

ATTACHMENT A
FY2014 Massachusetts WIB Certification

LOCAL WORKFORCE INVESTMENT BOARD
CERTIFICATION PACKAGE

Workforce Investment Board Name

Workforce Investment Area

Submitted for Certification Review to

Massachusetts Department of Career Services

CHIEF ELECTED OFFICIAL:

Signature

Date

*

Typed Name and Title/City

WIB CHAIR:

Signature

Date

*

Typed Name and Title/Company Name

*** Note: Signatures attest to agreement of Chief Elected Official and Workforce Investment Board Chair related to the assurances and documents contained within this Certification package.**

**ATTACHMENT A
FY2014 Massachusetts WIB Certification**

LOCAL WORKFORCE INVESTMENT BOARD CERTIFICATION CONTACT INFORMATION

Workforce Investment Board Name

Principal Contact

Typed Name: _____

Title: _____

Mail Address: _____

E-mail Address: _____

Telephone: _____

Fax Number: _____

*The person named above will be the individual that state reviewers will contact if there are questions
or additional information is needed.*

Chief Elected Official

Typed Name: _____

Title: _____

Mail Address: _____

E-mail Address: _____

Telephone: _____

Fax Number: _____

ATTACHMENT A
FY2014 Massachusetts WIB Certification

Workforce Investment Board Chairperson

Typed Name: _____

Title: _____

Mail Address: _____

E-mail Address: _____

Telephone: _____

Fax Number: _____

Workforce Investment Board Director

Typed Name: _____

Title: _____

Mail Address: _____

E-mail Address: _____

Telephone: _____

Fax Number: _____

ATTACHMENT A
FY2014 Massachusetts WIB Certification

ASSURANCES

1. Conflict of Interest:

Appointed members of the Local Workforce Investment Boards are "special state employees" within the meaning of the Massachusetts Conflict of Interest Law, G.L. c. 268A, §§ 1-25, and, therefore, are subject to the provisions of that statute. The State Ethics Reform Law, G.L. c. 268A, § 28, imposes education and biennial online training requirements on public employees, including individuals appointed to Local Workforce Investment Boards. In order to comply with the requirements of the statute Local Board Members will be provided with a Summary of the Conflict of Interest Law prepared by the State Ethics Commission, and a frequently asked questions instructional document outlining the education and training requirements. All members of Local Boards must submit the attached acknowledgment form indicating that they are aware of the various legal requirements relating to the Conflict of Interest Law.

The online training must be completed every two years. If individuals have already completed the on-line training during 2012, they do not have to repeat the training at this time, but may simply submit a copy of the State Ethics Commission Receipt. If individuals have not taken the Online Training Program yet, or if they completed the training prior to 2012, they must complete the training within thirty (30) days of receipt of this notice. The LWIB will develop a fair and impartial review process, which incorporates in its by-laws a conflict of interest statement that is in compliance with the Commonwealth of Massachusetts conflict of interest laws (MGL Chapter 268A and B). This statement will ensure that no LWIB member may participate in discussions or vote on proposals in which the member has a financial or other interest as described in the statement. A signed Conflict of Interest Statement for each member must be kept on file.

- i. **Reference: Ethics Site for the Summary of the Conflict of Interest Law for State Employees** <http://www.mass.gov/ethics/education-and-training-resources/implementation-procedures/state-employees-summary.html>
- ii. **Biennial Online Training**
- iii. <http://www.mass.gov/ethics/new-online-programs-available-december2012.html>

2. Section 117 (e) of the Workforce Investment Act of 1998, and the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, impose certain obligations on Local Workforce Investment Boards. Among these obligations are the legal requirements to conduct all business in an open and transparent manner. The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. The Local Board must assure compliance at all times with the Open Meeting Law by, among other things, posting all meeting notices in a manner consistent with the law, by opening all meetings up to the public to attend, and by keeping accurate minutes of all meetings. Local Boards are

ATTACHMENT A
FY2014 Massachusetts WIB Certification

being provided links to the Massachusetts Open Meeting Law, Open Meeting Regulation, and the Open Meeting Law Guide.

The LWIB ensures that it will conduct business in an open manner as required under Section 117(e) of the Workforce Investment Act and consistent with the Massachusetts Open Meeting Laws

Reference: Open Meeting Law Attorney General website.

Open Meeting Law: <http://www.mass.gov/ethics/new-online-programs-available-december2012.html>

Open Meeting Law Regulation: <http://www.mass.gov/ago/government-resources/open-meeting-law/940-cmr-2900.html>

Open Meeting Law Guide: <http://www.mass.gov/ago/government-resources/open-meeting-law/attorney-generals-open-meeting-law-guide.html>

3. The LWIB assures that current policies and procedures in place for the local workforce investment area for complaint resolution are consistent with WIA regulations and the Commonwealth's procedural guidance as defined in MassWorkforce Issuance # 11-27 Unified Workforce Investment System Complaint Process.
4. 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. (WIA, Section 117 (d) (3)(B)(i)(I))
5. The designated Chief Elected Official serves as the local grant recipient for a local area and 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 sub clause (I). (WIA, Section 117 (d)(3)(B)(i)(II))
6. The local grant recipient or an entity designated as the fiscal agent shall disburse such funds for workforce investment activities at the direction of the local board, pursuant to the requirements of WIA, if the direction does not violate a provision of this Act. The local grant recipient or fiscal agent shall disburse the funds immediately on receiving such direction from the local board. (WIA, Section 117 (d)(3)(B)(i)(III))
7. The LWIB will enter into a formal agreement with the Chief Elected Official clearly detailing the partnership between the two entities for the governance, review and oversight of Local Workforce Investment Activities (LWIB/CEO Agreement Template provided).

ATTACHMENT A
FY2014 Massachusetts WIB Certification

8. Consistent with Section 118 of WIA, each local board in partnership with the Chief Elected Official for the local area involved shall develop and submit an annual plan to the Governor. (WIA, Section 117 (d)(1))
9. The LWIB, LWIB staff and any organization that directly provides staff to the LWIB may not provide WIA services (including Wagner-Peyser) in the local workforce investment area, i.e., core, intensive, or training, or participate in the management or operations of the local One Stop Career Center
10. Consistent with section 121(d) of WIA, 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. (WIA, Section 117 (d)(2)(A)(i & ii)).
11. The local board shall develop a budget for the purpose of carrying out the duties of the local board under WIA subject to the approval of the chief elected official.” (WIA, Section 117 (d)(3)(A))
12. 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 of WIA, local employment and training activities authorized under Section 134, and the one stop delivery system in the local area. (WIA Section 117 (d)(4))
13. The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance measures as described in Section 136 of WIA. (WIA Section 117 (d)(5))
14. 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. (WIA Section 117 (h)(1))
15. The local board shall assist the Governor in developing the statewide employment statistics system described in Section 15(e) of the Wagner-Peyser Act. (WIA Section 117 (d)(6))
16. The LWIB/Fiscal Agent will utilize a procurement process that maximizes open and free competition. Procurement standards as delineated at 2 CFR, Part 215 (*Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations*), MGL Chapter 30b and 29 CFR 95.40-48 must be followed as appropriate. The LWIB/Fiscal Agent must be aware of organizational conflicts of interest or other practices that may reduce competition. Written procurement procedures demonstrating compliance with Public Law 105-220 Section 117 (d)(2)(B, C and D) of the Workforce Investment Act of 1998 covering the solicitation and award of contracts for goods and services and records sufficient to adequately document each procurement must be maintained.

ATTACHMENT A
FY2014 Massachusetts WIB Certification

- 17.** The Board assures that it and the local one-stop career center operator will carry out all activities relevant to the provision of each program covered under the Annual Business Plan in accordance with all Federal/State policies and procedures. The Board further assures that a schedule for the monitoring of the Board and local one-stop career center activities will be developed and agreed upon in concert with the Department of Career Services (DCS).
- 18.** The Board assures that no funds provided through the Workforce Investment Act of 1998 and other programs as designated by the Commonwealth shall be used for, political activity, lobbying (29CFR 93/PL 101-121,319/31USC1352) or propaganda purposes. Compliance with the Hatch Act is also applicable where required.
- 19.** The LWIB assures that it will focus its efforts on meeting the needs of local employers in both the state and local workforce systems. The LWIB assures that it will provide that connecting, brokering and coaching activities will occur that support these efforts. (Public Law 105-220, Section 117 (d)(8))
- 20.** The LWIB assures that linkages have been made by the LWIB with area employers and economic development agencies in order to ensure a well-coordinated and non-duplicative workforce investment system in the region.
- 21.** Pursuant to Section 117 of the Workforce Investment Act of 1998 the Local Workforce Investment Board must be comprised of representatives of certain unique and specific members of the statewide workforce investment system. The Local Board, among other functions, sets policy for the portion of the statewide workforce system within its area. As such, the Local Board, in its entirety, must vote on such matters as the local workforce investment plan. See WIA, §118; 20 CFR 661.300; 20 CFR 661.345.
- 22.** WIA (sec. 117 (e)): Sunshine Provision – 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 prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth activities, and on request, minutes of formal meetings of the local board.