



INDIANA
WORKFORCE
DEVELOPMENT
AND ITS **WorkOne** CENTERS

TO: Indiana's Workforce Investment System

FROM: Gina DelSanto, Ph.D. *GD*
Senior Deputy Commissioner for Policy, Education, and Training

DATE: February 4, 2011

SUBJECT: DWD Policy 2010-08
Defining and Designating Local Elected Officials and the Chief Elected Official
for a Local Workforce Service Area

Purpose

To provide definitions and guidance to local workforce service areas regarding the process and responsibilities in executing agreements to designate a Chief Elected Official (CEO)

Rescission

None

Content

Definition of Local Elected Officials for Purposes of Establishing Local Workforce Service Areas and Workforce Investment Boards

For purposes of establishing local workforce service areas and local workforce investment boards, "local elected officials" will be defined as:

The chief elected executive officer of all counties, and incorporated cities and towns with a population exceeding 5,000, within the local workforce service area.

Roles and Responsibilities of Chief Elected Officials within the Workforce Investment System

The Workforce Investment Act of 1998 (P.L. 105-220) envisions the strong engagement of local elected officials within the workforce investment system. WIA requires that each local workforce service area have a Chief Elected Official, and imbues the CEO with the following responsibilities:

- Serve as, or designate, grant recipient for Workforce Investment Act (WIA) funds;
- Appoint members to local workforce investment board;
- Partner with workforce investment board to submit local WIA Plan to Governor;
- Approve budget developed by workforce investment board;
- Negotiate performance measurements with workforce investment board and Governor;

- Agree to the selection of a One-Stop (WorkOne) Operator by the workforce investment board;
- Provide agreement to local workforce investment board to establish WorkOne system memorandum of understanding in local area;
- Cooperate with workforce investment board to appoint members to Youth Council; and
- Consult with workforce investment board to conduct oversight of WIA Youth programs.

Additionally, the CEO must ensure that the liability for misused funds or disallowed costs is assumed by the local elected officials within the local workforce service area. This liability can be assumed by the CEO or it can be shared by any number of local elected officials within the local workforce service area as specified within a written agreement between the local elected officials. A sample agreement is included in Attachment E of this policy.

Process for Designating a Chief Elected Official for a Workforce Service Area

In workforce service areas that have only one local elected official, the local elected official must be designated as the CEO. In Indiana, only one area, Marion County, meets this criteria; therefore, the Mayor of Indianapolis shall serve as the CEO for the Marion County workforce service area.

For all other areas throughout the state, the Workforce Investment Act provides that the local elected officials must come to agreement on who will serve as the CEO for the entire workforce service area. To achieve this, it is necessary for the local elected officials to establish a written agreement specifying the following, at a minimum:

- Which local elected official will serve as the CEO for the workforce service area;
- How liability for the misuse of funds or disallowed costs will be assumed within the local workforce service area;
- If the CEO as the grant recipient will not serve as the Fiscal Agent for grant funds, what entity will the CEO designate as the Fiscal Agent, and
- The period of the agreement.

The fully executed written agreement must be kept on file at the offices of the Chief Elected Official and the local workforce investment board.

Local workforce service areas with multiple local elected officials may utilize one of two processes to designate the CEO and establish the necessary agreements:

1. All local elected officials within the local workforce service area establish a single agreement identifying the CEO for the workforce service area and containing the provisions listed above; or
2. Local elected officials within one single county establish a county-level agreement, identifying the local elected official that will serve as the "County Chief Elected Official;" and subsequently, all county chief elected officials establish an agreement identifying the CEO for the entire workforce service area and containing the provisions listed above.

Attachments to this policy include a more detailed description of the recommended process for identifying the chief elected official within the local workforce service area, and contain a sample Local Elected Officials' Agreement (County) and County Chief Elected Officials' Agreement.

Impasse Situations

WIA Section 117(c)(1)(B)(ii) contains the following provision, "If, after a reasonable effort, the chief elected officials are unable to reach agreement...the Governor may appoint members of the local board...."

The state believes it is of key importance for local elected officials to assume the leadership responsibilities within local workforce service areas. Local elected officials should make every effort to enter into agreements as specified within this policy. If impasse situations are encountered, the Indiana Department of Workforce Development will intercede on behalf of the state and will attempt to mediate a lack of agreement among local elected officials. Only after reasonable efforts by both local organizations and DWD will the Governor appoint members to local workforce investment boards.

Changes to Local Elected Officials

On an annual basis, at minimum, local workforce investment boards must review all written agreements identifying the chief elected official and specifying how the liability of misused funds or disallowed costs will be assumed. The review must ensure that all documents are accurate and current. The documents must be modified if any of the local elected officials that signed the documents are no longer in office.

Whenever there are changes to the makeup of the local elected officials or modifications to the written agreements, the local workforce investment board must notify the Director of Policy at the Indiana Department of Workforce Development.

Effective Date

Immediately

Ending Date

Upon rescission

Ownership

DWD Policy

Indiana Department of Workforce Development

10 North Senate Avenue

Indianapolis, IN 46204

NKlinck@dwd.IN.gov

Action

Local elected officials within local workforce service areas must establish agreements as specified within this policy in order to fulfill the required duties of elected officials within the workforce investment system, including signifying how financial liability is to be assumed within the local workforce service area, and identifying which local elected official will serve as the chief elected official.

Attachments

A – Recommended Process to Designate Chief Elected Official for Workforce Service Area

B – Recommended Chief Elected Official Designation Process

C – Chief Elected Official Designation Definitions

D – SAMPLE Local Elected Officials' Agreement (County)

E – SAMPLE County Chief Elected Officials' Agreement

Attachment A

**Recommended Process to Designate Chief Elected Official
for Workforce Service Area**

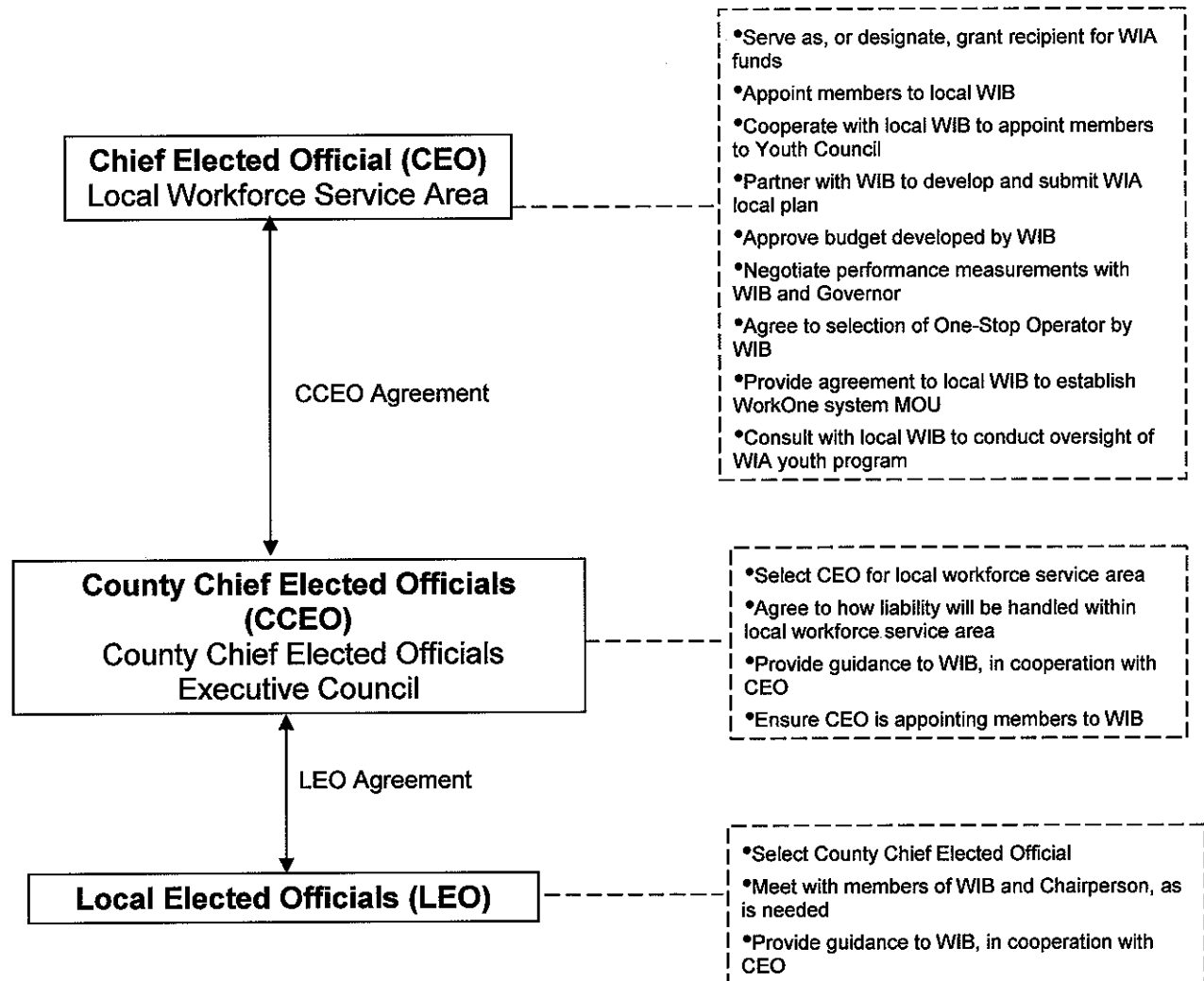
- **Local Elected Officials at county-level establish agreement for individual that will serve as County Chief Elected Official;**

- **County Chief Elected Officials establish agreement with their counterparts in the other counties that comprise workforce service area;**
 - **Agreement must specify how financial liability will be assumed by Local Elected Officials;**
 - **Agreement must specify what individual will serve as the Chief Elected Official for the workforce service area;**

- **Chief Elected Official serves as, or designates, grant recipient for WIA funds, and serves as primary elected official liaison for workforce investment activities in the workforce service area.**

Attachment B

Recommended Chief Elected Official Designation Process



Attachment C

Chief Elected Official Designation Definitions

- **Local Elected Official (LEO)**
The chief elected executive officer of a unit of general local government within a local workforce service area. In Indiana, these are county commissioner presidents, mayors, and/or town council presidents.
- **Unit of General Local Government**
Any general purpose political subdivision of Indiana that has the power to levy taxes *and* spend funds, *as well as* general corporate and police powers. In Indiana, these are counties, and incorporated cities or towns with populations exceeding 5,000.
- **Chief Elected Official (CEO)**
The individual selected by a single agreement of all local elected officials or agreement of all the County Chief Elected Officials to perform the functions of a chief elected official for the entire local workforce service area, as specified in an agreement between the local elected officials or the County Chief Elected Officials and applicable state or federal law, regulations, or policy.
- **County Chief Elected Official (CCEO)**
The individual selected by the LEOs of a County to represent the County on the County Chief Elected Officials Executive Council and to perform the functions of the CCEO for the County, as specified in an agreement between all LEOs within the county and applicable state or federal law, regulations, or policy.
- **County Chief Elected Officials Executive Council**
A council comprised of all CCEOs within a local workforce service area, which performs functions specified in an agreement between the CCEOs within the local workforce service area and applicable state or federal law, regulations, or policy.

Attachment D

SAMPLE Local Elected Officials' Agreement (County)

This agreement is made and entered into by and between the Local Elected Officials (LEOs) in _____ County of Region ____ to set forth the procedures that shall govern LEOs and their responsibilities and actions pursuant to the provisions of the Workforce Investment Act, and all federal and state statutes, rules, and regulations promulgated hereunder.

A Local Elected Official is defined as "the chief elected executive official of a unit of general local government, or any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers." In _____ County of Region _____, the units of general local government are the following counties and incorporated cities with populations of 5,000 or greater: _____, _____, _____, and _____.

I. Selection of a County Chief Elected Official to Represent the County

The Local Elected Officials together shall select from among them a County Chief Elected Official (CCEO) to represent their interests on the local Workforce Investment Board. The CCEO shall interact with the County Chief Elected Officials Executive Council and the Chief Elected Official for the local workforce service area on matters concerning the local Workforce Investment Board. The CCEO will enter into an agreement with other CCEOs on the Executive Council of the local workforce service area on behalf of the County. The CCEO will act as the liaison for the county s/he represents. Nothing in this agreement shall prohibit the CCEO from serving as the Chief Elected Official for the local workforce service area.

II. Duties of the County Chief Elected Official

The Elected Official selected to represent the County is responsible for:

- Entering into a County Chief Elected Officials' Agreement with the other CCEOs within the local workforce service area to establish responsibilities and actions as it pertains to the Workforce Investment Act and local workforce investment boards;
- Providing guidance to the local Workforce Investment Board as a member of the Executive Council;
- Communicating updates and changes to the Local Elected Officials of the County;
- Selecting a Chief Elected Official for the local workforce service area;

In the event the Elected Official determines the need to utilize a proxy to the Executive Council on his/her behalf, such proxy shall be an individual that has the ability and/or authority to exercise the authorities granted to the County Chief Elected Official he/she represents.

The following individual has been duly selected to serve as the County Chief Elected Official for _____ County within the Region _____ local workforce service area.

Name: _____

Title: _____

Contact Information: _____

III. Other Responsibilities

As their schedules permit, all Local Elected Officials are encouraged to attend local Workforce Investment Board meetings, and meet with Board members and Board chairperson for updates on progress and actions in improving workforce development for the employers and citizens for the region.

Local Elected Officials may request, individually or collectively, information from the local Workforce Investment Board and may request such information to be delivered in person and/or in writing.

IV. Authority to Act

Each Commissioner signing on behalf of the Board of County Commissioners shall obtain the necessary approvals from the Board to so act. Hence, this Agreement needs to be signed by only one Commissioner from the County and the Executive of each of the designated cities or towns.

By signing this Agreement, the designated County Commissioner and Mayor of each designated city or town approves the selected Elected Official specified in Section II of this Agreement to act on their behalf.

V. Period of Agreement

The period of this Agreement shall be from _____ through _____.

VI. Amendment

This Agreement may be amended at any time by written request to the designated Elected Official, who will set up a process of voting on the change. Changes in federal or state legislation affecting the Workforce Investment Act may require a modification to this Agreement. A modification of the Agreement requires a majority vote of the Local Elected Officials.

SIGNATURES:

(Name)
(Title)

(Name)
(Title)

(Name)
(Title)

(Name)
(Title)

(Name)
(Title)

(Name)
(Title)

Attachment E

SAMPLE County Chief Elected Officials' Agreement

This agreement is made and entered into by and between the designated County Chief Elected Officials (CCEOs) from the counties of _____, _____, _____, and _____, comprising Region _____, to set forth the procedures that shall govern the CCEOs and their responsibilities and actions pursuant to the provisions of the Workforce Investment Act (WIA), and all federal and state statutes, rules, and regulations promulgated hereunder. The County Chief Elected Officials Executive Council includes one designated CCEO from each County as set forth in each Local Elected Official (LEO) Agreement.

I. Duties and Responsibilities of County Chief Elected Officials

The County Chief Elected Official selected by the LEOs of their county to represent the County is responsible for:

- Entering into a Elected Officials' Agreement with the Local Elected Officials in Region _____ to establish responsibilities and actions as it pertains to the Workforce Investment Act and local Workforce Investment Board;
- Providing guidance to the Workforce Investment Board as a member of County Chief Elected Officials Executive Council;
- Communicating updates and changes to the Local Elected Officials of the County;
- Selecting a Chief Elected Official (CEO) for the local workforce service area (Region _____).
- Establishing an agreement on the designation of financial liability for any misuse of workforce investment act funds granted to Region _____.

In Region _____, financial liability for the misuse of workforce investment funds shall be handled in the following manner:

[Suggested Methods – 1) Liability equally shared by the political subdivision represented by each individual on the County Chief Elected Officials Executive Council; 2) Liability assigned to political subdivision represented by the Chief Elected Official for workforce service area; 3) Liability assigned to the most populous municipality in the workforce service area; 4) Liability assigned to the most populous county in the workforce service area.]

II. Duties and Responsibilities of the Chief Elected Official for the Workforce Service Area

The Chief Elected Official (CEO) for the workforce service area (Region _____) will be responsible for the following duties, as established in the Workforce Investment Act (WIA) of 1998 and 20 CFR Parts 661, 662, 663, and 664:

- Serve as, or designate, the grant recipient for WIA funds for Region _____;
- Appoint members to the local Workforce Investment Board (WIB) serving Region _____, following the criteria established by the State and WIA Section 117(b);

- Cooperate with the local WIB to appoint members to the Youth Council;
- Partner with the local WIB to develop and submit a local plan for WIA activities;
- Approve the budget developed by the local WIB;
- Negotiate local performance measures with the local WIB and the Governor;
- Agree to the selection of the One-Stop Operator by the local WIB;
- Provide agreement to the local WIB to establish an MOU for the operation of the WorkOne system in the local area;
- Consult with local WIB to conduct oversight of WIA youth programs.

In addition, the CEO for the workforce service area will be responsible for interacting with the designated County Chief Elected Officials Executive Council on matters concerning the Workforce Investment Board. The CEO shall be authorized to act as a contact person for all CEO business and to sign all contracts/grant agreements not requiring the approval of all County Chief Elected Officials. Additionally, the CEO has the authority to sign all necessary documents representing the actions approved by the County Chief Elected Officials Executive Council.

The following individual has been duly selected to serve as the Chief Elected Official for Region _____ local workforce service area.

Name: _____

Title: _____

Contact Information: _____

III. Designation of Grant Recipient / Fiscal Agent

The CEO for the local workforce service area is responsible for serving as, or designating the grant recipient/fiscal agent for WIA funds.

If the CEO opts to designate another entity, such as the local workforce investment board, to act as the grant recipient/fiscal agent, a majority of the County Chief Elected Officials Executive Council must agree in writing to the designation of the grant recipient/fiscal agent.

It is understood that in cases where an alternative entity is designated as the grant recipient/fiscal agent that the liability for all grant funds remains with the Chief Elected Official, as required by the Workforce Investment Act and specified in Section I of this agreement.

IV. Selection of County Chief Elected Officials Executive Council

The County Chief Elected Officials selected by the Local Elected Officials will operate as an Executive Council who will serve a two-year term. There is no limit on the number of consecutive or non-consecutive terms a Chief Elected Official may serve on the Executive Council.

Any Chief Elected Official may designate, in writing, a proxy to act on his/her behalf at an Executive Council meeting. The proxy shall be an individual that has the ability and/or authority to exercise the authorities granted to the County Chief Elected Official he/she represents.

The Chief Elected Official for the workforce service area (Region _____) will be selected by the members of the Executive Council and will serve a two-year term. There is no limit on the number of consecutive or non-consecutive terms the CEO may serve.

V. Duties of the Executive Council

Duties of the Executive Council include, but are not limited to, the following:

- Provide guidance to the local workforce investment board;
- Communicate updates and changes to the Local Elected Officials of each county contained within the workforce service area (Region _____);
- Select a Chief Elected Official for the workforce service area;
- Ensure that members of the local workforce investment board are appointed following the criteria established by the State and WIA Section 117(b).

VI. Frequency of Executive Council Meetings

The Executive Council will meet at least twice a year to perform the duties as outlined above. There is no limit to the number of times the Executive Council may meet to address the issues brought to their attention.

VII. Other Responsibilities

As their schedules permit, members of the Executive Council are encouraged to attend workforce investment board meetings, and meet with WIB members and the WIB Chairperson for updates on the progress and actions in improving workforce development for the employers and citizens of their community.

Local Elected Officials may request, individually or collectively, information from the workforce investment board and may request such information to be delivered in person and/or in writing.

VIII. Authority to Act

Each County Chief Elected Official signing on behalf of a given county shall obtain the necessary approvals from the Local Elected Officials to so act. Hence, this Agreement shall be signed by only one County Chief Elected Official from each County.

IX. Counterparts

This Agreement may be executed in separate counterparts, each of which when so executed shall be an original, but all of such counterparts shall together constitute but one of the same instrument.

X. Period of Agreement

The period of this agreement shall be from _____ through _____.

XI. Amendment

This agreement may be amended at any time by written request to the Chief Elected Official, who will set up a process of voting on the change. Changes in state or federal legislation affecting the Workforce Investment Act may require a modification to this Agreement. A modification of the Agreement requires a majority vote of the Executive Council.

SIGNATURES:

(Name)
(Title)

(Name)
(Title)

(Name)
(Title)

(Name)
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