Kansas Department of Commerce
Workforce Development
Policy and Procedures Manual

Policy Number: 5-02-00

Originating Office: Workforce Development

Subject: Role of Chief Elected Officials

Issued: - August 3, 2015

Revised: - N/A

Program: -Workforce Innovation and Opportunity Act (WIOA)

Purpose: To transmit state policy and guidance on the role of Chief Elected Officials (CEO) in local workforce development area governance.

Reference: None.

Background: This policy describes local area activities that must take place to develop initial CEO Agreements, as well as the process to modify existing CEO Agreements.

Action: Make this policy available to all interested parties.

Contact: Questions should be directed to WIOA Administrator, (785) 296-0607, TTY: 711, email WorkforceSvcs@ks.gov.

Attachment: None.

Role of Chief Elected Officials

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Role of Chief Elected Officials

Overview

The purpose of this policy is to provide Local Workforce Development Areas (local areas) with guidance in the establishment of Chief Elected Official (CEO) Agreements that reflect changes brought about by the Workforce Innovation and Opportunity Act (WIOA). The following requirements for a CEO Agreement are found in WIOA Title I, Subtitle A, Section 107 (c)(1)(B)(i):

> *In a case in which a local area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials:*
>
> - *in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under [WIOA Section 107] subsection (b); and*
> - *in carrying out any other responsibilities assigned to such officials under this subtitle.*

Definitions

Section 3, of WIOA provides the following definitions:

Unit of general local government - 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. (Reference WIOA Section 3(62))

Chief Elected Official – This term has the following definition:

(A) the chief elected executive officer of a unit of general local government in a local area; and
(B) in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in Section 107(c)(1)(B) of WIOA. (Reference WIOA Section 3(9))

Opportunity for Participation

Given the large number of units of general local government and CEOs within an area, WIOA allows an individual CEO, or group of CEOs, within the area to act on behalf of all the CEOs. Such individuals and their respective duties, however, must be identified in a CEO Agreement.

As defined in Kansas a "unit of general local government" would include counties and cities. By state statute, each county in Kansas has a Board of County Commissioners, which consists of three, five or seven qualified electors (K.S.A. 19-202(a)). For the purposes of carrying out responsibilities under WIOA, the **Board** of County Commissioners meets the definition of the CEO of that county as opposed to **individual** Commissioners.

To ensure a reasonable number of CEOs are involved in the agreement process and permit a manageable number of CEOs to be involved in local areas with multiple counties, it is recommended each Board of County Commissioners choose an individual spokesperson from among their members to act on their behalf.

The designation of the CEO of a city would depend on the form of government for that city. If the particular form of city government has a multi-member body as its CEOs (i.e., a council or a commission instead of a mayor), it is recommended such city government choose a spokesperson from among the elected officials to act on its behalf.

To ensure units of general local government and the respective CEOs are afforded the opportunity to be involved in the local workforce development system, every effort should be made to notify the CEOs regarding their WIOA responsibilities and the new workforce development initiative. This may be accomplished by direct letter, meetings, newspaper announcements, or other means of notifying CEOs of the need for their involvement. While the participation of CEOs is voluntary, it is essential that those who are interested be allowed to participate.

Once the CEOs have expressed an interest in participating and have had the opportunity to meet and discuss their responsibilities, it is possible they may designate another individual CEO, or a group of CEOs, within the local area to act on their behalf. This must be agreed to and specified in the CEO Agreement to include the name of the individual(s) selected.

The local areas must document their efforts to contact eligible units of government and their respective CEOs and to identify those who wish to participate. It is suggested that the local area administrative entity, in partnership with the WIA CEOB establish contact and assist in the development of an initial WIOA CEO Agreement among those who wish to participate. The agreement is to specify the respective roles of the individual CEOs. In establishing these roles it is necessary to inform the CEOs of their respective responsibilities, including liability for any misuse of grant funds whether or not the units of general local government elect to participate.

Responsibilities of the CEOs

The responsibilities of the CEOs under WIOA include, but are not limited to, the following:

1. Appoint members to the Local Board;
2. Serve as grant recipient and assume fiscal liability for grant funds for WIOA Title I adult, dislocated worker and youth activities; as well as other such federal or state workforce funds as may be awarded,
3. Approve budgets for carrying out the responsibilities of the Local Board;
4. Provide comprehensive oversight of the activities of the Local Board;
5. Ensure that local area partnerships are functioning effectively;

In partnership with the Local Board --

6. Participate in the development of the Local Area Plan;
7. Conduct oversight of One-Stop delivery system, youth activities, and employment and training activities;
8. Select One-Stop operators and eligible service providers and oversee compliance and continuance improvement (may subsequently terminate these for cause);
9. Agree on Memorandums of Understanding between the Local Board and the One-Stop operator(s);
10. Negotiate and reach agreement on performance standards and any additional local performance measures;

In partnership with the Governor --

11. Agree on whether the Local Board may provide core services, intensive service, or both;
12. Agree on whether the Local Board may serve as a One-Stop operator; and
13. Negotiate waiver requests as needed.

Requirements for CEO Agreements

When the CEOs execute an agreement pursuant to WIOA Section 107(c)(1)(B), a fully executed copy must be forwarded to the Department of Commerce for inclusion in the Local Area Plan. This agreement should describe how the CEOs of units of local government in an area will carry out their respective roles. If, after a reasonable effort, the CEOs are unable to reach agreement that specifies the respective roles of the individual chief elected officials, the Governor may appoint the members of the Local Board from the individuals so nominated.

At a minimum the CEO Agreement must include the following:

a. CEO Selection Process
    i. Representation, e.g., one or more elected executives to represent multiple units of general local government of a defined county or sub region of a local area.
    ii. Terms
    iii. Vacancies

b. Specification of roles:

    i. Appointment process for the Local Board
        1. Nomination process
        2. Responsibility or authority of specific CEOs to appoint specific Board seats
        3. Term limits
            a. Staggered terms
        4. Reappointment
            a. Require re-nomination?
        5. Removal/replacement of Local Board members
            i. For cause
            ii. For convenience
            iii. Resignation
    ii. Fiscal responsibility, including
        1. Identification a fiscal agent or sub recipients
        2. Process for repayment of disallowed costs
            a. How liability is assigned and how funds will be collected and repaid

i. may be any number of agreed upon methodologies

iii. How federally required roles will be accomplished
   1. Oversight
   2. Consultation
   3. Local approvals

iv. Term/time limit of the CEO Agreement
   1. Not more than five years
      a. Must be a specific date

v. Modification/amendments to the CEO Agreement
   1. Including ratification by member units of general local government.

vi. Severability

vii. Signature of each participating CEO

Additional topics addressed in the CEO agreement may include, but are not limited to:

1. Identification of support staffing including their roles and responsibilities
2. Identification of Local Board Roles/responsibilities
3. Competitive process for designation/certification of One-Stop Operator and/or providers of service(s).
4. Meetings
   1. Schedule
   2. Quorum
   3. Notice
   4. Records

Procedures to Develop Initial CEO Agreements

All CEOs of units of general local government must be given the opportunity to participate in the CEO Agreement. At a minimum, each CEO must receive a letter notifying them of the role of the CEOs in WIOA, including their liability for grant funds allocated to their respective local areas under the Act, and be offered the opportunity to participate. Evidence of such notification must be retained. In addition, a public meeting should be held with notice of the meeting published in local area newspapers and the Kansas Register. All meetings to develop this CEO Agreement and all subsequent meetings of the CEOs are subject to the Kansas Open Public Meetings Law.

The Chief Elected Officials Board (created under WIA), with assistance from the local area administrative staff, is responsible for developing the initial WIOA CEO Agreement. The CEO Agreement is to be completed (on or before July 1, 2016) and submitted to the address below:

Kansas Department of Commerce
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354

The time period of the initial CEO Agreement is not to exceed June 30, 2020; however, agreements of shorter duration may be negotiated.

If after a reasonable effort, the CEOs are unable to reach agreement that specifies the respective roles of the individual chief elected officials, the Department of Commerce may appoint members from individuals so nominated.

Procedures to Modify CEO Agreements

When modifying a CEO Agreement such agreement must describe any changes made to the minimum requirements of a CEO Agreement and the specific time period for the modified CEO Agreement. Changes to the CEO Agreement require a Category 2 Local Area Plan Modification described in Policy No. 3-10-00.

Category 2 Local Area Plan modifications must be submitted to the Kansas Department of Commerce at least 30 business days before the effective date of the modification to the following address:

Kansas Department of Commerce
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354