

Upper Cumberland  
Local Workforce Development Board  
**POLICIES AND PROCEDURES**

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Title: **ROLES AND RESPONSIBILITIES OF THE CHIEF LOCAL ELECTED OFFICIAL (CLEO)**

Date of Adoption: 9-25-18

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**PURPOSE:** To inform the Chief Local Elected Official (CLEO) of their roles and responsibilities in the local governance of the Upper Cumberland Local Workforce Development Board under WIOA.

**POLICY:** The Chief Local Elected Official (CLEO) is responsible for providing leadership to the UCLWDB. The LEOs of the fourteen counties comprising the UCLWDB nominate and elect by majority (51%) voice or electronic vote a Chief Local Elected Official (CLEO) who can act on their behalf to ensure oversight of the Local Workforce Development Board (LWDB) and its staff. The elected CLEO shall serve a term of four (4) years and may be reappointed in succession. The CLEO's guidance must effectively leverage community partners and resources to take full advantage of WIOA funds. The CLEO should work to connect community groups, the local Board, business community and employers, and WIOA providers to ensure that the entire local area has access to WIOA services. The CLEO, in conjunction with the Consortium of Local Elected Officials (LEOs) and the local Board, should ensure that WIOA funds are spent on allowable activities to address the unique workforce needs of the Upper Cumberland. The CLEO shall have all signatory authority to execute binding agreements pertaining to WIOA including plans, agreements, and grants under Section 107 of WIOA. The responsibilities between the CLEO and the Board are further outlined in the UCLWDB By-Laws, UCLWDB Interlocal Agreement and the UCLWDB Partnership Agreement.

As the UCLWDB includes more than one (1) unit of local governance, the Consortium of LEOs shall execute an Interlocal Agreement that specifies the respective roles of each individual LEO. The UCLWDB Interlocal Agreement is attached to this policy and further defines the role of the CLEO, and is outlined as follows:

The major responsibilities of the CLEO include the following:

- a. Appointment of members to the Local Board- The CLEO is authorized to appoint members of the Board in accordance with criteria established by the Governor in partnership with the State

Workforce Development Board. This process is documented in the UCLWDB Partnership Agreement.

- b. Submission of regional and local plans- The CLEO, in partnership with the Board and its staff, shall develop and submit to the Governor a local plan every four (4) years. The local plan shall support and be consistent with the strategy described in the state plan. If the local area is part of a planning region, it shall also submit a regional plan. At the end of the first two years of the four-year plan, the CLEO and the Board shall review the local plan and submit modifications to reflect any changes in the labor market or economic conditions of the area.
- c. Act as local grant recipient for allocated funds- The CLEO shall serve as the grant recipient for, and shall be liable for any misuse of, the funds allocated to the local area.
- d. Appointment of Fiscal Agent- The CLEO may designate an entity to serve as the local fiscal agent or local grant subrecipient for WIOA funds. Such designation shall not relieve the CLEO of the liability for any misuse of grant funds. In general, the fiscal agent shall be responsible for the following functions:
  - Receipt of Funds
  - Maintain fiscal integrity and accountability for fund expenditures
  - Respond to financial audit findings
  - Maintain proper accounting records
  - Prepare financial reports
  - Provide technical assistance to subrecipients regarding fiscal issues
- e. Approval of the designation and certification of One-Stop Operator(s)- The UCLWDB, with the agreement of the CLEO, is authorized to designate or certify One-Stop Operator(s) and to terminate for cause the eligibility of such operators as consistent with the approved State Plan.
- f. Develop Memorandum of Understanding with the One-Stop partners- The UCLWDB, with the agreement of the CLEO, shall develop and enter into a memorandum of understanding by and between the Board and its One-Stop partners detailing the operation of the One-Stop delivery system within the local area.
- g. Oversight of the One-Stop service delivery system- The UCLWDB, with the agreement of the CLEO, shall conduct oversight of the One-Stop service delivery system within the local area as consistent with the approved State Combined Plan.
- h. Approval and oversight of the Board budget- The UCLWDB shall develop an annual budget of their activities for each fiscal year consistent with the local plan. Budget is subject to the approval of the CLEO, after review and input from all LEOs.
- i. Designation and certification of the LWDA- The CLEO is responsible for requesting official designation of the local area.
- j. Provide input to establish the by-laws of the LWDB- The CLEO must establish by-laws for the UCLWDB which are consistent with State policies for Board membership.
- k. Negotiate and reach agreement on local performance measures- The UCLWDB, the CLEO, and the Governor's designated representative shall work together to negotiate and agree upon local performance accountability measures for the local area.
- l. Establish agreements between the LEOs and between the LEOs and LWDB- The CLEO is responsible for the development and implementation of the Interlocal Agreement between all LEOs and the Partnership Agreement between the LEOs and the UCLWDB.

The UCLWDB shall also develop and execute a Partnership Agreement that outlines the relationship between the Board and the CLEO. An important function of the CLEO is selecting the members of the local Board. The Partnership Agreement details this process and is outlined below:

The CLEO will work to establish a Local Board that reflects the requirements outlined in WIOA Section 107(b)(2) as well as the demographic nature of both business and population within the local area. All Board members should be in positions of optimum decision-making authority within the entities they represent.

**A. Local Board Composition-**WIOA Section 107(c)(1)(A) authorizes the CLEO to appoint members of the UCLWDB in accordance with the criteria established under WIOA Section 107(b). The Upper Cumberland Local Workforce Development Board shall, at a minimum, have the following representation:

1. Business- A majority of members must be representatives of businesses within the local area who are owners, chief executives or operating officers, or other business executives, or employers with optimum policy making or hiring authority.
2. Workforce- Not less than twenty (20) percent of the members must be workforce representatives within the local area. Included must be two or more representatives of labor organizations and one or more representatives of a joint labor-management registered apprenticeship programs.
3. Education- At least one member must be a representative of an entity administering education and training activities in the local area. Additionally, at least one member must be a representative of a provider of adult education and literacy activities under Title II of WIOA. Finally, at least one member must be a representative of an institution of higher education that provides workforce training (including community colleges).
4. Governmental or Community Development- The members must include at least one representative from economic or community development entities within the local area; one representative from the State Employment Service Office, under Wagner-Peyser, serving the local area; and one representative from programs carried out under Title I of the Rehabilitation Act of 1973.

The CLEO may appoint, at his/her discretion, other individuals to the Local Board who represent local agencies or entities administering transportation, housing and public assistance, or philanthropic organizations. The CLEO will strive to establish a Local Board that reflects the diversity of the counties that comprise the Upper Cumberland Local Workforce Development Board. For example, rural districts shall be represented in proportion to their influence on the local area. Board members from these districts shall exhibit the demographic diversity of the counties within their respective local area. The CLEO will ensure UCLWDB representation is fair and equitable across all counties within the area in accordance with applicable Workforce Services policies.

**B. Nominations of Individuals to Local Board**

1. Nomination- The CLEO shall solicit nominations for UCLWDB member positions that represent business, labor, and education shall require the head official from one of the organizations pertaining respectively to business, labor, or education to perform the following tasks:
  - i. Sign the Workforce Development Board Nomination form; and
  - ii. Sign a letter identifying the individual being nominated by his or her organization. This letter must also acknowledge the nominee's optimum policy making authority and include documentation in the form of a short account of their career and qualifications, resume, or work history supporting the qualifications of the nomination; and
  - iii. Submit this signed letter to the CLEO of the LWDA. Anyone making any other nominations or recommendations for other representative positions on the local board shall follow the same procedures as above (i.-iii).
  - iv. Composition of UCLWDB members should reflect the demographic makeup of the local area. The most recent US Census is the best source for identifying respective demographic information.
2. Appointment- UCLWDB member appointments must be signed by the CLEO and submitted to the Staff to the Board. The CLEO has final authority on all Board appointments.
3. Change in Status- Any UCLWDB member who no longer holds the position or status that made them eligible Local Board members must resign or be removed by the CLEO immediately as a representative of that entity.
4. Terms- At the CLEO's discretion, members shall be appointed for a one (1), two (2), three (3), or four (4) year(s) term length. The terms of the UCLWDB members will be staggered so that only a portion of the membership expires in a given year. Members may be reappointed in succession.
5. Mid-Term Appointments- An UCLWDB member replacing an out-going member mid-term will serve the remainder of the out-going member term.
6. Vacancies- The Board Chairperson shall notify the CLEO of a vacancy by letter. Vacancies shall be filled within a reasonable amount of time of the vacancy. The CLEO is authorized to make all reappointments of members.
7. Removal by CLEO- UCLWDB members shall be removed by the CLEO if any of the following occurs:
  - i. Documented violation of the conflict of interest policy;
  - ii. Failure to meet UCLWDB member representation requirements defined in the Workforce and Innovation Opportunity Act;
  - iii. Documented proof of fraud and/or abuse.
8. Removal by Vote- Any member of the UCLWDB may be removed for cause by a two-thirds (2/3) vote at a meeting, at which quorum is present, in accordance with this article. Removal of a member shall also constitute removal as an Officer of the Board and as a member of all committees of the Board. Intent to remove a member must be stated in the call of the

meeting and provided to all voting members at least five (5) days prior to the meeting. Cause for removal shall include:

- i. Missing three consecutive meetings;
- ii. A change in employment that results in a change of membership classification;
- iii. Failure or refusal to work cooperatively with the Board and abide by the By-Laws;
- iv. Other causes as determined by the Board.

9. Prohibited Members- Employees of entities serving as the fiscal agent, UCLWDB staff, one stop operator, and American Job Centers career service providers are prohibited from serving on the UCLWDB. All persons nominated to the Board shall be required to review and execute the UCLWDB Conflict of Interest Policy Statement prior to performing Board activities.
10. Vote by Proxy- Vote by Proxy: Any member of the Board may proxy to another sitting board member once per calendar year by completing and filing the Member Proxy Form. Duly executed proxies must be filed with the Board Chairperson prior to the commencement of the board meeting in which the board member is to be absent. The board member accepting such proxy must be in good standing with the UCLWDB. Such proxies shall be considered valid votes in matters considered by the Board and shall constitute member participation in absentia.
11. Board Meetings- The regular meetings of the Board shall be held at least quarterly at a time and place determined by the CLEO. Meetings shall be publicly announced, open, and accessible to the public as required by the Americans with Disabilities Act of 1990. Meeting notices will be posted in a prominent place in all comprehensive, affiliate, and itinerant UCLWDB career centers, county courthouses, and administrative entity office(s). The Board may elect to meet more frequently in order to address the issues confronting the Workforce Development Area.
12. Active Role of Board Members- In addition to attending board meetings, board members are invited and encouraged to participate in all workforce activities in the Upper Cumberland Local Workforce Development Board and across the state, such as employer-focused meetings, hiring functions, and employer round table meetings. These activities aim to engage members in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities. Board members will remain constantly apprised of UCLWDB activities through the use of email within the normal course of business as well as email updates from the Board staff. Members are encouraged to regularly access the UCLWDB website for news and updates.

**ATTACHMENTS:** None

**EFFECTIVE DATE:** September 25, 2018

**DURATION:** Indefinite

**CONTACT:** For questions regarding this policy, contact Becky Hull, Executive Director, Upper Cumberland Local Workforce Development Board at [bhull@ucworkforce.org](mailto:bhull@ucworkforce.org)



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Board Chairperson, UCLWDB