

MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 04-67

☒ **Policy** ☐ **Information**

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

cc: WIA State Partners

From: Susan V. Lawler, Commissioner
Division of Career Services

Date: August 31, 2004

Subject: Local Workforce Investment Board FY 2005 Certification Policy and Process

Purpose: To provide guidance and instruction in the preparation of the local Workforce Investment Board (LWIB) Biennial Certification Package.

Background: The Workforce Investment Act of 1998 (Section 117) requires the establishment of a Local Workforce Investment Board (LWIB) in each local area of a state. LWIBs must be certified by the Governor and are charged with setting policy for the statewide workforce investment system within the locally defined area.

The Governor, in partnership with the State Workforce Investment Board, establishes criteria for use by Chief Elected Officials (CEOs) in the local areas for appointment of members to the local boards in accordance with the requirements set by federal law, the Governor and the State Workforce Investment Board.

The following pages contain instructions and guidance for the completion of the LWIB certification process including membership criteria established by the Workforce Investment Act and additional required criteria established by the Commonwealth.

Policy: The Commonwealth is issuing LWIB certification requirements for all regions designated as Workforce Investment Areas based on the Workforce Investment Act of 1998 and the Governor's Executive Order Number 413 issued July 30, 1999.

Action

Required: All Local Workforce Investment Boards and Chief Elected Officials must submit a LWIB Certification package prepared according to the attached instructions to the Division of Career Services, Charles F. Hurley Building, 19 Staniford Street, 1st floor, Boston, MA 02114, Attention: Rosemary Graham no later than close of business October 22, 2004.

Inquiries: Questions related to this document should be emailed to PolicyQA@detma.org. Within the email please indicate Issuance number and description.

Effective: Certification is effective upon approval from the Division of Career Services.

References: This WIA Communication replaces No. 02-26.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #04-67.

Table of Contents

Local Workforce Investment Board Certification Policy and Process

WIA Communication No. 04-XX - Policy.....Page 1 - 2

Table of Contents.....Page 3

THE CERTIFICATION PACKAGE

- ❑ LWIB Certification Package Cover Sheet.....Page 4
- ❑ Nomination Process.....Page 5
- ❑ Assurances and Additional Certification RequirementsPage 6-7
- ❑ Criteria for LWIB Membership and Organizational Structure
in the Commonwealth of Massachusetts.....Page 7-8
- ❑ Appeals Process - Certification Denial or Decertification..... Page 9
- ❑ LWIB Membership Matrix (2).....Page 10-11
- ❑ Youth Council Membership MatrixPage 12
- ❑ LWIB Membership Checklist.....Page 13
- ❑ Youth Council Membership Checklist.....Page 14
- ❑ Required Attachments.....Page 15
- ❑ CEO/LWIB Agreement.....Page 16-19
- ❑ Conflict of Interest Statement (sample).....Page 20

ABBREVIATIONS USED

CBO	Community Based Organization
CEO	Chief Elected Official
CFR	Code of Federal Regulations
DCS	Division of Career Services
DUA	Division of Unemployment Assistance
DLWD	Department of Labor and Workforce Development
EO	Executive Order
LWIB	Local Workforce Investment Board
MGL	Massachusetts General Law
SWIB	State Workforce Investment Board
WIA	Workforce Investment Act

LOCAL WORKFORCE INVESTMENT BOARD
CERTIFICATION PACKAGE

LWIB Name

Workforce Investment Area

Submitted for Certification Review to
Division of Career Services

CHIEF ELECTED OFFICIAL:

Signature

Date

Typed Name and Title/City

LWIB CHAIR:

Signature

Date

Typed Name and Title/Company Name

Nomination Process

Attach a description of the process for nominating candidates for board membership.

The nomination process must assure that all nominations are submitted to the CEO in accordance with the WIA Regulations at 20 CFR Section 661.325 which states: *The local Board is appointed by the chief elected official(s) in the local area in accordance with State criteria established under WIA section 117(b), and is certified by the Governor every two years, in accordance with WIA section 117(c)(2).*

All members must be representatives that are CEOs or optimum decision-makers with hiring authority, and reflect the diversity goal established within each region.

Appointments requiring nomination which must be documented include:

- Private sector candidates must:
 - Be nominated by local business organizations and business trade associations;
 - Reflect the industrial and geographic composition of the business community.
- Education candidates must be nominated by regional or local educational agencies, institutions, or organizations representing such local entities.
- Nominations for the local provider candidate representing Adult Education and Literacy (WIA Title II) must be made by the Massachusetts Department of Education.
- Labor candidates must be nominated by local labor federations (or if no employees are represented by such labor organizations - other representatives of employees)

Letters of nomination must be kept on file locally by the LWIB.

Direct appointments include:

- Community Based Organizations (CBOs) include those representing individuals with disabilities and veterans for a local area in which there is such an organization.
- Economic Development includes private economic development entities.
- One-Stop Career Center partners are entities that carry out activities at the local level and other partners from state/regional agencies (with no local grant recipient). One-Stop Career Center required partners may represent more than one funding stream and are also required to sign an MOU.
- Other agencies include other members representing appropriate entities at the discretion of the CEO.

Terms of appointments:

The term of appointment for the private sector members of the board must be constructed in such a way that not all appointments expire in the same calendar year. Continuity of board strength is the goal.

Membership vacancies:

- All membership vacancies must be filled within 90 calendar days.
- All One-Stop Career Center partnership vacancies must be filled within 60 calendar days.
- Upon a showing of good cause, written requests for extensions will be considered.
- All vacancies must be reported to the Division of Career Services. Notice of vacancies can be e-mailed directly to Eddie Bartkiewicz at the Division of Career Services at ebartkiewicz@detma.org.

LOCAL WORKFORCE INVESTMENT BOARD ASSURANCES

The implementation of the Workforce Investment Act of 1998 provides the Commonwealth, through its designated Local Workforce Investment Boards (LWIBs), the opportunity to develop a comprehensive and locally designed Workforce Investment System. LWIBs will be responsible for the planning and oversight of activities that prepare adults and youth to enter the workforce and encourage local employers to continue and expand their investments in the skill development of their employees. The LWIB will also be responsible for the establishment of a Youth Council. The above LWIB activities are to be carried out with the approval of the CEO.

The Local Workforce Investment Board assures compliance with the following requirements:

- **At least 51% of the members of the LWIB are appointed from private sector businesses which are representative of the primary employers in the region.**
- **A chairperson must be elected from among the business representatives on the board.** (*WIA sec. 117(b)(5). Section 117(b)(2)(A) of the Workforce Investment Act*)
- **The balance of the membership shall represent education, organized labor, community based agencies, and the One-Stop Career Center partners.** *More detail on the specific requirements for these additional members will be found in the following pages.*
- **Representatives from each sector shall be CEOs and owners or others with optimum policy making or hiring authority.**
- Local Workforce Investment Board members who have been appointed by the Chief Elected Official as required under the Workforce Investment Act shall constitute the official voting membership of the Board;
- A minimum of four voting members of the LWIB must also serve on the Youth Council;
- Boards are required to establish a diversity goal to the extent possible within the diversity of its population and the requirement that mandatory representatives to the LWIB be CEOs or optimum decision makers. Each LWIB must submit a plan as part of its certification package that demonstrates how the LWIB will ensure the broadest diversity possible;
- LWIB membership must be reasonably representative of the entire geographic region and critical and/or emerging industries.
- Each LWIB must develop a fair and impartial review process which incorporates in its by-laws a conflict of interest statement in compliance with the Commonwealth of Massachusetts conflict of interest laws (MGL Chapter 268A and B) *see attached*. This statement will ensure that no LWIB member may participate in discussions or vote on proposals in which they have a financial or other interest as described in the statement. Signed Conflict of Interest Statements for each member must be kept on file; (*sample form attached*)
- Each LWIB must ensure that it will conduct business in an open manner consistent with Section 117(e) of the Workforce Investment Act and consistent with the Massachusetts Open Meeting Law.

Additional Membership Considerations:

To ensure the effectiveness of the Local Workforce Investment Board, additional criteria to be considered in

selecting members may include:

- Knowledge of the workforce development needs of the region and the ability to have an impact in local communities regarding those needs;
- Creating a size and structure that allows for working meetings as well as working committees;
- Ensuring clear ties between the LWIB and Youth Council that facilitate program and policy development;
- Representation from relevant partners, customers and advocates throughout the workforce development system;
- Maintaining a clear focus on business as the majority partner;
- Ensuring that labor is formally invited to participate in those committees and processes which develop policy for dislocated worker programs, One-Stop Career Centers, and incumbent worker training;
- Any program or activity which may have multiple grant recipients, administrative entities or organizations responsible for administering its funds in the local area that is a required partner in the One-Stop system, is entitled to one seat on the Local WIB;
- Any state agency that has multiple programs/activities that is a required partner in the One-Stop system is entitled to one seat on the Local WIB;

Additional Organizational Requirements:

WIA envisions a strong, cooperative partnership between the CEO and the LWIB in order to positively impact the local labor market and community. By enabling the LWIB and the CEO to act effectively as independent agents, their partnership will be strengthened and their joint impact will be significant. The creation of such a workforce development system at the local level, therefore, is supported by the following organizational criteria:

- The LWIB may, in accordance with the attached CEO/LWIB Agreement, choose to employ LWIB staff directly or contract with another appropriate organization to provide staffing services, including the designated CEO, or its fiscal agent and/or subgrant recipient. Please identify the employer of record (including department if paid through a municipality or unit of local government) for all LWIB staff.*
- The LWIB, LWIB staff and any organization that directly provides staff to the LWIB may not directly provide WIA services (including Wagner Peyser) in the local workforce investment area, i.e., core, intensive, training or participate in the management or operations of the local One-Stop Career Center(s).
- The fiscal agent (if not the LWIB or LWIB staff) may provide services in the local area, including, the management/operation of the local One-Stop Career Center.
- The CEO has responsibility and liability for WIA Title I funds and may administer funds directly, or designate a fiscal agent and/or subgrant recipient, including the LWIB or any existing local fiscal agent or grant subrecipient.
- The LWIB may manage its funds directly or contract with another appropriate entity or agent to manage its funds, including the CEO, its fiscal agent or grant subrecipient or one-stop operator/partner.

- The LWIB will develop a WIA Title I budget as described in the Act, subject to the approval of the CEO, to carry out its duties in accordance with the CEO/LWIB agreement.
- The LWIB, with the agreement of the CEO, shall select the One-Stop Career Center operator(s) as defined in the CEO/LWIB Agreement.
- The LWIB is expected to establish a 501(c)3 corporate status. The creation of this corporate entity provides a vehicle for the LWIB to access public and private funding which is often unavailable to units of local government but could provide additional resources to both the LWIB and local region in supporting workforce development initiatives.
- LWIB must execute CEO/LWIB Agreement.

*Although it is permissible for the CEO/municipality to be the employer of record for LWIB staffing purposes this staffing structure is not encouraged. This action is not encouraged because the configuration could result in only the minimum level of protection needed to ensure the degree of LWIB autonomy required to properly and effectively perform its critical oversight functions.

If LWIB staffing services are provided by the CEO/municipality, the following conditions must be met:

- Any provision of service or participation in the local One-Stop Career Center(s) by the municipality may only occur from another part or department of the municipality. LWIB staff employed or contracted through the municipality should not report to or be paid from the same account or department as the Title I administrator or Career Center operator.
- Appropriate safeguards must exist to ensure that the LWIB is able to maintain the autonomy necessary to perform its oversight function;
- Adequate distinctions must be created between LWIB staffing and direct provision of service. (*Public law 105-220, Section 134 (d)*)

APPEALS PROCESS CERTIFICATION DENIAL OR DECERTIFICATION

Any local workforce investment board or area that fails to meet certification requirements, that is deemed by the Department of Labor and Workforce Development (DLWD) to have engaged in fraud or abuse or to have failed to carry out its required functions, or to have failed to meet its local performance measures for two consecutive program years may be provisionally denied certification or provisionally decertified upon written notice from the Department.

Any party receiving a notice of provisional denial or provisional decertification has the right to request a hearing before the Department. The request for hearing must be made in writing to the Director and received by the Director no later than 10 days after receipt of the notice. If no written request for hearing is received by the Director, the denial or decertification shall become final.

If a timely hearing request is received, the Department shall schedule the hearing no later than 14 days after receipt of the request. After a hearing, the Department shall issue a final decision no later than 30 days after the date of the hearing. The provisions of Chapter 30A of the Massachusetts General laws shall govern the conduct of the hearing.

Any party aggrieved by a final decision of the Department of Labor and Workforce Development may appeal directly to the State Workforce Investment Board. Said appeal must be received by the Chair (or his/her designee) of the State Board no later than 14 days after the date of the final decision issued by the Director.

Upon receipt of an appeal, the Chair (or his/her designee) of the State Workforce Investment Board shall schedule a hearing no later than 14 days after the date of receipt of said appeal. Said appeal shall be heard by a panel of seven members of the State Workforce Investment Board consisting of the Chair who shall also chair the panel, and six additional private sector members selected by the Chair. The panel shall issue its final decision no later than 14 days after the hearing date.

Local Workforce Investment Board Membership Matrix

LWIB Name _____ Date _____

LWIB Members		GROUPS REPRESENTED									Date Appt. Begins	Date Appt. Ends
		Private Sector	Labor	Education Representative				Economic Development	Community Based Organizations	Other		
		51%.	At least 2	At least 2 regional/local				At least 2	At least 2			
Name/Title	Organization or Agency/City, Town	Private Sector Representatives	Labor Representatives	Local Educational Agencies	Local School Boards	*Entities providing adult education and literacy activities	*Post Secondary educational institutions ***	Economic Development Agencies	Community Based Organizations	**Other (Specify)		

The board chair must be a representative of the private sector and must be listed as the first entry.

* Required One-Stop Career Center partners

**Attach a list of other representatives including name, title, organization or agency and city/town.

***Post secondary vocational education activities under Carl D. Perkins Vocational and Applied Technology Education Act (WIA Sec. 121(b)(1)(B)(vii). and including representatives of community colleges, where such entities exist (WIA Sec. 117(b)(2)(A)(ii).

Local Workforce Investment Board Membership Matrix

LWIB Name _____ **Date** _____

[illegible]

*If available in the area.

Youth Council Membership Matrix

LWIB Name _____

Date _____

Youth Members		GROUPS REPRESENTED							Date Appt. Begins	Date Appt. Ends
		Youth Service Agencies **At least 2	Local Public Housing Authorities	Parents of eligible youth seeking services	Individuals ***At least 2	Job Corps	Voting Members of LWIB At least 4	Other Youth Council Members		
Name/Title	Organization or Agency/City, Town	Youth Service Agencies	Local Public Housing Authorities	Parents of eligible youth seeking services		Representatives of Job Corps, if available in area	Voting members of the LWIB	*Others		

*Youth Councils may include other individuals, who the chair of the Local Board, in cooperation with the chief elected official, determines to be appropriate. Special consideration should be given to (1) a representative from the Adult Basic Education community and (2) a youth representative. Please identify youth representatives as such in the second column above. **Special preference shall be given to juvenile justice and law enforcement agencies.

***Special preference shall be given to former participants and representatives or organizations with experience related to youth services.

Membership Checklist Local Workforce Investment Board

LWIB Name _____ **Date** _____

In order to attain full certification all required members must be appointed. Please complete. Enter **Yes** or **No** to indicate if each requirement is met. If a requirement is not met, please explain in the comments section.

Groups Represented:	Yes	No	Comments
Private Sector (51%)			
Labor representatives (2)			
Educational Representatives (2):			
Local Educational Agency			
Local School Boards			
Entities providing Adult Education and Literacy activities			
Post Secondary Educational Institutions			
Economic Development Agencies (2)			
Community Based Organizations (2)			
One Stop partners:			
WIA Title I grant recipients:			
Adults			
Youth			
Dislocated Workers			
Wagner Peyser			
Trade Adjustment Assistance			
*Veterans Employment and Training			
*Migrant and Seasonal Farmworkers			
Unemployment Insurance (UI)			
Chapter 41 of Title 38 (DVOP/LVER)			
Adult Education and Literacy			
Post Secondary Vocational Education			
Vocational Rehabilitation Programs			
MRC			
MCB			
Title V Older Americans			
*Native American Program			
*CSBG Employment and Training			
*HUD Employment and Training			
*Job Corps			
Other partners:			

Note: One-Stop Career Center required partners may represent more than one funding stream.

Some partners may not be represented on the board if they:

- a) refuse to sign an MOU (Required partners in the One-Stop system who do not have an MOU with the LWIB or are not in compliance with the MOU are not entitled to a seat on the LWIB)
- b) *may not be represented in the area

Membership Checklist Youth Council

LWIB Name _____ Date _____

In order to attain full certification all required members must be appointed. Please complete. Enter **Yes** or **No** to indicate if each requirement is met. If a requirement is not met, please explain in the comments section.

GROUPS REPRESENTED	Yes	No	Comments
Youth Service Agencies			
Local Public Housing Authorities			
Parents of eligible youth seeking services			
Individuals			
Job Corps *			
Voting members of the LWIB (4)			
Other Youth Council Members			

*Required only for Local Workforce Investment Areas in which Job Corps centers are located.
Please identify youth representatives as such in the comments column above.

REQUIRED ATTACHMENTS

Please include the following important policies, documents, and information with your certification package:

1. Conflict of Interest Policy;
2. CEO/LWIB Agreement;
3. LWIB By-Laws;
4. Terms and Conditions of membership appointment;
5. Policy of the Local Board to conduct business in an open manner;
6. Description of the LWIB committee structure including Youth Council;
7. Description of LWIB diversity plan and goals;
8. Procurement Policy: demonstrating compliance with Public Law 105-220 Section 117 (d)(2)(B,C and D) WORKFORCE INVESTMENT ACT OF 1998.
10. Description of the process for nominating candidates for board membership;
11. Description of the organizational design, roles, responsibilities and staffing utilized to implement the WIA in your area. Describe the functions and organizations that would give a full picture of the Workforce Development system. Include the identification of the employer of record (including department if paid through a municipality or unit of local government) for all LWIB staff.
12. Description of how LWIB membership is reflective of the Workforce Investment area's geographical region and industries; and
13. Description of the process by which on-going communication and collaboration occur among all the chief elected officials in the area. If there is a Chief Elected Official Agreement which has been negotiated with other Lead Elected Officials please attach
14. 501 C-3 single audit
15. Assurances

CEO/LWIB AGREEMENT

This agreement is not intended to serve as a detailed planning document. Rather, the five-year strategic plan is the document in which the LWIB and CEO provide workplans and timelines involved in carrying out the functions and responsibilities that are listed in the CEO/LWIB agreement. The descriptions contained in the CEO/LWIB agreement should be approaches that each party will take in carrying out their responsibilities and the manner in which each party will keep the other informed as to how they are carrying out their responsibilities.

BACKGROUND

On August 7, 1998, the Workforce Investment Act of 1998 (WIA) (Public Law 105-220) was signed into law and constituted a comprehensive reform legislation that superseded the Job Training Partnership Act (JTPA) and amended the Wagner-Peyser Act. The WIA also contains the Adult and Family Literacy Act (Title II) and the Rehabilitation Act Amendments of 1998 (Title IV).

The WIA reforms Federal job training programs and creates a new, comprehensive workforce investment system intended to be customer-focused, to help people access the tools they need to manage their careers through information and high quality services, and to help companies find skilled workers.

The governance of the Local Workforce Investment System shall be determined by the agreement between the Chief Elected Official and the Local Workforce Investment Board. In accordance with the Workforce Investment Act and Regulations, the following guidance is given to ensure that the necessary regulatory elements are described and included in local CEO/LWIB agreements.

CHANGES:

The CEO/LWIB Agreement must be current. In order to remain a valid document, the Agreement must be modified if any of the following conditions change:

- There is a new Chief Elected Official;
- There has been a change in the entity named to assist in the administration of the grant funds to act as the local grant subrecipient or local fiscal agent;
- The term of the document has expired or has not been properly modified

Changes or modifications to the CEO/LWIB Agreement must be submitted to the Division of Career Services, Charles F. Hurley Building, 19 Staniford Street, 2nd floor, Boston, MA 02114, attention: Eddie Bartkiewicz.

AGREEMENT:

These agreements, must contain at a minimum, a written description/explanation of the appropriate procedures to accomplish the following items in accordance with the WIA Section 117:

I. Responsibilities of the Chief Elected Official

“The term chief elected official means—(A) the chief elected executive officer of a unit of general local government in a local area; and (B) in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in section 117(c) (1) (B).” (Public Law 105-220, Section 101 (6))

Describe how the Chief Elected Official will accomplish the following activities.

1. What nomination and selection process does the Chief Elected Official use to appoint the Local Workforce Investment Board Members?

“The chief elected official in a local area is authorized to appoint the members of the local board for such an area, in accordance with the State criteria established under subsection (b).” (Public Law 105-220, Section 117 (c) (1) (A))

2. Is there an agreement among the CEOs in the region? If yes, please attach. If not, how will all units of government in the region participate in workforce initiative activities?

“In a case 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 respective roles of the individual chief elected officials.” (Public Law 105-220, Section 117 © (1) (B) (I))

3. Identify the party liable for activities under the Workforce Investment Act.

“The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under Sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.” (Public Law 105-220, Section 117 (d) (3) (B) (i) (I))

4. If the Chief Elected Official has named an entity to assist in the administration of the grant funds to act as a local grant subrecipient or local fiscal agent, please identify the organization and describe the duties it will have, including its relationship with the LWIB.

“In order to assist in the administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant sub-recipient for such funds, or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).” (Public Law 105-220, Section 117 (d) (3) (B) (i) (II))

5. Describe the process by which WIA Title I funds will be disbursed at the direction of the Local Workforce Investment Board.

“The local grant recipient or an entity designated under subclause (II) shall disburse such funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title, if the direction does not violate a provision of this Act. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.” (Public Law 105-220, Section 117 (d)(3)(B)(i)(III))

II. Responsibilities of the Local Workforce Investment Board

“There shall be established in each local area of a State, and certified by the Governor of the State, a local workforce investment board, to set policy for the portion of the statewide workforce investment system within the local area.” (Public Law 105-220, Section 117 (a))

Describe how the Local Workforce Investment Board shall undertake the following activities:

- 1. How is the five-year plan developed and/or modified in your region, and how is the “partnership” achieved with the CEO?**
“Consistent with Section 118, each local board in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor.” (Public Law 105-220, Section 117 (d) (1))
- 2. What process is used to designate and/or certify the One-Stop operators, and what are the roles of the Local Workforce Investment Board and Chief Elected Official in the selection and/or re-certification process?**
“Consistent with section 121(d), the local board, with agreement of the chief elected official shall designate or certify one-stop operators as described in section 121(d)(2)(A); and may terminate for cause the eligibility of such operators.” (Public Law 105-220, Section 117 (d) (2) (A) (© & ii))
- 3. What process is used in the development and approval of the Local Workforce Investment Board’s budget?**
“The local board shall develop a budget for the purpose of carrying out the duties of the local board under this section, subject to the approval of the chief elected official.” (Public Law 105-220, Section 117 (d) (3) (A))
- 4. What is the local oversight process?**
“The local board, in partnership with the chief elected official, shall conduct oversight with respect to local programs of youth activities authorized under Section 129, local employment and training activities authorized under Section 134, and the one stop delivery system in the local area.” (Public Law 105-220, Section 117 (d) (4))
- 5. How are performance measures determined in your local area?**
“The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance measures as described in Section 136©.” (Public Law 105-220, Section 117 (d) (5))
- 6. What process is used to appoint or reappoint the Youth Council?**
“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 area.” (Public Law 105-220, Section 117 (h) (1))
- 7. How does the Local Workforce Investment Board ensure public access and knowledge of Workforce Investment Board activities as listed below?**
“The local board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the local board, including information regarding the local plan, and regarding membership, the designation and certification of One-Stop operators, and the award of grants and contracts to eligible providers of youth activities, and on request, minutes of formal meetings of the local board.” (Public Law 105-220, Section 117 (e))
- 8. How does the Local Workforce Investment Board assist the Governor in developing the**

statewide employment statistics system?

“The local board shall assist the Governor in developing the statewide employment statistics system described in Section 15(e) of the Wagner-Peyser Act.” (Public Law 105-220, Section 117 (d) (6))

- 9. Describe how and what linkages are made with both area employers and economic development agencies in order to ensure a well-coordinated and non-duplicative workforce investment system in your region?**

“The local board shall coordinate the workforce investment activities authorized under this subtitle and carried out in the local area with economic development strategies and develop other employer linkages with such activities.” (Public Law 105-220, Section 117 (d) (7))

- 10. Discuss how your Local Workforce Investment Board meets the hiring needs of local employers in both the state and local workforce systems, while also ensuring that connecting, brokering and coaching activities occur.**

“The local board shall promote the participation of private sector employers in the statewide workforce investment system and ensure the effective provision, through the system, of 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.” (Public Law 105-220, Section 117 (d) (8))

- 11. Describe the LWIB organizational design, roles, responsibilities and staffing utilized to implement Workforce Development activities in your area. Include the functions, organizations and committees that would give a full picture of your local system.**

(Public Law 105-220, Section 117 (d))

- 12. Describe how LWIB membership is reflective of the Workforce Investment Area’s demographic, geographical region and industries.**

(Public Law 105-220, Section 117 (b,) ©,(d))

- 13. Does your Local Workforce Investment Board directly operate workforce development programs outside the One Stop Career Center system? If yes, what programs and how are these activities linked to the other activities provided through the Career Center system?**

“In general except as provided in subparagraph (B), no local board may provide training services described in section 134 (d) (4).” (Public law 105-220, Section 117 (F))

CONFLICT OF INTEREST

LOCAL WORKFORCE INVESTMENT BOARD MEMBERS

LWIB Name: _____

WIA (sec. 117 (g)): Conflict of Interest--A member of a local board may not--

- (1) vote on a matter under consideration by the local board--
 - (A) regarding the provision of services by such member (or by an entity that such member represents); or
 - (B) that would provide direct financial benefit to such member or the immediate family of such member; or
- (2) engage in any other activity determined by the Governor to constitute a conflict as specified in the State plan.

I have been presented with copies of the following documents provided by the State Ethics Commission:

- 1. **An Introduction to the Conflict of Interest Law**
- 2. **An Introduction to the Conflict of Interest Law for the Private Sector**
- 3. **Guide to the Conflict of Interest Law for Municipal Employees**

I will at all times conduct myself as a member of the LWIB in such a manner as to avoid conflict of interest or the appearance of conflict.

I will notify the Chair or Executive Director of the LWIB of any situation that I believe has the potential of being in conflict or giving the appearance of being in conflict. I will excuse myself from any LWIB processes to avoid situations of conflict or abide by any decision related to my participation that is in compliance with the bylaws of the LWIB.

I have been made aware of the following **General Laws of Massachusetts**:

Chapter 268A. CONDUCT OF PUBLIC OFFICIALS AND EMPLOYEES.

Chapter 268B. FINANCIAL DISCLOSURE BY CERTAIN PUBLIC OFFICIALS AND EMPLOYEES.

ACKNOWLEDGEMENT:

I the undersigned, acknowledge the Conflict of Interest responsibility that is summarized above as a member of the _____ Local Workforce Investment Board. By my signature below, I am declaring that I will conduct myself within the intent, spirit and letter of the Conflict of Interest Laws, guidelines and by-laws under the pains and penalties of perjury.

PRINT NAME

SIGNATURE

DATE

TITLE

Conflict1.cel.11/99