



Local Workforce Investment Area (LWIA)

Roles & Responsibilities

Lee Collins

February 6, 2014

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WIA SEC. 117(d)1-7

(d) **Functions of Local Board.**--The functions of the local board shall include the following:

(1) **Local plan.**--Consistent with section 118, each local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor.

(2) **Selection of operators and providers.**--

(A) Selection of one-stop operators.--Consistent with section 121(d), the local board, with the agreement of the chief elected official--

(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and

(ii) may terminate for cause the eligibility of such operators.

(B) Selection of youth providers.--Consistent with section 123, the local board shall identify eligible providers of youth activities in the local area by awarding grants or contracts on a competitive basis, based on the recommendations of the youth council.

(C) Identification of eligible providers of training services.--Consistent with section 122, the local board shall identify eligible providers of training services described in section 134(d)(4) in the local area.

(D) Identification of eligible providers of intensive services.--If the one-stop operator does not provide intensive services in a local area, the local board shall identify eligible providers of intensive services described in section 134(d)(3) in the local area by awarding contracts.

(3) **Budget and administration.**--

(A) Budget.--The local board shall develop a budget for the purpose of carrying out the duties of the local board under this section, subject to the approval of the chief elected official.

(B) Administration.--

(i) Grant recipient.--

(I) In general.--The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

(II) Designation.--In order to assist in the administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the

chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).

(III) Disbursal.--The local grant recipient or an entity designated under subclause (II) shall disburse such funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title, if the direction does not violate a provision of this Act. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

(ii) Staff.--The local board may employ staff.

(iii) Grants and donations.--The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

(4) **Program oversight**.--The local board, in partnership with the chief elected official, shall conduct oversight with respect to local programs of youth activities authorized under section 129, local employment and training activities authorized under section 134, and the one-stop delivery system in the local area.

(5) **Negotiation of local performance measures**.--The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance measures as described in section 136(c).

(6) **Employment statistics system**.--The local board shall assist the Governor in developing the statewide employment statistics system described in section 15(e) of the Wagner-Peyser Act.

(7) **Employer linkages**.--The local board shall coordinate the workforce investment activities authorized under this subtitle and carried out in the local area with economic development strategies and develop other employer linkages with such activities.

(8) **Connecting, brokering, and coaching**.--The local board shall promote the participation of private sector employers in the statewide workforce investment system and ensure the effective provision, through the system, of connecting, brokering, and coaching activities, through intermediaries such as the one-stop operator in the local area or through other organizations, to assist such employers in meeting hiring needs.

(e) Sunshine Provision.--The local board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth activities, and on request, minutes of formal meetings of the local board.

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**WORKFORCE INVESTMENT BOARD
OF SAN LUIS OBISPO COUNTY**

BYLAWS

These Bylaws are hereby created by the Workforce Investment Board of San Luis Obispo County.

ARTICLE I

Background, Name and Definitions

- 1.1 **Statutory Authority.** The State of California, pursuant to the Workforce Investment Act of 1998 ("the Act") has designated the county of San Luis Obispo and the cities within the county of San Luis Obispo ("Local Area") as a Workforce Investment Area ("WIA") for the system building and delivery of workforce development programs at the local level, and provides funding thereto. Federal and state rules and regulations, promulgated pursuant to the Act, provide for program activities and require that Chairperson of the San Luis Obispo County Board of Supervisors, as Chief Local Elected Official ("CLEO") for the WIA, to appoint a local Workforce Investment Board ("LWIB").
- 1.2 **Name.** The name of the LWIB created by the San Luis Obispo County Board of Supervisors is the Workforce Investment Board of San Luis Obispo County ("WIB").
- 1.3 **Board.** The term "Board" or "Board of Directors", as used herein, refers to the local Workforce Investment Board of San Luis Obispo County.
- 1.4 **Member.** The term "Member", as used herein, refers to voting members of the Board, duly appointed by the County of San Luis Obispo Board of Supervisors.

ARTICLE II

Purpose and Function

- 2.1 **Status.** The WIB is an unincorporated association created pursuant to the Act to act as an advisory body to the chief elected official of the Local Area.
- 2.2 **Mission.** The WIB is a demand driven organization appointed by the County Board of Supervisors to create and maintain an attractive workforce system with a growing employment market and an appropriately skilled workforce that results in healthy and prosperous economic development for our community.
- 2.3 **Purpose.** The WIB is and shall exercise the powers and responsibilities of the LWIB as defined by the Act. The purpose of the WIB is to:
- To provide strategic planning, policy development and oversight of the local workforce investment system;

- To develop Workforce Investment Act and other local plans;
- To direct the disbursement of funds for workforce investment activities;
- To establish performance expectations for the workforce investment system and ensure that recruiting and training systems satisfy the needs of local employers and job seekers;
- To certify one-stop career centers and designate their operator;
- To appoint a Youth Council and conduct oversight with respect to eligible providers of youth activities;
- To approve youth and adult service and training providers when competitively procured;
- To provide direction on ways to increase public and private sector employment and training opportunities for persons eligible as program participants under the Act; and
- To perform other duties as assigned by the Workforce Investment Act, successor legislation or amendments thereto, by the Federal Congress, State of California or the Board of Supervisors.

ARTICLE III

Board of Directors

3.1 Qualifications. Each Member of WIB shall be a natural person of majority age and resident of or have his or her place of employment or business in San Luis Obispo County. Selection of Board Members shall be in accordance with the following criteria, subject to any revisions or amendments of the Act and applicable state law establishing the requirements for Board composition:

- **Representatives of Business:** The majority of the membership of the Board of Directors must be representatives from the private business community, reflect local employment opportunities and growth, and represent a mix of small employers (fewer than 50 employees) and large employers (50+). The business representatives shall include owners, chief executives or operating officers and others with optimum policymaking and hiring authority.
- **Representatives of Local Educational Entities:** Two representatives from the local educational entities must be selected including representatives of local educational agencies, school boards, entities providing adult education and literacy activities, and post-secondary educational institutions including community colleges. Whenever possible, one representative should be selected from the publicly funded higher education system and one representative of the K-12 public education system.
- **Representatives of Labor Organizations:** Representatives of labor organizations to be nominated by local labor councils, including a representative from an apprenticeship program. At least fifteen percent (15%) of the Board shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. If this occurs, then at least ten percent (10%) of the Board shall be representatives of labor organizations.

- Representatives of Local Community-Based Organizations: Two representatives of selected organizations that have a mission that intersects with priorities of local workforce investment activities, including organizations representing individuals with disabilities and veterans, and organizations that serve populations with barriers to employment, such as the economically disadvantaged, youth, farm workers, homeless, and immigrants.
- Representatives of Economic Development Organizations: Two representatives of economic development agencies, including private and/or public entities. Consideration should be given to representatives from the County OEDC and the Small Business Development Centers.
- Others as determined by the Chief Local Elected Official (Board of Supervisors): to ensure ethnic, gender and geographical representation.
- Representatives of Each of the One Stop Partners: as follows-
 - WIA Title I (Adult, Youth and Dislocated Workers)
 - Employment Service (EDD/Wagner-Peyser Programs)
 - Veterans' Employment Services
 - Trade Adjustment Assistance (EDD, NAFTA-related)
 - Unemployment Insurance/Compensation (EDD)
 - Adult Education and Literacy
 - Post-Secondary Vocational Education (Carl Perkins Act)
 - Department of Rehabilitation (State of CA)
 - Older Americans Act (Title V Employment and Training)
 - Community Services Block Grant (CSBG)
 - Housing and Urban Development (Employment/Training)
 - Welfare-to-Work (Local CalWORKS and TANF)
 - Small Business Development Center (SBDC)

Members who represent organizations, agencies or other entities must be individuals with optimum policy making authority within the entities they represent. Changes to the initial structure shall maintain business representation at no less than 51% of the total Board membership. Addition or replacement of members shall be accomplished in the same manner as the original appointment.

3.2 **Number and Term of Office**. The Board of Directors shall consist of at least 51% of representatives of the private business sector. WIB members shall serve for fixed and staggered terms. Half of the WIB members' terms shall begin upon appointment of a given year. The second half of the WIB members shall have terms beginning in the year following the appointment of the first half of the members. All appointments and reappointments to the WIB shall be effective from the July 1st immediately preceding the appointment date and shall expire on the June 30th four years later.

3.3 **Resignations**. Any WIB member may resign by submitting written notice to the WIB Chairperson or Secretary. Such resignation shall take effect on the date of receipt of such notice or any later time specified therein and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Any Member

shall be deemed to have offered his or her resignation if: (1) the organization he or she represents no longer represents one of the groups specified in Section 2.1; (2) He or she ceases to represent the group for whom that Member was elected as a representative; (3) there is a change of the employment or status of a Member that substantially alters the Member's qualifications considered in making their initial appointment; or (4) the Member is absent from a significant number of meetings of the Board of Directors.

- 3.4 **Appointments.** All Members are appointed by the County Board of Supervisors, upon the recommendation of the WIB, arrived at in compliance with the Act and any other rules and regulations promulgated there under. Members appointed to fill a vacancy shall serve the remaining unexpired term of the Member whose position was vacated and shall thereafter be eligible to serve an additional term upon re-appointment.
- 3.5 **Removal.** Any Member may be removed by the majority of Members then in office with or without cause. A Member who is so removed shall not be granted any rights to a hearing or the right to appeal the removal.
- 3.6 **Officers.** The presiding officers of the WIB shall be called Chairperson and Vice Chairperson and shall have two year terms of office beginning July 1st and ending on June 30th, two years later.
- 3.7 **Place of Meeting.** Meetings of the Board of Directors may be held at such place within the County of San Luis Obispo as the Board of Directors may from time to time appoint, or as may be designated in the notice of the meeting.
- 3.8 **Conduct of Meeting.** The Chairperson shall preside over all WIB Board of Member meetings. In the absence of the Chairperson, the elected Vice Chairperson shall serve as the presiding officer. In the absence of both the Chairperson and Vice Chairperson, the WIB shall, at the beginning of its meeting, designate by majority vote, a Chairperson Pro-Tem to serve as presiding officer of that meeting. A staff person, if any or other designee of the WIB shall serve as Secretary of the WIB and shall be an ex-officio non-voting party to all meetings of the WIB. The Chairperson and the WIB designee shall have the responsibility of preparing the agenda for WIB meetings and the management or business of the WIB. All meetings of the WIB shall be called and conducted in conformity with provisions of the Ralph M. Brown Act of the State of California (the "Brown Act") (CA Government Code §54950, *et seq.*), as amended. Any conflict between these Bylaws and the Brown Act shall be resolved in favor of the latter.
- 3.9 **Annual Meeting; Election of Officers.** The WIB shall elect, by a majority vote from its membership, its Chairperson and Vice Chairperson. Election shall occur prior to June 30th of each two-year office. The WIB Chairperson and Vice Chairperson shall be from its business sector representatives, and they may succeed themselves if so re-elected.
- 3.10 **Regular Meetings.** The WIB shall meet six (6) times annually on a calendar basis, unless a majority of the Board of Directors decides to meet at a greater or lesser frequency due to other demands during the calendar year. Regular meetings of the Board

of Directors shall be held at such time and place as shall be designated from time to time by resolution of the Board of Directors. At such meetings, the Members shall transact such business as may properly be brought before the meeting. An agenda for a regular meeting must be posted 72 hours in advance in a location freely accessible to members of the public, and shall state the meeting time and place and contain a brief description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.

- 3.11 **Special Meetings.** Special meetings of the WIB may be called by the WIB Chairperson or by five or more WIB Members. Written notice of each such meeting shall be sent to, and received by, each Member at least twenty-four (24) hours before the time at which the meeting is to be held. Every such notice shall state the time and place of the meeting and all business to be transacted or discussed at such meeting. If any media have requested notice, written notice must be delivered by personal delivery or other means to ensure receipt at least 24 hours before the time of the meeting. Written notice must also be posted at least 24 hours prior to the special meeting in a location freely accessible to the public.
- 3.12 **Quorum and Manner of Acting.** A quorum to conduct business of the regular WIB shall be a simple majority of the WIB membership. Once a quorum is established, it sustains through the remainder of the meeting. A quorum may be established by the attendance of a majority of the WIB membership either in person or by teleconference. If teleconferencing, there is a requirement that a majority of WIB members be in the jurisdiction of the agency.
Each Member of the WIB shall have one (1) vote. Action may be taken by a simple majority of those present and voting, providing that a quorum was initially established. The WIB in all its actions and meetings shall be governed by Roberts Rules of Order, Newly Revised, in all cases to which they are applicable and to the extent in which they are not inconsistent with, or in conflict, these Bylaws.
- 3.13 **Compensation.** The Board of Directors shall not be compensated for their services as such. Refreshments, meals and reimbursement for travel expenses shall not constitute compensation.
- 3.14 **Attendance.** Unless otherwise excused, all Members shall be required to attend a minimum of three quarters (75%) of all Board of Directors meetings and a minimum of three quarters (75%) of all committee meetings to which the Member is assigned during the course of a full fiscal year to maintain Membership in good standing. Failure to comply with this attendance provision can result in removal from the Board of Directors.
- 3.15 **Powers; Liability Insurance.** The Board of Directors shall have full power to establish and direct the policies governing the business and affairs of the WIB; and all powers of the WIB, except those specifically reserved or granted by statute or by these by-laws or other governing documents, are hereby granted to and vested in the Board of Directors. The County of San Luis Obispo provides general liability coverage for the WIB and its members for acts and/or omissions arising out of membership on the WIB.

ARTICLE IV Committees

- 4.1 **Committee Formation.** The WIB Chairperson, with the approval of the WIB, shall create committees of the WIB. The WIB Chairperson shall appoint committee chairpersons from the WIB membership.
- 4.2 **Committee Membership.** Committee members, with the exception of the Youth Council, shall be appointed by the WIB Chairperson and include WIB members exclusively, or they may be supplemented by non-WIB members deemed appropriate by the WIB Chairperson with the approval of the WIB. Youth Council members shall be appointed by the WIB.
- 4.3 **Committee Meetings.** Notice and conduct of meetings of all WIB Committees are subject to the Brown Act, with the exception of any advisory committee, task force, or ad hoc committee created under subsection 4.9 hereto which has neither a continuing subject matter jurisdiction nor a fixed meeting schedule.
- 4.4 **Committee Action.** Action may be taken by a WIB committee by a simple majority of those present and voting. All actions of a WIB committee shall be advisory to the full WIB; however, the WIB may empower a committee to take action on behalf of the WIB for a specific purpose or purposes if at least a two thirds (2/3) majority of a quorum of the WIB vote to approve the empowering of a committee to take such action. Members who are not on such a committee may attend and vote on any delegated action item. WIB committees empowered to take action on behalf of the WIB shall have a quorum requirement of fifty percent (50%), plus one (1), of the authorized Committee members.
- 4.5 **Standing Committees.** The WIB shall have three standing committees: the Executive Committee, the Youth Council Committee, and the Business Council Committee.
- 4.6 **Executive Committee.** The Executive Committee shall have and may exercise all of the powers and responsibilities of the full WIB when the WIB is not in session, and shall meet at such time as the Chairperson shall prescribe. The Executive Committee shall review funding, budgets and service outcomes, and recommend actions for the accountability of the WIB expenditures of funds for the Local Workforce Investment Activities in San Luis Obispo county. All actions of the Executive Committee shall be reported at the next regularly scheduled meeting of the WIB. The Executive Committee shall consist of the WIB Chairperson, Vice Chairperson, and five (5) additional WIB Members, at least three (3) of which must be from the business sector representatives. The term of membership on the Executive Committee shall be the same as the chairmanship of the appointing Chairperson.

- 4.7 **Youth Council.** Membership on the Youth Council shall include members of the Board of Directors with a special interest or expertise in youth policy, representatives of youth service agencies, including juvenile justice and law enforcement agencies; representatives of local public housing agencies; parents of eligible youth seeking assistance; and individuals, including former participants and representatives of organizations that have experience relating to youth activities. Members of the Youth Council who are not members of the Board of Directors do not have voting rights on the Board of Directors, but shall be entitled to vote as members of the Youth Council as to matters delegated to the Youth Council. The Youth Council shall make recommendations for developing portions of the local plan relating to eligible youth and establishing the parameters for youth activities. The Youth Council shall also be responsible for recommending eligible providers of youth activities to be considered for grants or contracts on a competitive basis, conduct oversight with respect to eligible providers of youth activities, coordinate youth activities that are authorized by the Act, and other duties as determined by the Chairperson.
- 4.8 **Business Council.** Membership on the Business Council shall include business representatives from the Board of Directors who represent both the leading industries and employers in the regional economy and emerging sectors that have significant potential to contribute to job growth in the local area. The Business Council shall make recommendations for the Business Service Plan to the Board of Directors in an effort to increase employer involvement in the activities of the WIB and integrate local business involvement with workforce initiatives.
- 4.9 **Task Forces and Ad Hoc Committees.** The WIB Chairperson, with the consent of the WIB, shall also be able to create and appoint task forces or ad hoc committees, which shall serve on a short term basis, as needed, to further the attainment of the organization's mission.

ARTICLE V

Staffing and Support

- 5.1 **Offices.** The WIB and Administrative Entity share material support necessary for both to properly discharge their responsibilities under the Workforce Investment Act and other relevant federal and state legislation.
- 5.2 **Support Staff.** Administrative Entity shall provide support staff to the WIB to assist the WIB in discharging its obligations under the law. Support staff may include, as necessary, clerical, administrative, and legal staff. Administrative Entity will consult and cooperate with the WIB in determining the type and number of staff necessary to support the WIB.
- 5.3 **Program Administration.** The WIB shall not operate any programs itself.

ARTICLE VI
Conflict of Interest

- 6.1 **Voting Restriction.** No member of the WIB shall cast a vote or participate in the discussion of any matter which has a direct bearing on services to be provided by that member or his/her immediate family or his/her agent, or any organization which such member directly represents, or on any matter which would financially benefit such member or his/her immediate family member or any organization such member represents. Members must declare their conflicts for the official record. However, members of the WIB may vote on the Local Strategic Plan.
- 6.2 **Actual or Perceived Conflict.** WIB members shall avoid organizational conflict of interest, and they and their personnel, employees, or agents shall avoid personal conflict of interest or appearance of conflict of interest in awarding financial assistance, and in the conduct of procurement activities involving funds under the Act.
- 6.3 **Disclosure Obligation.** Members of the WIB shall comply with the intent of the California Political Reform Act of 1979 (commencing with Section 87300 of Chapter 7, Title IX, of the California Government Code) and any other conflicts of interest or financial disclosure requirements the state may require.

ARTICLE VII
Miscellaneous

- 7.1 **Effective Date.** These Bylaws shall become effective upon approval by the Board of Supervisors of the County of San Luis Obispo following adoption by a majority vote of the WIB membership and shall remain in effect, as amended, until dissolution of the WIB.
- 7.2 **Amendments.** Amendments to these Bylaws may be approved by a two-thirds (2/3) affirmative vote of the WIB members present at any regular meeting of the WIB. Amendments proposed to these Bylaws must be received by the WIB membership no less than five (5) working days prior to their consideration by the WIB. The WIB may make amendments to these Bylaws without approval by the Board of Supervisors as necessary to conform to current laws, regulations, state mandates, and customary regional practices.
- 7.3 **Construction.** In the event any conflict arises between these Bylaws and the provision of the Act, applicable State law, and or other implementing regulations, the legal provisions of law and regulations shall prevail, except as the Bylaws represent allowable discretion by the Board of Supervisors of the County of San Luis Obispo and WIB in interpretation and implementation of law and regulation.

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**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office	(2) MEETING DATE March 11, 2008	(3) CONTACT/PHONE Dan Buckshi, (805) 781-5011
(4) SUBJECT Request to approve the recommendation of the Workforce Investment Board (WIB) to transfer the Fiscal Agent and Administrative Entity functions of the Workforce Investment Act (WIA) from the Private Industry Council to the Department of Social Services, beginning July 1, 2008.		
(5) SUMMARY OF REQUEST Request to approve the recommendation of the Workforce Investment Board (WIB) to transfer the Fiscal Agent and Administrative Entity functions of the Workforce Investment Act (WIA) from the Private Industry Council to the Department of Social Services, beginning July 1, 2008.		
(6) RECOMMENDED ACTION It is recommended that the Board approve a resolution to approve the recommendation of the Workforce Investment Board (WIB) to transfer the Fiscal Agent and Administrative Entity functions of the Workforce Investment Act (WIA) from the Private Industry Council to the Department of Social Services, beginning July 1, 2008.		
(7) FUNDING SOURCE(S) N/A	(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A		
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Private Industry Council (PIC), the Workforce Investment Board (WIB), County Counsel, Department of Social Services, California Employment Development Department		
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____		
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All	(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Board Business (Time Est. 20 mins)	(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A	
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A Three copies with original signatures required.	(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A	(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	(22) Agenda Item History <input checked="" type="checkbox"/> N/A
(23) ADMINISTRATIVE OFFICE REVIEW: The Administrative Office prepared this item.		

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



DAVID EDGE
COUNTY ADMINISTRATOR

TO: Board of Supervisors

FROM: Dan Buckshi

DATE: March 11, 2008

SUBJECT: Request to approve the recommendation of the Workforce Investment Board (WIB) to transfer the Fiscal Agent and Administrative Entity functions of the Workforce Investment Act (WIA) from the Private Industry Council to the Department of Social Services, beginning July 1, 2008.

Recommendation

It is recommended that the Board approve a resolution to approve the recommendation of the Workforce Investment Board (WIB) to transfer the Fiscal Agent and Administrative Entity functions of the Workforce Investment Act (WIA) from the Private Industry Council to the Department of Social Services, beginning July 1, 2008.

Discussion

The Workforce Investment Act (WIA) was signed into law August 7, 1998, replacing its predecessor legislation, the Job Training Partnership Act (JTPA). The purpose of WIA is to provide services and training to laid-off workers, low-income/difficult to employ adult workers, and troubled youth (both in and out of school), in order to prepare them for the workforce, or for school so that they may gain employment.

JTPA, the forerunner to WIA, was a similar program, and was run locally by the Private Industry Council (PIC), a private non-profit corporation, under contract to the County. When WIA superseded JTPA, the County designated the PIC to be the sub-recipient of the funds and to administer the WIA programs and to provide direct services. WIA required the creation of a Workforce Investment Board (WIB) to set policy direction and to oversee the operations funded by WIA. In many counties, the PICs reconfigured with newly mandated members to become the WIBs. SLO County was unique in that the PIC is an independent, not-for-profit organization with its own Board of Directors. Because of this, the WIB was created as an advisory body to the County separate from the PIC. The 35 person WIB serves as the lead advisory body for the County's WIA programs and

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is tasked with setting policy direction and providing general program oversight, including direction and oversight of the PIC.

The PIC currently serves as the fiscal agent and administrative entity on behalf of the County and is the primary WIA program provider. As the *Fiscal Agent*, the PIC is responsible for receiving WIA funds directly from the State on behalf of the County, distributing the funds to program providers and clients, issuing purchase orders and contracts, conducting internal fiscal audits, and participating in State fiscal audits. As the *Administrative Entity*, the PIC is responsible for the internal monitoring of all WIA program activities (both its own and those of other providers), participating in State audits of WIA program activities, gathering and reporting workforce data, and providing staff support to the WIB. As the primary *Program Provider*, the PIC also serves as a direct service provider for adult, dislocated worker, and youth programs and holds the lease to the Creekside Career Center in San Luis Obispo, which houses the WIA-mandated One-Stop Career Center.

While the PIC has served in all three roles since the passage of the Workforce Investment Act, a conflict of interest has existed from the beginning. The PIC both oversees the administration of WIA programs and program providers and is a program provider itself. This organizational structure has become more problematic over the past two years as the WIB attempted to diversify the services offered to WIA clients by bringing in Atascadero Link as a new program provider for youth services, beginning in FY 2005-06. As a new WIA program provider, Link was a competitor organization to the PIC. The PIC, until Link's arrival, had been the sole provider of WIA programs. But with the addition of Link to the WIA program mix, the PIC, as the WIA fiscal agent and administrative entity, also became responsible for overseeing the activities of Atascadero Link. This situation has become awkward at best as the PIC is responsible for the training and oversight of a competitor organization. It is important to note that in its role as the Fiscal Agent and Administrative Entity, the PIC has met all legal requirements related to the WIA program and has passed all audits conducted by the State.

As noted earlier in this report, one of the duties of an Administrative Entity is to provide staff support to the WIB. Over the past several years, the WIB has become more proactive in exercising its oversight responsibilities, including oversight of the PIC. In providing staff support to the WIB, the PIC is charged with providing information to the WIB as requested. From the WIB's perspective, information has been untimely or incomplete, resulting in a sense that the PIC is not responsive to the requests and role of the WIB.

As a result of the organizational conflict of interest and the dissatisfaction with the staff support, on January 22, 2008, the WIB, as the advisory body to the County, formally voted to recommend to the Board of Supervisors that the WIA Administrative Entity and Fiscal Agent duties be moved from the PIC to the County Department of Social Services (DSS), as of July 1, 2008. The WIB overwhelmingly supported the recommended change as 14 members voted in favor, three against, and three abstained. The PIC is under contract in its current capacity through June 30, 2008, and would continue to serve

as a program provider in FY 2008-09. The WIB's recommendation is based on the work of a WIB taskforce that analyzed various options based on the models used by other counties to administer their WIA programs. Additionally, a survey of San Luis Obispo's comparable counties showed that five of six counties rely on the Department of Social Services or the equivalent County department to perform the fiscal and administrative functions. To accomplish this change the County, instead of the PIC, would receive the program year 2008-2009 WIA funds for distribution to the program providers.

Other Agency Involvement/Impact

The Private Industry Council (PIC), the Workforce Investment Board (WIB), the Department of Social Services, County Counsel, and the California Employment Development Department have been involved in this issue.

Financial Considerations

WIA program funding allocated to San Luis Obispo totals \$1.38 million for FY 2007-08. By WIA regulations, only 10% of the total, approximately \$138,000 based on the FY 07-08 allocation, can be spent on legally defined administrative functions, which are encompassed in the Fiscal Agent and Administrative Entity functions that the PIC performs. Currently, Atascadero Link receives about \$80,000 in funding for program activities and the PIC receives the remainder, including the \$138,000, for a total of about \$1.3 million. At a minimum, \$138,000 would transfer from the PIC to DSS for the Fiscal Agent and Administrative Entity duties. Additionally, more funds may transfer from the PIC to DSS if DSS were to assume responsibility for the One-Stop center or program monitoring.

The Department of Social Services would use existing staff and systems resources to manage the Fiscal Agent and Administrative Entity functions. However, if the One-Stop center duties were to be assumed by DSS, additional positions may be required. Any additional positions or resources would be paid for by Workforce Investment Act funds- no General Fund money would be required.

Results

Your Board's approval of the WIB recommendation will remove the conflict of interest that currently exists in the management, oversight, and delivery of WIA programs in San Luis Obispo County. Approval will also provide the authorization and clear direction needed to prepare for the County's receipt of the 2008-2009 program year WIA funds and performance of WIA fiscal and administrative functions from the PIC to the Department of Social Services. These changes will require that the County's WIA five-year plan be revised and submitted to the State WIB and Employment Development Department.

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION ADOPTING THE RECOMMENDATION OF
THE WORKFORCE INVESTMENT BOARD TO
TRANSFER LOCAL WORKFORCE INVESTMENT ACT FUNCTIONS

The following resolution is now offered and read:

WHEREAS, pursuant to the Workforce Investment Act section 117(d)(3)(B)(I) (hereinafter referred to as "WIA") the CHIEF ELECTED OFFICIAL, COUNTY OF SAN LUIS OBISPO (hereinafter referred to as "COUNTY") is the statutorily designated local grant recipient of WIA funds, including Section 128 and 133 funds;

WHEREAS, in past program years the COUNTY, pursuant to WIA Section 117(d)(3)(B)(II), has designated the PRIVATE INDUSTRY COUNCIL (hereinafter referred to as the "PIC") to act as the local grant sub-recipient and fiscal agent to perform administrative entity and fiscal duties;

WHEREAS, pursuant to WIA section 117(a) there has been established a LOCAL WORKFORCE INVESTMENT BOARD (hereinafter referred to as "WIB") to set policy for the local workforce investment area and make recommendations to the COUNTY on WIA related matter;

WHEREAS, at a duly noticed, public meeting held by the WIB on January 22, 2008, the WIB adopted the following recommendations to the COUNTY:

1. That the COUNTY change the administrative and fiscal agent duties from the PIC to the County of San Luis Obispo, Department of Social Services (hereinafter referred to as "DSS");
2. That July 1, 2008 be established as the target date for the change;
3. That DSS and the PIC provide the WIB periodic reports during the Spring 2008 on the transition;

E1-5
3/11/2008

4. That the WIB be allowed the ability to request from the COUNTY an extension, if necessary.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That for the WIA program year 2008-2009 beginning on July 1, 2008, the COUNTY shall be the local grant recipient for WIA funds, and shall perform the administrative and fiscal agent duties;

2. That DSS will act as the lead COUNTY department for the performance of the administrative and fiscal agent duties, working in conjunction with other departments and/or agencies, as may be necessary;

3. That DSS and the PIC, as the current WIA administrative agency for the COUNTY, are directed to provide the WIB with periodic reports during Spring 2008 on the transition process;

4. That the COUNTY may consider further request from the WIB for an extension in the timing for the change of administrative and fiscal agent duties.

5. That COUNTY staff are directed to take all necessary steps as may be required by the State of California or Federal agencies to effectuate this change.

Upon motion of Supervisor _____ seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

R. WYATT CASH
County Counsel

By: *R. Wyatt Cash*
Deputy County Counsel

Dated: 2/28/08

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20__.

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

(SEAL)

By _____
Deputy Clerk.

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EXHIBIT B

CONTRACT BETWEEN
GOODWILL INDUSTRIES OF SANTA CRUZ, MONTEREY AND SLO COUNTIES
WORKFORCE INVESTMENT ACT SERVICES
AND
COUNTY OF SAN LUIS OBISPO DEPARTMENT OF SOCIAL SERVICES

Compensation and Billing

1. Compensation: County shall pay to Contractor as compensation in full for all services performed by Contractor pursuant to this contract, the following sums in the following manner:
 - a. The total payable under the terms of this contract shall not exceed one million four hundred forty thousand and forty five dollars (\$1,440,045) of the program year funds pursuant to the project budget and budget narrative in Exhibit B-1, which is incorporated herein by reference. Funds are allocated to programs as follows:
 - 1) For One-Stop Operator WIA Adult Programs, not to exceed eighty four thousand one hundred and twenty eight dollars (\$84,128) for Quarter one (July through September 2013); and not to exceed three hundred thousand nine hundred and thirty seven dollars (\$300,937) for Quarters two through four (October 2013 through June 2014).
 - 2) For One-Stop Operator WIA Dislocated Worker Programs, not to exceed ninety one thousand eight hundred and seventy two dollars (\$91,872) for Quarter one (July through September 2013); and not to exceed three hundred twenty eight thousand five hundred and seven dollars (\$328,507) for quarters two through four (October 2013 through June 2014).
 - 3) For WIA Youth Program, not to exceed six hundred thirty four thousand six hundred and one dollars (\$634,601)
 - b. Contractor shall be reimbursed for all necessary and reasonable costs incurred on behalf of the County within the limits obligated by the contract and established by the budget and budget narrative, Exhibit B-1. Any costs incurred by the Contractor over and above the sums obligated by the contract, or set out in the budget shall be at the sole risk and expense of the Contractor.
 - c. Contractor shall submit to the County, by the 25th of each month an itemized statement/invoice of services performed during that preceding period. The invoice shall include a monthly total and itemization of all costs in the format established by Exhibit B-1. In addition, the invoice shall also include all costs in

a second format that will facilitate the processing and reporting of WIA financial data as required by Federal and State expenditure reporting requirements.

Contractor shall submit to County all billing in a format to be provided by County. The format required for WIA billing may include, but not be limited to, identification of any of the following WIA expenditures:

- 1) Grant Type – Adult, Dislocated Worker, Youth, or Other.
- 2) Administrative v. Program Expenditures including Cash Expenditures and Accrued Expenditures.
- 3) All program related expenditures (except Youth) must be identified within the following categories:
 - a) Universal (Core Self Service)
 - b) Core registration Services
 - c) Intensive Services
 - d) Training Payments
 - e) Other Training Services
- 4) All Youth Program related expenditures must be identified within the following categories:
 - 1) Youth In-School
 - 2) Youth Out-of-School

Please use the last date of the service period as the invoice date. All fiscal reports and billing shall be submitted to Accounts Payable Unit, Department of Social Services, P.O. Box 8119, San Luis Obispo, CA 93403-8119.

- d. The compensation shall be paid within fifteen (15) days after the receipt of an itemized statement from Contractor.
2. Amendment to Compensation:
- a. The Parties acknowledge that the Compensation as agreed upon herein is based on funding allocations established by the State, which may be adjusted during the program year.

- b. The Board of Supervisors expressly grants to the Director of Social Services (Director) the authority to amend this contract to approve additional Compensation, and corresponding expansion in the Scope of Services, should additional funding become available or increase through additional allocations and/or carry-over funds. The Director may exercise his/her discretion in awarding additional funds, provided funds are used in accordance with WIA statutes and regulations.

3. Budget Adjustments:

- a. The Director of Social Services (Director) must approve and execute amendments for budget adjustments to reallocate funds among budget categories contained in Exhibit B-1. Contractor must make requests for budget adjustments in writing with a showing of good cause that advances the overall purpose of the contract.
- b. The Board of Supervisors expressly grants to the Director the authority to approve requested budget adjustments and execute written amendments for those adjustments provided the change does not increase the cost to or impose any other burden on the County under this contract.
- c. The County has opted to use leveraged resources to meet the SB-734 minimum training expenditure requirement:
 - i. Eighty nine thousand four hundred and thirty five dollars (\$89,435) is identified for Adult training.
Ninety one thousand six hundred and seventy seven dollars (\$91,677) is identified for Dislocated Worker training.
Equaling a contract total of one hundred eighty one thousand one hundred and twelve dollars (\$181,112) identified for training, which represents 15% of the total local area's Adult and Dislocated Worker allocation and the minimum amount to be designated for training.
 - ii. Contractor is required to obtain \$59,623 in leveraged training funds for WIA enrolled Adults; and \$61,118 in leveraged training funds for WIA enrolled Dislocated Workers. Equaling a contract total of \$120,741 which represents 10% of the local area's total Adult and Dislocated Worker funding allocation
 - iii. Contractor must achieve a minimum of \$54,333 in leveraged training funds expended on WIA enrolled Adults and Dislocated Workers by December 31, 2013.
 - iv. The County may reallocate up to \$120,741 in existing contract funds from the personnel and/or operations budget sections and into the participant training line item to comply with SB-734. The County will execute the reallocation in January 2014. The reallocation will be in proportion to the amount of leverage the Contractor reports.

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WIA Services Manager – Job Description

(based on July 2012 recruitment)

Position

Under administrative direction in the Department of Social Services, is responsible for planning, organizing, directing, coordinating, and evaluating Workforce Investment Act (WIA) services. Reporting to the Assistant Director of Social Services and is staff support to the WIB. This position will assist the WIB in carrying out its functions as defined by the WIA, specifically: 1) the development and revision of the local plan, 2) working with operators, adult and youth providers, 3) identification of eligible providers of intensive and training services, 4) oversight of youth activities, training activities, and the One-Stop delivery system, 4) negotiation of local performance standards, and 5) any other requirements of federal and state legislation, as well as county rules and regulations.

Tasks

With the Administrative Entity and the Workforce Investment Board:

- Develop strategies and policies on workforce development issues;
- Work with the WIB and its committees to develop performance goals for the local area;
- Prepare and present budget recommendations and modifications for the entire WIA allocation to the Administrative Entity;
- Develop measures of outcomes and financial performance and ensure federal and state requirements are met;
- Collaborate with regional partners to develop regional workforce development policies;
- Represent the WIB to the private sector and assist in the cultivation and recruitment of private sector decision makers for involvement in WIB activities;
- Prepare goals and objective of the WIB;
- Provide assistance to the operators, service providers, training providers and other entities that become par to the One-Stop delivery system; and
- Links workforce development with economic development.

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BOARD MEMBER JOB DESCRIPTION

PRIMARY PURPOSE OF JOB DESCRIPTION

Provide community-wide leadership in identification of workforce development needs, thoughtful resource planning in response to these needs, and evaluation of system effectiveness as measured through the sustainability and growth of a healthy, vibrant local economy and community prosperity.

PRIMARY DUTIES

1. Attend Workforce Investment Board and committee meetings to actively participate in the business of the Board.
2. Serve as a sector representative to bring needed and emerging information to the board, facilitate collaborations, and provide leadership for WIB/community initiatives and partnerships.
3. Assist in Board planning activities including community assessment of needs, economic and labor trend analysis, and development of initiatives, funding priorities, and plans to best meet the WIB outcomes for a healthy and vibrant economy, full and prosperous employment.
4. Promote awareness of the WIB through personal involvement in sector, labor and economic development activities, promotion of One-Stop services, and general relationship building with businesses, education, labor, One-Stop partners, community organizations and the media.
5. Provide policy-level direction for the form, operational direction, and service outcomes for the county One-Stops.
6. Spearhead collaboration with intersecting organizations to best promote workforce development and fiscal resource maximization.
7. Assure accountability and effectiveness of WIA funds.
8. Establish resources, knowledge and credibility within the WIB so as to serve our community as the primary source for leadership and information related to workforce development in support of a healthy, robust economy and prosperous community.



EXECUTIVE COMMITTEE

The Executive Committee provides overall administrative and policy guidance for the effective operation of the WIB, and serves as point of contact for initial correspondence/liaison.

General Responsibilities

1. Ensures WIB administrative, operational and procedural mandates are acknowledged and followed in Board operation
2. Manages membership development to ensure a full and engaged representation of business growth industries, labor, education, community-based organizations, economic development and One-Stop partners
3. Provides direction and support for WIB committees
4. Acts as the primary point of contact for matters pertaining to WIA funds, legal issues, federal and state liaison
5. Spearheads and monitors WIB assessment, planning and evaluation of workforce development activities and strategic planning
6. Acquire and Review annual State WIA allocation for the County
7. Provide direction to WIA contractors on funding priorities and use of funds in response to the WIB's strategic planning goals and initiatives
8. Review specific Title I service contractor funding budgets
9. Serve as oversight liaison for WIA funded entities: administrative services, Title I funds and One-stops
10. Coordinate WIB responses to proposed federal and/or state-imposed WIA funding or regulatory changes
11. Provide information and recommendation to the WIB for continuous improvement of WIA funded programs and services.
12. Represent the WIB at monitoring visits of WIA funded services
13. Works with staff and partners to streamline information, decision-making, reporting and accountability on behalf of the WIB
14. Acts on delegated authority of the full WIB to effect action



YOUTH COUNCIL

The Youth Council provides expertise in youth workforce development policy and assists the WIB to develop and recommend local youth employment and training policy; broaden employment and training policy to incorporate youth development; establish linkages with other organizations serving youth; and, evaluate a range of issues that impact young people's success in the labor market.

DUTIES:

1. Convene as a clearinghouse for youth-related workforce issues. Seek and collect stakeholder input to identify workforce needs in the local youth services system.
2. Maintain a working agenda of identified needs to guide the scope and focus of the youth council. Update this agenda annually to coincide with the allocation of WIA youth funds.
3. Develop relationships with education, training providers, labor, other youth service providers and the business sector to encourage communication and joint problem-solving to best prepare youth for the local workforce.
4. Assist in the identification of new resources and access of funding opportunities to spearhead stakeholder collaboration and response to identified needs.
5. Serve as the primary liaison and advisory body to the WIB for youth advocacy and establishing youth funding priorities for WIA funds, including reviewing effectiveness of current contractors and recommending new contractors, as appropriate.
6. Represent the WIB/Youth Council by communicating youth workforce issues, activities, and needs through outreach and communication within the community.

REPORTING:

1. Annual review and update of local area youth needs



BUSINESS COUNCIL

The Business Council focuses on services to and for employers, including training of incumbent workers, new hires, and potential hires that meet the workforce needs of high demand sectors by preparing skilled workers for employment in competitive and emergent industry sectors.

The Business Council also assists the WIB to develop and recommend business services policy; broaden employment and training policy to incorporate the needs of employers, and establishes linkages with other organizations serving businesses.

DUTIES:

1. Develop and make recommendations for the Business Service Plan to the full WIB in an effort to increase employer involvement in the activities of our local board;
2. Submit the Business Services Plan along with the local Strategic Plan to the State of California Workforce Investment Board (CWIB);
3. Conduct Labor Market Intelligence (LMI) Analysis;
4. Provide oversight of Rapid Response Program services including Business Outreach Services;
5. Champion the Career Readiness Certificate – WorkKeys and Worldwide Interactive Network (WIN);
6. Report back to the full WIB on issues as directed by the full WIB on a bi-annual basis.
7. Ensure the Business Services Plan integrates local business involvement with workforce initiatives;
8. Partner effectively with businesses to identify and resolve skill gaps in priority industry sectors;
9. Conduct presentations to employers – design an effective outreach strategy and consistent messaging to effectively communicate what the WIB can do to help business.



MEMBERSHIP:

Membership on the Business Council shall include business representatives from the Board of Directors who represent both the leading industries and employers in the regional economy and emerging sectors that have significant potential to contribute to job growth in the local area. The Business Council shall make recommendations for the Business Service Plan to the Board of Directors in an effort to increase employer involvement in the activities of the WIB and integrate local business involvement with workforce initiatives.

REPORTING:

1. Annual review and update of Business Services Plan.



ONE-STOP LEADERSHIP COMMITTEE

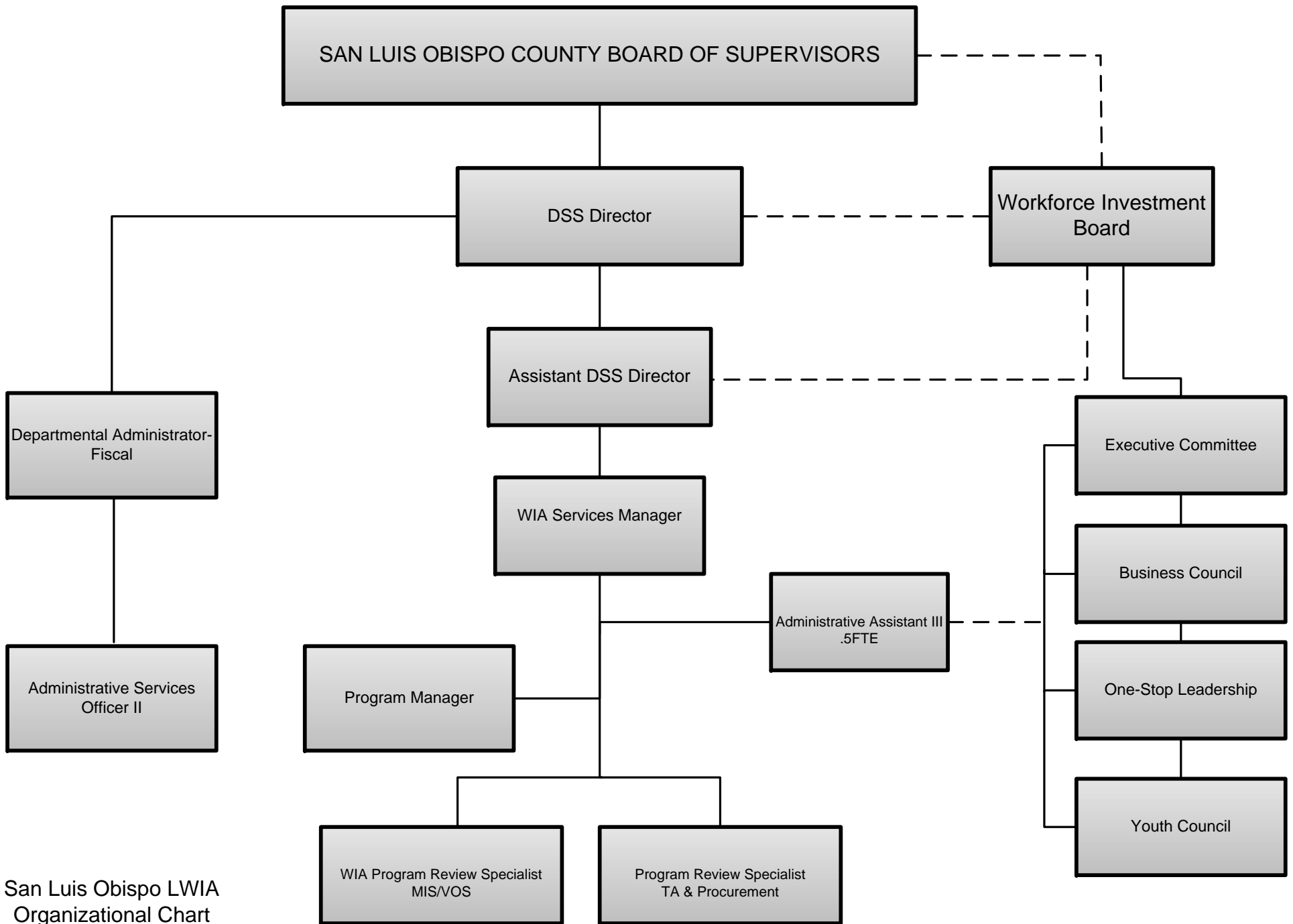
The One-Stop Leadership Committee works with the One-Stop Operator and One-Stop system partners to insure that the interests of job seekers and employers are equally represented in the One-Stop system. It insures that the One-Stop system provides comprehensive services in a **seamless, integrated, effective and efficient manner**. It insures that knowledgeable, skilled One-Stop system staff delivers high quality services, resulting in high levels of customer satisfaction. It insures that the One-Stop system meets or exceeds performance standards for placement, retention, earnings and job seeker and employer customer satisfaction.

DUTIES:

1. Meet with the One-Stop Operator and partners regularly to enable a dialogue that allows for the sharing of informational and operational issues that may impact One-Stop services.
2. Promote a 'demand-driven' One-Stop system and centers; work collaboratively with stakeholders to transition to this model.
3. Identify resources and provide education that enable stakeholders and WIB membership to better understand, promote, and develop demand-driven services.
4. Provide a forum for discussion and collaboration around issues of integrated service delivery between One-Stop Operator, system partners, and WIB members.
5. Develop a specific action agenda/plan to provide leadership and identify key focal areas for One-Stop continuous improvement activities. Annually, update this agenda with input from the partners and present to the full WIB.
6. Implement One-Stop quality assurance activities for the One-Stop's integrated service delivery initiative.
7. Annually review the WIB's One-Stop operating agreements with the One-Stop and partners.
8. Assist the Executive committee in conducting oversight of the One-Stop.

REPORTING:

1. Annual Plan and outcomes reporting.



San Luis Obispo LWIA
Organizational Chart
PY 2013-2014