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**DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT**  
DIVISION OF WORKFORCE SERVICES  
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**Workforce Services Memorandum – Roles and Responsibilities of Chief Local Elected Officials – WIOA**

**To: Chief Local Elected Officials**

**Subject:**

Roles and responsibilities of Chief Local Elected Officials (CLEOs) under the Workforce Innovation and Opportunity Act (WIOA)

**Purpose:**

This memorandum is intended to inform the CLEOs of their roles and responsibilities as it relates to the governance of the Local Workforce Development Areas under WIOA.

**Vision and Mission for Local Workforce Development:**

The Chief Local Elected Official is responsible for providing leadership to the Local Workforce Development Board (Local Board or LWDB); the CLEO's guidance must effectively leverage community partners and resources to take full advantage of WIOA funds. The CLEO should work to connect community groups, the Local Board, business community and employers, and WIOA operators/providers to ensure that the entire local area has access to WIOA services. The CLEO, in conjunction with Local Elected Officials (LEOs) and the LWDB, should ensure that the WIOA funds are spent – in their entirety – on allowable activities to address the workforce development needs within their LWDA.

**References:**

20 CFR 679.310(g), 20 CFR 679.420, WIOA Section 101(d)(3)(E), TEGL 27-14; WIOA Section 102(b)(1)(E), WIOA Section 106(a), WIOA Section 106(b)(1)(A)(ii), WIOA Section 106(c)(2), WIOA Section 107, WIOA Section 107(c)(1)(A), WIOA Section 107(c)(1)(B), WIOA Section 107(d)(1), WIOA Section 107(d)(9), WIOA Section 107(d)(10), WIOA Section 107(d)(12)(A), WIOA Section 107(d)(12)(B), WIOA Section 116(c), WIOA Section 121(b)(1)(A), WIOA Section 121(b)(1)(C), WIOA Section 121(c), WIOA Section 121(e), Workforce Services Policy – Local

**Background:**

The Chief Local Elected Official is the chief elected executive officer of a unit of general local government. In a case where a Local Workforce Development Area includes more than one (1) unit of general local government the LEOs shall execute an agreement that specifies the respective roles of each individual elected official (in this case the LEOs), especially in the appointment of members of the LWDB. The standards for Local Board composition are explained in **WIOA Section 107(c)(1)(B)**. **See *Interlocal and Partnership Agreements Concerning Roles and Responsibilities of Chief Local Elected Officials and Local Elected Officials***

**I. Definitions:**

- 1. Local Elected Official (LEO)** – Local elected officials of general government within a county (county mayors or county executives). The highest elected official in the highest authority local jurisdiction shall be considered the LEO for their respective county.
- 2. Chief Local Elected Official (CLEO)** – LEO selected by the LEOs to represent a Local Workforce Development Area (LWDA).

**II. Designation of a Chief Local Elected Official:** The LEOs must select a CLEO who will represent the LEOs in the LWDA. The Interlocal Agreement must include the following information:

- 1.** Selection/appointment process and term of the CLEO, which must include steps to ensure that their duties would not create, or be perceived to create, a conflict of interest between the consortium of LEOs, LWDB, Fiscal Agent, or other administrative entities;
- 2.** The designation of the CLEO to serve as the signatory for the LEOs;
- 3.** Outline decisions that may be made by the CLEO on behalf of the LEOs; and
- 4.** Name, title, and contact information of the appointed CLEO.

**III. Major Responsibilities of the CLEO:**

CLEOs are tasked with the following responsibilities:

- 1)** Appointment of members to the LWDB **WIOA Section 107(c)(1)(A)**
- 2)** Submission of regional and local plans **WIOA Section 106(c)(2) and WIOA Section 107(d)(1)**
- 3)** Act as the Local Grant Recipient for Funds Allocated to the Local Area **WIOA Section 107(d)(12)(B)**
- 4)** Appointment of the Fiscal Agent for the LWDA **20 CFR 679.420**
- 5)** Approval of the designation and certification of One-Stop Operators **Workforce Services Policy – One-Stop Delivery**

- 6) Develop Memorandum of Understanding with One-Stop Partners **Workforce Services Guidance – Memorandum of Understanding**
- 7) Oversee the One-Stop Service Delivery system **WIOA Section 121(e)**
- 8) Approve and oversee the LWDB budget **WIOA Section 107(d)(12)(A)**
- 9) Request LWDA designation and certification
- 10) Provide input to establish the bylaws of the LWDB **20 CFR 679.310(g)**
- 11) Negotiate and reach agreement on local performance measures **WIOA Section 107(d)(9)**
- 12) Establish Agreements Between all LWDA LEOs and Between LEOs and LWDB.

**1) Appointment of the Members of the Local Workforce Development Board (WIOA Section 107[c][1][A]):**

The CLEO is authorized to appoint the members of the LWDB in accordance with criteria established by the Governor in partnership with the State Workforce Development Board (SWDB or State Board). This agreement should include the agreed-upon means by which the CLEO, in collaboration with LEOs, will collectively appoint members to the LWDB (**TEGL 27-14**). (**Workforce Services Policy – Local Governance** available at:

[https://www.tn.gov/assets/entities/labor/attachments/Completed\\_WFS\\_Policy\\_-\\_Local\\_Governance.pdf](https://www.tn.gov/assets/entities/labor/attachments/Completed_WFS_Policy_-_Local_Governance.pdf))

**2) Submission of the Regional and Local Plans (Workforce Services Policy – Transitional Local Plans and WIOA Section 106[c][2] and WIOA Section 107[d][1]):**

Each CLEO, in partnership with the Local Board, shall develop and submit to the Governor a four (4) year local plan every four (4) years. The local plan shall support the strategy described in the state plan, in accordance with **WIOA Section 102(b)(1)(E)**, and otherwise be consistent with the state plan. If the local area is part of a planning region, the LWDB shall comply with **WIOA Section 106(c)(2)** in the preparation and submission of a regional plan. At the end of the first two (2) year period of the four (4) year local plan, each CLEO and LWDB shall review the local plan. Each CLEO, in partnership with the LWDB, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

**A Note Concerning Plans:**

**The Transitional Local Plan** – Each LWDA was required to:

- Have a local plan prepared by the Local Board and the CLEO;

- Offer a 30-day period for public comment before the plan package was electronically submitted; and
- Have its plan submitted, via email, by a locally designated single point of contact appointed by the CLEO

***Required WIOA Four Year Combined State Plan:***

- Each LWDB and its respective CLEO was required to collaborate with the other LWDBs and CLEOs, within their respective planning region, to prepare and submit a transitional one-year regional plan for Program Year (PY) 2016.
- The transitional PY 2016 regional/local plan(s) had to be posted as one cohesive document for a 30-day period of public comment. Notification of the posting of the regional plan(s) had to be made simultaneously available to the general public, all relevant regional/local stakeholders, and the State Partners. Any comments received in relation to the content of the draft transitional PY 2016 regional plan had to be addressed within the plan prior to submission to the Tennessee Department of Labor and Workforce Development (TDLWD).
- The transitional PY 2016 regional plan package had to be submitted electronically no later than March 1, 2017 to Workforce.Board@tn.gov . It had to be emailed by a regionally designated single point of contact. The transitional PY 2016 regional plan submission had to copy all LWDB Directors and Chief Local Elected Officials within the Regional Planning area and had to contain the subject line “(Region Name) PY 2016 Transitional Regional Plan.”
- Decision – Regional plans submitted to the TDLWD were considered approved if the Department provided the regional contact with a notification of approval.

***(Workforce Services Policy 22: PY 2016 Transitional Regional Plans)***

The TDLWD provided each Local Board with a notification of approval within 90 days; furthermore, the TDLWD was prepared to follow up any LWDA with plans that were not approved. ***(Workforce Services Policy – Transitional Local Plans)***

**3) Local Grant Recipient for Funds Allocated to the Local Area (WIOA Section 107[d][12][B]):**

The CLEO shall serve as the grant recipient for, and shall be liable for any misuse of, the funds allocated to the local area. Liability may be shared across each county, but must be outlined in the Interlocal Agreement. In order to assist in the administration of the grant, the CLEO may designate an entity as a Fiscal Agent to serve as a grant subrecipient for such funds. This designation shall not relieve the CLEO of the liability for misuse of the funds.

CLEOs and Local Boards must ensure that each LWDA has an established WIOA compliant system structure in place by July 1, 2017. A compliant WIOA system structure consists of properly establishing the WIOA roles outlined below:

- Fiscal Agent
- Staff to the Board (can be an individual director or an entity, with caveat of **WIOA Section 107** requirements that staff to board must be limited to same functions as the board. For example, an entity can't be Staff to the Board and a Career Service Provider)
- One-Stop-Operator
- Career Service Providers

**4) Appointment of the Fiscal Agent (20 CFR 679.420):**

The CLEO may serve as the Fiscal Agent, or may designate a Fiscal Agent. If the CLEO designates a Fiscal Agent, the CLEO must ensure this agent has clearly defined roles and responsibilities. The Fiscal Agent acts only on the direction and authorization of the CLEO and the LWDB. In general, the fiscal agent is responsible for the following functions:

- Receipt of funds
- Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA, and the corresponding Federal Regulations and state policies;
- Respond to audit financial findings;
- Maintain proper accounting records and adequate documentation;
- Prepare financial reports; and
- Provide technical assistance to subrecipients regarding fiscal issues.

**5) Approval of the Designation and Certification of One-Stop Operators (See *Workforce Services Policy – One-Stop Certification and WIOA Section 107(d)(10)*):**

Consistent with an approved state plan, the Local Board with the agreement of the CLEO is authorized to designate or certify One-Stop Operators and to terminate for cause the eligibility of such operators.

Required One-Stop Partners are entities that carry out:

- Programs carried out under Title I (Workforce Development Activities) of WIOA;
- Programs authorized under Wagner-Peyser;
- Adult education and literacy activities authorized under Title II of WIOA;
- Programs authorized under Title I of the Rehabilitation Act of 1973 (other than Sec. 112 [Client Assistance Program under Basic Vocational Rehabilitation Services] or part C [American Indian Vocational Rehabilitation Services] of Title I of such Act);
- Activities authorized under Title V [Community Service for Older

- Americans] of the Older American Act of 1965;
- Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006;
  - Activities authorized under chapter 2 [Adjustment Assistance for Workers] of Title II of the Trade Act of 1974;
  - Activities authorized under chapter 41 of title 38, United States Code [Job Counseling, Training, and Placement Service for Veterans];
  - Employment and training activities carried out under the Community Services Block Grant;
  - Employment and training activities carried out by the Department of Housing and Urban Development;
  - Programs authorized under State unemployment compensation laws;
  - Programs authorized under section 212 [Responsible reintegration of offenders] of the Second Chance Act of 2007; and
  - Programs authorized under part A [Block Grants to States for Temporary Assistance for Needy Families] of Title IV of the Social Security Act, unless the option to remove the entity carrying out such programs as a required partner is exercised by the Governor in accordance with **WIOA Section 121(b)(1)(C)**.

With the approval of the LWDBs and CLEOs, other entities that carry out workforce development programs may be One-Stop Partners for the local area and carry out responsibilities described in **WIOA Section 121(b)(1)(A)**.

**6) Develop Memorandum of Understanding with One-Stop Partners (WIOA Section 121(c)):**

The LWDB, with the agreement of the CLEO, shall develop and enter into a memorandum of understanding (between the LWDB and One-Stop Partners) concerning the operation of the One-Stop Service Delivery system in the local area.

**7) Oversee the One-Stop Service Delivery System:**

Consistent with an approved State plan the LWDB, with the agreement of the CLEO, shall conduct oversight with respect to the One-Stop Service Delivery System in the local area. **WIOA Section 121(e)**.

**8) Approve and Oversee the LWDB budget:**

The LWDB shall develop a budget, for the activities of the LWDB, consistent with the local plan and the duties and subject to the approval of the CLEO, which should include insight from all LWDA LEO's. **WIOA Section 107(d)(12)(A)**.

**9) Request LWDA Designation and Certification:**

The CLEO requests the official designation of the LWDA. (*WIOA Section 101[d][3][E]*, *WIOA Section 106[a]*, and *WIOA Section 106[b][1][A][ii]*)

**A. Involvement of Partners:**

Following submission of the Notice of Intent to Apply for certification, all AJC Partners worked collaboratively to develop their certification application package. In order to request a certification application review, the following components were submitted to the Workforce Services Division, Tennessee Department of Labor and Workforce Development:

- A complete Notice of Intent to Apply, jointly signed by the lead CEO [Chief Local Elected Official] and the membership of the Regional Planning Council;
- An assessment of the region, including the sector strategies for the reason, the workforce development needs of the key employers (or a plan to identify them), and a plan for how the system will address those identified needs for the following two-year period; and
- A memorandum of understanding signed by all partners

The complete results of the system's pre-certification self-assessment, which should include relevant discussion of how any deficiencies identified during the initial Self-Assessment have been addressed in advance of the certification review. (See *Workforce Services Policy - One-Stop Certification.*)

**10) Provide Input to Establish the Bylaws of the LWDB:**

The CLEO must establish by-laws, consistent with State policy for Local Board membership, that at a minimum addresses:

- The nomination process used by the CEO to select the Local Board chair and members;
- The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;
- The process to notify the CEO of a WDB member vacancy to ensure a prompt nominee;
- The proxy and alternative designee process that will be used when a WDB member is unable to attend a meeting and assigns a designee;
- The use of technology, such as phone and Web-based meetings, that will be used to promote WDB member participation
- The process to ensure 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; and

- A description of any other conditions governing appointment or membership on the Local B as deemed appropriate by the CEO.

**11) Negotiate and Reach Agreement on Local Performance Measures:**

The Local Workforce Development Board, the Chief Local Elected Official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in **WIOA Section 116(c)**.

**12) Establish Agreements Between all LWDA LEOs and Between LEOs and LWDB:**

**A) Local Elected Officials and Local Board Partnership Agreement:**

The Partnership Agreement is intended to establish roles and responsibilities between the LEOs and the Local Workforce Development Board in regards to local WIOA governance. New partnerships agreements will need to be in place to be WIOA compliant by July 1, 2017. ***(Additional guidance will be forthcoming from TDWLD, however existing Partnership agreements should already be in place at the present time.)***

**B) The Interlocal Agreement (WIOA Section 107[c][1][B]):**

Options available to the LEOs in the formation of this agreement may include, but are not limited to, the following:

- Name one CLEO (and that their unit of general local government) to serve as grant recipient;
- Appoint an entity to serve as the grant subrecipient, or Fiscal Agent, and document such appointment in the Interlocal Agreement; or
- Have other locally developed procedures consistent with WIOA and described in the Interlocal Agreement.

Furthermore, the Interlocal Agreement should address the following:

- If a single CLEO is appointed as grant recipient, will the unit of general local government of that CLEO bear full liability for misuse of grant funds?
- Will the liability for misuse of grant funds be vested proportionately among the units of general local government based on population, number of participants, or other factors determined locally?
- If the CLEO appoints a grant subrecipient (i.e. Fiscal Agent) there must be a written agreement with that entity to clarify that the designation of a Fiscal Agent shall not relieve the CLEO of the liability for any misuse of grant funds.

**C) The Interlocal Agreement – Concerning the Plans:**

Options available to the CLEO may include, but are not limited to the following:

- Review and approve, as a body, the plan as developed by the LWDB;



- Appoint a committee of LEOs to develop the plan in conjunction with a similar committee of the LWDB;
- Designate one or more LEOs to serve on the LWDB's planning committee;
- Designate one or more LEOs to monitor the LWDB's planning committee and report to the LEOs; or
- Have other locally developed procedures consistent with the Act and described in the Interlocal Agreement.

**D) The Interlocal Agreement Concerning One-Stop Procurement:**

An Interlocal Agreement between the Chief Local Elected Officials and the Local Board is required and must be adopted no later than July 1<sup>st</sup>, 2017. The Interlocal Agreement is a binding agreement between all Local Elected Officials (LEOs) in a local area that designate authority to one (1) CLEO and outlines LEO responsibilities within the LWDA. This agreement must specify the roles of the CLEOs and the LWDB and explain how each entity will carry out its partnership responsibilities under WIOA. This agreement must be updated within sixty (60) days of the election of a new CLEO. (See ***Workforce Services Guidance - Memorandum of Understanding*** and ***20 CFR 679.420***)

Options available to the CLEO may include, but are not limited to:

- Review and approve, as a body, actions taken by the Local Workforce Development Board relating to the designation of one-stop operators and their termination for cause;
- Appoint a committee of LEOs to review actions of the Local Workforce Development Board relating to designation of one-stop operators and their termination for cause; or
- Have other locally developed procedures consistent with the Act and described in the Interlocal Agreement.

The method chosen by the CLEOs should be outlined in their Interlocal Agreement.

**E) The Interlocal Agreement - Concerning Partner MOUs:**

Options available to the CLEO, regarding MOUs, may include, but are not limited to:

- Review and approve, as a body, the memorandum of understanding developed by the LWDB;
- Appoint a committee of LEOs to assist the LWDB (or relevant committees thereof) in the development of the memorandum of understanding;
- The CLEO representing all of the LEOs for a local area may approve and sign the MOU

The method chosen by the CLEOs should be outlined in their Interlocal Agreement. (See **Workforce Services Guidance – Memorandum of Understanding** available at: [https://www.tn.gov/assets/entities/labor/attachments/Guidance for WIOA One Stop Memorandum and AJC Budget.pdf](https://www.tn.gov/assets/entities/labor/attachments/Guidance%20for%20WIOA%20One%20Stop%20Memorandum%20and%20AJC%20Budget.pdf) )

Failure to properly establish a local WIOA system structure that is compliant with all WIOA regulations, Tennessee Laws, TDLWD policies (including TDLWD Conflict of interest policy), CFR's, IRS guidelines, will prevent the LWDA from receiving any WIOA funds on July 1, 2017 as TDLWD will be prevented from issuing funds to an LWDA that does not meet the WIOA guidelines in regards to system structure.

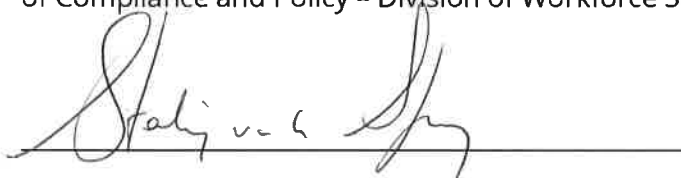
**F) The Interlocal Agreement – Concerning LWDB Budget:**

Options available to the CLEO, concerning the LWDB Budget, may include, but are not limited to:

- Review and approve, as a body, the budget of the LWDB;
- Appoint LEOs to serve on a budget committee of the body of LEOs, which will review and approve monitoring activities of the LWDB, with or without further approval by the LEOs as a body;
- Appoint one or more LEOs to serve on the budget committee of the LWDB; or
- Have other locally developed procedures consistent with the Act and described in the Interlocal Agreement.

**Contact:**

For any questions related to this memorandum, please contact Nicholas Bishop - Director of Compliance and Policy – Division of Workforce Services at [Nicholas.Bishop@tn.gov](mailto:Nicholas.Bishop@tn.gov)



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