

COMMONWEALTH OF VIRGINIA
Virginia Workforce Council

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Rescission Date:	
Title:	Local Workforce Investment Board Focus, Staffing and Service Requirement

PURPOSE

To describe the principal focus, staffing options and service restrictions for Local Workforce Investment Boards (WIBs).

REFERENCES

1. Code of Virginia, Section 9-329.1(I).
2. P.L. 105-220, Workforce Investment Act, Section 117(f).
3. P.L. 109-234 Section 7013.
4. United States Congress, Senate Report 105-109, Page 15.
5. Title 20 Code Of Federal Regulations Parts 661.310, 662.420, 663.155, 663.210, and 667.200
6. Title 29 CFR Part 95.42.
7. Title 29 CFR Part 97.36.
8. U.S. DOL Training and Employment Guidance Letter 5-06 (August 15, 2006). *Implementing the Salary and Bonus Limitations in P.L. 109-234.*

POLICY STATEMENT

Principal Purpose of the Local Workforce Investment Boards

It is the intent of the Commonwealth and the Workforce Investment Act (WIA) that Local Boards be policy entities for labor market, training and skill needs of the region, not entities encumbered by bureaucratic and programmatic duties. WIBs must be demand driven and system focused. The WIBs must also ensure that workforce development is linked to economic and community development.

The principal responsibility of the WIBs is providing leadership, in partnership with chief local elected officials, for building high performance local workforce systems and sharing in the governance of the system. Developing a vision and strategic plan is essential, in this regard. Additionally, the WIBs must support a competitive market place of service providers to ensure customer satisfaction. Employer

involvement is also a high priority for localities when designing and implementing the local workforce investment system.

The WIBs, with agreement of the chief local elected official, oversee the One Stop delivery system. This is a system under which entities responsible for administering separate workforce development, education and human resource programs and funding streams (One Stop partners) collaborate to create a seamless system of service delivery that will enhance access to the programs' services and improve long-term employment outcomes for customers.

Staffing Complement for the Local Workforce Investment Board

In Title I of the WIA, there are six major implementation functions. Those functions are: Staff support for the WIB; Fiscal Agent; Program Oversight, Monitoring and Evaluation; One Stop Operator; Training Service Provider and Youth Training Service Provider.

To promote the proper functioning of the WIBs, the WIA provides a clear separation between governance/administrative duties and the service delivery structure. Staff to the WIB, Fiscal Agent and Program Oversight must be clearly separate from the One Stop Operator, Training Service Provider and Youth Training Service Provider.

Local Board Staffing Options

Any of the following staffing options for local WIBs may be chosen by the WIB in consultation with Chief Local Elected Officials.

- The WIB may hire a consultant to staff the board and a local government could be the fiscal agent. This staffing option must comply with the required procurement standards specified in the WIA administrative requirements. (20 CFR Sec. 667.200(a); 29 CFR Part 97; and Virginia Public Procurement Act (VPPA)). Monitoring, One Stop Operator, training and youth services would be contracted to separate organizations.
- The WIB may hire staff to provide fiscal, monitoring, planning, policy and administrative support services.
- The WIB may receive staff support from local government resources.
- The WIB may contract for staff support from entities or individuals on a reimbursable basis. This staffing option must comply with the required procurement standards specified in the WIA administrative requirements. (20 CFR Sec. 667.200(a); 29 CFR Part 97; and VPPA). Eligible entities cannot be providers of training or youth services. Eligible entities cannot be One Stop

Operators, unless the Governor at the request of the Chief Local Elected Officials has granted an Allowance.

- Any other WIB staffing option that clearly separates the governance and oversight functions from service delivery functions and does not conflict with the board's duties and responsibilities.

Salary and bonuses for all WIB staffing options must comply with the salary and bonus restrictions specified in P.L. 109-234 Sec. 7013. (TEGL 5-06). The U.S. Office of Personnel Management pay tables are applicable to this WIB staffing restriction and are published annually at www.opm.gov. The WIB must also comply with the written code of conduct and conflict of interest requirements for employees. (29 CFR Part 95.42 or 29 CFR Part 97.36(b)(3) (as appropriate).

Local Board Service Restrictions

Waivers for training services will not be granted to Local Workforce Investment Boards in the Commonwealth of Virginia. Allowances for Local Boards and their staff to be One Stop Operators will be provided under certain conditions.

Conditions for One Stop Operator Allowances

The Chief Local Elected Officials of a Workforce Investment Area must submit a "One Stop Allowance Request" to the Governor, which includes:

- Satisfactory evidence that the One Stop Operator is currently part of a One Stop system within the local workforce investment area.
- Satisfactory evidence that the Board's One Stop Operation will be the most efficient approach and other potential One Stop Operators could not provide the services as efficiently (includes the submittal of the One Stop budget).
- Information demonstrating that the One Stop Operator meets the requirements for core services. If the One Stop Operator will also provide intensive services, information must be provided to demonstrate that the One Stop Operator meets the requirements for intensive services.
- Satisfactory evidence that the Board can meet its primary responsibilities for strategic planning, program oversight, partner brokering, employer linkages and connecting with economic development, without conflict with its service provisioning duties.
- Satisfactory evidence, to prevent conflict of interest, of the separation of staff for the Board and the One Stop Operation in the reporting hierarchy.

- Memorandums of Understanding between at least three One Stop required partners and the WIB indicating their willingness to participate.
- Plans to include additional One Stop Partners and assurances that a more integrated workforce system will result.
- Satisfactory evidence that the Board's One Stop Operation is accessible and visible throughout the Local Workforce Investment Area.
- Makes the Allowance Request available to potential One Stop Operators [Sec. 121(d)(2)(B) of the WIA] and other interested members of the public for a public comment period of not less than thirty (30) workdays. Public comments received must be included with the Allowance Request.

The Virginia Workforce Council will recommend approval or disapproval of One Stop Allowance Requests to the Governor. Virginia Community College System will provide procedures for and process Chief Local Elected Official requests for a Local Board One Stop Allowance. The continuance of One Stop Allowances for Local Boards will be reviewed biennially, along with the Local Board recertification.

RESCISSIONS: N/A

REVISION/RESCISSION

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DATE: October 23, 2008

**Virginia Community College System
Workforce Development Services**