

**Workforce Development System
Technical Advisory #19-03.2
December 15, 2021**

To: Workforce Development Community

SUBJECT: Biennial Recertification of Local Workforce Development Boards (LWDBs)

PURPOSE

Update New York State Department of Labor (NYSDOL) policy regarding LWDB Biennial Recertification under the Workforce Innovation and Opportunity Act (WIOA).

Rescind and replace Workforce Development System Technical Advisory (WDS-TA) #19-03 – Biennial Recertification of Local Workforce Development Boards (LWDBs) (August 20, 2019).

POLICY

After Initial Certification, LWDBs must be recertified on a biennial basis (once every two (2) years). NYSDOL will review board recertification documents and verify them for compliance.

LWDBs unable to provide evidence of compliance with recertification criteria will not be recertified and may not conduct business to perform required functions other than to move toward compliance with recertification criteria. Should the LWDB remain uncertified for 180 days or more, NYSDOL reserves the authority to require a corrective action plan and/or the appointment of another LWDB for the Local Workforce Development Area (LWDA).

ACTION

LWDB recertification includes four (4) recertification elements:

- 1. Board Composition;**
- 2. Satisfactory Performance;**
- 3. Sustained Fiscal Integrity; and**
- 4. Current Chief Elected Official (CEO) agreement.**

Through administrative review of the four (4) recertification elements listed above, NYSDOL will determine if each LWDB is in compliance.

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1. Board Composition

LWDB Directors must submit up-to-date LWDB membership rosters, or confirm that NYSDOL already has a current roster, during the biennial recertification review period. Information on Board membership requirements can be found in **Attachment A: Local Workforce Development Board (LWDB) Membership Criteria**.

Directors must use both **Attachment B: Local Workforce Development Board (LWDB) Membership Roster, and Attachment C: Local Workforce Development Board (LWDB) Detail Page**, to update Board membership. Attachment B is an Excel document that contains the LWDB Membership Roster, which must be used to summarize all current Board members. Attachment C contains the Detail Page, which must be completed for all Board members.

Outside of the biennial recertification period, LWDB Directors must submit any Board membership changes resulting from member resignations, term expirations, or new appointments.

All Board membership changes must be submitted via email to LWDB@labor.ny.gov, with copies sent to the Board Chair and CEO(s).

2. Satisfactory Performance

Performance assessments will be reviewed annually by NYSDOL staff using the regular quarterly Primary Indicators of Performance reports. LWDB Directors are not required to submit documentation for this recertification element.

More detail on the Primary Indicators of Performance can be found in WDS-TA #[18-6.2](#): Primary Indicators of Performance for Titles I and III under the Workforce Innovation and Opportunity Act (WIOA).

3. Sustained Fiscal Integrity

Fiscal monitoring reports are assessed by NYSDOL on an annual basis to confirm if LWDBs are in compliance with fiscal integrity. LWDB Directors are not required to submit documentation for this recertification element unless requested at the time of the review.

Details on fiscal monitoring requirements can be found in WDS-TA #[21-04](#): Monitoring – New York State Department of Labor (NYSDOL) Workforce Innovation and Opportunity Act (WIOA) Monitoring/Oversight of and Provision of Technical Assistance to Local Workforce Development Boards (LWDBs) and LWDB Responsibilities Relating to NYSDOL's Monitoring Process and WDS-TA #[21-05](#): Monitoring – Remote and/or Onsite Subrecipient Oversight and Monitoring Responsibilities for Chief Elected Officials (CEOs) and Local Workforce Development Boards (LWDBs).

4. Current CEO Agreement

LWDB Directors must submit, or confirm that NYSDOL already has, a current CEO agreement. CEO agreements are considered current if they:

- A. Identify the geographic area of the LWDA;
- B. Identify the Grant recipient;
- C. Identify the Fiscal agent; and
- D. Describe how the CEO will appoint LWDB members.

A new CEO agreement is required if any of the four (4) items listed above change. Note that a change in CEO does not require the execution of a new agreement. When signing these agreements, the CEO is signing on behalf of the local government he/she represents. As long as that entity (i.e., the County he/she is signing on behalf of) does not change, a change in signatory will not trigger the need for a new CEO agreement.

Some CEO agreements may contain an expiration date. If an expiration date passes, a new CEO agreement is also required.

If CEO agreements are updated at scheduled times throughout the year (e.g., at the beginning of each Program Year), the LWDB Director must notify NYSDOL of the timeframe and provide new a CEO agreement as appropriate. Current CEO agreements must be submitted via email to LWDB@labor.ny.gov.

CEO agreement templates can be found in WDS-TA #[15-05](#): Initial Designation of Local Areas under the Workforce Innovation and Opportunity Act (WIOA).

Recertification Status

LWDBs in compliance with all four (4) recertification elements will be recertified by NYSDOL on behalf of the Governor. Recertified boards will be notified via email and posted publicly to the NYSDOL webpage.

LWDBs missing any of the four (4) recertification elements may be provisionally recertified at the discretion of NYSDOL. LWDBs that are provisionally recertified will work with NYSDOL towards full recertification and compliance.

ADDITIONAL INFORMATION

Initial Board Certification took place in June 2015. Biennial recertifications took place in 2017 and 2019, and will continue to take place every two years.

REFERENCES

- Workforce Innovation and Opportunity Act (WIOA) §107(c)(2)
- WIOA Regulations 20 CFR §679.250
- WDS-TA #[15-05](#): Initial Designation of Local Areas under the Workforce Innovation and Opportunity Act (WIOA)

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- WDS-TA #[18-06.2](#): Primary Indicators of Performance for Title I and III under the Workforce Innovation and Opportunity Act (WIOA)
- WDS-TA #[21-04](#): Monitoring – New York State Department of Labor (NYSDOL) Workforce Innovation and Opportunity Act (WIOA) Monitoring/Oversight of and Provision of Technical Assistance to Local Workforce Development Boards (LWDBs) and LWDB Responsibilities Relating to NYSDOL’s Monitoring Process
- WDS-TA #[21-05](#): Monitoring – Remote and/or Onsite Subrecipient Oversight and Monitoring Responsibilities for Chief Elected Officials (CEOs) and Local Workforce Development Boards (LWDBs)

INQUIRIES

Questions regarding this TA may be directed to: LWDB@labor.ny.gov.

ATTACHMENTS

- A: Local Workforce Development Board (LWDB) Membership Criteria
- B: Local Workforce Development Board (LWDB) Membership Roster
- C: Local Workforce Development Board (LWDB) Detail Page
- D: Program Year (PY) 2020 Satisfactory Performance and Sustained Fiscal Integrity

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