



INDIANA
WORKFORCE
DEVELOPMENT
AND ITS **WorkOne** CENTERS

TO: Indiana's Workforce Investment System

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SUBJECT: DWD Policy 2010-12
Local Workforce Investment Board Staffing Guidance

Purpose

The purpose of this policy is to provide guidance to local workforce investment boards regarding board staffing, designation of a fiscal agent, selection of one-stop operators, and selection of service providers.

Rescission

None

Content

The principal responsibility of local workforce investment boards (WIBs) in Indiana is providing leadership, in partnership with chief elected officials (CEOs), for building high performance local workforce systems and sharing in the governance of the system. Each WIB, with agreement of the chief elected official, oversees the WorkOne system, defined in the Workforce Investment Act of 1998 as the one-stop delivery system, throughout its local workforce service area. At its core, the WorkOne system brings together a number of partners responsible for administering workforce development, education, and other human services. They collaborate to create a seamless system of service delivery that enhances access to their programs' services and improves employment outcomes for Indiana's residents.

Section 117(d) of the Workforce Investment Act of 1998 (WIA) enumerates the specific responsibilities of local workforce investment boards, which include:

1. Developing and submitting, in partnership with the chief elected official, a local workforce investment plan;
2. Selecting a one-stop operator, with the agreement of the chief elected official;
3. Selecting eligible providers of WIA youth services, based upon the recommendations of the WIB's youth council;
4. Identifying eligible WIA training providers, following state policy;
5. Identifying and/or contracting with eligible providers for WIA Adult and Dislocated Worker intensive services;

6. Developing a budget for the purposes of carrying out the duties of a local WIB, subject to the approval of the chief elected official;
7. Conducting oversight of local WIA programs, in partnership with the chief elected official;
8. Coordinating WorkOne activities with local economic development strategies and promoting employer linkages with such activities;
9. Negotiating local performance measures with the Governor and the local chief elected official;
10. Assisting the Governor with the development and management of a statewide employment statistics system; and
11. Promoting the participation of private sector employers in the statewide workforce investment system.

In order to carry out these enumerated responsibilities, workforce investment boards and chief elected officials are empowered or charged by WIA with hiring, designating, selecting, identifying, and/or procuring four primary operational functions: WIB Executive Staff; Fiscal Agent; One-Stop Operator; and, WIA Service Providers (Adult, Dislocated Worker, and Youth).

This policy provides guidance to local workforce investment boards and chief elected officials on the options for selecting, designating, and/or procuring the following functions.

WIB Executive Staff

The local workforce investment board may hire executive staff to provide administrative support and leadership within the local workforce service area. The WIB shall determine the proper number of staff and specific roles at its discretion; however, WIBs must be able to provide justification for the number and type of staff to be employed and must ensure that activities/work conducted by executive staff of the WIB are allowable under the Workforce Investment Act.

If a WIB opts to hire an individual or individuals to serve as its executive staff, the WIB may hire the individuals without a formal competitive procurement process, but the WIB must ensure that the hiring is done observing lawful employment practices.

If the WIB opts to hire or contract with a third-party entity or organization to provide executive staffing, the WIB must procure the entity through a competitive procurement process that follows state and federal procurement guidelines.

Fiscal Agent

Section 117(d)(3)(B) of the Workforce Investment Act charges the chief elected official of the local workforce service area with serving as the "local grant recipient" for local Workforce Investment Act funds. The CEO may designate an entity to serve as the local fiscal agent for the workforce service area, and this entity will be responsible for disbursing local WIA funds. It must be clear, however, that the CEO remains liable for the misuse of local WIA funds.

The CEO of the workforce service area may designate a fiscal agent for local WIA funds without conducting a competitive procurement process.

One-Stop Operator

WIA provides three options that a local workforce investment board may use to designate a one-stop operator, with the agreement of the Chief Elected Official, for the workforce service area:

1. The WIB and CEO conducts a competitive procurement process, following state and federal procurement guidelines;
2. The WIB enters into an agreement with a consortium of entities that includes, at a minimum, three of the mandatory one-stop partners, for the consortium to serve as the one-stop operator; or
3. The CEO and the Governor agree to allow the executive staff of the WIB to serve as the one-stop operator, without any additional competitive procurement process.
 - This option is recommended, but not required, by the State Workforce Innovation Council.
 - This option is only allowable with an explicit agreement between the Governor and the local Chief Elected Official.
 - The process for requesting approval and establishing the agreement from the Governor is explained later within this policy.

Service Providers

Within the Workforce Investment Act, service providers are listed into two distinct categories:

1. Eligible providers of WIA Youth Activities, referred to in Section 117(d) as “Youth Providers;” and
2. WIA Adult and Dislocated Worker Service providers, referred to in Section 117(d) as “Eligible Providers of Intensive Services.”

These two types of service providers must be procured independently of one another, following requirements in WIA. The same organization or entity may serve concurrently as a youth provider and a WIA Adult and Dislocated Worker service provider; however, the procurements must be done separately.

WIA Youth Service Providers

WIA requires that WIBs must award grants or contracts on a competitive basis to youth providers, based upon the recommendation of the WIB’s youth council. Therefore, all WIA youth services must be competitively procured, following state and federal procurement guidelines, and a WIB’s youth council must review the proposals and make recommendations to the full WIB prior to contracts or grants being fully executed.

Within WIA, there are no options for the workforce investment board or a one-stop operator to also serve as the WIA Youth Service Provider.

WIA Adult and Dislocated Worker Service Providers

The Workforce Investment Act provides two options that workforce investment boards may utilize to select WIA Title I Adult and Dislocated Worker Service Providers.

1. Competitive Procurement Process, following federal and state procurement guidelines;
 - WIA Section 117(d) provides WIBs with the authority to award contracts to providers of intensive services, if the one-stop operator does not provide intensive services.
2. Designation of its one-stop operator to be the WIA service provider;
 - WIA Section 117(d) and Section 134(d) provide one-stop operators with the authority to provide WIA Adult and Dislocated Worker core and intensive services as part of the required one-stop delivery system.
 - Following this, if the one-stop operator was selected through any of the allowable methods previously identified, the WIB could also charge the one-stop operator with being its WIA Adult and Dislocated Worker service provider with no additional procurement needed.
 - If the WIB competitively procures its one-stop operator with the intention of the one-stop operator also serving as the WIA Adult and Dislocated Worker service provider, it must ensure that it clearly delineates those expectations within the competitive procurement process.
 - If the WIB intends to establish an agreement with the Governor that allows the WIB to serve as the one-stop operator, and the WIB also intends to be the WIA Adult and Dislocated Worker service provider, it must explicitly request approval to do such, as outlined within this policy.

Process of Requesting Approval from the Governor for a Local WIB and its Executive Staff to Function as the One-Stop Operator and/or WIA Service Provider

In order to maximize the efficiency of the workforce investment system and maximize the usage of local workforce investment funds for service delivery, the Governor will provide selective approval to WIBs seeking to have their executive staff serve as the one-stop operator and/or WIA Adult and Dislocated Worker service provider if certain criteria and assurances are established as follow:

- Brief explanation of the capacity and experience of WIB Executive Staff, specifically of the individual staff persons that will serve in the role of one-stop operator and WIA service provider, as applicable;
- Assurance that the WIB has followed lawful employment practices in hiring executive staff;
- Explanation on how WIB executive staff serving in the role of one-stop operator and/or WIA service provider will be the most efficient approach;
- WIB provides satisfactory evidence that it has a plan to meet the primary responsibilities of a workforce investment board, without neglecting or minimizing the responsibilities of a one-stop operator and/or WIA service provider, and vice versa;

- WIB provides satisfactory evidence identifying how conflict of interest will be prevented in the separation of executive staff and duties, for the respective responsibilities of a local workforce investment board, a one-stop operator, and/or WIA service provider;
 - WIB should enumerate potential conflicts that may be encountered and provide examples of how the conflict will be mitigated.
 - WIB must include organizational chart clearly identifying the separation of duties and the mitigation of conflict between the roles.

WIBs should be aware that cost allocation cannot serve as the primary measure of identifying the separation of staff duties or mitigation of potential conflicts between those duties, such as the distinct separation and mitigation of potential conflicts that come from conducting oversight while at the same time providing direct delivery of WIA services.

Letters requesting approval, co-signed by the Chief Elected Official and the WIB Chair, may be sent to the Governor at the following address:

Governor Mitchell Daniels, Jr.
c/o Paul Perkins, Chair, State Workforce Innovation Council
Indiana Department of Workforce Development
10 North Senate Avenue
Indianapolis, IN 46204

Following receipt of the letter, the information presented will be reviewed, and the Governor will send a letter to the Chief Elected Official and the WIB Chair indicating approval or denial of the request. If approval is provided, the letter will stipulate the conditions of the approval and will serve as the agreement required by WIA.

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 workforce investment boards and their chief elected official shall follow this guidance when determining the most efficient and effective method for organizing workforce investment system staffing functions in local workforce service areas. Local workforce investment plans must be modified when a local workforce investment board and its chief elected official make any changes to the organization of the staffing functions outlined in this policy.