**WorkforceGPS**

**Transcript of Webinar**

**The Foundations of Governance in the Workforce Innovation and Opportunity Act**

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LAURA CASERTANO: Again, I want to welcome everyone to today's webinar. I'm going to turn things over to your moderators today, Jennifer Friedman, the director of the office of state systems of the northeast region. Jennifer, take it away.

JENNIFER FRIEDMAN: Thank you, Laura. And welcome, everybody. My name's Jennifer Friedman. I'm the director of the office of state systems in the northeast region. And what that means for those that haven't heard, for the last year, regions one and regions two for Department of Labor Employment and Training Administration paired under a joint management of our regional administrator, Leo Miller.

So we work with the 14 northeast region states Maine down over to West Virginia. And also, the Caribbean Islands, Puerto Rico, and Virgin Islands. And I believe that almost every state is represented I saw on the poll today. So welcome, everybody. As I said, we're really excited to be here today.

I'm going to be joined this morning with two of the federal project officers who work with the states. I have Ronetia Bacon who works for the state of Virginia and Maryland, and also Annemarie Fasulo who works for the Virgin Islands. And we are going to be presenting the foundations of governance in the Workforce Innovation and Opportunity Act.

As I sent out in my save the date message that I hope everyone received is that this is really the first of three governance training series we're going to be holding this year. In the fall, actually. One in October and one in November and one in December.

Governance training began last year with the northeast region. We were able to do in-person training with three states. And we had planned to do probably about six, but as everyone knows, we had some change in plans last March. I think March 13th. Friday the 13th. Everyone targets that day with COVID.

But we actually were able to go in-person to New Hampshire, New York, and the Virgin Islands to discuss governance because it really is an extremely important topic for us to make sure that everyone knows their roles and responsibilities, which is what we're going to go over today, but also really what it means to be a strategic board and how to have innovation. You know, Workforce Innovation and Opportunity Act.

We're really going to be focusing a lot in the next two sessions on innovation and opportunity, those two middle words of the statute.

As I said, we're really excited today to kick off the series. The way we designed it is today, we invited everybody. We invited the state boards, the local boards, state staff, the chief of elected officials. And we're going over things that should be familiar to everybody, hopefully are familiar, but sometimes it's always good to have a little reminder.

And then next – in November, we're going to focus in on really for the local boards but also having what it means to be a high impact strategic board. And then we want to – in December, we want to focus in on governance opportunities and really, the target audience is for state workforce leaders.

Invitation will go out to everybody again. So you can attend all three sessions. You're not forbidden from attending a session. If you are a state board, you can always attend in November. If you're local, you can attend in December. But really, it's going to focusing on those roles and responsibilities.

We have a couple of items in the file share, which Laura highlighted down below, and I wanted to go over those really quickly with you because those are some items that we're going to be using today but also that you're – some takeaways. And we're going to have some takeaways after each training. So it's not just a PowerPoint but some takeaways for you.

So the first one is the PowerPoint itself. The second item we have is called the LEO guide. It's actually a guide we created and sent out in May of 2018 for the region two – regional and region two states. So that's really a local – for the local – (inaudible) – guide to the Workforce Innovation and Opportunity Act.

But that doesn't – it's not just for the local officials. You can use it as a state board and local board. It really goes through – once again, what we're talking about today, the roles and responsibilities, but the duties under the Innovation and Opportunity Act and what the law and the fact – what the law and the regulations say, but boils down to a guide – a helpful guide.

The way we designed this is that states can customize it – states and locals can customize it in certain sections for your own law. So this is a PDF version, but you can – please feel free to contact me. I can give my information out. It's on the save the date.

If you actually want a Word version so that you can insert your own local laws or local rules or your state laws and local state rules. So it can be customizable, but this is – right now, it's available to everybody.

Also we have the governance roles and responsibilities matrix. Ronetia Bacon, who's going to follow me, is going to go over this in detail, but it really is a helpful – I think it's a five or six page tool to the regulations and where all the governance – where we talk about governance in the opportunity act. It's a quick guide where it has – majority role and responsibilities marked with an X. The other items are marked with a C if you have the complication roles.

So that's really a way to boil down those really thick regulations that I have on my desk and pads on every page to really have a really quick guide to that.

Finally, have a WIOA purpose and vision handout. In a few minutes, Ronetia will be going over the WIOA purpose and vision. And so this is really just another handout. I have a little handy handout, I would say, to have – it was over the six prongs of the WIOA vision in a little bit more detail. So we have that for you today.

Today's session really is designed to be interactive and throughout the presentation, we're going to have questions we ask you to answer either by selecting a box or by entering in the chat. And so it'll be great for us to get your feedback on the answers and kind of see where you guys are, what you're thinking. But also, when – and not having a little competition among states over roles and responsibilities but there is – if you can get your answer in first sometimes you get the prize of having pride of having the right answer. But it is helpful having engaged in – (inaudible) – during this presentation.

Also if you have any questions, please put them in the chat box and we will try to answer all the questions today. If we cannot, we will make sure that the answers are presented to everybody.

So with that said, I'm going to start here, the One Workforce Vision. So before we actually even dive into the governance training itself, I wanted to spend a few moments talking about Employment and Training Administration's One Workforce Vision. We are all here today because you're a part of the public workforce system. And a public workforce system that is funded by DOL, which you can see $20 billion in over 2,000 grants, as well as our federal partners, including Education, Agriculture, and Health and Human Services.

As you can see from this slide, ETA envisions that all of our investments are those – as well as those of our federal partners come together to be part of the One Workforce System. This is One Workforce System that each of you in your roles and responsibilities we're going to talk about today.

So I'm going to turn it over to Ronetia Bacon now and she's going to go over the agenda for today. And then we are going to begin our training. So Ronetia, thank you.

RONETIA BACON: Thanks, Jennifer. Before we transition into the presentation, I would like to take a moment to review today's agenda. The following highlights the WIOA governance topic areas we will discuss today.

First, we will go through, as Jennifer mentioned, the WIOA governance key roles and responsibilities matrix. We will talk about the purpose and vision of WIOA, roles and responsibilities. And we will conclude with governance provisions to keep in mind. Next slide, please.

If you notice again, as Jennifer just mentioned, to the right bottom of your screen, we have, for your convenience, uploaded files in the file section. Please take a moment to download the governance key roles and responsibilities matrix because we will refer to this document throughout the course of the presentation.

To help the workforce system better understand governance key roles and responsibilities, ETA developed what is known as the WIOA governance key roles and responsibilities matrix. The intent of the matrix is twofold. First, it's to help identify sections of the regulations that reference the key roles and responsibilities related to governance. Secondly, the matrix clearly identifies the lead and consultant entity responsible for certain functions.

So when we reference responsible entities, we are referring to the governor, state workforce development board, state agency and official, the chief elected official, also known as the CEO, local workforce development board, local fiscal agent, required One-Stop partners, and, of course, the One-Stop operator. Next slide, please. You can click – you can go to the next slide. Thank you much.

So before I provide an overview of the workforce system, we would like to conduct a knowledge check with the audience. So what do you think? We have two questions; the first multiple choice, the second, true or false question.

If you can provide a response to the two knowledge check questions in the chat, we'd appreciate it. I'll give everyone some time to weigh in.

The first question, what year was WIOA enacted? The second question, true or false, WIOA aligns education, training, and supportive services for individuals? Please weigh in now.

All right. So it looks like the majority of everyone, 95 percent, weighed in and said that WIOA was enacted in 2014. And 100 percent of the audience – well, around 99 percent of the audience said that it's true, WIOA aligns education, training, and supportive services for individuals. And both answers are absolutely correct.

WIOA was signed into law on July 22, 2014. And it's true that WIOA aligns education, training, and supportive services for individuals. In addition to that, WIOA, the system, also provides strategic oversight and governance through the state and local boards. Thanks, everyone, for weighing in. Next slide, please.

Here, I will take a few minutes to conduct a big picture review of the key provisions of WIOA. With – (inaudible) of the law, the best majority of stakeholders focus on the big question and that is how does WIOA approve services for our job seekers and business customers?

There are two big ideas of vision to meet the needs of our job seekers and business customers. Let's talk about each for a minute. First, we look at it as a publicly funded, diverse workforce system made up of federal, state, regional, and local agencies and organizations. These entities are tasked with helping all job seeks secure good jobs while providing businesses with a skilled workforce.

The second big idea is to have a system that provides oversight in governance provided by state and local workforce development boards. Additionally, the expectation is that the system will deliver a range of those employment, education, training, and related services that you all are obviously already provide.

So in essence, from small tweaks to big systemic changes, WIOA puts everything out there on the table for us. Next slide, please.

In February 2015, ETA issued a TEGL 1914 entitled vision for the workforce system, an initial implementation of the Workforce Innovation and Opportunity Act. With the issuance of TEGL 1914, the vision for the workforce system under WIOA was made clear. In order to achieve and maintain an integrated job driven workforce system that links a diverse talented workforce to the nation's business, WIOA created the three pillars to the workforce system, what you see on the slide.

The first, the creation of a system where business and job seekers drive workforce solutions. The second, the provision of excellent customer service where they focus on continuous improvement. And of course, a system that supports strong regional economies that play an active role in the community and workforce development. Next slide, please.

So what do you think? We have another question for you. Before I talk a bit about the key priorities shaping WIOA implementation, we are curious to see what you think the WIOA key priorities are. So do you think this statement is true or false? I'll give everyone a second to provide a response in the chat box.

All right. It looks like we only have – well, we're getting some answers here. So we'll give it a moment. All right. Well, it looks like the vast majority selected true. And the answer is true. So the key priorities shaping WIOA implementation include the following. A focus on competition and quality, broader and deeper partnerships, more strategic state and local boards, sector strategies and career pathways, regionalism, service value and integration, in which we will talk in detail in a few moments. Next slide, please.

OK. So the purpose of WIOA is to create a comprehensive, high quality workforce development system by aligning workforce investment, economic development, and education. The key takeaways is that workforce – the Workforce Innovation and Opportunity Act, WIOA, created a system that was designed to help job seekers access employment, education, training, and supportive services to succeed in the labor market.

The system is also demand driven with a focus on allowing businesses to inform and guide the workforce system as well as assess skilled talent as they shape regional workforce investment. It ensures that job seekers and workers have the information and guidance needed to make informed decisions about training in careers as well as access to current and future labor markets. I know that was a mouthful. So what does all that mean?

Generally speaking, the key priorities is a roadmap to how we get there. As you see on the slide, we created a wheel that clearly identify the key priorities. Additionally, as we've stated before, we provided a handout with more information on the spokes, but we will get there. And we will get there by one, planning a focus on competition and quality. And that means WIOA ensures competitive processes, competitive selection, support and continuous improvement as related to the One-Stop centers and One-Stop center performance.

Developing broader and deeper partnerships, strongly encouraging effective partnering and planning across agencies and partner programs to ensure there's an organized approach, resources are maximized, and an alignment in service delivery is present. More strategic states and local boards. Meaning, supporting state and local workforce development boards to focus on strategy, setting a vision, and bringing the right parties together in order to achieve the mission.

Sector strategies and career pathways. WIOA establishes a foundation to enable workforce systems to convene to convene key industries to identify labor demand and coordinate among service providers who will provide – (inaudible), education, and training pathways.

Regionalism. Adopting a regional approach. And this simply means the ability to cross county and traditional service lines to address the committees of our participants in a comprehensive, seamless manner.

Service value and integration. Full integration and alignment of education, training, and supportive services for individuals as well as business services for employers.

So as you can see, there's a reoccurring theme. Integration and alignment of education, training, and supportive services for individuals as well as the business community that serves the employers.

As I went through the key priorities fairly quickly, I want to remind everyone that we, again, have uploaded the documents that go into a detail of the key priorities and the information that we provided on the slide. Next slide, please.

All right. Moving along. We have another what do you think question. So if you could in the chat name three services that American Job Center service providers should be sharing in order to provide seamless services to individuals. And we would also appreciate if you could provide examples from your state or local areas of services that are currently being shared at the AJCs. I will give everyone a few minutes to enter a response in the chat for sharing.

So we have labor market information, employment and training, connection to education and training, – (inaudible) partner resources, free resume prep and job leads. Some adult education and job search help. Training, assistance for individuals with disabilities. Job matching. OK.

OJT. Someone mentioned OJT job readiness workshops. Mental health support. That's a good one. OK. Taxing and assessment. Career pathways. OK. All right. Thanks, everyone.

We have quite a bit of answers. It seems as though quite a bit of you provided supportive services, education and training, job matching, resume assistance, access to computers and job search resources. Fantastic. So next slide, please.

Some of the examples that may or may not have appeared in the chat but just to review is the common intake system, joint outreach activities, joint referral process between partners, cross-trained staff organized and managed by function rather than program lines, sharing of data and data systems, shared case management and reporting systems, and an integrated performance management.

So thanks, everyone, for participating in that – in the chat. We can move on to the next slide.

All right. True or false question. The local workforce development boards much competitively procured and certify its OSO with the agreement of the state workforce agency. What do you guys think? Is that true or false?

OK. All right. It looks like the majority of the audience picked true. Let's see. Yes. It looks like the majority of the audience picked true.

Well, unfortunately, the answer to this question is false. That was a little tricky for everyone.

While local workforce development boards must competitively procure the OSO, the certification must be with the agreement of a local CEO and not the state workforce agency. And for reference, you could go to section 107d under WIOA and it will talk in detail about the workforce development boards. I'm quite sure all of you know that. It was just a little trick question there that we threw in there. So you have to watch the wording.

But local workforce development boards must competitively procure, however, it's not with the state workforce agency. It's with the agreement of the local CEO. All right. Next slide, please.

Now, that brings us to WIOA's vision for One-Stop operations and operators. One of the biggest changes from WIA to WIOA is the enhanced access to high quality services through the network of the One-Stop delivery system. The One-Stop operator, OSO, plays a significant role in this important WIOA provision.

And some of the other requirements of WIOA that we highlight and focus on quite a bit is the competitive selection of OSO. The OSO is a key driver of coordinating and – through various partners, resources, and capacities as directed by the local board. And that – lastly, as we learned with the results of the polling question, under WIOA, local workforce development boards must certify One-Stop operators with the agreement of the CEO and not the state workforce agency.

This concludes the WIOA purpose and vision portion of the presentation. Now I'll pass the baton over to Jennifer who will review roles and responsibilities of those involved in the workforce system. Jennifer?

MS. FRIEDMAN: Thank you, Ronetia. And thank you for that tricky question. I know you said when you were – we were developing the content, you wanted to throw a little curveball every once in a while to make sure everyone's paying attention and listening. So that was a first – as a little hint, that's the first of little curveballs you might see coming up in the rest of the presentation.

So yes. We're about to go on and talk about some of the key roles and responsibilities. And so that matrix that Ronetia went over really quickly in the very beginning, if you haven't had a chance to download – we're going to be referring to it and maybe if you had a chance to look at it, we'll refer back to – we're going to ask some questions. We're going to ask you guys to look at that a little bit and we're going to review the regulations but also that is a little tool. As I said, instead of having a three inch book of regulations and a five page to help you go over some of these roles and responsibilities.

So OK. The first – I went too fast. The first slide is the flow going down and also going over to the right with the chief elected officials. So this is – in the WIOA reg, section 679 subparts A to C, really defines all the roles and responsibilities.

So if you are a regulations junkie, like myself, and you want to look in, that's really the section we're going to hone in on. The next few slides, we'll highlight some of those regulations. We don't want – I don't want this be like a legal training, but we do have those references if you want to actually go out and look exactly what the regulations themselves say. And also the matrix itself – (inaudible) and regulations if you have a question on the exact language that we have put out.

And there will be one slide in the future we actually – I do cite the actual regulation and that's certainly how important it is. We're talking about some of the conflicts of interest when we get to that part. But basically, this slide here gives you the full picture.

So the CEO is over to the right because they do have their own role in governance, but they also work in consultation closely with the governor, the state workforce board, and the local workforce board as well. And we're going to go into each of those roles and responsibilities next. Next slide.

So here we're going to talk about the governor and the state workforce development board. This is one of those joint roles. So if you look at the matrix that we referenced at the beginning, you'll see the first column highlights responsibilities of the governor. And we look really closely, you'll see there are a lot of Xs in those columns, which means that the governor has a lead responsibility.

But also, there's a lot of Cs next to those in the same column. And what that means is that other entities support, coordinate, and consult with the governor on the required work that's required under the regulation. We're going to highlight a few of these Cs and we're going through how it's interchangeable.

But here, you can find a list of shared responsibilities for some key areas in WIOA the governor and the state board share. So it's reviewing the statewide policies, programs, and recommendations for streamline and comprehensive delivery of services, identifying the barriers and means of removing them to better coordinate and align, providing assistance to local areas, develop and continuously improve the One-Stop delivery system, develop and update comprehensive state performance accountability measures, and develop other policies and promote statewide objectives and enhance performance.

So these are where the governor and the state workforce development board work together. On the next slide, we're going to talk about where the governor and the chief elected officials work together. So next slide, please.

These are some key areas where the governor and the CEO work together. So that's where the – the arrow went out to the right. So it's identifying regions, including planning regions, reaching agreements on local negotiated performance levels. They may approve a local workforce development board. So whenever you see a "may" in here, it's an option. They don't have to do. You have the must and mays or shall. What that means is – must and shall is they – it is a designed role. They have to happen. Mays are some options.

And so they may select a local workforce development board as the One-Stop operator. They're sole source procurement. And determine whether or not local workforce development board may act as a provider in career services.

As I mentioned just a slide before, I said the governor has a lot of Xs, but there's some Cs next to it. So if you go to the next slide, we're going to ask people to use the matrix that you have downloaded or if you might know the answer to this. You know, what other entity – what is the third entity that is a lead for identifying regions, including planning regions, and also reaching agreement on local negotiated levels of performance.

So we have the governor, we have chief elected officials. We have options of having a state workforce board, a local workforce board, the local fiscal agents, One-Stop operator. These are all the roles and responsibilities that Ronetia went over with you guys a few minutes. But can you identify – first person in the chat, you'll win the pride of having the prize.

And so that would be Janelle Comsock, local workforce development board. Yes. You are correct. That is the other entity that is responsible in looking at the matrix or knowing the role. So Janelle, you have won the prize today for this question. So congratulations. And thank you for participating and giving us your feedback.

So the next pie, we're going over the state workforce development board roles and responsibilities. So this is a lot in the state workforce board. And so I saw when we had the initial poll, we had a lot of state workforce board members and staff sign in. So these are the purpose, roles, and responsibilities of the board.

You convene a state, regional, and local workforce system partners. You enhance the capacity and performance of the state workforce system. You are aligning and improving outcomes and effectiveness of federal funds, workforce programs and investments, and through align and promote economic growth.

Among some of the key roles, state workforce board must assist the governor with statewide policies, improving quality of a service, aligning the workforce programs, four-year state plan. I'm sure everyone is familiar with that as the plan was due this past March and April. And you guys are now working on implementing that plan.

Convening system partners, continuous system improvements, state performance outcomes, aligning technology, and annual reports. So these are the state workforce development board purpose, roles, and responsibilities.

In our December session, which is geared towards state workforce development board, we're going to go beyond these roles and responsibilities. As I said, this is just a foundation. In December, we're going to really target with the state workforce development board members and staff as really the opportunities you have aside from these. So these are – you always consider the floor. We're going to help you guys go up to the ceiling and what – how you can be innovative and opportunities that you may have to take your roles, responsibilities further than what is actually required under the opportunity act. So we hope that you guys sign in on December to have that robust conversation about the opportunities available to you.

On the next slide, we're going to talk about the chief elected officials and our local elected officials, CEOs and LEOs. We try not to call them LEO in our office because, as I said before, our regional administrator's name is Leo Miller. So if I say Leo, people get confused. Like, Leo? And I'm, like, no. The local elected official office. So that's a little humor I have. So the CEOs roles and responsibilities.

I'm going to talk to you guys again about the file share we have in the LEO guide. I would definitely download that. And if we haver any elected officials on the – I think I saw a couple of elected officials who are signed in. Please – that's for you. For the states and the locals, that's also for you to share with your LEOs and CEOs. And once again, you can customize it. If you want, you can let me know a customized version. But really talking about those – the roles and responsibilities of the CEOs and they have a lot.

The one I highlight here in red I want to highlight again is serve as the local grant recipient and is liable for WIOA grant funds allocated to the local area. You are – the buck stops with you as the chief elected officials. You are responsible for the WIOA grant funds. And so you have a really important role.

You need to consult with the governor, state workforce board, and local workforce board. And once again, you're over to the right of my first slide of that crazy picture I had things going down. You connect with everybody and you have your own roles.

You develop formal nomination and appointment process for the local workforce development board members. You appoint the workforce board members. You develop an agreement outlining roles and responsibility if there is more than one unit of general local government. You establish and maintain a One-Stop system. And you also may designate, if you want to – you don't have to – a local fiscal agent and ensure the agent has clearly defined roles and responsibilities.

And we will go over those roles and responsibilities of a local fiscal agent in a minute.

This is the role of the CEO. We're going to go on to the next slide in a minute and you're going to see something that you don't do.

So local officials do not – are not authorized to hire the board staff. This is the responsibility of the local board. You may be part of the hiring process, but you do not hire the local staff. And I think that's important. We had questions on that. We've seen on that sometimes in monitoring there's ambiguity what the rule is and people's thoughts. There really isn't.

So it's a local board's responsibility to hire the staff. As I said, the CEOs may be part – involved with that hiring decision, but it is not your – you do not authorize the hire of the local staff. Next slide, please.

So just as we had a slide earlier about the shared functions with the governor and the CEO, this is a shared function with the CEO and the local workforce development members, which is identifying regions, including planning regions. Carrying out the rapid response activities, which I'm sure have been a lot in the past six months. Entering into good faith negotiations with other entities. Reaching agreement on local levels of performance.

Approving other entities that carry out workforce development programs to serve as additional partners in One-Stop delivery system. And agreeing to amounts and methods of calculating the One-Stop partners' contributions to the infrastructure agreement and the MOU. So this is where another shared function between a CEO and a local workforce board.

So we're now going to go and talk about the local workforce development board roles and responsibilities. And this, I will have to say, if you actually count off on the matrix, there's a 100 – I believe 153 items of governance we have on that five or six pages, which is – it's a lot.

So 67 of those roles and responsibilities have either an X or a C for local workforce development boards. And that is because under WIOA, the role of the local boards significantly increased from the workforce – from WIA. In our matrix, as I said, we have 67 and 153.

One of the biggest challenges of local boards is accomplishing both the compliance and strategic roles that the board has. So that is why in our November session we are really targeting local workforce development boards and saying, OK. Here in October, we talked about all these things that we see checked, which we'll go over in a second, but how can we be strategic? And do we have time to be strategic? And our answer is yes. You do. And we're going to help give you some ideas.

Also, in the November session, we have – some of our handouts will be – when we went to New York for our governance training, the – we work for the local boards and they're, like, we need some help in engaging our board members and having good meetings and keeping people occupied and interested and how do we do this?

So we will be giving out some materials that we're working with our technical – (inaudible) right now to create how to have engaging board meetings, how to have engaging board members, how to have opportunities for the board members outside of the board meeting itself. So some of those things and how – be strategic. We'll be presenting and also giving you some additional information on our November session.

So just as we have December target for the state board in saying how you have opportunities, November's really targeted to be strategic for the local boards. And we really hope you join us for those sessions to take it beyond the list that's here, which are along responsibilities.

So developing a four-year local plan, developing a regional plan with your other local workforce development board members. Conducting workforce research and regional labor market analysis. Convening your local stakeholders and lead employer engagement to build a local workforce system. All these along in here.

These are the responsibilities that go in vision. And so once again, this is the floor and this is what we say this is what you have to do. In November, we'll talk about how you can do that a little bit more and be engaging and go beyond what's expected in the minimum. And once again, you do have – you will have the time and it'll be great dialogue and discussion about that.

So on the next slide, we're going to talk about the roles and responsibility of the One-Stop operators. So we have a "must," a "may," and a "may not."

So the must, coordinate service delivery of required partners and service providers. May provide services. You may not, and here's the longer list. Convene system stakeholders to assist in the development of the local plan, be responsible for oversight of itself. Although we all would like to just monitor ourselves and be only accountable to ourselves, One-Stop operators are – cannot.

Manage or significantly participate in the competitive selection of One-Stop operators. You can't participate in selection of yourself. Select or terminate the operators, negotiate local performance accountability measures, and develop and submit a budget for activities in local workforce development boards in the local areas. These are the rules that are not of the One-Stop operators.

So they must coordinate service delivery. They may provide services. And these are the list of things that they cannot do.

It gets a little funky using in the roles. And so that's why it's – for this slide, it's important to say coordination is your job but you cannot select yourself, manage yourself, or monitor yourself. OK.

Next, we're actually going to go over to staff of the board. And this is an area where there's sometimes blending of roles back to the board and actually the board itself. So that's why I highlight down here, the staff is not the board. It's not the staff's role to act as the board. The board oversees the staff. The staff does not oversee the board.

Sometimes there's confusion possibly what the role of the staff is versus the board. And like I said, the staff is there to assist the board with a required WIOA function. The whole long list. And this for local boards or state boards. I mean, this is the staff's roles.

You know, and they provide data and information, they engage employer communities. They collect and provide promising practices. They assist the board in developing agenda and focus on strategic roles. It's more of a strategic versus tactical leadership. You know, the board's role versus the staff's role and community versus administrative activities in board meetings.

And they assist the board in achieving strategies priorities. They help the board by doing some of the work and some of the engagement. They don't make the policy decisions. That's really the board's responsibility. So it's really important to understand that the – once again, I highlight it below. I keep on saying it, but the board oversees the staff. The board gives the staff direction. And the staff should not act as a board.

The next slide, local fiscal agent. As I mentioned earlier, the governor may appoint a local fiscal agent. I mean – sorry. See, I made a mistake. Sorry.

The CEO may designate a local fiscal agent. The roles include receiving funds, ensuring sustained fiscal integrity, responding to audit financial findings, maintaining accounting records, developing financial reports, and providing fiscal technical assistance to subrecipients.

However, as I mentioned, it was highlight before, the CEOs remain liable for the misuse of the grant funds. So that's why it's really important so if they – if there is a designated local fiscal agent, CEOs are ultimately responsible for the misuse of grant funds.

A question that's often asked is can local fiscal agents do other stuff, too. And so on the next slide, that question itself is presented. And fiscal agents, they cannot act without direction from the local board. They're not a decision-making entity. So they can carryout certain operational functions.

They can procure contracts or obtain written agreements, conduct financial monitoring of service providers, and ensure independent audit of all employment and training programs in the local area. So this is actually in the regulations itself. It says that fiscal agents can do other – they can do other stuff, but they cannot act on their own. They have to get the direction from the board.

So that is my quick down and dirty review of the different roles under the opportunity act. Next, I'm going to turn it over to Ronetia to see if you guys were paying attention. Do you have any questions? Just take a little bit knowledge check of all the information we've given you. Like I said, it should be a refresher. Hopefully it's nothing brand new. But if it is, that's good that we went over it, but this is more of a refresher, laying down the foundation.

So Ronetia, I'm going to turn it over to you to go through some of these questions to see if what we presented made sense to people. And remember, Ronetia and Annemarie you're going to hear from in a few minutes, they designed these questions to be a little tricky as Ronetia did to you guys before. So carefully read the questions and let's see. Ronetia?

MS. BACON: Thanks, Jennifer. So if everyone could take a moment to insert your response in the chat box, we'd appreciate it.

The question on the screen is some of the key roles the state workforce development boards must assist the governor with include A, developing the four-year state plan, convening system partners, continuous system improvements, selection of providers and One-Stop operators. B, improving quality of services and activities, aligning workforce programs, four-year state plan, and convening system partners. C, developing local workforce development board budget, selection of providers and One-Stop operators, compete certifications every three years, improving quality of services and activities. And D, none of the above.

So we'll give you a moment – give everyone a moment to weigh in and we'll go over the results.

All right. So it looks like we have majority – quite a few people weigh in already. So we'll go ahead and go over the answer to this question.

So the correct answer we have around 57 percent of the audience that selected B. And B is actually the correct answer. Why not A? Does anyone know why A is not the correct answer? I'm sure we do. So give a moment. If someone in the chat box can let us know why you think A is not the correct answer.

And why not potentially C? If you know off the top of your head or just looking at the matrix that we provided, why isn't C the right answer?

So while you're thinking about that, I want to again appreciate everyone for responding in, but the correct answer for this question is the letter B.

We'll go to the next review question. Next slide, please. All right.

How many years are the state plans for? And then we have a yes/no question. Are state workforce development boards responsible for assisting the governor with developing and reporting on performance measures?

So again, we'll give everyone a few minutes to weigh in on these two questions and we'll go over the results.

OK. So how many years are the state plans for? The majority of the audience weighed in already. It's four years. I think we all know that. We just completed the process in March and April. And some states had some conditions to address by September 30th. So that should be fresh in everyone's mind still. So the correct answer for how many years are the state plans for is absolutely four years.

And then we have, are the state workforce development boards responsible for assisting the governor with developing and reporting on performance measures? And looking at the poll results, the vast majority of you, 74 percent, selected yes. And that answer is absolutely yes.

If you recall from the matrix that Jennifer referenced as well as the presentation, the state workforce development board is responsible for assisting the governor with developing and reporting on performance measures. Thanks, everyone. Next slide, please.

All right. Next two questions. Who approves the local workforce development board members? And the second question, who hires the local workforce development board staff? So if everyone could take a moment to weigh in, please, we'd appreciate it.

All right. So it looks like 73 percent of you selected the CEO for who approves local workforce development board members. And that answer is correct. It is the CEO who approves the local workforce development board members. And that information you can find in section 107 of WIOA.

And then we had, who hires the local workforce development staff? And it looks as though 53 percent – around 52, 53 percent of you selected the CEO. We have about 37 percent select the state workforce development board. The correct answer for this question is actually the local workforce development board.

These are – the local workforce development board is the party responsible for hiring local workforce development board staff. And Jennifer just went over that in her presentation. So you can reference the presentation and you have a copy of the slides. And also you can find that information in the 20 CFR 679.370. Next slide, please.

All right. The local workforce development board must complete an assessment of the One-Stop center's accessibility annually. And the other question is, is the One-Stop operator permitted to select and/or terminate youth providers? Yes or no? Please weigh in and we'll give everyone a moment.

OK. So it looks as though – looks like about 85 percent of you selected true for the local workforce development board must complete an assessment of the One-Stop center's accessibility annually. And that answer is absolutely true. Find that information in – under WIOA section 107.

And the second question, is the One-Stop operator permitted to select and/or terminate youth providers? It looks like 26 of you – 26 percent said yes and 74 percent said no. And the answer is absolutely no.

The One-Stop operator is not permitted to select or terminate youth providers. That responsibility falls under the purview of the local workforce development board. It is their responsibility to select and terminate youth providers. And you can find that information under WIOA section 123. Next slide, please.

Last question. True or false and we have a multiple choice. Under WIOA, the CEO must obtain board approval before hiring board staff. If you could weigh in true or false, please.

And then our second question is, after how many years must a local workforce development board complete the One-Stop delivery system certification? Again, I'll give everyone a couple of minutes – a few minutes to answer the question.

OK. Well, it looks like under WIOA, the CEO must obtain board approval before hiring board staff, we have around – almost a split. We have around 51, 52 percent to say true, around 50 percent to say false. The answer is false. The CEO can be involved in hiring board staff, however, it is the board that is responsible for hiring the board staff.

And again, Jennifer just went over these – went over the roles and responsibilities. This is one of the questions that had a slide of its own. So again for your reference – after the presentation, please reference the PowerPoint presentation. And of course, we have the citations in which you could find information under section in WIOA.

The other question, after how many years must a local workforce development board complete the One-Stop delivery system certification? So we have about 37 percent say three, around 33 percent say two. And for that question, the correct answer is three.

So 37 percent of you got that answer right. It is three years in which the local workforce development board must complete the One-Stop delivery system certification.

That concludes our review of the first part of the presentation. And it concludes our presentation of WIOA's purpose and vision. Now, I'll pass the baton back over to Jennifer who will talk again about the governance provisions to keep in mind. Jennifer?

MS. FRIEDMAN: Thanks, Ronetia. I just want to go back to one question because there was a typo on one of the slides and it's – and people put – and you people on the chat pointed it out. So that was great.

So it was – at the time – I mean, not on the slide, but in the polling questions. So the slide says who hires the local workforce staff, the governor, the CEO, the local workforce board, or the Department of Labor. In the polling question, it actually had state workforce development board. So that just – thank you everyone who were taking the poll who pointed that out. You guys get extra points to say that you couldn't select that. So the slide had one answer, which was the local workforce development board. The poll had a different question. So I do apologize. But like I said, everyone who pointed that out, you guys get bonus points for the day.

MS. BACON: Thanks, Jennifer.

MS. FRIEDMAN: Yes. Yes? Can you hear me?

MS. BACON: Yes. We can hear you fine, Jennifer.

MS. FRIEDMAN: Oh. OK. So here we're going to go and talk about some of the sunshine provisions.

So workforce development boards must conduct business in an open manner. Here's the regulations. And this is – I have to say, this is an issue that we identify both at the state level and at the local level when we go out to monitor in whether or not the business was conducted. And so this is – like I say, let the sunshine in. Sunshine act provisions. Make sure it's all conducted in a – business in an open manner.

OK. So conflict of interest. This is another area in governance that – if you got to the next slide, please – that we see – we receive a lot of questions on. We see it when we also go out monitoring or when you're going out and states go out to monitor their local, but we do have a lot of questions.

So local organizations do often wear several hats; fiscal agent, One-Stop provider, One-Stop operator and service provider. As we saw earlier, you can have these multiple roles but it's really important. Where the multiple functions are performed by a single organization, a written agreement with the local board and a CEO is required.

And so on the next slide is the one slide I referenced earlier where I do actually have the regulations here. And so if an organization fulfills multiple functions within a local area, there must be firewalls and internal controls in place to ensure each function is fully performed. And here you'll see I've highlighted you must be in a written agreement and – we won't come out and look for it, but you guys – in advance, you make sure you have that written agreement and it clearly identifies the roles and responsibility and clarify how the organization will carry out its responsibilities and ensure that there is a firewall.

Yes. You can have multiple hats. You can have that in an agreement and it has to be spelled out. OK? So that is the first area of conflict of interest we wanted to discuss.

The second area is actually conflict of interest in decision-making. The next slide, please. So workforce development board members or subcommittee members may not vote on an item where there's individuals or family member has a financial interest or other conflict, who have a – I mean, workforce development board members have relatives participating in a procurement process may not participate, including deliberations.

And public disclosure. Workforce development board must disclose real or apparent conflicts of interest and disclose recusals of members.

So this came up – in the next slide here – came up. I was out talking to one local area and they were – one board and they were saying that everyone knows everybody in their local area. And so that was – maybe they wouldn't be able to vote on any programs going forward. Or they would have – they wouldn't have quorum. What happens if they – half the board members had to recuse themselves.

So important to have here, the workforce development board should have a policy about how it will force a decision if the whole board itself has – there was situation presented like everyone but two members may have to recuse themselves from a decision. You need to have a policy in place on how it's going to outsource its decision because you cannot vote if you do have a conflict of interest or apparent conflict of interest.

So it is really important to have these policies in place both at the state level and at the local level. And this is some of the areas that we have seen problems with in making some of the decisions and selecting some providers when there are conflict of interests. And there has been – be a re-procurement, which just takes time and you want to make sure the services can be delivered.

So that's my quick review of the conflict of interest and sunshine provisions. I'm going to turn it over to Annemarie Fasulo now who is, like I said earlier, the – she's new to our staff. She's the federal project officer for the Virgin Islands. And she's going to review, once again, some tricky questions. So think about these very carefully on some of the sunshine act provisions, the conflict of interest provisions. So Annemarie.

ANNEMARIE FASULO: Thank you, Jennifer. Good morning, everyone. We just have a few more knowledge check questions to review some key points that Jennifer just spoke about. OK.

According to the Sunshine Provision, the state workforce development board must make available to the public, upon request, information about the activities and functions of the state workforce development board, including the state plan or modification to the state plan prior to submission of the state plan or modification of the state plan.

Two, information regarding membership. Three, minutes of formal meetings at the state workforce development board upon request. State workforce development board bylaws as described at 679.110(d). Is this true or false? We'll give you a minute or so to record your answers.

OK. About 75 percent of you have selected the – oh. No. The answer is false. So only about 25 percent of you selected the correct answer, which is false. The state workforce development board must make available to the public on a regular basis through electronic means and open meetings information about the activities and functions of the state workforce development board, including the development of specific policies and the minutes of formal board meetings upon request.

If anybody has any questions, just go ahead and throw it in the chat room and we will answer them at the end.

Next review question. Any organization selected or otherwise designated to perform more than one function in a variety of roles must develop a written agreement with the local workforce development board and CEO to clarify how the organization will carry out its responsibilities. True or false? Again, we'll give you a minute or so.

OK. So it seems that the majority of people know that this one is true. Roles and responsibilities must be carried out while demonstrating compliance with WIOA and corresponding regulations relevant office of management and budget circulars and the state's conflict of interest policy.

And I believe we have one more question. And is a workforce development board member, who has a relative participating in the procurement, able to participate in the process? Yes or no?

OK. Folks, the answer is absolutely not. And this also includes deliberations. The workforce development board must disclose real or apparent conflicts of interest and disclose recusals of its members.

I believe that this brings us to our Q&A session of this presentation. So if you have any questions, just go ahead and put them in the chat.

MS. FRIEDMAN: So we do have a couple questions. So Ronetia, do you want to talk about an OSO?

MS. BACON: Sure. I believe we had a question in the chat. Someone – a couple folks wanted to know what OSO stood for. And that is One-Stop operator. So thanks. We said OSO in some of the slides and also One-Stop operator. But when we refer to OSO, we mean One-Stop operator.

MS. FRIEDMAN: So there's also a question that says for – I'll take this. Are there plans to allow virtual meetings to be acceptable under the sunshine laws? They are better than a conference call. And I would say that's a local or state policy decision. The regulations themselves say that they must be conducted business in an open manner is required. And they must make available to the public on a regular basis. As tricky question that Annemarie just went over. Electronic means and open meetings.

So how you define open meetings and how you're going to present it would be – it's going to be a state policy or in a local policy.

There's also another question about any suggestions on the workforce development board options for outsourcing a decision. I don't have any suggestions. I would ask if anyone in the chat has suggestions how they've done it. And also, we can gather in some – we can send the information gathering out after this and say, hey, this is a common question that came up during our session. Does any have any peer help and suggestions on how to do that?

Usually it's a third party or another agency. But other – ask your peers, whoever asked that question, is there any good policies out there? And we will definitely share that with you.

Due to – (inaudible) – of a board member avails their company of OJTs or the provider for youth services, should they recuse on any and all budget discussions and votes? So if – once again, we talked about in there if you have an interest – I want to go back to the slide. I'm sorry. I'm on the wrong here.

May not vote on an item where an individual family member has a financial interest or other conflict or have a relative participating in a procurement process. And then whether or not there's here, it's appearance for deliberation for the financial or other interests.

So if you have a financial interest or appearance of financial interest, in your policy you should have a conflicts of interest policy at the state or local board. I'm not sure it is. Then you would have apparent conflict and you should not be part of that decision making.

Any other questions?

MS. BACON: Jennifer, we have some folks typing in the chat but I haven't seen any questions come up yet. So we'll give folks a couple of minutes if they're trying to get their thoughts – type their thoughts out.

MS. FRIEDMAN: So there's a question about, "Please speak specifically about the sunshine laws." So if we go back to here. I'm sorry. These are the two regulations that talk about it. So I can – it says the state or local workforce. State is in 679.140 and local is 679.390. Must conduct business in an open manner as required by WIOA.

State workforce board must make available to the public on a regular basis through electronic means and open meetings information about the activities and function of the state workforce board, including the state plan or modification to state plan, information regarding membership, minutes of former meetings of the board upon request, and state bylaws. And that was for the state under the 140.

And it mirrors for the locals in the 390. I actually have my regulation book in front of me, tabbed, as I said earlier. And it mirrors the language for the local as it does for the state. Interchanging the state board versus local board.

So those are the actual – that's the actual language in the regulations. Although, the local boards, they do have similar information. They have the local plan modification, list affiliation of local board members, selection of the One-Stop operators. Award of grants or contracts to eligible training providers, minutes of the formal meetings, and the bylaws.

So those two regulation sections itself details what must – what it means by conducting in an open manner under WIOA.

So number six, Ronetia, has the – "Talk about the OSO or One-Stop operator certificates being referred to every three years." So you want to talk about that for a minute? OK.

Sorry. I think the question is about the OSO. So you have to certify the One-Stop operator every three years. That was the question I think that you're asking about. So that's the answer for there.

Here's a question that says if the spouse works at another non-profit, the workforce board can still contract funds of non-profit, but the workforce staff member must not recuse – must recuse himself from all voting – (inaudible). Yes. It cannot be – you cannot be part of the selection process for that provider for that non-profit.

MS. BACON: Jennifer, thanks for answering that question for me. I was talking to you guys on mute. I apologize.

MS. FRIEDMAN: That's OK. There's a question about state permission needed to local boards approve open meetings via virtual software. I think that's part of the local state policy issue and depending on how each state operates. And so I don't – I can look into that answer for that question for you.

But if a state has – there are rules about how meanings for locals should be operated and states might have a follow – will have to follow the state rules. Just depending on the state itself. I don't know how everything is written. I have to say I would need a little bit more detail on that. So I don't want to give you an actual answer.

So whoever that is, they want to email me and I can work with you and the state on that issue. Sure.

So we'll wait because some people are typing. But I wanted to highlight again for the next sessions if we're going to go back. I have the actual invitation available for the next session, which is in November. I'm going to give the wrong date out. I went too far down. On November 19, 2020 for high impact, strategic boards. The audience is for state workforce leaders, local workforce members and staff. And then December 10th.

The invitation for the November 19th will go out today or tomorrow to everyone who is actually on this session as well as the state and local member that send it out to earlier. We hope you'll join us for that one, and then also on December 10th.

I don't see any other questions right now. So I want to thank everyone for their participation. We had – my top count, I think we had 171 individuals on this call. So it was great to have everyone join us. It was nice to have everyone feedback in the comments section and also answering our questions. I want to thank you for that, making it interactive. It always makes it more lively when we actually have good feedback. And you guys were a great audience for that.

This is a foundations piece. This is a building block. This is the bottom level. And then the next two sessions we're going to talk about how you guys can be creative and innovative and the opportunities and really focusing on the I&O under the – under WIOA.

And so on behalf of everyone here –

MS. BACON: Jennifer?

MS. FRIEDMAN: Yes.

MS. BACON: Jennifer, I'm sorry. There is a question about the local workforce development board that was entered in the chat. And it was, "Can the local workforce development board determine on their own how many" – I guess it says how many – (inaudible) locations or One-Stop centers. I'm assuming that means can the local workforce development board determine on their own how many locations of One-Stop centers can be available.

MS. FRIEDMAN: I think that's in a consultation role, but I'll have to get back – we'll have to get back on that answer to everybody.

MS. BACON: OK. And how long will the November 19th session last?

MS. FRIEDMAN: They're scheduled for an hour and a half. This one didn't last the whole hour and a half. But they're scheduled for the hour and a half and they all start at 10:00. They're all from 10:00 to 11:30. We gave the extra time in case there are questions.

The content was developed to be about an hour and then give some time for the questions.

MS. BACON: Thanks, Jennifer.

MS. FRIEDMAN: All right. Well, thank you, everybody and have a great day.

(END)