Training and Employment Guidance Letter (TEGL) No. 35-10, [Transparency and Integrity in Workforce Investment Board Decisions](#). The intent of the publication is to communicate ETA's expectation that state and local workforce boards and officials will make decisions with transparency and integrity and in a manner consistent with all conflict of interest requirements.

Workforce boards must provide a level of stewardship and oversight with respect to the use of federal workforce system funds in a manner that preserves public trust. To that purpose, LWIBs must abide by the following Federal laws and regulations:

- “*Sunshine provision*” regulations (20 CFR 661.307) require local boards to conduct business in an open manner and, upon request, to make board activities available to the public, including the development of specific policies and minutes of formal board meetings.

- *Uniform Administration Requirements* for procurement (29 CFR 97.36 and 29 CFR 95.42) set the standards, including those for conflict of interest that all Federal grantees (both government and non-government) must follow. These requirements, codified in the Code of Federal Regulations, describe specific instances that constitute a conflict of interest, characteristics to be considered when making awards to contractors, and the procedural requirements for procurement protests.
- *Conflict of interest regulations* for those entities receiving WIA Title I funds [20 CFR 667.200(a)(4)] specifically mandate that a LWIB member or Youth Council member must neither cast a vote, nor participate in decision-making, on the provision of services by that member or any organization which that member directly represents. The LWIB member or Youth Council member also must not cast a vote, nor participate in decision-making, on any matter that would provide direct financial benefit to that member or a member of his/her immediate family.
- *The Hatch Act and its regulations* (5 CFR 151) restricts political activity of individuals principally employed by state and local executive agencies and who work in connection with programs financed in whole or in part by Federal grants or loans. Among other things, covered state and local employees may not use their official authority or influence to interfere with or affect the results of an election or nomination; or directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

The full text of TEGL No. 35-10 can be accessed through the following link:

[http://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_35-10-Acc.pdf](http://wdr.doleta.gov/directives/attach/TEGL/TEGL_35-10-Acc.pdf)

Additionally, Massachusetts' local workforce boards are also governed in their decision-making by relevant state and local statutes, regulations and policies that include, but are not limited to:

- Massachusetts Open Meeting Law, MGL Chapter. 30A, §§ 18-25.
- MassWorkforce Policy Issuance No. 8-10, Public Information and Records Request Policy (3/21/2008);
- Massachusetts Right to Know Law, M.G.L. Chapter 111F; and
- WIA Communication No. 05-76, Policy to Protect Confidential Information (10/19/2005).

**Inquiries:** All inquiries regarding TEGL No. 35-10 should be directed to the U.S. Department of Labor Regional Office.