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Category/Subject: WIOA Local Workforce Development Board Certification
Colorado Policy Guidance Letter#: WIOA-2016-04
Revise/Replace PGL#: N/A
Date: May 23, 2016
Distribution: State/Local Workforce Directors & Board Chairs, Workforce Development Programs Staff, Colorado Workforce Development Council

I. REFERENCE(S):

- [Title I of the Workforce Innovation and Opportunity Act \(WIOA\) of 2014](#), Sections 107.
- PGL #WIOA-2015-02, One-Stop Certification Criteria.
- [PGL #WIOA-2015-04, Local Workforce Development Board Policies.](#)

II. PURPOSE:

To provide guidance to Local Workforce Development Boards and Local Areas on the process for certification of Local Workforce Development Boards (LWDBs) by the Colorado Workforce Development Council (CWDC).

III. BACKGROUND:

The Governor, as required under WIOA, shall certify LWDBs every two (2) years in even-numbered years. Submittal of required materials shall be due to the State as required by the guidelines in this policy. The CWDC shall issue a schedule and instructions for submission of materials needed for certification. Local Workforce Development Boards were last certified in 2014 for the two-year period ending on June 30, 2016.

IV. POLICY/ACTION:

A. The recertification of LWDBs will, at a minimum, be based on:

1. Compliance of local board composition which shall be consistent with Title I, sec. 107(b) of WIOA, and with PGL #WIOA-2015-04. LWDBs will submit a statement of compliance that includes the name, title and organization of individuals appointed.
2. The LWDBs' ability to meet their fiduciary responsibility during the previous two years. (Fiscal Monitors will provide any needed financial reports to the Council.)

3. The LWDBs' ability to meet the negotiated state WIA performance standards, as WIOA performance measures have not yet gone into effect (Program Monitors will provide any needed performance reports to the Council.) Any LWDB that fails to meet the same performance measure for two (2) consecutive program years will not be approved for recertification.

B. For LWDB Recertification effective July 1, 2016 and lasting two years, the following documentation must be submitted by June 1, 2016, to your Regional Liaison, along with the PY16 Local Plan Compliance Documents.

1. LWDB Membership Roster that includes the name, title and organization of individuals appointed
2. LWDB By-Laws
3. A copy of your most recent single audit

The following items will be provided to the CWDC by CDLE fiscal and program monitors.

4. Identification of WIA Common Measures that were below 80% of goal for PY13 and PY14:
 - List the program year, the WIA program, the measure that was missed, and by how much
5. Identification of funds returned during PY13 and PY14:
 - Identify all Title I or Title III funds (either formula or discretionary) returned prior to or at the end of the grant period of performance: list which grant, period of performance for the grant, total grant funding, timeline to spend funds, when the funds were returned, how much, and the reasons why
6. Disallowed costs found in audits for PY13 and PY14:
 - Briefly list type of costs, how much, and the reason for being disallowed, such as: Training costs for 1 dislocated worker, \$3,000; client found not eligible for the program
7. Other fiscal audit findings for PY13 and PY14:
 - Briefly list types of findings such as: lack of supporting documentation for program costs

C. Decertification: The CWDC shall act on behalf of the Governor to decertify a LWDB for instances of fraud, abuse, or failure to carry out required functions.

1. Fulfillment of required functions of the board will be monitored through the regular monitoring and review process on governance conducted by CDLE.
2. The full list of required board functions can be found in [PGL #WIOA-2015-04](#).

3. During PY 2016, an emphasis will be placed on compliance with the responsibilities required to effectively implement WIOA, including:
 - i. Progress towards competitive selection of a one-stop operator;
 - ii. Development of a one-stop operator certification policy by 10/31/2016;
 - iii. Documentation of the implementation of a procurement process to select youth program service providers for all required elements;
 - iv. Execution of service delivery Memoranda of Understanding with all required one-stop system partners;
 - v. Development and implementation of career pathway systems in the local area; and
 - vi. Development and implementation of sector partnerships.
4. The CWDC will be implementing a training initiative for LWDBs in PY 2016 to ensure that boards are equipped with the knowledge and tools necessary to fulfill these required functions.
5. Official statements of delegation from the board to another entity will be required to verify the completion of any functions not accomplished by the board itself.
6. If a board is decertified, then the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor in consultation with the chief elected official in the local area.

D. Appeals Process for Decertification

Any LWDB that is issued a Notice of Decertification may appeal the decision utilizing the process below.

1. An appeal must be in writing and filed with the Colorado Workforce Development Council within fourteen (14) days after notification of the decision. Submit the appeal to the Chairperson of the Colorado Workforce Development Council (CWDC) and to the Director of the CWDC by sending an email to cwdc@state.co.us.
2. The appeal must contain a specific statement of the grounds upon which the appeal is sought.
3. The State board will have 60 days to review the appeal and make a recommendation to the Governor. The review will take into account the information in the original request and supplemental information provided in the appeal to determine if the criteria set in this policy has been met.
4. The final decision rests with the Governor.

VI. IMPLEMENTATION DATE: This PGL is effective immediately.

VII. LOCAL ACTION REQUIRED:

By June 1, 2016, the following items must be provided to your Regional Liaison at Workforce Development Programs:

1. LWDB Membership Roster that includes the name, title and organization of individuals appointed

2. LWDB By-Laws
3. A copy of your most recent single audit

VIII. INQUIRIES:

Please direct all inquiries to your Regional Liaison at Workforce Development Programs.



Stephanie Veck, Director
Colorado Workforce Development Council

5/23/2016

Date