

**STATE OF DELAWARE**



**EXECUTIVE DEPARTMENT  
DOVER**

**EXECUTIVE ORDER  
NUMBER THIRTY-SIX**

**TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES**

**RE: AMENDING EXECUTIVE ORDER NUMBER THIRTY-FIVE REESTABLISHING  
THE WORKFORCE DEVELOPMENT BOARD**

**WHEREAS**, a well-educated and highly skilled workforce provides businesses in Delaware with a competitive edge critical for their success; and

**WHEREAS**, coordinating the planning, budgeting, and service delivery functions of the various federal and state workforce development programs at the state and local level will increase accountability, improve the quality and effectiveness of services, and help provide businesses in this state with an element critical to their success - a high quality workforce; and

**WHEREAS**, the Workforce Innovation and Opportunity Act (WIOA), which took effect on July 1, 2015, charged the State of Delaware with the establishment of Workforce Development Areas; and

**WHEREAS**, the Governor of the State of Delaware is the Chief Elected Official (CEO) of the Workforce Development Area per the WIOA; and

**WHEREAS**, the Governor of the State of Delaware has, by his authority, designated the entire State as a single Workforce Development Area for the cities and counties within the state boundaries; and

**WHEREAS**, the WIOA requires the establishment of a Workforce Development Board to provide policy guidance and oversight with respect to the WIOA; and

**WHEREAS**, the WIOA requires the Governor, as the CEO, and the Workforce Development Board, to be partners in the implementation of the WIOA; and

**WHEREAS**, WIOA establishes performance accountability indicators and reporting requirements to assess the effectiveness in achieving positive outcomes for individuals served by the workforce development system's programs, including the use of quarterly wage data, consistent with state law, for performance measurement purposes; and

**WHEREAS**, the US DOL developed the State Wage Interchange System (SWIS) to facilitate the interstate exchange of wage data between participating state agencies for the purpose of assessing and reporting on state and local performance for the programs authorized

under WIOA; and

**WHEREAS**, the Governor, as the CEO under WIOA, shall designate state agencies to be the Performance Accountability and Customer Information Agency (PACIA), responsible for facilitating the assessment of Delaware's core programs; and

**WHEREAS**, the WIOA provides Delaware with the opportunity to coordinate and streamline investments in the workforce under one board at the state level to provide career services and training to eligible residents of Delaware; and

**WHEREAS**, empowering local business, labor, and community leaders to take a prominent role in their communities' economic and workforce development activities will enhance the quality, efficiency, and responsiveness of these programs.

**NOW, THEREFORE, I, JOHN C. CARNEY**, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby **DECLARE** and **ORDER** the following:

1. The Delaware Department of Labor's (DOL) Division of Employment and Training (DOL/DET) is designated as the PACIA for the WIOA Title I (Youth, Adult and Dislocated Worker Programs) and Title III Employment Service Programs and shall be the Grant Recipient for funds allocated by the WIOA for the Title I and Title III Programs so identified.
2. The DOL Division of Vocational Rehabilitation (DOL/DVR) and the Delaware Department of Health and Social Services Division for the Visually Impaired are each designated as the PACIA for the WIOA Title IV Vocational Rehabilitation Program.
3. The Delaware Department of Education (DOE) is designated as the PACIA for the Title II Adult and Family Literacy Programs, and for combined WIOA programs including the Strengthening Career & Technical Education for the 21<sup>st</sup> Century Act and the Prison Education Program.
4. The Workforce Development Board (the "Board") is hereby reestablished and reconstituted, shall not exceed fifty-three members, shall reflect the demographic and geographic diversity of the state, and shall be composed of the following:
  - a. The Governor;
  - b. Two members of the Senate, appointed by the President Pro Tempore of the Senate, and two members of the House of Representatives, appointed by the Speaker of the House;
  - c. Members appointed by the Governor as follows:
    - i. a majority shall be representatives of business in the state, who shall be appointed in consultation with state business organizations/trade associations, to include:
      - (1) owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with

- optimum policymaking or hiring authority; and
      - (2) representatives of businesses (including small businesses) or organizations representing businesses that provide employment opportunities that, at a minimum, include high quality, work relevant training and development in in-demand industry sectors or occupations in the state;
    - ii. not less than twenty percent shall be representatives of the workforce in the state, who:
      - (1) shall include representatives of labor organizations, who have been nominated by state labor federations;
      - (2) shall include a representative, who shall be a member of a labor organization or a training director from a joint labor-management apprenticeship program, or if no joint program exists in the state, a representative of an apprenticeship program in the state;
      - (3) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and
      - (4) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth;
    - iii. other appointed members shall include the following:
      - (1) one county elected official;
      - (2) Mayor of the City of Wilmington, or his/her designee;
      - (3) a representative of the Delaware Prosperity Partnership;
      - (4) individuals the Governor may appoint in order for the membership of the Board to remain in compliance with federal requirements;
  - d. Members serving by virtue of position shall include the following:
    - i. Secretary of the Department of Labor;
    - ii. Secretary of the Department of Education;
    - iii. Secretary of the Department of Health and Social Services;
    - iv. Director of the Division of Small Business;
    - v. Director of the Delaware State Housing Authority;
    - vi. Commissioner of the Department of Correction;
    - vii. Department of Labor Director of Vocational Rehabilitation;
    - viii. The Delaware Equal Opportunity Officer.
5. The members in 4.c. and 4.d. shall be included in the overall balancing of the membership of the Board per the WIOA. An individual member of the Board may not be deemed to be a representative for more than one subcategory described above.
6. Appointed members shall serve at the pleasure of the appointing authority. Members who serve by virtue of position may appoint a designee to serve in their

stead and at their pleasure. A member must provide the designation in writing to the Chair. The Governor may consider the member to have resigned if the member is absent for three consecutive, regular Board meetings.

7. The Governor shall appoint from the members appointed under 4.c.i. one person to serve as Chair and one person to serve as Vice Chair.
8. A majority of the members must be present at a Board meeting in order to have a quorum and conduct official business. A vacant position is not counted for quorum purposes. Decisions of the Board must be approved by a majority of those members constituting a quorum at a meeting of the Board.
9. The Board shall meet at the call of the Chair, or as provided by bylaws adopted by the Board, but shall not meet less than annually.
10. An Executive Director shall be appointed by the Board.
11. The DOL/DET and the Board are jointly designated as the Administrative Entity to carry out the administrative functions pursuant to WIOA. DOL/DET shall be the Grant Recipient for funds allocated by WIOA as identified in paragraph 1 of this Executive Order. The Board will designate a one stop operator through a competitive procurement process.
12. The Board shall be responsible for the following:
  - a. The development, implementation and modification of the state plan required by applicable federal law;
  - b. Review of statewide policies, programs, and the activities of one-stop partners, and make recommendations on actions that should be taken to align workforce development programs in the state, consistent with the State Plan, in a manner that supports a comprehensive and streamlined workforce development system in the state, including review and provision of comments on the combined state plan for programs and activities of one-stop partners that are not core programs;
  - c. Development and continuous improvement of the workforce development systems in the state, through the:
    - i. identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system;
    - ii. development of strategies to support the use of career pathways for the purpose of providing individuals, including low skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment;
    - iii. development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;

- iv. development and expansion of strategies for meeting the needs of employers, workers, and jobseekers particularly through industry or sector partnerships related to in-demand sectors and occupations;
  - v. development of strategies to support staff training and awareness across programs supported under the workforce development system;
- d. Development and updating of comprehensive state performance accountability measures, including state adjusted levels of performance, to assess the effectiveness of the core programs in the state;
  - e. Identification and dissemination of best practices;
  - f. Development and review of statewide policies affecting the coordinated provision of services through the state's one-stop delivery system;
  - g. Development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one stop delivery system;
  - h. Development of strategies for aligning technology and improving data systems across one-stop partner programs to enhance the quality of service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation to improve coordination of services across one-stop partner programs);
  - i. Development of the statewide workforce and labor market information system;
  - j. Development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the state;
  - k. Development of the Demand Occupation List and Eligible Training Provider List;
  - l. Negotiation of performance measures;
  - m. Conducting oversight of youth activities, career services and training activities, and the one stop system authorized under WIOA;
  - n. Carrying out the responsibilities of Local Boards; and
  - o. Ensuring compliance with WIOA including any subsequent amendments.
13. The Board shall promulgate bylaws, consistent with applicable law and with this Executive Order, governing its organization and procedure. These bylaws shall include provisions outlining procedures for the determination of a conflict of interest for a board member, and how a conflict shall be handled.
14. With respect to the Title I and Title III WIOA Programs identified in paragraph 1 of this Executive Order, the Board shall work with the DOL/DET to ensure that the DOL/DET can:
- a. Ensure that a list of eligible providers is made available to participants and the public through the one stop system;
  - b. Administer all WIOA programs;

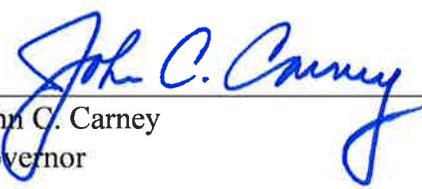
- c. Maintain sound fiscal practices and procedures which will ensure that all funds are managed in accordance with the Delaware State Code, state budget and accounting policies, and WIOA;
- d. Administer any other programs recommended by the Board;
- e. Maintain a management information system to monitor eligibility, intake, performance, and compliance with contracts, the State Plan, and other applicable regulations under WIOA for those enrolled in WIOA programs;
- f. Manage a request for proposal process, review and evaluate proposals, execute contracts and review and monitor contract performance;
- g. With the concurrence of the Board, take prompt and appropriate corrective action upon learning of violations of agreements, contracts, WIOA or any related regulations;
- h. Establish and maintain a procedure for handling grievances, investigations, and hearings as required by WIOA;
- i. Develop an annual budget for administering the programs per WIOA;
- j. Report on operations, federal performance measures and expenditures of all WIOA core programs as required by WIOA;
- k. Maintain eligibility determination, intake, assessment and referral procedures for those enrolled in WIOA programs; and
- l. Provide regular training for all staff involved in implementation of WIOA.

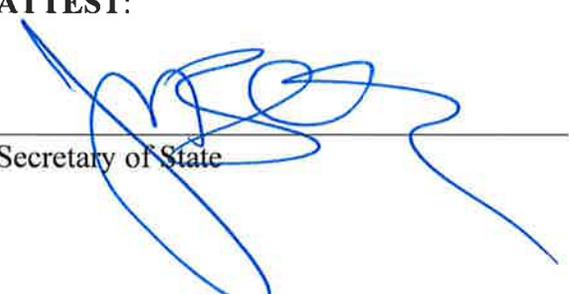
15. The Board shall prepare an annual report as required by WIOA and shall provide a copy to the Governor, the President Pro Tempore of the Delaware State Senate, and the Speaker of the Delaware House of Representatives within thirty (30) days of submission to the federal government.

16. Members of the Board may receive reimbursement for necessary travel expenses.

17. Executive Order No. 51, signed by Governor Jack Markell on June 12, 2015, and Executive Order No. 35, signed by Governor John Carney on November 25, 2019, are hereby rescinded.

APPROVED this 6<sup>th</sup> day of February 2020.

  
 \_\_\_\_\_  
 John C. Carney  
 Governor

ATTEST:  
  
 \_\_\_\_\_  
 Secretary of State

