

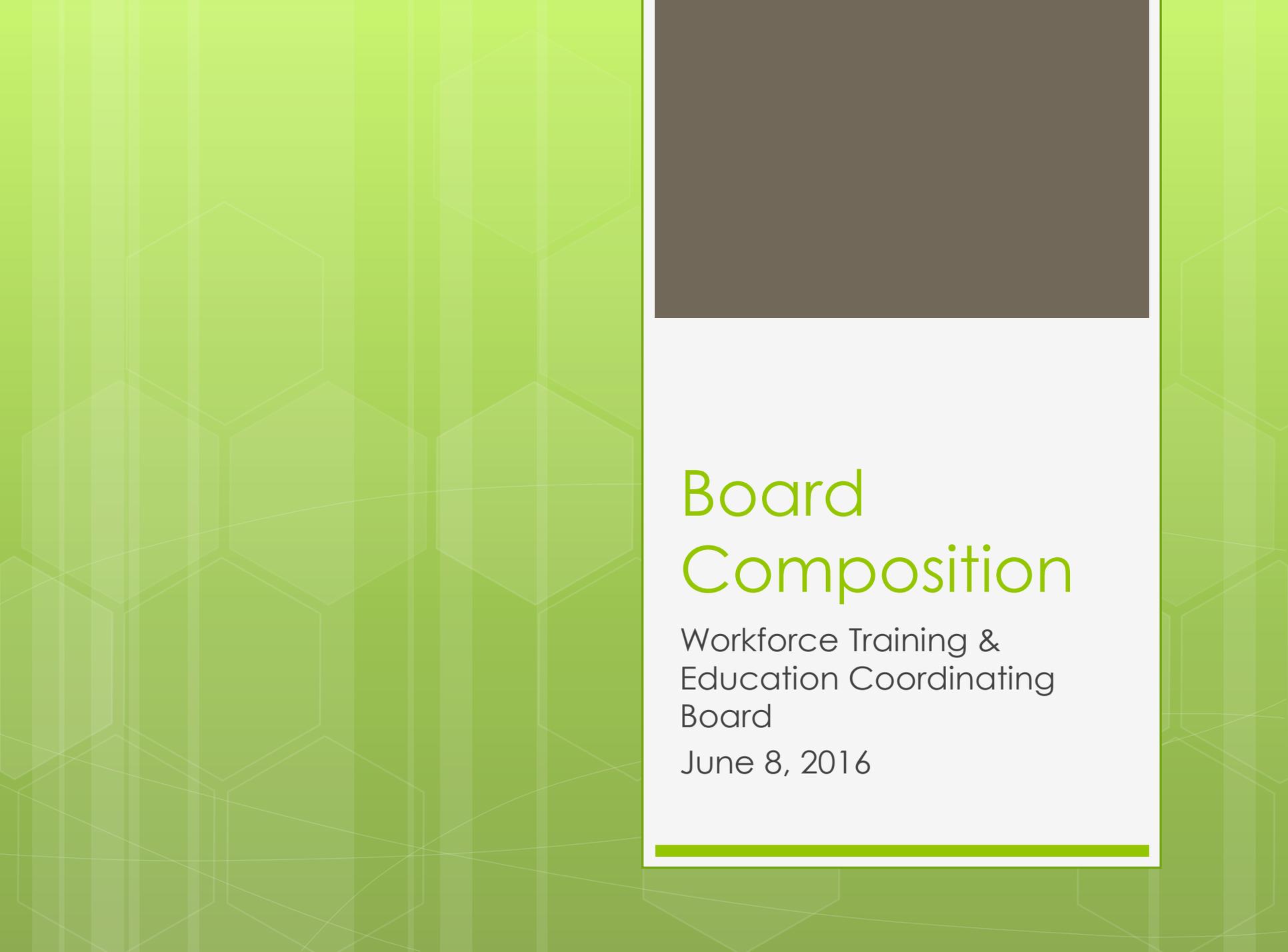
**WASHINGTON STATE  
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD  
MEETING NO. 200  
June 8, 2016**

**BOARD COMPOSITION AND AGENCY PARTICIPATION**

**Background**

The Board requested a consultation with the Office of the Attorney General to discuss the potential of adding additional voting members, while retaining its “grandfathered” status under the federal Workforce Innovation and Opportunity Act (WIOA). Assistant Attorney General, Justin Kjolseth, will present his findings and considerations on this matter.

**Board Action Requested:** For discussion only.



# Board Composition

Workforce Training &  
Education Coordinating  
Board

June 8, 2016

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# Agenda

- Background
- What is the issue?
- What are the Board's options?
- Next Steps

# New Strategic Plan: Combined Plan

- Combines core WIOA with other partner programs
- The Workforce Training and Education Coordinating Board (Workforce Board) is the lead agency responsible for coordinating system partners statewide
- Example- TANF (Workfirst) managed by 6 agencies: Office of Financial Management, Department of Commerce, the Employment Security Department, the Department of Social and Health Services, the State Board for Community and Technical Colleges, and the Department of Early Learning.

# Issue

How do we ensure that each stakeholder agency is adequately represented when the board makes decisions that implicate their programs?

# Role of the AGO: Options-Based Advice

- Presenting a range of options available under the law and evaluating risks/benefits
- Not advising that one option is better than the others
- This is a range of options, there are other alternatives

# Option # 1

Maintain the status quo

- Risks-
  - ❖ Stakeholder agencies may be left out
  - ❖ Lack of written policies & procedures leads to unpredictability
- Benefits
  - ❖ Flexibility
  - ❖ Simplicity

## Option #2

Alter the structure of the Workforce Board

Petition the legislature to open the statute and create additional positions on the Board for stakeholder agencies

# RCW 28C.18.020(2)(a) (1991)

The board shall consist of nine voting members appointed by the governor with the consent of the senate, as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of the board shall be a nonvoting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities.

# 1998 WIA

- 29 U.S.C. § 3111 (b) redefines requirements for Workforce Board Composition
  - ❖ Must be majority business representation
  - ❖ Minimum 20% labor representation
  - ❖ Remainder are representatives of government agencies
- Grandfathering clause for boards “in existence on the day before the date of enactment of the Workforce Investment Act of 1998.”

# Risks and Benefits of Restructuring

- Risks

- ❖ Must convince legislature to open the statute
- ❖ Uncertain outcome
- ❖ Unclear whether the Board would retain grandfathered status post-restructuring, could cause additional complications
- ❖ Would significantly alter the government/labor/business balance of the board, likely result in adding additional members

- Benefits

- ❖ Gives stakeholders a clear voice
- ❖ Opportunity for other legislative changes
- ❖ May result in a WIA-compliant board

# Option #3

- Establish an official channel of communication for stakeholder agencies
- Amend Bylaws
  - ❖ Define stakeholder agencies
  - ❖ Establish advisory subcommittee/workgroup
  - ❖ Notice and comment requirement for stakeholder agencies

# Risks and Benefits of Option #3

- Risks:

- ❖ Inadvertent exclusion of stakeholders
- ❖ Create opportunity to challenge decisions
- ❖ Does not give stakeholders a vote on the Board

- Benefits

- ❖ Gives a defined voice to stakeholders
- ❖ Much more control over the outcome
- ❖ Can always revisit

# Option #4

- Interagency Agreement(s) or MoU(s)
- Negotiate terms with stakeholder agencies to establish:
  - ❖ Procedure for consultation
  - ❖ Level of stakeholder influence
  - ❖ Other obligations of Board/stakeholders

# Risks and benefits of Option #4

- Risks

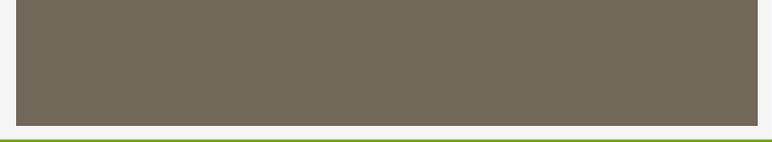
- ❖ Must get buy-in from all stakeholders
- ❖ Takes time to negotiate with multiple parties
- ❖ Creates a basis for challenging decisions
- ❖ May result in multiple agreements, lots to manage

- Benefits

- ❖ Clearly defined roles for all parties
- ❖ Custom solutions for custom problems
- ❖ Once you have stakeholder buy-in, you have it
- ❖ Easier to renegotiate than amend a statute

# Next Steps

- Decide on an option (or a variation)
  - If Option #1, you're done!
- Direct Workforce Board staff to develop a proposed course of action for that option (in consultation with the AAG)



Questions?