

## Local Board Certification

**CITATION:** Section 107(c)

*(2) CERTIFICATION.—*

*(A) IN GENERAL.—The Governor shall, once every 2 years, certify 1 local board for each local area in the State.*

*(B) CRITERIA.—Such certification shall be based on criteria established under subsection (b)[membership and committees], and for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in section 106(e)(2).*

*(C) FAILURE TO ACHIEVE CERTIFICATION.—Failure of a local board to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to the process described in paragraph (1) and this paragraph.*

*(3) DECERTIFICATION.—*

*(A) FRAUD, ABUSE, FAILURE TO CARRY OUT FUNCTIONS.—Notwithstanding paragraph (2), the Governor shall have the authority to decertify a local board at any time after providing notice and an opportunity for comment, for—*

*(i) fraud or abuse; or*

*(ii) failure to carry out the functions specified for the local board in subsection (d).*

*(B) NONPERFORMANCE.—Notwithstanding paragraph (2), the Governor may decertify a local board if a local area fails to meet the local performance accountability measures for such local area in accordance with section 116(c) for 2 consecutive program years.*

*(C) REORGANIZATION PLAN.—If the Governor decertifies a local board for a local area under subparagraph (A) or (B), the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area and in accordance with the criteria established under subsection (b).*

**Interpretation:** Certification of a local board (WDC) is separate from and in addition to designation of the local area. To become certified and recertified a WDC must meet the following criteria:

- The board meets membership criteria (see briefing #4 Criteria for board member appointment)
- The board is meeting its performance requirements.
- The board is sustaining fiscal integrity.

A board may be decertified for fraud, abuse, failure to meet performance accountability measures for two consecutive years. The Act adds that the board can also be decertified for failure to carry out the functions required under the Act.

The 13 functions that a local board must perform are as follows:

- Developing the local plan/regional plan.
- Conducting workforce research and regional labor market analysis (with the state).
- Convening, brokering, leveraging system stakeholders to develop the local plan, identifying non-federal expertise/resources to support workforce development activities.
- Leading employer engagement with other entities to promote business representation on the board, support utilization of the workforce system and workforce investment activities, meet business needs, support economic growth, and develop/implement proven/promising strategies to

meet the skill needs and expand employment and career advancement in in-demand industry sectors or occupations.

- Leading implementation of career pathways with secondary and postsecondary education.
- Leading efforts to identify, promote and disseminate proven/promising strategies for meeting the needs of employers, workers and jobseekers (including individuals with barriers to employment), including providing physical and programmatic accessibility.
- Developing strategies to use technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers.
- Conducting program oversight for youth and employment and training activities, and the one-stop delivery system.
- Negotiating/reaching agreement on regional/local performance with Chief Local Elected Officials and the Governor.
- Selecting one-stop operators, providers of youth activities, eligible providers of training services and providers of career services.
- Coordinating activities with education and training providers, including adult education and literacy, Carl Perkins and the Rehabilitation Act.
- Developing a budget for the local board consistent with the local plan and the duties of the local board, subject to the approval of the chief elected official.
- Annually assessing the physical and programmatic accessibility of one-stop centers in the area.

If a Governor decertifies a board, s/he must create a plan for a new board, in consultation with the Chief Local Elected Official.

**Key decisions:** The subcommittee has been tasked with developing the certification process for local workforce boards. At minimum, that process must include a way to validate that local boards have the appropriate members and are meeting performance goals and fiscal integrity requirements. The certification process should also verify whether the board is meeting the functions listed above. The process may add other criteria, like state performance measures.

Any criteria that are added should promote statewide goals, and add value, rather than just creating additional administrative tasks.

Considerations for the development process and criteria development:

- Well-designed criteria can be used to support, recognize and promote high performance among WDCs.
- Well-designed criteria can clarify expectations for the state board, the governor, and the WDCs.
- Additional criteria can also support state goals, while allowing for local creativity in meeting these.
- Adding the wrong criteria, or poorly designed ones, creates an administrative burden without adding value.
- Adding criteria adds complication, and therefore time and effort at the local and state level.
- Adding poorly designed criteria can send the wrong message about what is important to the state and the locals.

**Questions for a subcommittee to consider**

- What should be included in the certification process?
- Should additional performance criteria be added to the list?
- Can criteria be developed that help the state and locals support, recognize and promote high performance?

- Are there certain board functions that should receive more attention in the development of criteria?
- If, so, should there be a baseline for all to meet and the opportunity for each local board to identify those areas where it wants create greater expertise?