

Administration and Governance

Contents

1.1.0.0 Iowa Workforce Development.....	4
1.1.1.0 Iowa Workforce Development Roles and Responsibilities.....	4
1.1.1.1 Identification of Regions	5
1.1.1.2 Designation of Local Areas	7
1.2.0.0 Chief Elected Officials.....	10
1.2.1.0 CEO Roles and Responsibilities	10
1.2.1.1 Appointment of Local Board Members	12
1.2.1.2 By-Laws	13
1.2.2.0 CEO Financial Liability.....	14
1.2.3.0 CEO Agreement/Shared Liability Agreement	15
1.3.0.0 Fiscal Agent Functions.....	17
1.3.1.0 Local Fiscal Agent Required Functions	17
1.4.0.0 Local Workforce Development Boards.....	18
1.4.1.0 Establishment of Local Boards	18
1.4.1.1 Submission of Nominations	18
1.4.1.2 Submission of Appointments	20
1.4.1.3 Reappointments.....	21
1.4.1.4 Change in Status.....	22
1.4.1.5 Vacancies	23
1.4.1.6 Mid-Term Appointment.....	24
1.4.1.7 Removal	25
1.4.2.0 Local Board Membership.....	26
1.4.2.1 Local Board Membership Requirements	26
1.4.2.2 Local Board Chairperson.....	29
1.4.3.0 Local Board Functions	30
1.4.3.1 Local Board Required Functions.....	30
1.4.3.2 Local Board as Provider of Training Services	34
1.4.3.3 Reserved for Future Use	35
1.4.4.0 Certification of Local Workforce Development Boards.....	36
1.4.4.1 Certification.....	36

1.4.4.2 Decertification.....	37
1.4.4.4 Appeals	38
1.4.5.0 Standing Committees	39
1.4.5.1 Standing Committee Roles and Responsibilities.....	39
1.4.5.2 Standing Committee Membership Requirements	40
1.4.6.0 Operations	41
1.4.6.1 Firewalls.....	41
1.4.6.2 Conflict of Interest.....	43
1.4.6.3 Sunshine Provision	45
1.4.6.4 Local Board Staff.....	46
1.4.7.0 One-Stop Operator Procurement	48
1.4.7.1 Role of the One-Stop Operator	48
1.4.7.2 Eligible Entities	49
<i>Effective date: TBD</i>	49
1.4.7.3 Allowable Methods for Competitive Procurement of the One-Stop Operator	50
1.4.7.4 Recordkeeping	54
1.4.7.5 Contracts.....	55
1.4.7.6 Avoiding One-Stop Operator Conflicts of Interest	56
1.4.7.7 Monitoring of One-Stop Operators	58
1.4.8.0 Selection of Providers of Career and Youth Services	59
1.4.8.1 Service Provider Procurement	59
1.4.8.2 Allowable Methods for Competitive Procurement of Service Providers	60
1.4.9.0-1.4.12.5 Reserved for Future Use	63
1.5.0.0 State Workforce Development Board.....	64
1.5.1.0 State Board Membership.....	64
1.5.1.1 State Board Membership Requirements	64
1.5.2.0 State Board Functions	66
1.5.2.1 State Board Roles and Responsibilities.....	66
1.5.2.2 State Board Voting Restrictions	68
1.5.2.3 State Board Staff	69
1.5.2.4 State Board By-Laws	70
1.5.2.5 State Board Meetings	71
1.5.2.6 Sunshine Provision	72

1.5.3.0 Standing Committees 73
1.5.3.1 State Board Standing Committee Roles and Responsibilities 73
1.5.3.2 State Board Standing Committee Membership Requirements 74

DRAFT

1.1.0.0 Iowa Workforce Development

1.1.1.0 Iowa Workforce Development Roles and Responsibilities

Effective date: TBD

The State, or Governor's designee, is responsible for the planning and implementation of the Workforce Innovation and Opportunity Act (WIOA).

Definitions

- **Governor's Designee:** Iowa Workforce Development (IWD), has been granted authority by the Governor to act as the lead state agency to assist in the administration of WIOA.

Primary Responsibilities

Under WIOA, IWD:

- Administers WIOA Title I and Title III programs
- Acts as the staff to the State Workforce Development Board
- Develops statewide policies
- Conducts annual monitoring reviews of local service delivery areas
- Determines eligibility of providers of training services who may receive training funds under WIOA Title I
- Provides oversight and technical assistance to local service delivery areas
- Reviews and approves local plans

Responsibilities in Consultation with the State Workforce Development Board

IWD, in consultation with the State WDB, is responsible for assisting the State WDB to fulfill the functions outlined in State Board Roles and Responsibilities*.

Responsibilities in Consultation with CEOs and Local WDBs

IWD is required to work in partnership with CEOs and Local WDBs to complete the following functions:

- Allocation of WIOA funds
- Development of a reorganization plan for the Local WDB, if a Local WDB is decertified
- Operation and certification of local American Job Centers (AJCs), including consultation with CEOs and Local WDBs regarding policies related to and funding of AJC infrastructure costs

Legal References

- [WIOA sec. 106, sec.107, sec.116, sec.121, sec.128](#)
- [20 C.F.R. §676.100, §679.130, §679.230, §679.370, §683.430, §683.410](#)
- [Iowa Code, Chapter 84A, Chapter84B.3](#)

*The published policy will link to policy 1.5.2.1 State Board Roles and Responsibilities, below.

1.1.1.1 Identification of Regions

Effective date: TBD

The purpose of identifying regions is to align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers.

The Governor shall identify:

- Which regions are comprised of one local service delivery area that is aligned with the region
- Which regions are comprised of two or more local service delivery areas that are collectively aligned with the region (referred to as planning regions)
- Which, of the planning regions, are interstate areas contained within two or more states, and consist of labor market areas, economic development areas, or other appropriate contiguous sub-areas of those States (referred to as interstate planning regions)

The Governor shall identify regions after consultation with the Chief Lead Elected Official and Local Workforce Development Boards and take into account the following factors:

- Consistency with natural labor market areas
- Consistency with regional economic development areas
- Existence of education and training providers, such as institutions of higher education and career and technical education schools
- Consistency with population centers
- Consistency with commuting patterns, which shows movement of workers from their residence to their workplace
- Industrial composition, including industry employment patterns (jobs by industry and share of total employment by industry)
- Labor force conditions, including labor force data and unemployment data

Purpose of Planning Regions

Planning regions are two or more local service delivery areas identified by the Governor which are collectively aligned within the region. The purpose of planning regions is to align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both individuals and employers. The development of comprehensive regional partnerships facilitates this alignment and provides support for the execution and implementation of sector strategies and career pathways.

Identification of planning regions is important, because regional economic development areas do not necessarily correspond to State, county, or local service delivery areas, or municipal boundaries. Planning regions are established in order to ensure that training and employment services:

- Support economic growth and related employment opportunities
- Meet the needs of individuals, including those with barriers to employment
- Meet the skill competency requirements of the region
- Meet the specific needs of regional employers and the skills they require

Identification of Regions

In addition to WIOA legislation and the State's criteria for the identification of regions, the following guidelines must be followed when identifying planning region:

- A single local service delivery area may not be split across two planning regions
- Local service delivery areas must be contiguous in order to be a planning region
- A local service delivery area may only be part of one planning region

Additional Considerations for Regional Planning

- Planning regions or local service delivery areas may engage in regional planning with other state's local service delivery areas for the purposes of that state's regional planning requirements
- Local service delivery areas identified as single area regions shall work with and coordinate with other local service delivery areas or planning regions who share a common labor market. Activities include, but are not limited to:
 - Identification of sector strategies
 - Development of strategies to serve common employers
 - Coordination of rapid response and/or layoff aversion activities

Provision of Data

The State will assist planning regions and single area regions in obtaining the necessary labor market data, operational data elements, and any other data that will support the process of regional or local planning. The State will also provide ongoing support to meet the purpose of regional and local planning.

Technical Assistance

Ongoing support, guidance, training and technical assistance on development of local and regional planning is available to all local service delivery areas. Requests for technical assistance may be sent to: WIOAgovernance@iwd.iowa.gov.

Legal References

- [WIOA sec. 106](#)
- [20 C.F.R. §679.200, §679.210](#)

1.1.1.2 Designation of Local Areas

Effective date: TBD

The purpose of a local service delivery area, each with its own Local Workforce Development Board (WDB), is to serve as a jurisdiction for the administration of workforce development activities and execution of Workforce Innovation and Opportunity Act (WIOA) Title I program funds allocated by the Governor through the State workforce agency (Iowa Workforce Development).

Local Service Delivery Area Designation

WIOA at 189(i)(1) states, "A State that has enacted, not later than December 31, 1997, a State law providing for the designation of service delivery areas for the delivery of workforce investment activities, may use such areas as local areas under this title, notwithstanding section 106." As a result of this provision, the State of Iowa follows Iowa Code Section 84B.3 to designate local areas as service delivery areas. This Code section allows that, after consultation with applicable Local WDBs and with the approval of the State WDB, IWD may designate local service delivery areas.

Considerations

IWD may designate or redesignate a local service delivery area in accordance with this policy, which includes consideration of the extent to which the proposed area:

- Is consistent with labor market areas in the State
- Is consistent with regional economic development areas in the State
- Has the Federal and non-Federal resources, including appropriate education and training institutions, to administer activities under WIOA subtitle B
- Is consistent with population centers
- Is consistent with commuting patterns that demonstrate movement of workers from their residences to their workplaces

Process for Designating Local Service Delivery Areas

IWD shall consult with Local WDBs. This consultation must include the opportunity for Local WDBs to provide input regarding the proposed designation.

IWD will consider all information gathered during the Local WDB consultation process and provide a recommendation for local service delivery area designation to the State WDB. The State WDB will issue a decision on the designation of local service delivery areas.

Local Service Delivery Area Review

IWD may review the designation of a local service delivery area at any time, but must review all local service delivery area designations prior to submitting the Combined or Unified State Plan during each four-year state planning cycle. Reviews are performed to ensure the local service delivery area is meeting the requirements for redesignation as it relates to:

- Consistency with labor markets in the State
- Consistency with regional economic development areas in the State
- Whether the local service delivery area has the Federal and non-Federal resources, including appropriate education and training institutions, to administer activities under WIOA subtitle B
- Consistency with commuting patterns that demonstrate movement of workers from their residences to their workplaces

- Whether the local service delivery area, in the prior two program years, met or exceeded the adjusted levels of performance for primary indicators of performance or the common measures
- Whether the local service delivery area has the capacity to manage funds, provide oversight of programs, and provide for the proper stewardship of public funds
- Whether the local service delivery area met the local planning requirements outlined in the state and local plans
- Whether a local service delivery area in a planning region met the regional planning requirements outlined in both the state and regional plans

If IWD's review determines that a local service delivery area or areas does not meet the requirements for redesignation, IWD, following established processes for local service delivery area designation, will redesignate or realign local service delivery areas to ensure compliance with WIOA legislation and state policies.

Appealing a Designation Decision

A Local WDB chair or Chief Lead Elected Official (CLEO) may appeal a designation decision to the State WDB within 30 calendar days of the date such designation is approved by the State WDB.

Appeals must include the following information:

- Intent or notice to appeal
- Name and contact information of the Local WDB chair or CLEO filing the appeal
- Provide justification for the appeal, including the reason the local service delivery area disagrees with the decision and a proposed alternative local service delivery area designation as outlined under the Local Service Delivery Area Designation section of this policy.
- Signature and date of the Local WDB chair or CLEO

The appeal must be submitted electronically to the State WDB at:

WIOAgovernance@iwd.iowa.gov.

The State WDB will review the appeal, provide the appellant with the opportunity for a hearing at the next regularly scheduled State WDB meeting, and make a ruling on the appeal within 30 calendar days of that meeting. The State WDB shall notify the Local WDB chair or CLEO in writing of its decision.

In accordance with the WIOA regulations, in the event the State WDB denies the appeal or fails to issue a decision within 30 calendar days following the State WDE meeting that considered the appeal, the Local WDB or CLEO may further appeal the State WDBs decision, or lack thereof, to the Secretary of the United States Department of Labor (USDOL). The appeal must be filed within 10 calendar days from the receipt of the written notification of the State WDBs denial or failure to issue a decision.

The appellant must establish in its appeal to the USDOL that the appellant was not afforded procedural rights under the appeal process set forth in this policy, or that it meets the requirements for local designation provided under state Local Service Delivery Area Designation criteria.

The appeal must be submitted by certified mail, with return receipt requested, to: Secretary, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DS 20210, Attention: ASET.

A copy of the appeal must be submitted to the State WDB at: WIOAgovernance@iwd.iowa.gov at the same time the appellant sends the appeal to USDOL.

Legal References

- [WIOA sec. 106](#)
- [20 C.F.R. §679.220, §679.230, §679.280, §679.290](#)
- [TEGL 27-14](#)

DRAFT

1.2.0.0 Chief Elected Officials

1.2.1.0 CEO Roles and Responsibilities

Effective date: TBD

The Workforce Innovation and Opportunity Act (WIOA) gives Chief Elected Officials (CEOs) significant authority to provide leadership with the development, operation and performance of local workforce development programs.

Definitions

- **Chief Elected Official (CEO):** The chief elected executive officer of a unit of general local government within a local service delivery area, which is the county board of supervisors chair, or a designated member of the board of supervisors.
- **Chief Lead Elected Official (CLEO):** Is the individual selected by the participating chief elected officials who may act on behalf of the other chief elected officials in a given local service delivery area. The CLEO shall be the State WDB's primary point of contact for disseminating information among CEOs within a local service delivery area. The CLEO shall also have such additional administrative responsibilities as designated by the Local WDB and State WDB.

Primary Responsibilities

Under WIOA, CEOs:

- Serve as the grant recipient for funds received under WIOA, unless they designate a grant subrecipient or fiscal agent.
- Assume financial liability for any grant funds determined to be misused or unallowable, even when alternate grant subrecipients or fiscal agents are appointed.
- Appoint members of the Local Workforce Development Board (WDB).
- Approve all significant actions of the Local WDB, including the:
 - Competitive selection of a one-stop operator and providers
 - Termination for cause of the one-stop operator or provider
 - Negotiated Memorandum of Understanding
 - Notification to Iowa Workforce Development (IWD) of the desire to provide career services, prior to requesting approval from IWD
 - Local WDB budget and administration

Responsibilities in Consultation with IWD

CEOs, in consultation with IWD, are responsible for significant structural, planning, operational and performance matters pertaining to the delivery of workforce services including the:

- Allocation of WIOA funds.
- Development of a reorganization plan for the Local WDB, if a Local WDB is decertified.
- Operation and certification of local American Job Centers (AJCs), including consultation with IWD regarding policies related to and funding of AJC infrastructure costs.

Responsibilities in Consultation with Local WDBs

CEOs are required to work in partnership with Local WDBs to assure the local workforce system responds to the local needs of employers in sectors critical to the local and regional economies, including by:

- Developing a local plan that meets local workforce development needs and the requirements of WIOA.
- Engaging in regional planning with other CEOs and Local WDBs designated by IWD as being in the same region.
- In conjunction with IWD, carrying out statewide Rapid Response activities using funds reserved by IWD, including additional assistance to local service delivery areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals.
- Negotiating local performance accountability measures under WIOA.
- Establishing and operating a fiscal accountability system.
- Conducting ongoing oversight of workforce development activities to assure appropriate management and use of funds and to maximize performance outcomes.

CEOs in local service delivery areas comprised of more than one unit of general local government are required to review their existing CEO Agreement/Shared Liability Agreement, at a minimum every four years, to ensure that it complies with this policy.

CLEO Notifications to IWD

CLEOs must notify IWD in the event any of the following occurs:

- Wish to grant a new subrecipient and/or fiscal agent.
- Change of signatory authority on contracts.
- Election of a new CLEO.
- Reconfiguration of a local service delivery area.

Notification must be submitted electronically to: WIOAgovernance@iwd.iowa.gov.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.310, §679.370](#)
- [Iowa Code, Chapter 84A](#)

1.2.1.1 Appointment of Local Board Members

Effective date: TBD

The Workforce Innovation and Opportunity Act (WIOA) authorizes the Chief Lead Elected Official (CLEO) to appoint Local Workforce Development Boards (WDBs), in accordance with Federal requirements as well as State criteria as outlined within this chapter. Iowa Workforce Development (IWD) shall certify, or address decertification, of Local WDBs every 2 years.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.350](#)
- [Iowa Code, Chapter 84A](#)

1.2.1.2 By-Laws

Effective date: TBD

The Chief Lead Elected Official (CLEO) in consultation with the Local Workforce Development Board (WDB) must establish by-laws, consistent with Local Board Membership Requirements*, that at a minimum address:

- The nomination process, including required documentation in accordance with Submission of Nominations**, used by the CLEO to select the Local WDB chair and members.
- The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year.
- The process and timeline to notify the CLEO of a Local WDB member vacancy to ensure a prompt nominee.
- The reappointment process and timeline to ensure compliance with membership composition requirements.
- The proxy and alternative designee process that will be used when a Local WDB member is unable to attend a meeting and assigns an alternate.
- The use of technology, such as phone and web-based meetings, that will be used to promote Local WDB member participation.
- The process to ensure Local WDB members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities.
- A description of any other conditions governing appointment or membership on the Local WDB as deemed appropriate by the CLEO.
- Conflict of interest statements, as well as address provisions for penalties, sanctions or other disciplinary actions for any direct violations of the Local WDB conflict of interest policy.
- Affirms compliance with Iowa's Sunshine laws.
- Recognizes the Local WDB has the authority to hire staff.
- Defines what constitutes a quorum.
- Establishes standing committees and other working groups to provide information and assist with carrying out responsibilities of the Local WDB.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.310](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.4.2.1 Local Board Membership Requirements, below.

**The published policy will link to policy 1.4.1.1 Submission of Nominations, below.

1.2.2.0 CEO Financial Liability

Effective date: TBD

The Chief Elected Official (CEO) is financially responsible for the use of Workforce Innovation and Opportunity Act (WIOA) funds, whether the CEO serves as the grant recipient or another entity is designated to serve in that capacity. In the case of multiple CEOs, all CEOs are jointly and severally liable for any improper expenditures. Designation of a Chief Lead Elected Official (CLEO) does not relieve the CEOs of financial liability. This means that the political jurisdiction of the CEO is liable for any misuse of WIOA grant funds allocated to the local service delivery area and must repay the State using non-federal funds for any improper or unallowable expenditures.

An agreement between the CEOs is required, in accordance with CEO Agreement/Shared Liability Agreement*.

The CEO Agreement/Shared Liability Agreement shall make explicit the local grant recipient arrangement and acknowledge the CEOs financial liability for WIOA funds. The CEO, or all CEOs in multiple CEO areas, are required to sign this agreement. Under this arrangement, funds flow to the entity selected by the CEOs to function as the grant subrecipient.

There must be a written agreement between the CLEO, the fiscal agent and the Local Workforce Development Board (WDB) to define the roles and responsibilities of the fiscal agent as described in Local Fiscal Agent Required Functions**, in accordance with CEO Agreement/Shared Liability Agreement*.

If an organization has been selected to perform the roles of both the one-stop operator and direct provider of career services, there must be a written agreement with the Local WDB and the CLEO to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA in accordance with Firewalls***, corresponding regulations, relevant OMB Circulars, Conflict of Interest**** and CEO Agreement/Shared Liability Agreement*.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.420, §679.430](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.2.3.0 CEO Agreement/Shared Liability Agreement, below.

**The published policy will link to policy 1.3.1.0 Local Fiscal Agent Required Functions, below.

***The published policy will link to policy 1.4.6.1 Firewalls, below.

****The published policy will link to policy 1.4.6.2 Conflict of Interest, below.

1.2.3.0 CEO Agreement/Shared Liability Agreement

Effective date: TBD

Local service delivery areas comprised of more than one unit of general local government must establish a written agreement, known as a Shared Liability Agreement, which determines how liability will be shared among the Chief Elected Officials (CEOs) in the local service delivery area.

Agreement Requirements

At a minimum, this written agreement shall include the following criteria, in accordance with CEO Financial Liability*:

- A description of the process and method the CEOs will use to determine the Chief Lead Elected Official (CLEO).
- A description of the process and method CEOs will use for the nomination, appointment, removal or reappointment of members to the Local Workforce Development Board (WDB), including each individual CEO's role in the appointment process and how appointments will be distributed between or among CEOs in the local service delivery area.
- Establish the process for naming the entity the CEOs designate as the grant recipient or grant subrecipient.
 - Establish the process for naming the entity the CEOs designate as the fiscal agent. When an alternate entity is designated as fiscal agent by the CEO, the agreement must define the roles and responsibilities of the fiscal agent, as described in Local Fiscal Agent Required Functions**.
- The method, formula, or other basis on which each unit of local government's liability for misspent funds or disallowed costs will be determined, including acknowledging that any required repayment of funds must be made from non-federal fund sources.
- A description of the process and method to be used to make all other significant decisions required pursuant to the responsibilities of CEOs under the Workforce Innovation and Opportunity Act (WIOA), in accordance with CEO Roles and Responsibilities***.
- How the CEOs will fulfill their responsibilities to partner with the Local WDB to:
 - Develop and submit the local plan
 - Provide WIOA program oversight
 - Select one-stop operators
 - Approve the Local WDB budget
 - Approve additional one-stop partners
 - Agree on the Memorandum of Understanding
- How the CEOs will consult with IWD to:
 - Negotiate local performance measures
 - Coordinate the development of a reorganization plan following any Local WDB decertification
 - Provide Rapid Response activities
 - Establish a fiscal management system
 - Any additional factors concerning activities in the local service delivery area funded by IWD or the United States Department of Labor

Additional Considerations

In addition to the requirements outlined above, this written agreement may include:

- Conflict of interest regarding the CEO and governing board of the fiscal agent and/or service provider(s)
- Internal dispute resolution process
- Communications strategy to share information from the CLEO to the CEOs in the local service delivery area
- Process for amendments or changes to the agreement

Lack of Agreement

If the CEOs are unable to reach agreement after a reasonable effort, the Governor may appoint the members of the Local Workforce Development Board (WDB) from individuals nominated or recommended. CEOs have 40 business days to reach/renew agreement(s) from the point in time in which a new CEO is identified/elected.

Submission of Agreement

The fully executed agreement must be submitted to IWD electronically at:

WIOAgovernance@iwd.iowa.gov.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.420](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.2.2.0 CEO Financial Liability, above.

**The published policy will link to policy 1.3.1.0 Local Fiscal Agent Required Functions, below.

***The published policy will link to policy 1.2.1.0 CEO Roles and Responsibilities, above.

1.3.0.0 Fiscal Agent Functions

1.3.1.0 Local Fiscal Agent Required Functions

Effective date: TBD

In order to assist in the administration of the grant funds, Chief Elected Officials (CEOs) may designate an entity to serve as a local fiscal agent. Designation of a fiscal agent does not relieve the CEOs of liability for the misuse of grant funds. If the CEOs designate a fiscal agent, they must ensure this agent has clearly defined roles and responsibilities.

The fiscal agent is responsible for the following functions:

- Receive funds
- Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with the Office of Management and Budget circulars, the Workforce Innovation and Opportunity Act and the corresponding Federal Regulations and State policies
- Respond to audit financial findings
- Maintain proper accounting records and adequate documentation
- Prepare financial reports
- Provide technical assistance to subrecipients regarding fiscal issues
- At the direction of the Local Workforce Development Board, the fiscal agent may also:
 - procure contracts or obtain written agreements
 - conduct financial monitoring on service providers and
 - ensure independent audit of all employment and training programs

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.420](#)
- [Iowa Code, Chapter 84A](#)

1.4.0.0 Local Workforce Development Boards

1.4.1.0 Establishment of Local Boards

1.4.1.1 Submission of Nominations

Effective date: TBD

The Chief Lead Elected Official (CLEO) in each local service delivery area shall appoint members to the Local Workforce Development Board (WDB) in accordance with Local Board Membership Requirements*, and the following criteria:

- The CLEO must contact appropriate businesses, workforce or educational entities, including chambers of commerce, labor representatives and local educational entities serving the local service delivery area, to request nominations for Local WDB membership.
- Business representatives are to be nominated by local business organizations and business trade associations. Such organizations may consist of local chambers of commerce or business councils.
- Labor representatives are to be nominated by local labor federations.
- When there are multiple providers of Adult Education and Literacy or institutions of higher education operating within the local service delivery area, the CLEO must solicit nominations from those providers and institutions, and appoint required representatives from among the individuals nominated. There is not a requirement that the Local WDB include a representative from each provider operating within the local service delivery area.

CLEOs in each local service delivery area must ensure that the Local WDB includes adequate representation of diversity in the following areas:

- In-demand industry sectors
- Geographic location within the local service delivery area
- Demographics including, but not limited to:
 - Gender
 - Race
 - Ethnicity
 - Disability

Chief Elected Officials (CEOs) must establish policies and procedures to facilitate all nominations, including a policy for selecting and rotating membership.

Required Documentation

When nominating an individual to serve on the Local WDB, all nominating organizations must complete and submit the following nomination documentation to the CLEO for member selection and appointment:

- A signed Conflict of Interest form
- A signed Member Nomination form
- A signed letter, which must come from the head of the organization the nominee represents, and must:

- Identify the individual being nominated
- Acknowledge the nominee's optimum policy making authority, as it aligns with a curriculum vitae, resume, or work history, to support the qualifications of the nomination
- Identify the individual's political affiliation

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.310, §679.350](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.4.2.1 Local Board Membership Requirement, below.

1.4.1.2 Submission of Appointments

Effective date: TBD

Completed appointment documentation for Local Workforce Development Board (WDB) membership must be submitted by the Chief Lead Elected Official (CLEO) to Iowa Workforce Development (IWD) for review. Documentation must be submitted electronically to: WIOAgovernance@iwd.iowa.gov.

Once documentation has been received, IWD will review and provide a response to the CLEO within 10 business days affirming the appointment to the Local WDB, or request additional information when the documentation submitted is insufficient to make a determination.

The appointee must not be appointed to the Local WDB until the CLEO has received confirmation from IWD that the appointment has been affirmed.

Lack of Agreement

If the Chief Elected Officials (CEOs) are unable to reach agreement after a reasonable effort, IWD may appoint the members of the Local WDB from individuals nominated or recommended.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.310, §679.350](#)
- [Iowa Code, Chapter 84A](#)

1.4.1.3 Reappointments

Effective date: TBD

The Chief Lead Elected Official (CLEO) is responsible for all reappointments. New nominations are required for all appointments from nominating organizations in accordance with Submission of Nominations*.

The CLEO must process reappointments within 60 business days from the effective date of the term expiration. During the 60-day period, the Local Workforce Development Board (WDB) will be able to legally act as a board and conduct business.

If the CLEO fails to reappoint a Local WDB member in a required category within 60 business days, the Local WDB will be out of compliance with membership composition requirements, and any business conducted shall not be considered legal, unless the Local WDB has a waiver in place in accordance with Vacancies**.

The CLEO must indicate both the official beginning date of the reappointment and the official term expiration date on the nomination form.

After the CLEO submits all necessary documentation, Iowa Workforce Development will affirm the nomination or request additional information in accordance with Submission of Appointments***.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.310, §679.350](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.4.1.1 Submission of Nominations, above.

**The published policy will link to policy 1.4.1.5 Vacancies, below.

***The published policy will link to policy 1.4.1.2 Submission of Appointments, above.

1.4.1.1 Change in Status

Effective date: TBD

Local Workforce Development Board (WDB) members who no longer hold the position or status that made them eligible to represent a specific sector on the Local WDB must resign or be removed by the Chief Lead Elected Official (CLEO) immediately as a representative of that entity. A resignation is not effective until it has been accepted by the CLEO.

Any changes to the membership of the Local WDB must be reported to Iowa Workforce Development within 10 business days from the date of the change. Notification of a change must be submitted electronically to: WIOAgovernance@iwd.iowa.gov.

Notification must include:

- The name of the Local WDB member
- The nature of the change (addition, removal, etc.)
- The organization represented
- Job title
- Category of inclusion (business, workforce, education & training, government/economic and community development, other)

New Local WDB member documentation submissions must be in accordance with Submission of Appointments*.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.320](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.4.1.2 Submission of Appointments, above.

1.4.1.5 Vacancies

Effective date: TBD

To best allow for comprehensive nominations, review, and appointment, Local Workforce Development Board (WDB) vacancies must be filled within 60 business days from the time the vacancy was created. The Chief Lead Elected Official in a local service delivery area is authorized to make all reappointments of members, in accordance with Reappointments*.

Local WDBs with vacancies exceeding 60 business days will be considered not in compliance with policy. Any action taken by a Local WDB, with a vacancy or term expiration beyond the time period identified in the Local WDB by-laws or later than the 60 business days per this policy shall be void, unless the Local WDB has a waiver in place.

Waiver Request

A Local WDB who has failed to fill a vacancy in a required category within 60 business days of the effective date of the vacancy, may request a waiver of the 60-day requirement.

Considerations when submitting a waiver request include:

- Waiver requests must be submitted prior to the expiration of the 60 business day requirement as outlined above.
- Approved waivers will allow for 40 additional business days from the date the waiver was approved to fill a vacancy.
- Local WDBs requesting a waiver for vacancies must submit a formal request to Iowa Workforce Development electronically at: WIOAgovernance@iwd.iowa.gov.
- The request must include what efforts have been put forth to fill the vacancy, and what additional efforts will be made to fill the vacancy within the approved timeframe.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.320](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.4.1.3 Reappointments, above.

1.4.1.6 Mid-Term Appointment

Effective date: TBD

Local Workforce Development Board members replacing outgoing members mid-term will serve the remainder of the outgoing members term.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.320](#)
- [Iowa Code, Chapter 84A](#)

DRAFT

1.4.1.7 Removal

Effective date: TBD

Local Workforce Development Board (WDB) members must be removed by the Chief Lead Elected Official in the event any of the following occurs:

- Documented violation of conflict of interest
- Failure to meet Local WDB member representation requirements, as defined in the Workforce Innovation and Opportunity Act and in accordance with Local Board Membership Requirements*
- Documented proof of fraud and/or abuse

Local WDB members may be removed for other factors outlined in the board by-laws such as attendance. Local WDBs are strongly encouraged to establish and enforce attendance guidelines for its members. The by-laws must define the specific criteria that will be used to establish just cause for such removal and the process that will be required to document proof, and the steps regarding filing an appeal and arbitration.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.320](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.4.2.1 Local Board Membership Requirements, below.

1.4.2.0 Local Board Membership

1.4.2.1 Local Board Membership Requirements

Effective date: TBD

The Workforce Innovation and Opportunity Act (WIOA) requires Iowa Workforce Development (IWD), in partnership with the State Workforce Development Board (WDB), to establish criteria for appointment of local board members to be used by the Chief Lead Elected Official (CLEO).

Included is the minimum criteria for Local Workforce Development Board (WDB) membership. Local WDBs must develop policies and procedures, as appropriate, to comply with the following requirements.

Local WDB Membership

The members of the Local WDB shall represent diverse geographic areas within the local service delivery area and represent employers whose employment opportunities reflect existing and emerging employment opportunities in the region. Local WDB members are required to be employed by the sector they represent.

1. The majority, at least 51 percent, of the members of the local WDB must be representatives of business in the local service delivery area. At a minimum, two of these members must represent small business as defined by the U.S. Small Business Administration. Business representatives serving on local WDBs also may serve on the State WDB. Each business representative must meet the following criteria:
 - a. Be an owner, chief executive officer, chief operating officer, or other individual with optimum policy-making or hiring authority.
 - b. Provide employment opportunities in in-demand industry sectors or occupations.
 - c. Representatives from private not-for-profit entities that operate as businesses and are employers may be considered business sector members on the local WDB. The not-for-profit entities should align with the key industry sectors for the state and the local service delivery area, as identified in the local plan.
 - d. Representatives from proprietary schools cannot be considered a business sector member.
2. Not less than 20 percent of the members of the Local WDB must be workforce representatives that, where possible, align with the key industry sectors for the state and the local service delivery area, as identified in the local plan. These representatives:
 - a. Must include two or more representatives of labor organizations, where such organizations exist in the local service delivery 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.
 - c. May include 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.

- d. May include one or more representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.
3. The Local WDB also must include:
 - a. At least one eligible training provider administering adult education and literacy activities under WIOA Title II.
 - i. If there are multiple eligible providers serving the local service delivery area under WIOA Title II, each representative on the Local WDB shall be appointed from among the individuals nominated by eligible local providers.
 - b. At least one representative from an institution of higher education providing workforce investment activities, including community colleges.
 - i. If there are multiple institutions of higher education serving the local service delivery area by providing workforce investment activities, each representative on the Local WDB shall be appointed from among individuals nominated.
 - 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 Wagner-Peyser Act which serves the local service delivery area, who is nominated by the director of the department of workforce development.
 - iii. A program carried out under Title I of the Rehabilitation Act of 1973 which serves the local service delivery area, who is nominated by the administrator of the division of vocational rehabilitation services of the department of education or director of the department of the blind, as appropriate.
 4. The membership of Local WDBs may include individuals or representatives of other appropriate entities in the local service delivery area, including:
 - a. 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.
 - b. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs.
 - c. Philanthropic organizations serving the local service delivery area.
 - d. Other appropriate individuals as determined by the CLEO.
 5. Members must be individuals with optimum policy-making authority within the entities they represent.
 6. The CLEO must establish a formal nomination and appointment process, for appointment of members of the Local WDBs, that ensures:
 - a. Business representatives are appointed from among individuals who are nominated by local business organizations and business trade associations.
 - b. Labor representatives are appointed from among individuals who are nominated by local labor federations (or, for a local service delivery area in which no employees are represented by such organizations, other representatives of employees).

- c. When there is more than one local service delivery area provider of adult education and literacy activities under WIOA Title II, or multiple institutions of higher education providing workforce investment activities, nominations are solicited from those particular entities.
7. An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation, including the criteria described in 2-6 above, for each entity.
 - a. All required Local WDB members must have voting privileges. The CLEO may convey voting privileges to non-required members.
8. The overall membership of the Local WDB must be balanced by gender and political affiliation. No more than one half, plus one of the total board membership may be composed of any one gender or political party. For example, if there were 10 total members, no more than 6 members could be any one gender or political party.
 - a. This requirement excludes members described in 3 c. ii-iii above.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.320](#)
- [Iowa Code, Chapter 84A](#)

1.4.2.2 Local Board Chairperson

Effective date: TBD

All Local Workforce Development Boards (WDBs) must have a board chairperson. The Local WDB chairperson is elected by the Local WDB and must be a business sector member of the board. The Local WDB may also choose to elect a vice-chairperson who can carry out the chairperson's functions should the chairperson be unavailable. The vice-chairperson must also be elected by the Local WDB and represent the business sector.

The chairperson shall chair Local WDB meetings and must ensure that the Local WDB functions properly, that there is full participation during meetings, that all relevant matters are discussed and that effective decisions are made and carried out. Local WDBs must develop additional policies and procedures, as appropriate, to comply with these requirements.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.320](#)
- [Iowa Code, Chapter 84A](#)

1.4.3.0 Local Board Functions

1.4.3.1 Local Board Required Functions

Effective date: TBD

The primary role of the Local Workforce Development Board (WDB) is to serve as a strategic convener to promote and broker effective relationships between the Chief Lead Elected Official (CLEO) and economic, education, and workforce partners throughout the local service delivery area. The Local WDB must develop strategies 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.

Once established and certified, each Local WDB must:

- Develop, submit and maintain a 4-year local plan for the local service delivery area, in partnership with the CLEO.
- If involved in a planning region, develop, submit and maintain a regional plan in collaboration with the other local service delivery areas within the region.
- Conduct workforce research and regional labor market analysis to include:
 - Analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development (including education and training) activities to include an analysis of the strengths and weaknesses (including the capacity to provide) of such services to address the identified education and skill needs of the workforce and the employment needs of employer.
 - Provide assistance to Iowa Workforce Development (IWD) in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region.
 - Other research, data collection, and analysis related to the workforce needs of the regional economy as the Local WDB, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its function.
- Convene, broker, and leverage workforce development system stakeholders to assist in:
 - The development of the local plan
 - Identifying non-Federal expertise and resources to leverage support for workforce development activities
 - Convening, brokering, and leveraging such functions at the direction of the Local WDB, or its standing committees
- Lead efforts to engage with a diverse range of employers and other entities in the region in order to:
 - Promote business representation (particularly representatives with optimum policy-making or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Local WDB.
 - Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities.
 - Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.

- Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.
- With representatives of secondary and postsecondary education programs, lead efforts to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
- Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers, including individuals with a barrier to employment and providing physical and programmatic accessibility in the American Job Center (AJC). Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
- Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and job seekers, by doing all of the following:
 - Facilitating connections among the intake and case management information systems of the AJC partner programs to support a comprehensive workforce development system in the local area.
 - Facilitating access to services provided through the AJC involved, including facilitating access in remote areas.
 - Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the AJC, such as improving digital literacy skills.
 - Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
- In partnership with the CLEO for the local area:
 - Conduct oversight of Workforce Innovation and Opportunity Act (WIOA) Title I programs and the AJC in the local area.
 - Ensure the appropriate use and management of the funds provided WIOA Title I and the AJC in the local area.
 - Ensure the appropriate use and management, and investment of funds to maximize performance outcomes.
- Negotiate and reach an agreement on local performance indicators with the CLEO and IWD.
- Negotiate with the CLEO and required partners on the methods for funding the infrastructure costs of AJCs.
- Select the following providers in the local area, and where appropriate terminate such providers:
 - Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established), in accordance with Service Provider Procurement*.
 - If the Local WDB determines there is an insufficient number of eligible training providers in a local area, the Local WDB may award contracts on

*The published policy will link to policy 1.4.8.1 Service Provider Procurement, below.

**The published policy will link to policy 1.4.8.2 Allowable Methods for Competitive Procurement of Service Providers, below.

DRAFT

1.4.3.2 Local Board as Provider of Training Services

Effective date: TBD

A Local Workforce Development Board (WDB) is prohibited from providing training services, unless granted a waiver by Iowa Workforce Development (IWD) and agreed upon by the Chief Lead Elected Official (CLEO).

Waiver Request Requirements

Waiver requests must include the following information:

- Documented agreement of the CLEO.
- Satisfactory evidence that there is an insufficient number of eligible providers of such a program of training services to meet local demand in the local service delivery area.
- Information demonstrating that the board meets the requirements for an eligible provider of training services.
- Information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local service delivery area.
- Proof that the Local WDB made the proposed request for a waiver available to eligible training providers and other interested members of the public for a public comment period of not less than 30 days.
- Any comments received during the public comment period in the final request for the waiver.

Submission of Waiver Request

Local WDBs final request for the waiver must include evidence and information on all items outlined above under Waiver Request Requirements. Waiver requests must be submitted electronically to: WIOAgovernance@iwd.iowa.gov.

IWD shall review the documentary evidence submitted by the Local WDB and shall request any additional information or conduct any investigation necessary to render a decision. IWD will issue a written decision/response within 20 business days of the receipt of the waiver.

Duration of Approved Waiver

A waiver granted to a Local WDB applies for a period that must not exceed the duration of the local plan. The waiver may be renewed for additional periods under subsequent local plans, however may not exceed the durations of such subsequent plans, pursuant to requests from the Local WDB, if the Local WDB meets the requirements outlined above in making the requests.

IWD may revoke the waiver if it is determined the waiver is no longer needed or that the Local WDB involved has engaged in a pattern of inappropriate referrals to training services operated by the Local WDB.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.410](#)
- [Iowa Code, Chapter 84A](#)

1.4.3.3 Reserved for Future Use

DRAFT

1.4.4.0 Certification of Local Workforce Development Boards

1.4.4.1 Certification

Effective date: TBD

Iowa Workforce Development shall, once every two years, certify one Local Workforce Development Board (WDB) for each local service delivery area in the state.

Certification is based on the following criteria:

- Membership of the Local WDB is compliant with the membership criteria outlined in Local Board Membership Requirements*.
- During the most recent period of certification, the Local WDB has ensured positive outcomes for workforce investment activities carried out in the local service delivery area, including successful attainment of performance accountability measures and achievement of sustained fiscal integrity.

Required Documentation

A complete Local WDB certification submission requires the following documents:

1. CEO Conflict of Interest Attestation
2. Member Conflict of Interest Attestation
3. Composition Summary
4. Alternates Roster
5. CEO Agreement
6. Fiscal Agent Agreement
7. Copy of each Calendar Year's Meeting Schedule

All Local WDB certification materials must be submitted electronically to: WIOAgovernance@iwd.iowa.gov by June 1 of the certification year.

Certification Notification

Once documentation has been received, Iowa Workforce Development will review and provide a response to the Local WDB within 10 business days affirming their certification, or request additional information when the documentation submitted is insufficient to make a determination.

Failure to Achieve Certification

Failure of a Local WDB to achieve certification shall result in appointment and certification of a new Local WDB for the local service delivery area.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.310, §679.350](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.4.2.1 Local Board Membership Requirements, above.

1.4.4.2 Decertification

Effective date: TBD

Iowa Workforce Development (IWD) may decertify a Local Workforce Development Board (WDB) at any time after providing notice to, and an opportunity for comment, from the Chief Lead Elected Official (CLEO) and Local WDB, which will last no less than 20 business days in the event of:

- Fraud or abuse
- Failure to carry out the functions outlined in Local Board Required Functions*
- Failing to meet local performance accountability measures in the local service delivery area for two consecutive program years

If IWD decertifies a Local WDB, IWD may require that a new Local WDB be appointed and certified for the local service delivery area pursuant to Reorganization Plan**.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.310, §679.350](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.4.3.1 Local Board Required Functions, above.

**The published policy will link to policy 1.4.4.3 Reorganization Plan, below.

1.4.4.4 Appeals

Effective date: TBD

If a Local Workforce Development Board (WDB) is denied certification or is decertified, the Local WDB and the Chief Lead Elected Official (CLEO) may appeal the decision within 10 business days of receipt of the notice.

Appeals must include the following information:

- An introduction identifying the appellant and designating the letter as a formal appeal.
- Identify the basis for the appeal, including the reasons(s) certification or recertification should be granted, or decertification should not be made.
- Signature and date of the CLEO.

The appeal must be submitted electronically to Iowa Workforce Development (IWD) at: WIOAgovernance@iwd.iowa.gov.

IWD shall review the documentary evidence submitted by the Local WDB and the CLEO and shall request any additional information or conduct any investigation necessary to render a decision. IWD will issue a written decision/response within 30 business days of the receipt of the appeal.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.310, §679.350](#)

1.4.5.0 Standing Committees

1.4.5.1 Standing Committee Roles and Responsibilities

Effective date: TBD

Standing committees may be established by the Local Workforce Development Board (WDB) to provide information and assist the Local WDB in carrying out its responsibilities. Local WDBs must develop policies and procedures, as appropriate, to comply with the standing committee membership requirements in accordance with Standing Committee Membership Requirements*.

Standing committees may include:

- A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include representatives of the American Job Center partners.
- A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which must include community-based organizations with a demonstrated record of success in serving eligible youth.
- A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports or accommodations to, and finding employment opportunities for individuals with disabilities.
- Other standing committees as determined by the Local WDB.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.360](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.4.5.2 Standing Committee Membership Requirements, below.

1.4.5.2 Standing Committee Membership Requirements

Effective date: TBD

Included is the minimum criteria for Local Workforce Development Board (WDB) standing committee membership. Local WDBs must develop policies and procedures, as appropriate, to comply with the following requirements.

Standing committees must:

- Be chaired by a business representative of the Local WDB
- Include other members of the Local WDB
- Include other individuals who the Local WDB determines to have appropriate experience and expertise, including:
 - Workplace learning advisors
 - Individuals who contribute to the field of workforce development, human resources, training and development, or a core program function
 - Individuals who the Local WDB recognize for valuable contributions in education or workforce development related fields
 - Additional individuals as determined appropriate by the Local WDB

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.360](#)
- [Iowa Code, Chapter 84A](#)

1.4.6.0 Operations

1.4.6.1 Firewalls

Effective date: TBD

The possibility that a conflict of interest may arise is inherent when entities are performing, or seeking to perform multiple functions within the workforce development system.

To ensure conflict of interest is minimized, no single organization or entity may perform multiple roles within the one-stop delivery system, including fiscal agent, one-stop operator, direct provider of career services and/or youth workforce investment activities, and/or staff to the board. However, a single organization or entity may perform the roles of both the one-stop operator and director provider of career services and/or youth workforce investment activities.

Proper firewalls must be in place to ensure a complete separation of duties. Firewalls must also be in place to ensure the transparency and integrity of staff fulfilling multiple roles and multiple functions. Organizations performing the functions of one-stop operator and direct provider of career services and/or youth workforce investment activities must have adequate organizational separation between and among those functions; separate staff must perform the duties of each function.

Any organization or entity that has been selected to perform the functions of one-stop operator and direct provider of career services and/or youth workforce investment activities in a local service delivery area must develop a written agreement with the Local Workforce Development Board (WDB) and the Chief Lead Elected Official (CLEO) to clarify how the organization will carry out its responsibilities while demonstrating compliance with:

- The Workforce Innovation and Opportunity Act, and corresponding regulations
- Uniform Guidance
- Conflict of interest policies of the state, in accordance with Conflict of Interest*
- Conflict of interest policies of the organization or entity performing multiple functions

Firewalls and the Procurement Process

With respect to the procurement process, proper firewalls must demonstrate to the public, as well as to Iowa Workforce Development, that the selection process was impartial and that no preferential treatment was given to the awardee at any stage in the process.

No entity or individual who has any role in the issuance of a solicitation may compete or submit a proposal under that procurement action, including the:

- Development of requirements
- Drafting the Request for Proposals or Invitation for Bid
- Evaluation of proposals and/or bids
- Identification of a best entity

If the Local WDB plans on submitting a proposal, for firewalls to be effective and efficient, there must be a complete separation in duties and an alternate entity must be identified to assist.

When establishing firewalls:

- Ensure that conflict of interest and/or financial disclosure forms are up-to-date for all members and individuals involved in more than one role, function or procurement action.
- Update firewall and conflict of interest policies when new procurement actions arise.
- Provide reasonable assurance that the separation of duties is enforced from all areas of the local workforce system.

Local firewalls policies and procedures must be submitted electronically to:
WIOAgovernance@iwd.iowa.gov.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.430, §683.200, §683.220](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.4.6.2 Conflict of Interest, below.

1.4.6.2 Conflict of Interest

Effective date: TBD

A member of a Local Workforce Development Board (WDB), or a member of a standing committee:

- May not vote on, nor participate in any decision-making capacity, on any matter under consideration by the Local WDB regarding the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or that member's immediate family.
 - Immediate family includes any person related within the first degree of affinity (marriage) or consanguinity (blood) to the person involved.
 - If a Local WDB member, or a member of their immediate family, has a substantial interest in or relationship to a business entity, organization, or property that would be affected by any official action of the Local WDB, that member shall disclose the nature and extent of the interest or relationship and shall abstain from voting on or in any other way participating in the decision on the matter.
 - An individual, or a member of their immediate family, is considered to have substantial interest in a business entity if:
 - They own 10 percent or more of the voting stock or shares of the business, owns 10 percent or more, or owns \$5,000 or more of the fair market value of the business.
 - Funds received by the individual from the business exceed 10 percent of the person's gross income for the previous year.
 - An individual, or a member of their immediate family, is considered to have substantial interest in real property if the interest is an equitable or legal ownership with fair market value of \$2,500 or more.
- May not engage in any other activity determined by Iowa Workforce Development (IWD) to constitute a conflict of interest as specified in the State plan.
- Must publicly disclose to the Local WDB if he/she has a real or perceived conflict of interest prior to discussion.
- Must disclose in writing any potential conflict of interest to IWD.
 - Potential conflicts of interest must be submitted electronically to: WIOAgovernance@iwd.iowa.gov.

Neither membership on the Local WDB, or a standing committee, nor the receipt of Workforce Innovation and Opportunity Act funds to provide training and related services, by itself, violates conflict of interest provisions.

Each representative serving on the Local WDB is required to have a current, signed Conflict of Interest form on record with the Local WDB and with IWD. Conflict of Interest forms shall be renewed during each Local WDB Recertification, and shall be provided to IWD at that time as outlined in Certification*.

For any individual joining the Local WDB between recertification periods, a signed Conflict of Interest form must be submitted electronically to IWD within 20 business days of the member's appointment to: WIOAgovernance@iwd.iowa.gov.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.430, §683.200, §683.220](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.4.4.1 Certification, above.

DRAFT

1.4.6.3 Sunshine Provision

Effective date: TBD

Local Workforce Development Boards (WDBs) shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the Local WDB, including:

- Information regarding the local plan, or modification of the local plan, prior to submission of the plan.
- Information regarding Local WDB membership, including the name and affiliation of each member.
- Local WDB by-laws.
- Designation and certification of one-stop operators.
- Award of grants or contracts to eligible training providers of workforce investment activities, including providers of youth workforce investment activities.
- Minutes of formal meetings of the Local WDB.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.390](#)
- [Iowa Code, Chapter 84A](#)

1.4.6.4 Local Board Staff

Effective date: TBD

The Local Workforce Development Board (WDB) may hire a director and other staff to assist in carrying out the functions described in Local Board Required Functions*.

Qualifications

The Local WDB must establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively carrying out the functions of the Local WDB.

Payment Limitations

The director and staff hired by the Local WDB are subject to limitations on the payment of salaries and bonuses. Recipients and/or subrecipients who receive funds under Title I of the Workforce Innovation and Opportunity Act (WIOA) must not use such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code. This limitation does not apply to vendors providing goods and services as defined in the Office of Management and Budget Circular A-133.

Staffing Restrictions

The individual or entity who is designated to fulfill the role of director must not be:

- The WIOA Title III provider of Wagner-Peyser employment services
- The WIOA Title I provider of career and/or youth services
- Directly involved in the delivery of services as the One-Stop Operator
- The fiscal agent

Additional Considerations

- If the Local WDB does not hire or designate a director, all the functions of the Local WDB described in Local Board Required Functions* shall be carried out by the Local WDB itself. This role must not be fulfilled by:
 - The WIOA Title III provider of Wagner-Peyser employment services
 - The WIOA Title I provider of career and/or youth services
 - Any individual directly involved in the delivery of services as the One-Stop Operator
 - The fiscal agent
- The director and other staff hired by the Local WDB may be employed directly by the Local WDB or by another entity or organization given they are not:
 - The WIOA Title III provider of Wagner-Peyser employment services
 - Employed by the WIOA Title I provider of career and/or youth services
 - Employed by the One-Stop Operator
 - The fiscal agent
- The general prohibitions that apply to local boards directly providing career services and/or youth workforce investment activities also applies to Local WDB staff.

Legal References

- [WIOA sec. 107, sec. 194](#)

- [20 C.F.R. §679.400, §679.410, §679.430](#)
- [United States Code, Title 5, Section 5313](#)
- [OMB Circular A-133](#)

*The published policy will link to policy 1.4.3.1 Local Board Required Functions, above.

DRAFT

1.4.7.0 One-Stop Operator Procurement

1.4.7.1 Role of the One-Stop Operator

Effective date: TBD

The primary role of a one-stop operator is coordinating service delivery among the partners in the one-stop system. Local Workforce Development Boards (WDBs) may establish additional roles for the one-stop operator.

One-stop operators may not perform the following functions:

- Convene system stakeholders to assist in the development of the local plan
- Prepare and submit local plans
- Be responsible for oversight of itself
- Manage or significantly participate in the competitive selection process for one-stop operators
- Select or terminate one-stop operators, career service providers, and youth providers
- Negotiate local performance accountability measures
- Develop and submit budgets for activities of the Local WDB in the local service delivery area

One-stop operators must comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.

Legal References

- [WIOA sec. 107, sec. 121](#)
- [20 C.F.R. §678.620](#)
- [TEGL 15-16](#)

1.4.7.2 Eligible Entities

Effective date: TBD

The one-stop operator must be a public, private, nonprofit entity or a consortium of entities in the local service delivery area. A consortium must include at least three or more of the required one-stop partners. Entities selected and serving as one-stop operators are sub-recipients of a Federal award; therefore, they must follow the Uniform Guidance.

The types of entities that may serve as one-stop operators include but are not limited to:

- A public, private, for-profit or nonprofit organization
- An institution of higher education
- Non-traditional public secondary schools, night schools, adult education schools, career and technical education schools
- An employment service state agency established under the Wagner-Peyser Act
- A government agency
- A Local Workforce Development Board, with approval from the Chief Lead Elected Official (CLEO) and the Governor
- Local chambers of commerce, business organizations, or labor organizations
- Indian Tribes

Legal References

- [WIOA sec. 121](#)
- [20 C.F.R. §678.400](#)
- [2 C.F.R. Part 200](#)
- [TEGL 15-16](#)

1.4.7.3 Allowable Methods for Competitive Procurement of the One-Stop Operator

Effective date: TBD

The Workforce Innovation and Opportunity Act (WIOA) requires Local Workforce Development Boards (WDBs) to use a competitive process for the selection of a one-stop operator for the system, and to support continuous improvement through the evaluation of one-stop operator performance and the re-competition of operators every four years.

Competition is intended to promote the efficiency and effectiveness of one-stop operators by providing a mechanism for Local WDBs to regularly examine performance and costs against original expectations.

Non-Federal entities are required to use the following methods of procurement to select a one-stop operator through a competitive process:

- Sealed Bids, (formal advertising), such as an invitation for bids (IFB)
- Competitive Proposals, such as a request for proposals (RFP)

Sole source must only be pursued after a minimum of two attempts to competitively procure, including one attempt that combines the procurement of the one-stop operator with the selection of the Adult and Dislocated Worker service provider.

Sole Source

Local WDBs may select a one-stop operator through sole source selection only under the criteria outlined in WIOA. The Local WDB must follow its local sole source policies and procedures, the Uniform Guidance, and State policy. Local WDBs that use the sole source selection process must prepare and maintain written documentation describing the entire process of making such a selection.

Sole source procurement can only be utilized when:

- The item or service is available only from a single source.
- The public exigency or emergency for the item or service will not permit a delay resulting from competitive solicitation.
- The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.
- After solicitation of a number of sources, competition is determined to be inadequate, whether for reasons of number or quality of proposals/bids.

Local WDBs requesting to use sole source procurement for one-stop operators must submit a formal request to Iowa Workforce Development electronically at:

WIOAgovernance@iwd.iowa.gov.

The request must include justification that all other options were exhausted and identify the reason for sole source. The Local WDB must identify the timeline and the activities performed prior to the sole source request, and must certify that all appropriate measures consistent with the WIOA and this policy have been taken.

The following documentation should also be included with the request for sole source:

- Copy of the RFP or IFB

- Proof of the announcement medium used (newspaper, social media)
- Documentation showing how long the announcement was posted
- The name of the entity to which the sole source is to be awarded
- Documentation showing that the entity has the capacity and ability to perform the one-stop operator functions

Procurement Standards

When the State conducts the competitive procurement process for the Local WDB, it must follow the same policies and procedures it uses for procurements with non-federal funds, to include appropriate protections from conflict of interest, per the State's own procurement policies and procedures.

All other non-Federal entities, including entities that receive funding from a State (such as Local WDBs), must use a competitive process to select a one-stop operator that is based on local procurement policies that are consistent with the procurement standards of the Uniform Guidance.

General procurement requirements under WIOA must be followed as part of the competitive process. The requirements must be consistent with the Uniform Guidance, and include:

- **Written Policies and Procedures**
 - Such policies and procedures must describe the competitive process for selecting a one-stop operator and the manner in which it will address the settlement of all contractual and administrative issues, such as protests, appeals, and disputes.
 - The policies must also outline a timetable to ensure that the selection of a one-stop operator through a competitive process is conducted every four years.
- **Appropriate Methods of Procurement for Competitions**
 - Non-Federal entities are required to use the methods of procurement described at 2 CFR 200.320 when selecting a one-stop operator which are:
 - Sealed Bids
 - Competitive Proposals
 - Sole Source
- **Full and Open Competition**
 - A funding level range or an up to amount must be provided in the RFP that ensures the responsibilities in the Statement of Work can be performed.
 - Such competition must be conducted for all procurement transactions.
 - Written procedures must allow for sufficient time for all phases of the procurement process to be carried out in a manner that would not unduly restrict competition.
 - The RFP must be open for a minimum of 20 business days.
 - Pre-qualified lists must be current and include enough qualified sources to ensure open and free competition, and must not preclude bidders and offerors from qualifying during the solicitation period.
 - Procurements that are in excess of the simplified acquisition threshold (currently set at \$150,000 by 48 CFR 2.1) cannot use the small purchase procurement.
 - Entities performing a competitive procurement must ensure the proposed costs of the one-stop operator are allowable, meaning that they are reasonable, necessary and allocable.

- Restricting competition is not allowed. Activities that may be considered to be restrictive of competition include, but are not limited to:
 - Placing unreasonable requirements on firms in order for them to qualify to do business.
 - Requiring unnecessary experience and excessive bonding.
 - Non-competitive pricing practices between firms or between affiliated companies.
 - Non-competitive contracts to consultants that are on retainer contracts.
 - Organizational conflicts of interest.
 - Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement.
 - Any arbitrary action in the procurement process.
- Standards of Conduct
 - Each Local WDB must have written standards of conduct that require fairness, objectivity, ethical standards and other related standards of conduct during all phases of the procurement process, and must address:
 - Mitigating apparent or real conflicts of interest. Conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated has a financial or other interest or a tangible personal benefit from a firm considered for a contract.
 - Disclosure of any real or apparent conflict of interest, whether individual, or organizational. Written standards of conduct must identify the process for recusal of individuals or organizations that are members of the Local WDB who disclose a real or apparent conflict of interest.
 - A description of the firewalls and internal controls to mitigate conflict of interest in circumstances including, but not limited to, situations where an entity acts in more than one role in the one-stop delivery system or performs more than one function in the procurement process, as well as situations where the non-federal entity uses a sole source selection.
 - Confidentiality of the information contained in the proposals submitted for consideration.
 - Not allowing any entity that develops or drafts specifications, requirements, statements of work, IFBs or RFPs, and evaluation of proposals to compete under the procurement.
- Transparency and Responsibility
 - The procurement process must be conducted with transparency and responsibility from the planning phase to the closeout phase.
 - Information about the selection and certification of the one-stop operators must be made available to the public on a regular basis through electronic means and open meetings, in accordance with Sunshine Provision *.
 - Information must also be made available to auditors and Federal reviewers. This provides an avenue for public comment and participation in the process.
 - When selecting an entity as the one-stop operation, the Local WDB must consider the entity’s programmatic and fiscal integrity, compliance with public policy, record of past performance and other factors that demonstrate transparency and responsibility.

- The Local WDB must also ensure that any entity is not debarred, suspended, or otherwise excluded from or ineligible to participate in Federal assistance programs or activities.

Legal References

- [WIOA sec.101, sec.107, sec.121](#)
- [20 C.F.R. §678.605, §678.610, §679.430](#)
- [2 C.F.R. Part 200](#)
- [TEGL 15-16](#)

*The published policy will link to policy 1.4.6.3 Sunshine Provision, above.

1.4.7.4 Recordkeeping

Effective date: TBD

Local Workforce Development Boards (WDBs) must prepare written documentation explaining the competitive process for selecting a one-stop operator. States and Local WDBs must also maintain sufficient records to detail the history of procurement. Records must be retained for a period of three years.

These records must include, but are not limited to the following:

- All proposals/bids received
- Ratings of those proposals
- Rationale for the method of procurement
- Selection of agreement or contract type
- Selection or rejection of proposals/bids
- Appeals and disputes
- Basis for the contract price

Local WDBs that make the selection for one-stop operation through sole source procurement must prepare and maintain written documentation of the entire sole source selection process, including evidence that a minimum of two attempts to competitively procure for the one-stop operator was completed, in accordance with Allowable Methods for Competitive Procurement of the One-Stop Operator*. The documentation should provide evidence that the review was performed by an impartial entity or organization; and clarify the firewalls that are in place during the review of the proposals.

Legal References

- [WIOA sec.101, sec.107, sec.121](#)
- [20 C.F.R. §678.605](#)
- [2 C.F.R. Part 200](#)
- [TEGL 15-16](#)

*The published policy will link to policy 1.4.7.3 Allowable Methods for Competitive Procurement of the One-Stop Operator, above.

1.4.7.5 Contracts

Effective date: TBD

All contracts, agreements, and the Memorandum of Understanding (MOU) between the one-stop operator and Local Workforce Development Board (WDB), State Workforce Development Board (WDB), or Iowa Workforce Development (IWD) must include the essential elements of a legally executed and binding written agreement, and contain at a minimum the following:

- Statement of Work (SOW)
 - The SOW specifies the period of performance, or the start and end date of the contract.
 - It also specifies the services to be performed, including measurable performance goals to be delivered under the contract, agreement, or MOU.
- Authorized Officials and Purpose
 - Authorized officials are persons authorized to enter into and sign legally binding agreements and must be on record as the signatory official.
 - Signatures of the offeror/bidder and offeree (Local WDB, State WDB, or IWD) must be contained as part of the written contract.
- Additional contractual terms and conditions
 - Contracts, agreements, and MOUs must include such standard terms and conditions that are either required by the State, Local Service Delivery Area, or the Federal agency as national, local policy requirements.
 - The contract, agreement, or MOU must identify that one-stop operators are subrecipients of Federal funds.

Legal References

- [WIOA sec.101, sec.107, sec.121](#)
- [20 C.F.R. §678.605](#)
- [2 C.F.R. Part 200](#)
- [TEGL 15-16](#)

1.4.7.6 Avoiding One-Stop Operator Conflicts of Interest

Effective date: TBD

Each one-stop operator must disclose potential conflicts of interest arising from the relationships of the operators with particular training service providers or other service providers. A conflict of interest can arise when actions taken or may appear to be taken by any entity or individual involved in more than one role, when the performance of that entity or individual affects the interest of the other role, thereby making it difficult for the entity or individual to perform the procurement process objectively and impartially.

Proper firewalls, in accordance with Firewalls*, must be in place to ensure the transparency and integrity of the procurement process, and to demonstrate that the selection process was unbiased and free of preferential treatment toward the awardee.

Recusal of Members of the Local WDB

Due diligence must be exercised to avoid certain conflicts of interest which may arise during the competitive process, including recusal of members of the Local Workforce Development Board (WDB) with financial or other interests in the entities applying to be the one-stop operator. However, if the number of members who must recuse themselves deprives the Local WDB of a quorum, the Local WDB must follow an alternative process and outsource the selection to an outside entity. Local WDBs procurement policies and procedures must define the requirements for a quorum for decisions made by the Local WDB.

Local WDB to Compete as One-Stop Operator

The Workforce Innovation and Opportunity Act (WIOA) requires the Local WDB to select the one-stop operator through a competitive process. However, WIOA and its implementing regulations also permit the Local WDB to compete for and be selected as the one-stop operator.

Local WDBs must adhere to Conflict of Interest**. Additional ways to avoid a conflict of interest is to establish effective internal conflict of interest policies and maintain appropriate firewalls that apply when the Local WDB competes to be the one-stop operator. This may include:

- A requirement for an outside entity to conduct the competition
 - The Local WDB could contract with a separate and independent outside entity to conduct the competition.
 - Outsourcing the entire process (including development of requirements, drafting the request for proposal (RFP) or invitation for bid (IFB), evaluation of proposals/bids, and identification of best entity) to an alternate entity would be the best practice in this circumstance to avoid a conflict of interest.

These costs and activities are allowable under WIOA.

Outside Entity

If the Local WDB or State Workforce Development Board (WDB) chooses to have an outside entity conduct part of, or the entire one-stop operator competition, the outside entity must meet certain requirements.

The outside entity must:

- Be an independent organization that is capable of exercising professional and ethical judgment.
- Submit a conflict of interest statement.

Public Disclosure

The Local WDB or State WDB must publicly disclose any conflicts of interest, real or apparent, and any recusal by individuals or organizations with real or apparent conflicts of interest.

Legal References

- [WIOA sec.101, sec.107, sec.121](#)
- [20 C.F.R. §678.605, §678.615, §679.430](#)
- [2 C.F.R. Part 200](#)
- [TEGL 15-16](#)

*The published policy will link to policy 1.4.6.1 Firewalls, above.

**The published policy will link to policy 1.4.6.2 Conflict of Interest, above.

1.4.7.7 Monitoring of One-Stop Operators

Effective date: TBD

Oversight and monitoring are an integral function of the Local Workforce Development Board (WDB) to ensure the one-stop operator's compliance with the requirements of the Workforce Innovation and Opportunity Act (WIOA), the activities per the Statement of Work, performance reporting requirements, and the terms and conditions of the contract or agreement governing the one-stop operator.

Monitoring includes an attestation by the monitoring entity that it has examined compliance with the requirements of WIOA, Uniform Guidance, and the terms and conditions of the contract/agreement with the one-stop operator.

Allowable monitoring entities include staff to the Local WDB, a contracted outside organization, or peer monitoring conducted by another Local WDB's staff. When the Local WDB is the one-stop operator, there is an inherent conflict of interest in that the Local WDB cannot effectively monitor itself. In these circumstances, an outside organization or entity must conduct the monitoring and report the results to the Chief Lead Elected Official (CLEO) and Iowa Workforce Development (IWD) upon request.

Oversight is performed in many ways, including one-site monitoring, conducting risk assessments, desk reviews of case files, and analysis of performance and financial reports. Local WDBs must establish local policies and procedures describing their monitoring process including a schedule for monitoring, which at a minimum, must occur biennially.

Legal References

- [WIOA sec.101, sec.107, sec.121](#)
- [20 C.F.R. §678.605, §678.615, §679.430](#)
- [2 C.F.R. Part 200](#)
- [TEGL 15-16](#)

1.4.8.0 Selection of Providers of Career and Youth Services

1.4.8.1 Service Provider Procurement

Effective date: TBD

Local Workforce Development Boards (WDBs) are responsible for identifying eligible providers of career services for the Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker programs and eligible providers of youth workforce investment activities for the WIOA Title I Youth program.

Local WDBs must select providers of WIOA Title I Adult and Dislocated Worker program services and WIOA Title I Youth program services through a competitive procurement process as described in Allowable Methods for Competitive Procurement of Service Providers*. Local WDBs may select separate entities to provide WIOA Title I Adult and Dislocated Worker program services and WIOA Title I Youth program services. The entity selected to provide WIOA Title I Adult and Dislocated Worker program services will also be the provider of National Dislocated Worker Grant services.

Competition is intended to promote the efficiency and effectiveness of service providers providing career services and youth workforce investment activities by providing a mechanism for the Local WDB to regularly examine performance and costs against original expectations.

If the Local WDB has an established standing youth committee, it may assign the committee the function of selection of service providers. Local WDBs, or their standing youth committee, must select youth service providers best positioned to provide program elements in accordance with [Program Elements](#)** resulting in strong outcomes.

Legal References

- [WIOA sec. 107, sec. 123](#)
- [20 C.F.R. §680.160, §681.400](#)
- [2 C.F.R. Part 200](#)
- [TEGL 15-16, TEGL 21-16](#)

*The published policy will link to policy 1.4.8.2 Allowable Methods for Competitive Procurement of Service Providers, Below.

**The published policy will link to Title I Programs policy 8.2.5.0 Program Elements.

1.4.8.2 Allowable Methods for Competitive Procurement of Service Providers

Effective date: TBD

Non-Federal entities are required to use the following methods of procurement to select a service provider through a competitive process:

- Sealed Bids, (formal advertising), such as an invitation for bids (IFB)
- Competitive Proposals, such as a request for proposals (RFP)

Sole source must only be pursued after a minimum of two attempts to competitively procure, including one attempt that combines the procurement of the Adult and Dislocated Worker service provider with the selection of the one-stop operator.

Sole Source

Local WDBs may select a service provider through sole source selection only under the criteria outlined in the Workforce Investment and Opportunity Act (WIOA). The Local WDB must follow its local sole source policies and procedures, the Uniform Guidance, and State policy. Local WDBs that use the sole source selection process must prepare and maintain written documentation describing the entire process of making such a selection.

Sole source procurement can only be utilized when:

- The item or service is available only from a single source.
- The public exigency or emergency for the item or service will not permit a delay resulting from competitive solicitation.
- The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.
- After solicitation of a number of sources, competition is determined to be inadequate, whether for reasons of number or quality of proposals/bids.

Local WDBs requesting to use sole source procurement for service providers must submit a formal request to Iowa Workforce Development electronically at:

WIOAgovernance@iwd.iowa.gov.

The request must include justification that all other options were exhausted and identify the reason for sole source. The Local WDB must identify the timeline and the activities performed prior to the sole source request, and must certify that all appropriate measures consistent with the WIOA and this policy have been taken.

The following documentation should also be included with the request for sole source:

- Copy of the RFP or IFB
- Proof of the announcement medium used (newspaper, social media)
- Documentation showing how long the announcement was posted
- The name of the entity to which the sole source is to be awarded
- Documentation showing that the entity has the capacity and ability to perform the functions required to provide career services and/or youth workforce investment activities

Procurement Standards

When the State conducts the competitive procurement process for the Local WDB, it must follow the same policies and procedures it uses for procurements with non-federal funds, to

include appropriate protections from conflict of interest, per the State's own procurement policies and procedures.

All other non-Federal entities, including entities that receive funding from a State (such as Local WDBs), must use a competitive process to select a service provider that is based on local procurement policies that are consistent with the procurement standards of the Uniform Guidance.

General procurement requirements under WIOA must be followed as part of the competitive process. The requirements must be consistent with the Uniform Guidance, and include:

- Written Policies and Procedures
 - Such policies and procedures must describe the competitive process for selecting a service provider and the manner in which it will address the settlement of all contractual and administrative issues, such as protests, appeals, and disputes.
 - The policies must also outline a timetable to ensure that the selection of service providers through a competitive process is conducted every four years.
- Appropriate Methods of Procurement for Competitions
 - Non-Federal entities are required to use the methods of procurement described at 2 CFR 200.320 when selecting a service provider which are:
 - Sealed Bids
 - Competitive Proposals
 - Sole Source
- Full and Open Competition
 - A funding level range or an up to amount must be provided in the RFP that ensures the responsibilities in the Statement of Work can be performed.
 - Such competition must be conducted for all procurement transactions.
 - Written procedures must allow for sufficient time for all phases of the procurement process to be carried out in a manner that would not unduly restrict competition.
 - The RFP must be open for a minimum of 20 business days.
 - Pre-qualified lists must be current and include enough qualified sources to ensure open and free competition, and must not preclude bidders and offerors from qualifying during the solicitation period.
 - Procurements that are in excess of the simplified acquisition threshold (currently set at \$150,000 by 48 CFR 2.1) cannot use the small purchase procurement.
 - Entities performing a competitive procurement must ensure the proposed costs of the service provider are allowable, meaning that they are reasonable, necessary and allocable.
 - Restricting competition is not allowed. Activities that may be considered to be restrictive of competition include, but are not limited to:
 - Placing unreasonable requirements on firms in order for them to qualify to do business.
 - Requiring unnecessary experience and excessive bonding.
 - Non-competitive pricing practices between firms or between affiliated companies.
 - Non-competitive contracts to consultants that are on retainer contracts.
 - Organizational conflicts of interest.

- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement.
 - Any arbitrary action in the procurement process.
 - Standards of Conduct
 - Each Local WDB must have written standards of conduct that require fairness, objectivity, ethical standards and other related standards of conduct during all phases of the procurement process, and must address:
 - Mitigating apparent or real conflicts of interest. Conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated has a financial or other interest or a tangible personal benefit from a firm considered for a contract.
 - Disclosure of any real or apparent conflict of interest, whether individual, or organizational. Written standards of conduct must identify the process for recusal of individuals or organizations that are members of the Local WDB who disclose a real or apparent conflict of interest.
 - A description of the firewalls and internal controls to mitigate conflict of interest in circumstances including, but not limited to, situations where an entity acts in more than one role in the one-stop delivery system or performs more than one function in the procurement process, as well as situations where the non-federal entity uses a sole source selection.
 - Confidentiality of the information contained in the proposals submitted for consideration.
 - Not allowing any entity that develops or drafts specifications, requirements, statements of work, IFBs or RFPs, and evaluation of proposals to compete under the procurement.
 - Transparency and Responsibility
 - The procurement process must be conducted with transparency and responsibility from the planning phase to the closeout phase.
 - Information about the selection of the service provider must be made available to the public on a regular basis through electronic means and open meetings, in accordance with Sunshine Provision*.
 - Information must also be made available to auditors and Federal reviewers. This provides an avenue for public comment and participation in the process.
 - When selecting an entity as the service provider for career services and/or youth workforce investment activities, the Local WDB must consider the entity’s programmatic and fiscal integrity, compliance with public policy, record of past performance and other factors that demonstrate transparency and responsibility.
 - The Local WDB must also ensure that any entity is not debarred, suspended, or otherwise excluded from or ineligible to participate in Federal assistance programs or activities.

Legal References

- [WIOA sec.101, sec.107, sec.121, sec. 123](#)
- [20 C.F.R. §680.160, §681.400](#)
- [2 C.F.R. Part 200](#)
- [TEGL 21-16](#)

*The published policy will link to policy 1.4.6.3 Sunshine Provision, above.

1.4.9.0-1.4.12.5 Reserved for Future Use

DRAFT

1.5.0.0 State Workforce Development Board

1.5.1.0 State Board Membership

1.5.1.1 State Board Membership Requirements

Effective date: TBD

Membership of the State Workforce Development Board (WDB) must meet the following requirements, and must represent diverse geographic areas of the State, including urban, rural, and suburban areas.

The voting members of the State WDB shall include the following:

- The Governor
- One state senator appointed by the president of the senate after consultation with the majority leader of the senate
- One state representative appointed by the speaker of the house of representatives after consultation with the majority leader of the House of Representatives
- The Director of the Department of Workforce Development or the director's designee
- The Director of the Department of Education or the director's designee
- The Director of the Department for the Blind or the director's designee
- The Administrator of the Division of Iowa Vocational Rehabilitation Services of the Department of Education or the administrator's designee

Following the nomination process established in the State WDB by-laws, the following twenty-six voting members shall be appointed by the Governor for staggered terms of four years, so that the terms of no more than nine members expire in a calendar year. An individual shall not serve as a member of the State WDB in more than one capacity.

- Seventeen members who shall be representatives of businesses in the state to whom each of the following applies:
 - The members shall be owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and may, in addition, be members of a local workforce development board.
 - The members shall represent businesses, including small businesses, or organizations representing businesses, that provide employment opportunities that, at a minimum, include high quality, work-relevant training and development in in-demand industry sectors or occupations in the state.
 - The members shall be appointed from among individuals nominated by state business organizations and business trade associations.
- Seven members who shall be representatives of the workforce in the state and who shall include all of the following:
 - Four representatives of labor organizations who have been nominated by state labor federations.
 - One representative of a joint labor-management apprenticeship program in the state who shall be a member of a labor organization or a training director. If such

- a joint program does not exist in the state, the member shall instead be a representative of an apprenticeship program in the state
 - Two 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 but not limited to organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; or that serve eligible youth, including representatives of organizations that serve out-of-school youth.
- One city chief elected official.
- One county chief elected official.

The nonvoting members of the State WDB shall include the following:

- One state senator appointed by the minority leader of the senate.
- One state representative appointed by the minority leader of the house of representatives.
- One president, or the president's designee, of the University of Northern Iowa, the University of Iowa, or Iowa State University of Science and Technology, designated by the State Board of Regents on a rotating basis.
- One president, or the president's designee, of an independent Iowa college, appointed by the Iowa Association of Independent Colleges and Universities.
- One president or president's designee, of a community college, appointed by the Iowa Association of Community College Presidents.
- One representative of the Economic Development Authority, appointed by the director.
- One representative of the Department on Aging, appointed by the director.
- One representative of the Department of Corrections, appointed by the director.
- One representative of the Department of Human Services, appointed by the director.
- One representative of the United States Department of Labor, Office of Apprenticeship.
- One representative from the largest statewide public employees' organization representing state employees.
- One representative of a statewide labor organization representing employees in the construction industry.
- One representative of a statewide labor organization representing employees in the manufacturing industry.

State Board Chairperson

The Governor shall select a chairperson from among the members who are representatives of business whose term length shall coincide with the length of their appointment.

Legal References

- [WIOA sec. 106, sec.107, sec.116, sec.121, sec.128](#)
- [20 C.F.R. §679.110](#)
- [Iowa Code, Chapter 84A](#)

1.5.2.0 State Board Functions

1.5.2.1 State Board Roles and Responsibilities

Effective date: TBD

The State Workforce Development Board (WDB) shall assist in:

- Development, implementation, and modification of the 4-year State Plan.
- Review of statewide policies, programs, and recommendations on actions that must be taken by the State to align workforce development programs to support a comprehensive and streamlined workforce development system. Such review of policies, programs, and recommendations must include a review and provision of comments on the State Plans, if any, for programs and activities of one-stop partners that are not core programs.
- Development and continuous improvement of the workforce development system, including:
 - Identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among programs and activities.
 - Development of strategies to support career pathways for the purpose of providing individuals, including low skilled adults, youth, and individuals with barriers to employment, including individuals with disabilities, with workforce investment activities, education, and supportive services to obtain or retain employment.
 - Development of strategies to provide effective outreach to and improved access for individuals and employers who could benefit from workforce development system.
 - Development and expansion of strategies to meet the needs of employers, workers, and job seekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations.
 - Identification of regions, including planning regions, and the designation of local service delivery areas, after consultation with Local Workforce Development Boards (WDBs) and Chief Elected Officials.
 - Development and continuous improvement of the one-stop delivery system in local service delivery areas, including providing assistance to Local WDBs, one-stop operators, one-stop partners, and providers. Such assistance includes assistance with planning and delivering services, including training and supportive services, to support effective delivery of services to workers, job seekers, and employers.
 - Development of strategies to support staff training and awareness across the workforce development system and its programs.
- Development and updating of comprehensive State performance and accountability measures to assess core program effectiveness.
- Identification and dissemination of information on best practices, including best practices for:
 - The effective operation of American Job Centers (AJC), relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment.
 - The development of effective Local WDBs, which may include information on factors that contribute to enabling Local WDBs to exceed negotiated local levels

- of performance, sustain fiscal integrity, and achieve other measures of effectiveness.
- Effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences for adaptability, to support efficient placement into employment or career pathways.
 - Development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system, including the development of:
 - Objective criteria and procedures for use by Local WDBs in assessing the effectiveness, physical and programmatic accessibility and continuous improvement of AJCs. Where a Local WDB serves as the one-stop operator, the State WDB must use such criteria to assess and certify the AJC.
 - Guidance for the allocation of AJC infrastructure funds.
 - Policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system.
 - Development of strategies for technological improvements to facilitate access to and improve the quality of services and activities provided through the one-stop delivery system, including such improvements to:
 - Enhance digital literacy skills
 - Accelerate acquisition of skills and recognized postsecondary credentials by participants
 - Strengthen professional development of providers and workforce professionals
 - Ensure technology is accessible to individuals with disabilities and individuals residing in remote areas
 - Development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including design implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation to improve coordination of services across one-stop partner programs.
 - Development of allocation formulas for the distribution of funds for employment and training activities for adults and youth workforce investment activities, to local service delivery areas.
 - Preparation/review of the annual reports.
 - Development of the statewide workforce and labor market information system.
 - Development of other policies that may promote statewide objectives for and enhance the performance of the workforce development system in the State.

Legal References

- [WIOA sec. 106, sec.107, sec.116, sec.121, sec.128](#)
- [20 C.F.R. §679.130](#)
- [Iowa Code, Chapter 84A](#)

1.5.2.2 State Board Voting Restrictions

Effective date: TBD

A member of the State Workforce Development Board shall not:

- Vote on a matter under consideration by the board that concerns the provision of services by the member or by an entity that the member represents
- Vote on a matter under consideration by the board that would provide direct financial benefit to the member or the immediate family of the member
- Engage in any other activity determined by Iowa Workforce Development to constitute a conflict of interest as specified in the state workforce development plan

Legal References

- [WIOA sec. 106, sec.107, sec.116, sec.121, sec.128](#)
- [20 C.F.R. §679.130](#)
- [Iowa Code, Chapter 84A](#)

1.5.2.3 State Board Staff

Effective date: TBD

The State Workforce Development Board (WDB) may hire a director and other staff to assist in carrying out the functions described in State Board Roles and Responsibilities*.

Qualifications

The State WDB must establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively carrying out the functions of the State WDB.

Payment Limitations

The director and staff hired by the State WDB are subject to limitations on the payment of salaries and bonuses. Recipients and/or subrecipients who receive funds under Title I of the Workforce Innovation and Opportunity Act (WIOA) must not use such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code. This limitation does not apply to vendors providing goods and services as defined in the Office of Management and Budget Circular A-133.

Legal References

- [WIOA sec. 107, sec. 194](#)
- [20 C.F.R. §679.160](#)
- [United States Code, Title 5, Section 5313](#)
- [OMB Circular A-133](#)

*The published policy will link to policy 1.5.2.1 State Board Roles and Responsibilities, above.

1.5.2.4 State Board By-Laws

Effective date: TBD

The Governor, or their delegated authority, must establish by-laws that at a minimum address:

- The nomination process used by the Governor to select the State Workforce Development Board (WDB) chair and members
- The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year
- The process to notify the Governor of a State WDB member vacancy to ensure a prompt nominee
- The proxy and alternative designee process that will be used when a State WDB member is unable to attend a meeting and assigns a designee as per the following requirements:
 - If the alternative designee is a business representative, he or she must have optimum policy-making hiring authority.
 - Other alternative designees must have demonstrated experience and expertise and optimum policy-making authority.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.110](#)
- [Iowa Code, Chapter 84A](#)

1.5.2.5 State Board Meetings

Effective date: TBD

The State Workforce Development Board shall meet at the call of the chairperson, or when a majority of voting members of the State WDB file a written request with the chairperson for a meeting.

Written Notice

Written notice of the time and place of each meeting shall be given to each member of the State WDB, in accordance with Sunshine Provision*.

Quorum

A majority of the voting members constitutes a quorum.

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.110](#)
- [Iowa Code, Chapter 84A](#)

*The published policy will link to policy 1.5.2.6 Sunshine Provision, below.

1.5.2.6 Sunshine Provision

Effective date: TBD

The State Workforce Development Board (WDB) shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the State WDB, including:

- Information regarding the state plan, or modification of the state plan, prior to submission of the plan
- Information regarding State WDB membership, including the name and affiliation of each member
- State WDB by-laws
- Minutes of formal meetings of the State WDB

Legal References

- [WIOA sec. 107](#)
- [20 C.F.R. §679.140](#)
- [Iowa Code, Chapter 84A](#)

1.5.3.0 Standing Committees

1.5.3.1 State Board Standing Committee Roles and Responsibilities

Effective date: TBD

The State Workforce Development Board (WDB) may designate and direct the activities of standing committees of the State WDB to provide information and to assist the State WDB in carrying out its duties.

At minimum, the State WDB shall designate each of the following:

- A standing committee to provide information and assist with operational and other issues relating to the state workforce development system.
- A standing committee to provide recommendations regarding policies, procedures, and proven and promising practices regarding workforce development programs, services, and activities.
- A standing committee to provide information and to assist with issues relating to the provision of services to youth, which must include community-based organizations with a demonstrated record of success in serving eligible youth.
- A standing committee to provide information and to assist with issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with applicable state and federal nondiscrimination laws regarding the provision of programmatic and physical access to the services, programs, and activities of the state workforce development system, as well as appropriate training for staff on providing support for, or accommodations to, and finding employment opportunities for individuals with disabilities.
- Other standing committees as determined by the State WDB.

Legal References

- [WIOA sec. 107](#)
- [Iowa Code, Chapter 84A](#)

1.5.3.2 State Board Standing Committee Membership Requirements

Effective date: TBD

The State Workforce Development Board (WDB) may designate and direct the activities of standing committees of the State WDB to provide information and to assist the State WDB in carrying out its duties.

Such standing committees shall be:

- Chaired by a member of the State WDB, or designee
- May include other members of the State WDB
- Must include other individuals appointed by the State WDB who are not members of the State WDB and who is determined to have appropriate experience and expertise

Legal References

- [WIOA sec. 107](#)
- [Iowa Code, Chapter 84A](#)