

Q & A Document – Policy Issuance # 100 DCS 17-102 WDB Certification

Q1A: Agreement of Multiple Jurisdictions, page 15, ‘must’ should be changed to ‘may’? When a local workforce area or region is composed of more than one unit of general local government, the liability of the individual jurisdictions **must** be specified in a written agreement between the chief elected officials.

A1A: The regulations at 20 CFR § 683.710(a) and (b)(2) state that the potential liability of any unit of general local government in a planning region is dependent on what the CEOs agree to in the written agreement and that “when a local workforce...is composed of more than one unit of local government...the liability of the individual jurisdictions **must** be specified in a written agreement...” The policy language has been revised to reflect this correction.

Q1B: WIOA (c) Appointment and Certification of Board (1) Appointment of Board Members and Assignment of Responsibilities. (B) Multiple Units of Local Government in Area. (i) in general. In a case in which a local area includes more than 1 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 (II) in carrying out any other responsibilities assigned to such officials under this title.

A1B: The text in the commenter’s question is from WIOA Sec 107(c)(1)(B) and is in reference roles and responsibilities of individual CEOs; while the Certification policy reference to WIOA sec 184(b) and (e) and 20 CFR 683.710(a) addresses fiscal controls and sanctions. The policy language has not been revised.

Q2: By-Laws, p. 16, section III, number 6. The process to ensure WDB members actively participate in convening. There is a distinct line between making policy and overseeing programs and conducting operations. This statement appears to suggest that WDB members assume operational roles which are inappropriate. Perhaps you mean, “The process to ensure that WDB actively participate **to make sure that** the workforce development system’s stakeholders are actively engaged, that **there is system** for brokering relationships with a diverse range of employers, and that **support is leveraged** for workforce development activities.

A2: The text within the policy is taken from the WIOA regulations at 20 CFR § 679.310(g). 20 CFR § 679.300(b)(1) states that the purpose of the LWDB is to “provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to help develop a comprehensive and high-quality workforce development system in the local area and larger planning region”. To that end, by-laws should address, among other items, “the process to ensure that 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”;

Q3: Demand Driven Strategies and Solutions. P. 21-22. Demand driven strategies are implemented at both the WIB and career center levels. This section should recognize the impact

Q & A Document – Policy Issuance # 100 DCS 17-102 WDB Certification

of the selection of the career center operator on a WIBs ability to fully achieve a demand driven system. Perhaps you might add questions about changes, improvements or enhancements that will be made in the coming fiscal year with a newly selected operator. Hard data is desirable, but given the fact that demand 2.0 is relatively new, may not be available. You might ask us to provide goals for the next couple of years.

A3: The focus of this category is intended to be an examination of how the Local Board demonstrates that its strategies and actions are driven by business needs. Reviewers will look for responses that describe the Board's strategies and actions for the region, development and implementation of career pathways programming (including Partner engagement in the process) and how the Board promotes use of the OSCC by local businesses. In cases where a career center operator is new, data that is lacking may be replaced with demonstrated anecdotal information as well as target goals.

Q4: MOU p. 23. A plan for Shared Cost and Infrastructure costs will not be available for most if not all WIBs by March 31. You might ask for a description of the process to arrive at a plan for shared and infrastructure costs.

A4: The Local Workforce Development Board Certification process is now divided into three Phases with corresponding timeframes. The due date for submission of the Local Umbrella Memorandum of Understanding is June 16, 2017. DOL's Training and Employment Guidance Letter (TEGL) 17-16 describes that through DOL's use of the transition authority in section 503(b) of WIOA, a local area's PY17 (FY18) final Infrastructure Funding Agreement (IFS) must be in place no later than January 1, 2018 (please refer to page 17 of the policy).

Q5: Since interim certification was awarded through June 2017 it might be more realistic to push out the submission date for the FY18 certification packages from March 31 to a later date (end May or June?). During Feb and March WDBs will be focused on completing details relative to OSCC providers and MOU partnerships.

A5: A revised schedule has been issued with three Phases and corresponding timeframes. Please see "[Timeline and Submission Instructions for Biennial Certification July 1, 2018 – June 30, 2020](#)"

Q6: All prior board certification packages provided a TEMPLATE for the Board-CEO Agreement. Rather than each region having to start from scratch AND so that DCS/EOLWD has some consistency with each agreement (recognizing ability to customize as needed for local variances), we respectfully request one be added as an attachment.

A6: LWDB/CEO Agreement Template has been added to the Policy as Attachment C.

Q7: Section C, A, #4-5, re: OSCC Operator Procurement – MA Issuance 100 DCS 03-105 does NOT indicate that we were required to include Core Partners or Employers in the RFP Design. In fact, pursuant to our procurement policies and who has "Authority to Take Procurement Actions", the authority to approve the solicitation package resides solely with the REB

Q & A Document – Policy Issuance # 100 DCS 17-102 WDB Certification

President/CEO, although we of course apprised our Board, Executive and Governance committees of steps and progress along the way, along with the Chief Elected Official.

Further, since we used the DCS template as our base for the RFP, we submitted drafts to DCS (Dave Manning) along the way and also had legal counsel review the solicitation prior to its release.

We think there would have been inherent possible conflicts of interest in having any outside parties weigh in on the RFP design. Once PUBLIC, the RFP open Q&A period allowed for questions on the RFP contents. We think the reference to (1) RFP Design should be removed from both questions to be consistent with MA Issuance 100 DCS 03-105.

A7: The question has been re-worded (see below) to elicit responses that describe how the various boards managed to involve partners in the process. *Note: we continue to seek feedback as to whether this resolves the discrepancy as there is still time for adjustment.*

4. All Core Partners have been included in the OSCC Operator/Service Provider Competitive Selection process
 - a. *Please describe how your OSCC Competitive Selection process is inclusive of Core Partner input into (1) operational requirements for the scope of work and (2) the OSCC Operator/Service Provider selection process.*
5. Employers have been included in the OSCC Operator/Service Provider Competitive Selection Process
 - b. *Please describe how your OSCC Competitive Selection process is inclusive of (1) employer input into the Competitive Selection Document (e.g. RFP) design and/or articulation of demand-driven employer strategies within the Competitive Selection document and (2) the OSCC Operator/Service Provider selection process.*

Q8: MOU timing – As of right now this has a March 31, 2017 due date; yet the MOU issuance has April-May identified in timeline for identifying infrastructure and shared costs, in line with FY18 annual planning/budgeting. So our answer to progress to date as of March may still be in the “planning to plan” stage. Will this result in a conditional certification?

A8: The language in the criteria has to be updated to match the new timeframe – once that’s done, the answer to this question is: [The policy has been adjusted to reflect a phased approach to the Board certification process. Please see “Timeline and Submission Instructions for Biennial Certification July 1, 2018 – June 30, 2020”.](#)

Q9: This policy underscores the many responsibilities of Workforce Development Boards, including One-Stop Certification, Strategic Planning, MOU development, etc. These are the core activities of Boards, which should be carried out in a timely fashion and audited by the State to ensure that this work is getting done. However, I do not see this level of activity being part of a Certification package. To me a WDB is certified by having the appropriate

Q & A Document – Policy Issuance # 100 DCS 17-102 WDB Certification

membership and having the right legal documents to govern its actions, such as by-laws and an agreement with its CEO. Once these documents are in place, these would allow the WDB to proceed with its other leadership activities, including strategic planning, MOU development, and Career Center Operator procurement and management. I would advise that the Certification Package be focused on Section A of the draft policy only.

A9: The Massachusetts Workforce Development Board's (MWDB) WIOA Steering Committee established several subcommittees and workgroups to address key priorities, strategies, and policies pursuant to the implementing provisions of the Workforce Innovation and Opportunity Act (WIOA).

The Jobseeker and Employer Subcommittee established four working groups to focus on key aspects of WIOA implementation. The workgroups were: Career Center Standards and Process, Employer Engagement, Performance Measurement and Workforce Development Board Certification Standards.

The Massachusetts Workforce Development Board (MWDB) Certification Standards Workgroup, comprised of 13 representatives of Local Workforce Development Boards, One-Stop Career Centers, Community Colleges, Vocational Rehabilitation (MRC and MCB), Adult and Community Learning Services, public education and Commonwealth Corporation and staffed by EOLWD/DCS, worked over a ten-month period to develop workforce board certification standards built upon the Massachusetts High-Performance Board standards to create new standards of excellence for Workforce Development Boards under WIOA.

The Massachusetts Local Workforce Development Board Certification Standards for Fiscal Year 2018 include the following components:

- A. One-Stop Career Center (OSCC) Operator/Service Provider Competitive Selection
- B. One-Stop Career Center (OSCC) Oversight
- C. Youth Service Strategy
- D. Youth Services Oversight
- E. Demand-Driven Strategies and Solutions
- F. Partnerships / MOUs

A set of criteria, elements and measures were developed for each standard.

In order to respect the work that has been done by the MWDB WIOA Steering Committee, Jobseeker and Business Subcommittee and the Workforce Development Board Certification Standards workgroup we will move forward to determine the outcome/yield and adjust as necessary within the next certification period. In a responsible system, the effectiveness and ability of the workforce boards to carry out the new responsibilities must be measured in some way. We believe that at this point in time board certification is the most efficient mechanism through which to measure early progress.

Q & A Document – Policy Issuance # 100 DCS 17-102 WDB Certification

Q10: Since this would be a smaller document, a due date of later in the Spring would be appropriate.

A10: A revised schedule has been issued with three Phases and corresponding timeframes. Please see [“Timeline and Submission Instructions for Biennial Certification July 1, 2018 – June 30, 2020”](#)

Q11: Membership – The guidance dictates that “Members who represent organizations, agencies or other entities must be individuals with optimum policy-making authority within the entities they represent.” How do we reconcile nominations from mandated partners who do not fall into this category?

A11: Paragraph (a) of 679.120 defines “optimum policy-making authority” as being possessed by an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action. Core Partners’ recommendations for representation on local boards will meet the WIOA requirements.

Q12: What kind of experience in Strategic Planning are you looking for in the readers of the plan and what type of training will be provided to the readers?

A12: The Strategic Plan is required for reference only; this document will not be evaluated or scored toward certification.

Q13: *"Note: any program or activity that may have multiple grant recipients, administrative entities or organizations responsible for administering it's funds in the local area that is a required partner in the one-stop system, is entitled to one seat on the LWDB"* - I interpret this to mean that in a case where an entity runs multiple programs as a one stop partner they are limited to one seat on the LWDB only (and this is not meant to require boards to expand membership to one-stop career center partners that are not listed in the mandated sections noted above in the issuance), correct?

A13: Correct. As stated in § 679.320 (h) ‘An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation, including the criteria described in paragraphs (c) through (g) of this section, for each entity’.

Q14: Page 16, section iii LWDB bylaws, bullet number 5 references, *"The use of technology, such as phone and web based meetings, that will be used to promote WDB member participation"* - while I firmly applaud this whole heartedly, it was my understanding that state open meeting law regulations restrict technology based participation in WDB and subcommittee meetings to only situations involving members with specific barriers to attendance such as a medical condition. Given this issuance, are we now able to incorporate modern technology participation tools for meeting attendance? (Hopefully yes)

A14: Local areas are required to be in compliance with The Commonwealth of Massachusetts Open Meeting Law, G.L.c. 30A, § 20(d) which states ‘the attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location, provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the body, including the chair, are present at the meeting location. Such authorized members may vote and shall not be deemed absent for the purposes of sections 23D of chapter 39’. Additional clarification from the AG’s Office stated: A public body may adopt remote participation. The Attorney General’s Office recommends that the Workforce Development Boards refer to the Open Meeting regulations, specifically **940 CMR 29.10**. Section (2)(e) says, “The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.”