

CHIEF ELECTED OFFICIALS BOARD  
MEETING MINUTES

JULY 29, 2015  
KIRKWOOD CENTER FOR LIFELONG LEARNING  
CEDAR RAPIDS, IOWA

CEO Board Members Present: Justin Shields

CEO Board Members Present by teleconference: John Harris, Bob Yoder, Travis Weipert, Kris Gulick, Linda Langston, Jon Bell, Jim Throgmorton, Don Frese, Jim Houser

STAFF: Carla Andorf, Kim Becicka, Scott Mather, Carlos Vega

The meeting was called to order by Chair Bob Yoder at 8:05 am. The CEO board met quorum.

Bob Yoder asked for a motion to approve the agenda. M/S/C, Linda Langston, Jim Throgmorton, agenda approved.

Carla Andorf reviewed the designation of local WIOA areas. Carla discussed the options with the CEO Board related to designating the local WIOA areas. Bob Yoder asked for a motion to approve the designation of local WIA areas which will maintain our local service area. M/S/C, Linda Langston, Jim Throgmorton, motion approved.

Carla Andorf reviewed the designation of local board members. Carla discussed the various board structure options. Bob Yoder asked for a motion to approve the designation of local board members and maintain the current board composition. M/S/C, Linda Langston, Jim Houser, motion approved.

Carla Andorf discussed the labor seat vacancy; the state is changing the nomination process and up until September 30 we will only need to submit one nomination. Discussion was held on approving a nomination for Patrick Loeffler. Bob Yoder asked for a motion to approve the nomination of Patrick Loeffler to fill the labor seat vacancy. M/S/C, Jim Houser, Linda Langston, motion approved.

Bob Yoder asked for a motion to adjourn the meeting. M/S/C, Linda Langston, Jim Houser, motion approved.

The meeting adjourned at 8:20 am.



**CEO MEETING  
WEDNESDAY, JULY 29, 2015  
8:00 AM – 9:00 AM**

**KIRKWOOD CENTER FOR LIFELONG LEARNING, LARGE CONFERENCE ROOM  
CEDAR RAPIDS, IOWA**

**AGENDA**

1. CALL TO ORDER
2. INTRODUCTION OF MEMBERS AND GUESTS
3. MOTION TO APPROVE AGENDA
4. MOTION TO APPROVE DESIGNATION OF LOCAL WIOA AREAS – CARLA ANDORF (SEE ATTACHMENT A)
5. MOTION TO APPROVE DESIGNATION OF LOCAL BOARD MEMBERS – CARLA ANDORF (SEE ATTACHMENT B)
6. DISCUSS NOMINATION IDEAS FOR OPEN LABOR SEAT – CARLA ANDORF
7. OTHER ITEMS
8. MOTION TO ADJOURN

**CONFERENCE CALL-IN INFORMATION:**

1. Dial 1-866-685-1580.
2. When prompted enter the conference code 0009991752 followed by #.

## Designation of Local WIOA Areas-SUMMARY

### Overview

- Current local WIA areas must request a local designation area under WIOA. The state board and Governor have issued a policy for completing. A local area can request to be a new area (add or subtract counties), or can continue with current area.
- If a WIA programs **performed successfully with sustained fiscal integrity** for the two years preceding WIOA, a letter from the RWIB and CEO requesting a continuation of the WIA local area designation into WIOA will be enough to designate the local area.
- The period this local area designation applies to is PY 2015 & PY 2016. (7/1/15 –6/30/17).

### Designation of new area (adding or removing counties from current 7 county area):

- If a local RWIB and CEO board wishes to designate a new area (different from what was the local area under WIA) several steps must be taken:
  - Evaluation of local labor market areas, economic development areas, federal and non-federal resources must be reviewed for new area. The upcoming strategic planning process next year will complete an evaluation of these items.
  - MOU between the CEOs of the new area and the service provider must be completed.
  - Public comment period for 60 days prior to designation which must happen by 10/1/15.
  - Request is sent to Director Townsend. The state workforce board will review and provide their recommendation to the Governor who will make a final determination.
  - The local board would need to change to comply with new WIOA law (increase membership to between 20-30 members) and align with new service area by 9/30/15.

### Initial Designation of local areas that have been designated under WIA and want to continue as WIOA local areas:

- Region 10 has performed successfully and sustained fiscal integrity for the 2 years prior to WIOA implementation. Therefore the Region 10 CEO and RWIB board may choose to request a continuation of the local designated area.
- If the local CEO and workforce boards submit a request for continuing their local area from WIA into WIOA, it **must** be approved by the Governor.
- The request must be submitted in a joint letter from the CEO and RWIB after a vote by both boards to approve a motion for the designation. Letter submitted to the Director by 9/4/15.

### Recommendation:

We recommend maintaining the local service area from WIA into WIOA for PY 15-PY 16 and evaluate whether a change to the local service area would be advisable upon completion of the strategic planning process to occur between 7/1/15-6/30/16. This would give the current board time to review data and change board composition to comply with new WIOA law and the new service area.

*Attached is full outline of process for designation of a local WIOA area.*

## State Workforce Investment Board

### Action Item

May 21, 2015

**AGENDA ITEM:** Designation of local WIOA areas

**BACKGROUND:** The WIOA statute permits currently designated local areas to request initial designation under WIOA in PY 2015 or PY 2016. Designations of newly formed local areas, such as those wishing to merge, may occur at any time. By July 1, 2015, the Governor, in consultation with the State Board, must develop a policy and procedure for the designation of all local areas, as well as a policy for the designation of new local areas. The Governor must approve the request if the entity was designated as a local area for purposes of WIA, performed successfully, and sustained fiscal integrity for the two years preceding the enactment of WIOA. If a local area is approved for initial designation, the period of initial designation applies to program years 2015 and 2016.

**RECOMMENDATION:** It is the request of the WIOA implementation team that the State Workforce Investment Board adopts the attached procedures as their recommendation to the Governor as the procedures for the designation of local areas and to direct IWD to immediately notify each local area of these procedures.

**Attachment: Procedures for Designation of Local Areas.**

## Procedures for Designation of Local Areas.

The purpose of a local area is to serve as a jurisdiction for the administration of workforce development activities using Adult, Dislocated Worker, and Youth funds allocated by the State and to coordinate efforts related to the other core programs at a local community level. WIOA Section 106(b) establishes that the Governor must designate local workforce development areas (local areas) in order for the State to receive Adult, Dislocated Worker, and Youth funding under Title I, subtitle B.

### 1. Designation of New local areas:

- a. At any time, the Chief Elected Official (CEO) and Regional Workforce Investment Board from any unit of general local government or combination of units may submit a request for designation as a workforce development area. The State Board must determine if the new local area meets the Governor's policy criteria. The request will include:
  - i. To what extent the new local area is consistent with local labor market areas;
  - ii. To what extent the new local area has a common economic development area;
  - iii. A description of federal and non-federal resources available in the new local area, including appropriate education and training institutions to administer activities under the Youth, Adult and Dislocated Worker formula programs under WIOA;
  - iv. Memorandum(s) of understanding between the CEO(s) of the new local area and local service providers, as described in the WIOA, section 121 (b), demonstrating commitment to integration and alignment of resources and services.
  - v. Consideration of comments received through a public comment process. The public comment period must provide at least 60 days for public comment prior to designation of the local workforce development area and provide an opportunity for representatives of interested business, education, and labor organizations to have input into the development of the formation of the local area.
- b. The request will be submitted to:

State Workforce Investment Board

Beth Townsend, Director

Iowa Workforce Development

1000 E. Grand Ave

Des Moines, IA 50319
- c. A recommendation, including the reason and conclusion, for approval or denial as a new local area will be made by the State Workforce Investment Board (SWIB) to the Governor. The SWIB may consult with any other stakeholders prior to issuing their

recommendation. The decision of the Governor will be final and sent to the Chief Elected Official for the New Local Area.

- d. Appeal:
  - i. An appeal must be filed to the SWIB at the address in (b) of this section within 30 days of the date of the letter from the Governor.
  - ii. The SWIB will provide an opportunity for the CEO at their next public meeting to present their request for designation as a new area.
  - iii. If the decision of the Governor and SWIB does not result in designation, the CEO may request review by the Secretary of Labor. The Secretary may require that the area be designated as a workforce development area, if the Secretary determines that the entity was not accorded procedural rights under the State appeals process or if the area meets the initial designation requirements at WIOA sec. 106(b)(2).

2. Initial designation of local areas that had been designated under WIA and want to continue as WIOA local areas.

- a. Chief Elected Officials (CEO) and Regional Workforce Investment Board (RWIB) of local areas that currently operate under WIA have the option of requesting local area designation status under WIOA. If the chief elected official and local board in a local area submits a request for initial designation, the Governor must approve the request if the entity was designated as a local area for purposes of WIA, performed successfully, and sustained fiscal integrity for the two years preceding the enactment of WIOA. If a local area is approved for initial designation, the period of initial designation applies to program years 2015 and 2016.
- b. A request for initial designation will be submitted in a joint letter from the CEO and RWIB, including a copy of approved board minutes where a majority of the CEO board and RWIB approved a motion for the initial designation as provided for in WIOA section 106(b)2.
- c. To provide for an orderly transition, the request will be submitted no later than September 4, 2015 to:

Beth Townsend, Director  
Iowa Workforce Development  
1000 E. Grand Ave  
Des Moines, IA 50319

- d. Each request will be evaluated based on the following:
  - i. Performed Successfully: For the purpose of initial local area designation, the term "performed successfully" means that the local area met or exceeded the levels of performance the Governor negotiated with the RWIB and CEO and the

local area has not failed any individual measure for the last two consecutive program years (PY 12 and PY 13) before the enactment of WIOA.

1. Meeting performance is defined as attaining at least 80% of the negotiated level of performance for any individual measure in both PY12 and PY13.
  2. Failing performance is defined as failing to attain at least 80% of the negotiated level of performance for any individual measure in both PY12 and PY13. Failing to meet an individual performance measure in either PY12 or PY13 and “meeting” performance for the same measure in the other program year is NOT defined as failing performance.
- ii. Sustained Fiscal Integrity: For the purpose of determining initial local area designation, the term "sustained fiscal integrity" means that the Secretary has not made a formal determination that either the grant recipient or the administrative entity of the area misexpended funds due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration for the two-year period preceding the determination.
- e. The decision of the Governor will be final and sent to the Chief Elected Official within 30 days of receipt by the Director of IWD.
- f. In the event the local area failed to meet either standard for initial designation, options will be presented to the SWIB for continued certification of the local area at the next available Board meeting. The SWIB will make their recommendation to the Governor. The decision of the Governor will be final unless appealed by the CEO within 30 days.
- g. Appeal: If the decision of the Governor does not result in designation, the CEO may request review by the Secretary of Labor. The Secretary may require that the area be designated as a workforce development area, if the Secretary determines that the entity was not accorded procedural rights under the State appeals process or if the area meets the initial designation requirements at WIOA sec. 106(b)(2).

## **SUMMARY-Designation of Local Board Members**

### Overview:

- Boards can elect to maintain their current composition except regions 3/4, 8 and 11 as they have newly created local areas since WIA implementation. Those three areas must comply with the new WIOA composition.
- All other local areas may elect to use the new composition or use the alternative entity. This includes Region 10.

### New WIOA composition:

- Identify differences in membership between the current board and minimum required composition. Gaps must be filled by September 30, 2015. Existing members who fulfill one of the required categories may be 'grandfathered' in. Members can fill more than one required category.
- By September 30, 2015 the CEO and RWIB must send a letter requesting certification to the Governor confirming the RWIB has been constituted as the law outlines. The letter will include the names of each voting and non-voting member, their sector, gender, county of residence and political affiliation and if any voting member is representing more than one sector.

### Alternative entity:

- Ensure all vacancies are filled and begin the process of filling openings.
- Each RWIB shall have 5 voting members from business, 5 voting members from labor, 1 from a county elected official, one city official, one representative of a school district and one representative from a community college.
- Gaps in composition must be filled no later than Sept 30, 2015. Existing members may be grandfathered. Local members may represent more than one entity.
- By September 30, 2015 the CEO and RWIB chairs will request certification by sending a letter to the attention of the Governor confirming that the RWIB has been constituted in accordance with these procedures. As well, the letter will include the names of each voting and non-voting member, their sector, gender, county of residence and political affiliation and if any voting member is representing more than one sector to Director Townsend.

### Recommendation:

We recommend maintaining the current WIA composition into WIOA, at least initially, until the board is able to complete a strategic planning process and identify if an expanded membership board through the new WIOA composition is best and to ensure the local designated service area is maintained. Changes to the local area, will require a change to board composition and compliance with the new WIOA local board requirements.

*Attached is full outline of process for designation of local board members.*



# State Workforce Investment Board

## Action Item

May 21, 2015

**AGENDA ITEM:** Designation of local board members

**BACKGROUND:** Training and Employment Guidance Letter 27-14 issued on April 15, 2015 requires that by July 1, 2015 the Governor, in consultation with the State Workforce Investment Board (SWIB), establish criteria for the selection and appointment of Regional Workforce Investment Board members. The minimum criteria for the composition of the Regional Workforce Investment Board (RWIB) are described in the WIOA section 107. As well, Section 107(i) allows the Governor to utilize an alternative entity that, “is established to serve the local area; was in existence on the day before the date of enactment of this Act, pursuant to State law; and includes representatives of business in the local area; and representatives of labor organizations, nominated by local labor federations; or other representatives of employees in the local area.

The current IWD merged Region 3-4, Region 8 and Region 11 RWIB and any newly created local areas, are required to comply with the composition described in Section 107(b)2 and to be in line with the State law Iowa Code 84A(4). However, all other local areas may elect to utilize the composition described in WIOA section 107(b)2 or use the alternative entity described in section 107(i).

**RECOMMENDATION:** It is the request of the WIOA implementation team that the State Workforce Investment Board adopts the attached procedures as their recommendation to the Governor as the procedures for the designation of local board members and to direct IWD to immediately notify each local area CEO and RWIB chair of these procedures.

Attachment: Procedures for Designation of Local Board Members.

## Procedures for Designation of Local Board Members

The Regional workforce Investment Board (RWIB) represents a wide variety of individuals, businesses, and organizations throughout the local area. The RWIB serves as a strategic convener to promote and broker effective relationships between the Chief Elected Officials (CEO) and economic, education, and workforce partners throughout the local area. The RWIB is responsible for developing a strategy to continuously improve and strengthen the workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs to promote economic growth. RWIB members must actively participate and collaborate closely with the required and other partners of the workforce development system, including public and private organizations. This is crucial to the RWIB's role to integrate and align a more effective, job-driven workforce development system.

The minimum criteria for the composition of the Regional Workforce Investment Board (RWIB) are described in the WIOA section 107. As well, Section 107(i) allows the Governor to utilize an alternative entity that, "is established to serve the local area; was in existence on the day before the date of enactment of this Act, pursuant to State law; and includes representatives of business in the local area; and representatives of labor organizations, nominated by local labor federations; or other representatives of employees in the local area.

The current IWD merged Region 3-4, Region 8, Region 11 RWIB and any newly created local areas, are required to comply with the composition described in Section 107(b)2 and to be in line with the State law Iowa Code 84A(4) (see attachment 1). However, all other local areas may elect to utilize the composition described in WIOA section 107(b)2 or use the alternative entity described in section 107(i).

### Selection and Appointment Process

1. IWD merged Region 3-4, Region 8, Region 11 and any newly created local areas
  - a. The CEO and RWIB chairs should immediately begin the processes of assessing the differences in current membership and the minimum required composition described in Attachment 1.
  - b. Any gaps in the composition of the new local board are to be filled no later than September 30, 2015. Existing members that satisfy one of the required categories may be "grandfathered".
  - c. Unlike the State Board, members of the Local Board may be appointed as a representative of more than one entity if the individual meets all the criteria for representation.
  - d. The process to fill all vacant positions is described in Attachment 2.
  - e. No later than September 30, 2015 the CEO and RWIB chair will request certification by sending a letter to the attention of the Governor confirming that the RWIB has been constituted in accordance with these procedures. As well, the letter will include the names of each voting and non-voting member, their sector, gender, county of residence and political affiliation and if any voting member is representing more than one sector.

Deliver to:

Beth Townsend, Director  
Iowa Workforce Development  
1000 E. Grand Ave  
Des Moines, IA

2. Regions selecting the Alternative Entity
  - a. The CEO and RWIB chairs should immediately begin the processes of ensuring that all vacancies are filled.
  - b. Each RWIB shall have five voting members from business and five voting members from labor, and shall include one county elected official, one city official, one representative of a school district, and one representative of a community college.
  - c. The board may appoint ex officio, nonvoting members. In order to solicit periodic, regular and meaningful input the board is encouraged to include:
    - i. At least one eligible provider administering adult education;
    - ii. An older worker nominated by a senior community service employment program;
    - iii. Economic and community development entities including community based organizations;
    - iv. The state Employment Service Office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and
    - v. The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or Part C of that title.
  - d. Any gaps in the composition of the local board are to be filled no later than September 30, 2015. Existing members that satisfy one of the required categories may be "grandfathered".
  - e. Unlike the State Board, members of the Local Board may be appointed as a representative of more than one entity if the individual meets all the criteria for representation.
  - f. The process to fill all vacant positions is described in Attachment 2.
  - g. No later than September 30, 2015 the CEO and RWIB chair will request certification by sending a letter to the attention of the Governor confirming that the RWIB has been constituted in accordance with these procedures. As well, the letter will include the names of each voting and non-voting member, their sector, gender, county of residence and political affiliation and if any voting member is representing more than one sector.

Deliver to:

Beth Townsend, Director  
Iowa Workforce Development  
1000 E. Grand Ave  
Des Moines, IA

## Attachment 1

1. The majority of the members of the Local Board must be representatives of business in the local area. At a minimum, two members must represent small business as defined by the U.S. Small Business 107(b)(2)(A) Administration. Business representatives serving on Local Boards may also serve on the State Board. Each business representative must meet the following criteria:
  - a. Be an owner, chief executive officer, chief operating officer, or other individual with optimum policymaking or hiring authority;
  - b. Provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA section 3(23); and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others (in the case of organizations representing business as per WIOA Sec. 107(b)(2)(A)(ii); and
  - c. Are appointed from among individuals nominated by local business organizations and business trade associations.
2. Not less than 20 percent of the members of the Local Board must be workforce representatives. These representatives
  - a. Must include two or more representatives of labor 107(b)(2)(B) organizations, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives;
  - b. Must include one or more representatives of a joint labor management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists; and may include:
  - c. In addition to the representatives enumerated above, the Board may include the following to contribute to the 20 percent requirement:
    - i. One or more representatives of community-based organizations that have demonstrated experience and expertise 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
    - ii. One or more representatives of organizations that 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.
3. The balance of Local Board membership must include:
  - a. At least one eligible provider administering adult education and (WIOA Section literacy activities under WIOA title II;
  - b. At least one representative from an institution of higher education providing workforce investment activities, including community colleges;

- c. At least one representative from each of the following governmental and economic and community development entities:
  - i. Economic and community development entities;
  - ii. The state Employment Service Office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
  - iii. The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or Part C of that title;
  - iv. At least one ex-officio member for each of the following categories:
    - 1. One county elected official;
    - 2. One city official; and
    - 3. One representative of a school district.
  - v. In addition to the representatives enumerated above, the Governor and CEO may appoint other appropriate entities in the local area, including:
    - 1. Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
    - 2. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
    - 3. Philanthropic organizations serving the local area; and
    - 4. Other appropriate individuals as determined by the chief elect
- 4. Following is a matrix for the minimum composition:
  - a. 10 - Business Representatives
  - b. 2 – Representatives of Labor
  - c. 1 - Representatives of a joint labor management, or union affiliated, registered apprenticeship program
  - d. 1 – Representative from either 2(a), 2(b), or 2(c) above.
  - e. 1- one eligible provider administering adult education
  - f. 1- one representative from an institution of higher education providing workforce investment activities, including community colleges
  - g. 1- Economic and community development entities
  - h. 1- Employment Service Office under the Wagner-Peyser Act
  - i. 1- programs carried out under title I of the Rehabilitation Act of 1973
  - j. At least 3 ex-officio members
    - One county elected official;
    - One city official; and
    - One representative of a school district

## Attachment 2

### Appointment Process

The process for making appointments to the local board is:

- 1) The CEO board or its designee must solicit nominations from the required business, labor, education, and governmental entities upon notification of a RWIB vacancy.
- 2) The nominating organization must complete and submit the nomination form to the CEO board.
  - a) WIOA requires that the business representatives be appointed from among individuals nominated by local business organizations and business trade associations.
  - b) Representatives from labor organizations will be appointed from among individuals who have been nominated from local labor federations.
  - c) All nominations for members which represent education must be made by local school districts or community colleges, respectively.
  - d) All nominations from business, labor and education must be made in writing with the signed approval of the required nominating organization.
  - e) All nominations for members who are county or city officials shall be made individually or collectively by the region's county boards of supervisors or mayors and city councils respectively.
  - f) The overall membership of the board must be balanced by gender and political affiliation consistent with Iowa code section 69.16 and 16.16A. To the extent possible the members should represent all counties within a region served by the board and both voting and non-voting members should represent persons with disabilities, minorities and older workers of the region.
  - g) Existing and future RWIB members do not have to be re-nominated unless required to do so by the CEO board of a region.
  - h) Nominations are valid for an unlimited time period unless the Local Elected Officials of a region set a specific time limit.
- 3) The CEO board must submit a list of nominees for a board vacancy to IWD. As future vacancies occur, the CEO board must submit nominations within 45 days of the vacancy. The CEO board must submit at least two nominees for each vacancy to IWD at the address listed below for the Governor's review:

Iowa Workforce Development  
Beth Townsend, Director  
1000 E. Grand Ave  
Des Moines, IA 50319
- 4) The Governor will review the list, add or delete nominees from the list and return the revised list to the CEO board within 45 days of receipt of the list by the department.
- 5) If the CEO board fails to submit nominations for a vacancy within the 45-day time period or fails to reach agreement locally on appointments to the board, the governor may appoint a person to fill the vacancy.

- 6) The CEO board will review the revised list and make the final selection of a person to fill a vacancy from the revised list. If the revised list of candidates is not acceptable to the board, the CEO board may submit new candidates to the Governor for consideration and repeat the process until a candidate is appointed.
- 7) The CEO board will send an appointment letter to the person selected to fill the vacancy on behalf of the chief elected officials and the governor within 30 days of receipt of the revised list and send a copy of the letter to IWD at the above address.
- 8) 9 In addition to taking immediate action to appoint a WIOA-compliant State Board, the Governor and State Board must establish criteria prior to July 1, 2015 that the CLEO must follow for the appointment of a WIOA-compliant Local Board. Development of the State criteria will enable CLEOs to make necessary appointments so that Local Boards can proceed with necessary local implementation activities.