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## **DWD Policy 2019-02, Change 4: Local Workforce Development Boards and Chief Elected Officials**

**To:** Indiana's Workforce System  
**From:** Indiana Department of Workforce Development (DWD)  
**Date:** April 25, 2025

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### **PURPOSE**

To provide guidance to local workforce development areas (LWDAs) regarding the roles and responsibilities of local workforce development boards (local WDBs) and chief elected officials (CEOs) as well as local WDB certification.

### **CHANGE 4 SUMMARY**

This policy change is to serve as refresher guidance on local WDB and CEO requirements, including the upcoming local WDB certification cycle. Requests for local WDB certification are due to [policy@dwd.in.gov](mailto:policy@dwd.in.gov) by July 1, 2025.

This policy was also updated to align board member/CEO requirements with federal regulations and remove the board member training requirement from the board certification process. However, board member training is encouraged to ensure members are fully aware of their duties and responsibilities as board members.

### **RESCISSION**

- DWD Policy 2019-02, Change 3 *Local Workforce Development Boards and Chief Elected Officials*
- DWD Policy 2019-02, Change 3 Attachment B *Local WDB Membership Template*

### **REFERENCES**

See **Attachment A**.

### **CONTENT**

#### **Chief Elected Official(s)**

Section 3(9) of WIOA defines a chief elected official as the chief elected executive officer of a unit of general local government in an LWDA. Section 3(62) defines a unit of local government to be 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. DWD further defines a unit of general local government as:

- All counties in the LWDA, regardless of size; and

- All incorporated cities and towns with a population of 50,000 or more in the LWDA according to the most recent US Census data available.

## Chief Elected Official Agreements and Designation of the Regional Chief Elected Official

WIOA sec. 107(c)(1)(B) allows LWDA that have more than one unit of local government<sup>1</sup> to execute an agreement among the CEOs of those units that specify the roles of the individual CEOs in carrying out their responsibilities identified in the law, including the appointment of local WDB members. WIOA requires that the CEOs in LWDA with more than one unit of local government execute a CEO agreement to, at a minimum, identify the method to be used to determine financial liability amongst the individual jurisdictions pursuant to 20 CFR 683.710.<sup>2</sup>

DWD further requires the CEOs to identify one CEO to serve as the Regional Chief Elected Official (RCEO). The purpose of the RCEO is to serve as the point of contact for all CEO business, the signatory for items not requiring approval from *all* CEOs, and any other responsibilities outlined in the CEO agreement. This agreement must establish the authority of the RCEO and delineate the individual responsibilities of the CEOs and the RCEO. Please see **Attachment B** for required CEO agreement content and examples of CEO role and responsibility designation.

If the CEOs in the LWDA are unable to reach consensus on the CEO agreement after reasonable effort, the Governor may appoint the members of the local WDB from individuals nominated or recommended as specified in WIOA sec. 107(b). The CEO agreement must be submitted to DWD at [policy@dwd.in.gov](mailto:policy@dwd.in.gov) when fully executed.

## Chief Elected Official Roles and Responsibilities

CEOs are charged with the following responsibilities under WIOA:

- Appoint members to the local WDB;
- Establish by-laws for local WDB membership consistent with the requirements set forth in 20 CFR 679.310(g);
- Approve/deny requests from the local WDB to serve as a provider of career services;
- Approve, along with the Governor, the local WDB to be selected as the one-stop operator through sole-source procurement or successful competition;
- Serve as, or designate, a fiscal agent for grant funds allocated to the LWDA under WIOA secs. 128 and 133;
- Comply with applicable uniform cost principles included in the appropriate circulars or rules of the Office of Management and Budget;
- Assume liability for any misuse of grant funds allocated to the LWDA under WIOA secs. 128 and 133 as set forth in 20 CFR 683.710; and

<sup>1</sup> All LWDA in Indiana have more than one unit of local government with the exception of LWDA 12. In LWDA 12, Marion County has a consolidated city-county government with the City of Indianapolis and is therefore considered one unit of local government.

<sup>2</sup> Designation of a fiscal agent does not relieve the CEOs of liability for misuse of grant funds per 20 CFR 679.420(a).

- Provide consultation to the Governor, DWD, and the State Workforce Development Board (SWDB), where required under WIOA.

Other responsibilities, in partnership with the local WDB, include:

- Develop and submit local and regional plans and subsequent modifications;
- Conduct oversight for all local youth workforce investment activities under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134(c) and (d), and the entire one-stop delivery system in the LWDA;
- Negotiate and reach agreement on local performance indicators;
- Negotiate with required partners on the methods of funding infrastructure costs of the one-stop centers in the LWDA and notify DWD if there is a failure to reach agreement at the local level;
- Approve budgets for the activities of the local WDB; and
- Provide agreement for the local WDB to develop and enter into a memorandum of understanding (MOU) with one-stop partners.

When there is a change in the CEOs, the local WDB is required to inform the new CEOs, in a timely manner, of their responsibilities and liabilities as well as the need to review and update any written agreements among the CEOs.<sup>3</sup>

### Local WDBs: Purpose & Appointment

The local WDB serves as the strategic leader and convener of local workforce development system stakeholders. Local WDBs are appointed by the CEOs (or RCEO if delegated such authority) in an LWDA and certified by DWD, as the Governor's designee, every two (2) years. It is important for local WDB members to fully understand their role within Indiana's workforce system.<sup>4</sup>

### Membership<sup>5</sup>

At a minimum, each local WDB must consist of representatives from the four (4) categories described in the table below. All members of the local WDB must:

- Be individuals with optimum policy-making authority<sup>6</sup> within the entities they represent;
- Meet the criteria for the entity they represent as described in the table; and
- Represent diverse geographic areas within the LWDA.

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<sup>3</sup> 20 CFR 683.710(b)(3).

<sup>4</sup> DWD has developed the following training module through which local WDB members can learn about WIOA and their required duties: <https://www.in.gov/dwd/compliance-policy/wdb/members>.

<sup>5</sup> 20 CFR 679.320

<sup>6</sup> An individual with optimum policy-making authority is defined in 20 CFR 679.340 as an individual who can reasonably be expected to speak affirmatively on behalf of the entity they represent and to commit that entity to a chosen course of action.

**Table 1. Local WDB Representation Category and Membership Criteria**

<b>Representation Category</b>	<b>Required membership entity and criteria for membership</b>
<b>Business</b>	<p>Over 50 percent of local WDB members must be business representatives in the LWDA and each individual representing this category must:</p> <ul style="list-style-type: none"> <li>• Be an owner, chief executive officer, chief operating officer, or other individual with optimum policy-making authority or hiring authority; and</li> <li>• Provide employment opportunities in in-demand industry sectors or occupations as defined in WIOA Sec. 3(23);</li> </ul> <p>Additionally, Indiana has added the following requirements for business representatives. They must:</p> <ul style="list-style-type: none"> <li>• Employ at least five full-time employees, with one exception: because approximately 5 percent of the employment opportunities throughout the State are located at a business with fewer than five full-time employees, one (1) business representative on each local WDB may come from a business that employs at least one full-time employee other than the owner of the business. This individual may count as one of the two small business representatives discussed below.</li> <li>• Provide employment opportunities for residents of the LWDA.</li> <li>• Be one of the region's targeted industries or have employment positions that are on the region's targeted occupations list.</li> </ul> <p>At least two individuals representing this category must represent small business as defined by the U.S. Small Business Administration (SBA).<sup>7</sup></p> <p><u>Nomination</u> Business representatives are nominated by local business organizations and business trade associations.</p> <p>If no nominations are received that meet the membership requirements and needs of the local WDB, representatives may be solicited directly from employers within the LWDA's labor market (including out-of-state, when the labor market crosses state lines).</p>
<b>Workforce</b>	<p>At least 20 percent of local WDB members must be workforce representatives and must include:</p> <ul style="list-style-type: none"> <li>• Two or more representatives of labor organizations, where such organizations exist in the LWDA.</li> <li>• One or more representative(s) of a joint labor-management, or union affiliated, registered apprenticeship program within the LWDA who must be a training director or a member of a labor organization. If no union</li> </ul>

<sup>7</sup> See 13 CFR 121.201 for size standards identified by SBA from North American Industry Classification System (NAICS) codes. The SBA's annual publication of Indiana's Small Business Profile defines *small business* as any firm with fewer than 500 employees. State Small Business Profiles are found at <https://advocacy.sba.gov/2021/08/30/2021-small-business-profiles-for-the-states-the-district-of-columbia-and-the-u-s/>.

	<p>affiliated registered apprenticeship programs exist in the LWDA, a representative of an apprenticeship program may be appointed, if one exists.</p> <p><u>Optional additional workforce representatives</u></p> <p>The 20 percent workforce representation minimum may be met solely through representatives of labor and apprenticeship, as described above. However, the local WDB may also include the following in this category:</p> <ul style="list-style-type: none"> <li>• One or more representative(s) of community-based organizations that have demonstrated experience and expertise<sup>8</sup> in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and</li> <li>• One or more representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.</li> </ul> <p><u>Nomination (for mandatory workforce representatives)</u></p> <p>The labor representatives are nominated by local labor federations (or, for an LWDA in which no employees are represented by such organizations, other representatives of employees). If no nominations are received within 60 days of the vacancy opening, representatives may be solicited directly from labor members within the LWDA's labor market area (including out-of-state, when the labor market crosses state lines).</p> <p>Additionally, if no joint labor-management or union-affiliated registered apprenticeship programs exist in the LWDA or if no nomination is received within 60 days of the vacancy opening, then the WDB may solicit a representative directly from an apprenticeship program in the LWDA.</p>
<b>Education and training</b>	<p>Local WDB membership must include at least one representative from each of the following education and training entities:</p> <ul style="list-style-type: none"> <li>• An eligible training provider that administers adult education and literacy activities under WIOA Title II; and</li> <li>• An institution of higher education providing workforce investment activities, including community colleges.</li> </ul> <p><u>Nomination</u></p> <p>When there is more than one provider of adult education and literacy activities under Title II, or multiple institutions of higher education providing workforce investment activities in a LWDA, nominations are solicited from those particular entities. If no nominations are received within 60 days of the vacancy opening,</p>

<sup>8</sup> An individual with demonstrated experience and expertise is defined in 20 CFR 679.340 as an individual who (1) is a workplace learning advisor as defined in WIOA sec. 3(7); (2) contributes to the field of workforce development, human resources, training and development, or a core program function; or (3) the local WDB recognizes for valuable contributions in education or workforce development related fields.

	representatives may be solicited directly from adult education providers and postsecondary education providers within the LWDA.
<b>Government; economic and community development</b>	<p>Local WDB membership must include at least one representative from each of the following governmental and economic and community development entities:</p> <ul style="list-style-type: none"> <li>• Economic and community development entities serving the LWDA;</li> <li>• Wagner-Peyser Employment Service program serving the LWDA; and</li> <li>• Vocational rehabilitation programs authorized under Title I of the Rehabilitation Act of 1973, as amended by WIOA Title IV.</li> </ul> <p><u>Nomination</u></p> <p>Economic and community development entities serving the LWDA should nominate representatives for this category. If no nomination is received within 60 days of the vacancy opening, representatives may be solicited directly from these entities.</p> <p>DWD requires nominations for the representative of the Wagner-Peyser Employment Service to be solicited from the Commissioner, or their designee, at DWD.</p> <p>Nominations for the representative of vocational rehabilitation must be solicited from the Director of the Bureau of Rehabilitation Services at the Indiana Family and Social Services Administration.</p>

### Additional Members

In addition to the required members described in the table, the membership of the local WDB may include individuals or representatives of other appropriate entities in the LWDA, including:<sup>9</sup>

- Individuals from entities administering education and training activities who represent local educational agencies or community-based organizations that have demonstrated experience and expertise in addressing the education or training needs for individuals with barriers to employment;
- Representatives from governmental and economic and community development entities representing transportation, housing, and public assistance programs;
- Individuals from philanthropic organizations serving the LWDA; and/or
- Representatives of entities determined by the CEO(s) as appropriate.

**NOTE: If additional members are included in the local WDB's membership, requirements regarding minimum percentages for representation of the business and workforce categories still apply and must be met as described in the table above.**

### Voting Privileges

All required local WDB members must have voting privilege. The CEO may also convey voting privileges to additional (non-required) members.<sup>10</sup>

<sup>9</sup> 20 CFR 679.320(e).

<sup>10</sup> 20 CFR 679.320(i).

## Dual Representation

An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation.<sup>11</sup>

## Chairperson

The members of the local WDB shall elect a chair from among the business representatives.<sup>12</sup>

## Local WDB Functions

The local WDB must perform the functions described in WIOA Sections 107(d), 108 and 20 CFR 679.370 summarized as follows:<sup>13</sup>

- Develop and submit the 4-year local plan, in partnership with the CEO(s);
- If a local area is part of a planning region that includes other local areas, develop and submit a regional plan in collaboration with the other local areas within the region;
- Conduct workforce research and regional labor market analysis as described in 20 CFR 679.370(c)(1-3);
- Convene local workforce development system stakeholders to assist in the development of the local plan and leverage support for workforce development activities;
- Lead efforts to engage with a diverse range of employers and other entities in the region as described in 20 CFR 679.370(e)(1-4);
- Collaborate with education representatives to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment;
- Identify and promote proven and promising practices for meeting the needs of employers, workers, and job seekers within the local WDB's local area and others;
- Develop and implement strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and job seekers as described in 20 CFR 679.370(h)(1-4);
- Conduct program oversight, in partnership with the CEO;
- Ensure appropriate use and management of adult, dislocated worker, and youth funds, in partnership with the CEO;
- Ensure the appropriate use, management, and investment of funds to maximize performance outcomes, in partnership with the CEO;
- Negotiate local performance accountability measures with the CEO and the Governor;
- Negotiate methods for funding the infrastructure costs of one-stop centers in the LWDA;
- Select and terminate (as appropriate) one-stop operators, providers of youth workforce investment activities, providers of training services, and providers of career services (if the one-stop operator does not provide such services);

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<sup>11</sup> 20 CFR § 679.320(h).

<sup>12</sup> 20 CFR 679.330.

<sup>13</sup> Please note that for functions involving CEOs, this could mean the RCEO if the RCEO has been delegated such authority via the CEO agreement.

- Work with the State to ensure that there are sufficient numbers and types of providers of career and training services serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities;
- Coordinate workforce activities with education and training providers as described in 20 CFR 679.370(n)(1-3);
- Develop a budget for the activities of the local WDB, with approval from the CEO and consistent with the local plan and duties of the local WDB;
- Assess the physical and programmatic accessibility of all one-stop centers in the local area; and
- Certify one-stop centers in accordance with 20 CFR 678.800 and DWD policy.

### Sunshine Provision Requirements

In addition to the required functions described above, each local WDB must conduct its business in an open manner by making available to the public information about the activities of the local WDB. This information must be made available on a regular basis through electronic means and open meetings. These requirements are referred to as sunshine provision requirements, which are described in WIOA Sec. 107(e) and 20 CFR § 679.390. Meetings of the local WDB must also comply with the requirements of the Indiana Open Door Law,<sup>14</sup> as applicable.

To meet WIOA's sunshine provision requirements, each local WDB must make the following information available to the public:

- Information about the local plan or modification of the local plan before submission of the local plan or any modification for approval;
- A listing of local WDB members and their category of affiliation (business, workforce, etc.);
- Information about the selection of a one-stop operator;
- Awarding grants or contracts to eligible training providers of workforce investment activities, including providers of youth workforce investment activities;
- Minutes of meetings of the local WDB; and
- Local WDB by-laws.

### Local WDB Staff

Each local WDB has the authority to hire a director and other staff to assist in carrying out the functions of the local WDB. If the local WDB elects to hire staff, the following requirements must be met.<sup>15</sup>

- The local WDB must establish and apply a set of qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and

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<sup>14</sup> IC 5-14-1.5.

<sup>15</sup> 20 CFR 679.400.

abilities to meet identified benchmarks and to assist in carrying out the functions of the local WDB.

- The local WDB's director and staff must be subject to limitations on payment of salary and bonuses described in WIOA sec. 194(15).
- In general, local WDB staff may assist the local WDB only in fulfillment of its required functions as described in WIOA Sec. 107(d). If the local WDB staff provide additional workforce functions beyond the functions described in WIOA Sec. 107(d), local WDB staff must enter into a written agreement with the local WDB and CEO to clarify the staff's roles and responsibilities.
- If the local WDB also serves as the one-stop operator, the restrictions on the provision of career and training services by the local WDB as one-stop operator also apply to the staff of the local WDB.<sup>16</sup>

### Standing Committees<sup>17</sup>

A local WDB may designate standing committees to assist the local WDB in carrying out its responsibilities. If the local WDB elects to designate standing committees, each standing committee:

- Must be chaired by a member of the local WDB;
- Must include other individuals appointed by the local WDB who are not members of the local WDB and have demonstrated experience and expertise in accordance with 20 CFR 679.340(b); and
- May include other members of the local WDB.

Standing committees designated by the local WDB may include each of the following:

- A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include representatives of one-stop partners;
- A standing committee to provide information and assist with planning, operational, and other issues relating to the provision of services to youth, which must include community-based organizations with a demonstrated record of success in serving eligible youth and may include parents, participants, and youth;
- Recognizing that Local EO Officers exist in every region, a standing committee with the Local EO Officer to provide information and assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to:
  - Compliance with WIOA sec. 188 (nondiscrimination) and 29 CFR 38, if applicable, and the applicable provisions of the Americans with Disabilities Act of 1990 (42 USC § 12101 *et seq.*) regarding programmatic and physical access to the services, programs, and activities of the one-stop delivery system; and
  - Appropriate training for staff on providing support for, accommodations to, and finding employment opportunities for, individuals with disabilities; and
- Other standing committees.

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<sup>16</sup> 20 CFR 679.410(d).

<sup>17</sup> 20 CFR 679.360.

## Internal Controls

Each local WDB must:

- Establish and maintain effective internal controls that provide reasonable assurance that the local WDB is managing WIOA funds in compliance with Federal statutes, regulations, and the terms and conditions of its WIOA grant agreement; and
- Take reasonable measures to safeguard protected personally identifiable information and other information the US Department of Labor or DWD designates as sensitive or the local WDB considers sensitive, consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

In addition, if the local WDB or RCEO has selected or designated an organization to function simultaneously in two (2) or more roles, including local fiscal agent, local WDB staff, one-stop operator, and/or direct provider of services, the local WDB and CEO must develop a written agreement with the organization. The agreement must clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and the State's conflict of interest provisions.<sup>18</sup>

Under certain conditions, a local WDB or staff to the local WDB may be selected as a one-stop operator and/or act as the provider of career services with the approval of the RCEO and the Governor.<sup>19</sup>

## Conflict of Interest

A local WDB member and a member of a standing committee of the local WDB must not vote on or participate in any decision-making capacity regarding:

- The provision of services by the member of any entity or class of officials which that member directly represents; or
- Any matter that would provide any direct financial benefit to the member or that member's immediate family.

In addition, the local WDB, as a non-Federal entity, must maintain written standards of conduct covering conflicts of interest and governing the actions of its members and LWDA staff engaged in the selection, award and administration of contracts as described in 2 CFR 200.318(c)(1), the requirements of which are restated below to stress their importance.

- No employee, officer, or agent of a non-Federal entity may participate in the selection, award, or administration of a contract supported by a Federal award if the individual has a real or apparent conflict of interest.
  - A conflict of interest arises when the employee, officer, or agent, any member of the individual's immediate family, the individual's partner, or an organization which employs or is about to employ any of the parties described in this

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<sup>18</sup> 20 CFR 679.430.

<sup>19</sup> 20 CFR 679.410(a)(2) and (b) and DWD Policy 2022-05 *Local Workforce Innovation and Opportunity Act (WIOA) Governance: Single Entity Fulfilling Multiple Roles in Local Workforce Areas*.

subsection, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

- If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest.
  - Organizational conflicts of interest mean that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.
- Officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which financial interest is not substantial, or the gift is an unsolicited item of nominal value.
- The non-Federal entity's standards of conduct must provide for disciplinary actions to be applied for violations of the standards by officers, employees, or agents of the non-Federal entity.

### Certification Criteria and Procedures

The local WDB must be certified every two (2) years.<sup>20</sup> Although certification occurs every two years, local WDBs will be monitored annually to review sustained compliance with this policy.

#### Criteria

Certification of local WDBs is based on the following criteria:

1. The composition of the local WDB must comply with the membership requirements described in *Membership*.
2. The chair of the local WDB must be a representative of business as described in *Chairperson*.
3. If the local WDB has established standing committees, the committees must comply with the requirements described in *Standing Committees*.
4. The local WDB must have ensured that workforce investment activities carried out in the LWDA enabled the LWDA to meet the corresponding performance accountability measures during the preceding two (2) program years.
5. The local WDB must have sustained fiscal integrity<sup>21</sup> during the preceding two (2) program years.

#### Procedure

Below is the process to be followed for local WDB certification:

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<sup>20</sup> 20 CFR 679.310(a),

<sup>21</sup> Sustained fiscal integrity, as defined in WIOA sec. 106(e)(2), means that the Secretary [of Labor] has not made a formal determination, during either of the last 2 consecutive years preceding the determination regarding such integrity, that either the grant recipient or the administrative entity of the area mis-expended funds provided under subtitle B due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration.

1. Each local WDB shall submit the content in **Attachment C** requesting certification to [policy@dwd.in.gov](mailto:policy@dwd.in.gov) no later than July 1 of the second program year for which the current board certification extends. The request must be signed by the CEOs (or RCEO if delegated to such authority) and must include:
  - a. Assurance that the local WDB is currently chaired by a representative of business;
  - b. Assurance that the local WDB has complied with its roles and responsibilities as outlined in WIOA secs. 107(d), 108 and 20 CFR 679.370;
  - c. Assurance that the local WDB has carried out workforce investment activities in the LWDA which have enabled the LWDA to meet the corresponding performance accountability measures for the preceding two (2) program years;
  - d. Assurance that the local WDB has sustained fiscal integrity during the preceding two (2) program years;
  - e. Assurance that the local WDB will notify DWD via [policy@dwd.in.gov](mailto:policy@dwd.in.gov) of any membership changes within ninety (90) days by emailing an updated version of the completed membership template provided in **Attachment D**; and
  - f. A completed membership template of current local WDB members (**Attachment D**).
2. DWD will review the certification request letter and the membership template to ensure the local WDB has met all requirements. Upon review, DWD will issue notice to the local WDB and RCEO regarding certification status and will follow up as necessary until full certification is achieved.

If a local WDB fails to achieve certification, a new local WDB must be nominated and appointed according to the process described in *Membership*.

### Decertification Criteria and Procedure

The Governor has the authority to decertify a local WDB at any time for any of the following reasons:

- Fraud or abuse;
- Failure to carry out the functions specified for the local WDB in 20 CFR 679.370 and *Local Workforce Development Board Functions*; or
- Failure to meet the LWDA's negotiated levels of performance for two (2) consecutive program years.

Prior to decertification of a local WDB for fraud, abuse, or failure to carry out functions, the Governor must provide the local WDB with written notice of decertification and provide an opportunity for comment by the local WDB.

If the Governor decertifies a local WDB, the Governor may require that a new local WDB be nominated, appointed, and certified for the LWDA pursuant to a reorganization plan developed by the Governor in consultation with the CEO of the LWDA and in accordance with the criteria established in *Membership*.

## **ACTION**

Requests for 2025 local WDB certification are due to [policy@dwd.in.gov](mailto:policy@dwd.in.gov) by July 1, 2025. When preparing to submit their requests, local WDBs must abide by the requirements included in this guidance. Local WDBs must also ensure that local policies and procedures align with the content of this policy.

## **ATTACHMENTS**

- **Attachment A** - References
- **Attachment B** - CEO Agreement Requirements
- **Attachment C** - Sample Certification Request Content
- **Attachment D** - Local WDB Membership Template and Instructions

## **EFFECTIVE DATE**

Immediately.

## **ENDING DATE**

Upon rescission.

## **ADDITIONAL INFORMATION**

Questions regarding the content of this publication should be directed to [policy@dwd.in.gov](mailto:policy@dwd.in.gov).

## ATTACHMENT A REFERENCES

- Workforce Innovation and Opportunity Act (WIOA), Sections 3, 106, 107, 108, 128, 129, 133, 134, 188, and 194
- 2 CFR 200.303(a) and (e), 200.318(c)(1)
- 13 CFR 121.201
- 20 CFR 678.800
- 20 CFR 679.300-430
- 20 CFR 683.200(c)(5)(i), 683.710
- 29 CFR 38
- 42 USC 12101 et seq.
- Indiana Code 5-14-1.5
- U.S. Small Business Administration (SBA)<sup>22</sup>
- DWD Policy 2022-05 *Local Workforce Innovation and Opportunity Act (WIOA) Governance: Single Entity Fulfilling Multiple Roles in Local Workforce Areas*
- DWD Policy 2020-09, Change 1 *One-Stop American Job Center Certification*

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<sup>22</sup> <https://advocacy.sba.gov/2021/08/30/2021-small-business-profiles-for-the-states-the-district-of-columbia-and-the-u-s/>.

## **ATTACHMENT B**

### **CEO AGREEMENT REQUIREMENTS**

WIOA sec. 107(c)(1)(B) allows LWDA's that have more than one unit of local government<sup>23</sup> to execute an agreement among the CEOs of those units that specify the roles of the individual CEOs in carrying out their responsibilities identified in the law. In addition to identifying a method to be used to determine financial liability amongst the individual jurisdictions pursuant to 20 CFR 683.710, DWD requires the following information to be included in CEO agreements:

- Identify all counties in the LWDA and provide a name, title, phone number, and email of the CEO of each.
- Identify all cities and towns with a population of 50,000 or more in the LWDA and provide a name, title, phone number, and email for the CEO of each.
- Identify cities and towns of less than 50,000 who have opted into the agreement and provide name, title, phone number, and email of the CEO of each.
- Identify a single CEO to serve as the RCEO in the LWDA. The RCEO serves as the point of contact for all CEO business, the signatory on all items not requiring approval from all CEOs, and any other responsibilities delegated to them pursuant to the CEO agreement. All responsibilities of the CEOs and the RCEO must be identified within the agreement.
- Include the start and end dates for the agreement period. At a minimum, CEO agreements must be updated every five (5) years.
- Outline the process for amending this agreement.
- Include the printed name, signature, and date for all required CEOs and any CEOs from smaller units of government who opt into this agreement.

The CEO agreement may also address the responsibilities assumed by each CEO if the LWDA's CEOs elect to delegate such responsibilities. Examples of delegable responsibilities may include:

- Approve/deny request from the local WDB to serve as a provider of career services.
- Approve, along with the Governor, the local WDB to be selected as the One-Stop Operator through sole-source procurement or successful competition.
- Serve as, or designate, a fiscal agent for grant funds allocated to the LWDA under WIOA secs. 128 and 133.
- Provide consultation to the Governor, DWD, and the State WDB, where required under WIOA.
- In partnership with the local WDB:
  - Develop and submit local and regional plans and subsequent modifications.
  - Conduct oversight for all local youth workforce investment activities under WIOA sec. 129(c), adult and dislocated worker employment and training

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<sup>23</sup> All LWDA's in Indiana have more than one unit of local government with the exception of LWDA 12. In LWDA 12, Marion County has a consolidated city-county government with the City of Indianapolis and is therefore considered one unit of local government.

activities under WIOA secs. 134(c) and (d), and the entire one-stop delivery system in the LWDA.

- Negotiate and reach agreement on local performance indicators.
- Negotiate with required partners on the methods of funding infrastructure costs of the one-stop centers in the LWDA and notify the governor if there is a failure to reach agreement at the local level.
- Approve budgets for the activities of the local WDB.
- Provide agreement for the local WDB to develop and enter into a memorandum of understanding (MOU) with one-stop partners.

The RCEO and local WDB must maintain copies of all CEO agreements and ensure that they are updated as needed.

## ATTACHMENT C

### SAMPLE CERTIFICATION REQUEST CONTENT

Please accept this certification request for *[Enter Board and Region]* in accordance with Indiana Department of Workforce Development (DWD) Policy 2019-02, Change 4.

The local WDB will notify DWD via [policy@dwd.in.gov](mailto:policy@dwd.in.gov) of any membership changes within ninety (90) days by providing an updated membership template.

A current board membership template effective *[Enter Effective Date]* is attached.

#### Assurances:

<b>General Requirements</b>
✓ The local WDB has complied with its roles and responsibilities as outlined in WIOA secs. 107(d), 108 and 20 CFR § 679.370;
✓ The local WDB has carried out workforce investment activities and has met the corresponding performance accountability measures for the preceding two (2) program years;
✓ The local WDB has sustained fiscal integrity during the preceding two (2) program years; and
✓ The Chief Elected Officials have established a formal nomination and appointment process that ensures the board nominations are aligned with 20 CFR § 679.320 and state policy.
<b>General Member Requirements</b>
✓ Members are individuals with optimum policy-making authority (or, for Business Members, hiring authority).
<b>Business Member Requirements</b>
✓ The local WDB is currently chaired by a representative of business;
✓ Members represent diverse geographic areas within the LWDA;
✓ Members provide employment opportunities in in-demand industry sectors or occupations for residents within the LWDA; and
✓ Members are in one of the local WDB's targeted industries or have employment positions that are on the local WDB's targeted occupations list.

\*Document must be signed by CEOs, or RCEO if delegated such authority.

## **ATTACHMENT D**

### **LOCAL WDB MEMBERSHIP TEMPLATE AND INSTRUCTIONS**

A link to the local WDB Membership Template and instructions can be found on the [DWD policy website](#).