



OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE # 02-2013

TO: WIA Chairs
WIA Board Staff
Local Elected Officials

FROM: Don Hackler
General Counsel

DATE: February 6, 2013

SUBJECT: Oklahoma Governor's Council for Workforce and Economic Development
Policy Issuance Process

PURPOSE: The Secretary of Commerce requests that the Governor's Council for Workforce and Economic Development (GCWED), consistent with its oversight role and the Department of Commerce's Workforce Investment Act administrative entity role, provide a process whereby parties in the workforce service delivery system can have a voice in the issuances of policy and monitoring.

BACKGROUND: Action by the Governor's Council (GCWED) on February, 13, 2009 established a process relating to waivers, policies and monitoring. It is the intent of this policy to update this process as the Oklahoma Department of Commerce has been designated as the administrative entity for the Workforce Investment Act by the Governor and the state of Oklahoma no longer has direct waiver authority.

AUTHORITY: U. S. Department of Labor regulations 661.120 states the Governor of the state as the grant recipient designates an official administrative entity for the purpose developing and issuing policy. It is the practice of USDOL not to dictate this process and states issue policy under this authority.

Sec. 661.120 of the Workforce Investment Act regulations: What are the roles of the local and State governmental partner in the governance of the workforce investment system?

(a) Local areas should establish policies, interpretations, guidelines and definitions to implement provisions of title I of WIA to the extent that such policies, interpretations, guidelines and definitions are not inconsistent with the Act and the regulations Issued under the Act, Federal statutes and regulations governing One-Stop partner programs, and with State policies.

(b) States should establish policies, interpretations, guidelines and definitions to implement provisions of title I of WIA to the extent that such policies, interpretations,

guidelines and definitions are not inconsistent with the Act and the regulations issued under the Act, as well as Federal statutes and regulations governing One-Stop partner programs.

MESSAGE:

Oklahoma GCWED Policy Issuance Process

It will be the practice of the Oklahoma Department of Commerce, Workforce Solutions Services, as the administrative entity, to issue all policies Oklahoma Workforce Development Issuance (OWDI) using the following process.

Workforce System Oversight Committee (WSOC) of the GCWED will be sent all policies in advance of release for review and comment. All comments will be returned to WSOC staff for action if necessary.

Policies in category (B) below will be distributed to the full GCWED during the public comment period. Policies in category (A) will be distributed immediately.

Policy category (A) includes mandatory issuances which do not allow for state or local interpretation from the United States Department of Labor, Opinions from the Oklahoma Attorney General, or new and/or amended Oklahoma Statutes are to be released immediately.

Policy category (B) includes those policies that are subject to state development and interpretation. Category (B) policies will be developed and issued by the Workforce Solutions Services using the following guidelines:

- Policies will be developed using subject matter expert workgroups, inclusive of local workforce investment boards, service providers, partners and stakeholders as necessary. If the policy is of a current integration nature all program experts will be involved in the development workgroup.
- Policies will be circulated to the public for comment for a 30 day period.
- Timely comments received in this 30 day period will be reviewed by the assigned workgroup and comments that receive a majority vote of the workgroup will be changed.
- After the above processes are complete the policy will be released as final to the appropriate entities.

(C) Appeal of a current policy.

- If a majority (51%) of local workforce board areas disagree with any policy issued, they can submit a request in writing for a policy review.
- A review team of the GCWED will be assembled for such a review within 30 days of the receipt of the appeal. The review team will consist of at least the following representatives. Others may be added as determined necessary.

- A representative of a local WIB
- A representative of the Council that is a business representative
- A representative of a local elected official
- A representative of a workforce development partner

If any member of the review committee has any connection to the issue under review, the member is to disclose the conflict to other members of the review committee and withdraw from the review. A replacement member shall be selected in the same manner as the withdrawn member was selected.

The above committee shall consider the reviewed policy and the objections to said policy. In connection with such consideration, the committee may seek additional input from local areas or other stakeholders as deemed necessary. The committee shall vote to either approve or disapprove the proposed policy. There is no appeal from the decision of the committee. The committee may, but is not required to, release comments concerning the proposed OWDI. The vote is to be by simple majority.

ACTION REQUIRED: This OWDI is to become a part of your permanent records and shared with all appropriate staff.

INQUIRIES: All inquiries regarding the process involved in this policy should be directed to Don Hackler, General Counsel for the Oklahoma Department of Commerce and the Governor's Council for Workforce and Economic Development at don_hackler@okcommerce.gov or Jeane Burruss, Project Director, Workforce Solutions Services, jeane_burruss@okcommerce.gov.