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	<b>ATWDB POLICY #:</b>	<b>ATWDB Approval Date:</b>
	<b>AUTHORIZED BY:</b> Arizona Tribal Workforce Development Board (ATWDB)	
<b>SUBJECT: ATWDB Bylaws</b>		

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I. NAME

Arizona Tribal Workforce Development Board (ATWDB) hereinafter referred to as The Board.

II. ATWDB LOGO

The ATWDB may adopt a logo and authorize its use by the committee and task groups. The logo may be modified at any ATWDB meeting.

III. STATUTORY AUTHORITY

The local board is established in accordance with WIOA Section 107 and Public Law (P. L.) 113-128, Workforce Investment Innovation and Opportunity Act (WIOA) and appropriate CFR Parts.

IV. PURPOSE

In accordance with P. L. 113-128, it is the purpose of The Board, in partnership with Tribal Chief Elected Officials, to establish policy and oversee workforce investment programs within the Arizona Tribal Workforce Development Board (ATWDB).

V. COMPLIANCE WITH LAW

In execution of its business, the ATWDB must comply with WIOA and regulations as well as policies and directives from the State administrative entity and the State Workforce Development Board.

VI. VISION

The Arizona Tribal Workforce is a unique collaborative Workforce Development System that strengthens each tribe's investment in education and career pathways in a manner that honors each culture, supports local economies, and raise the quality of life for members through listening, dialogue, and consensus for the shared benefit of all participating tribes.

VII. PROGRAM YEAR

The program year shall be July 1 through June 30.

VIII. RESPONSIBILITIES

- A. The Board shall select a Grant Recipient (G.R.) to coordinate allocation of funds in the collaboration with administrative entities.
- B. Promote an effective government-to-government relationship with the State.
- C. Develop the local workforce innovation plan (local plan) in partnership with the Chief Elected Officials (CEOs).

- D. Conduct oversight of the one-stop system, adult, youth, dislocated worker, and employment/training activities under Title I of the Workforce Innovation and Opportunity Act.
- E. Designate at least one One-Stop Comprehensive Center and a One-Stop Operator.
- F. Develop a budget for the purpose of carrying out the board duties.
- G. Negotiate local performance measures.
- H. Develop and establish appropriate policies, provide policy guidance, exercise oversight responsibilities for these policies and enforce the policies.
- I. Establish goals and objectives for the Workforce Development Area.
- J. Submit recommendations to the Governor’s Workforce Arizona Council (WAC), Tribal Chief Elected Officials G.R. Staff, Program Directors, and Service Providers.
- K. Board members are not permitted to delegate any local board duties to proxies or alternates.

IX. BOARD COMPOSITION

A. Membership

- 1. Membership shall comply with P.L. 113-128.
- 2. Representatives of business shall constitute a majority of the membership.
- 3. One (1) representative from each Tribe within the ATWDB as determined by the respective tribe. Tribes are considered as a business, and these appointees are business representatives on the board.
- 4. Members shall be individuals with optimum policy-making authority or hiring authority within the organizations, agencies, or entities they represent.
- 5. A board member may represent multiple entities, but shall only be entitled to one (1) vote.

X. BOARD MEMBER APPOINTMENTS

A. Members

- 1. The Chief Elected Official of each Tribe within the ATWDB may appoint one (1) representative to membership on the board.
- 2. The current board shall request/recruit representatives from other appropriate entities for board membership. Appointments shall be made by the respective entity and approved by the board.

3. A completed and signed ATWDB Nomination/Appointment Form shall be required for each person before membership is considered valid. (Exhibits A-1 & A-2)

B. Duration of Appointment

1. The term of office for each board member shall be two (2) years (July through June) with approximately one-third of the terms ending June 30 of each year.
2. If there is more than one (1) simultaneous appointment, the board will determine the duration of the term to affect equity in staggered term expirations. These members' original term may be less than two years.
3. In the event of a replacement appointment, the new member shall serve for the remainder of the vacated term.
4. Individuals may be re-appointed for an unlimited number of consecutive terms.
5. Members will continue in their respective position until re-appointed or a successor is appointed.

XI. APPOINTMENT PROCESS

- A. By May 1 in the year of the expiring term, the Board Chairperson shall send, or cause to be sent, a Nomination/Appointment Form to each Tribal Chief Elected Official within the ATWDB and to all other appropriate entities in accordance with Articles IX and X.
- B. Completed and signed Nomination/Appointment Form will be returned as directed by the ATWDB Chairperson.

XII. OFFICERS

A. Officers of the Board shall be:

1. Chairperson
2. Vice-Chairperson

B. Terms of Office

1. Shall be elected for a two-year term (July through June).
2. Officers may be re-elected for an unlimited number of consecutive terms.
3. Officers shall continue in their respective position until re-elected or a successor is elected.

C. Duties

1. Chairperson
  - a. Serve as Presiding Officer of the board
  - b. Ensure that all business and actions of the board are carried out.
  - c. Appoint all committee chairs, unless otherwise specified by the board.
  - d. Serve as a member of the Special Operations Committee.

- e. Serve as a member of any committee designated by the board or these bylaws and as an ex-officio member of all other committees.
  - f. Make executive decisions on behalf of the board between meetings and when time is of the essence. Such actions shall be presented as informational items at the next regularly scheduled board meeting.
  - g. Fulfill additional duties as requested by the board.
2. Vice-Chairperson
- a. Serve as a member of the Special Operations Committee (SOC), and any committee designed by the board or by the chairperson.
  - b. Fulfill additional duties as requested by the board or by the chairperson.
  - c. In the absence or inability of the chairperson, assume all duties of the chairperson.

### XIII. ELECTIONS

#### A. Elections shall be held for a chairperson and vice-chairperson as follows:

- 1. In order to ensure officers are in place for the beginning of the New Year, at the last board meeting of the program year in May, the board shall elect or re-elect officers to serve for two (2) years (July through June). Elections will be in odd-numbered years.
- 2. The chairperson must be a tribal appointee to the board, and all tribal appointees are considered to be business representatives.
- 3. A majority vote of the members present and voting shall be required for election to office.
- 4. Nominations and elections for chairperson and vice-chairperson shall be two (2) separate actions.
- 5. Nominees must be present when nominated and accept/decline the nomination or submit their acceptance in writing to the Executive Director before the beginning of nominations.
- 6. Nominations shall be received from the floor, and voting shall be by secret ballot only when applicable. Nominations do not require a second.
- 7. If there is only one (1) nominee for an office, an acclamation vote may be received.
- 8. If there are three (3) or more nominees for an office and a nominee does not receive a majority vote on the first ballot, a runoff election shall be declared between the two (2) nominees receiving the highest number of votes on the first ballot. The runoff election shall take place immediately following the first balloting.

### XIV. VACANCIES

#### A. Vacancies will occur in the following situations:

- 1. Board Members

- a. Death or resignation.
- b. Removal by the Tribal Chief Elected Official or non-tribal entity that made the board appointment.
- c. Removal by a majority vote of board members for, but not limited to neglect or duties.
- d. Missing two (2) consecutive regularly scheduled board meetings.
- e. When a board member has two consecutive absences, the board chairperson shall send, or cause to be sent, written notification to the appropriate Chief Elected Official or other appropriate entity and to the board member.
- f. Every effort shall be made to fill the vacancy by the next board meeting.
- g. If a board member no longer holds the position or status that made them eligible board members, they are required to resign or be removed by the board or by the tribal chairperson immediately upon notification to the Local Board Chair of the change of status as a representative of that entity.

2. Officers

- a. Death or resignation.
- b. Removal by a majority vote of board members present and voting at any board meeting.
- c. Missing two (2) consecutive regularly scheduled board meetings.
- d. In the event of a vacancy in the office of chairperson, the vice chairperson shall be given the option of accepting or declining the office of chairperson. If the vice-chairperson accepts the office of chairperson, a special election shall be held at the next regularly scheduled board meeting to fill the office of vice-chairperson. If the vice-chairperson declines the office of chairperson, a special election shall be held at the next regularly scheduled board meeting to fill the office of chairperson. Election procedures shall be as stated in Article XII. The individuals elected shall complete the term of office for the vacated position.
- e. In the event of a vacancy in the office of vice chairperson, a special election shall be held at the next regularly scheduled board meeting. Election procedures shall be stated in Article XII. The individual elected shall complete the term of office for the vacated position.

B. Resignations

1. All resignations must be submitted in writing to the ATWDB Chairperson or Executive Director.

2. Upon receipt of the resignation letter, the board position shall be considered vacant.
3. When a resignation letter is received, the ATWDB Chairperson shall send, or cause to be sent, a letter and Nomination/Appointment Form to the Tribal Chief Elected Official or other entity requesting a replacement appointment.

C. All vacancies shall be filled within one-hundred twenty days (120) after the vacancy occurs.

#### XV. REMOVAL OF BOARD MEMBERS

- A. Board members will be removed by the board or tribal chairperson if any of the following occurs:
  - Documented violation of conflict of interest.
  - Failure to meet local board member representation requirements defined in WIOA and related policies.
  - Documented proof of malfeasance, fraud or abuse.
- B. The Special Operations Committee will conduct an investigation regarding allegations of wrong doing.
- C. After a thorough investigation, the Special Operations Committee shall make a recommendation to the board.
- D. The board will vote on the recommendation from the Special Operations Committee.
- E. If appropriate, the board will remove the affected member and notify the nominating entity or tribal chairperson in writing.

#### XVI. MEETINGS

- A. At least four (4) regular Board meetings shall be held during each program year. Meetings will be held in February, May, August, and November.
- B. At the last board meeting of the program year in May, the Board shall establish a meeting calendar for the following program year. The meeting calendar will include days(s) of meetings. Location of meetings may be established at this time, or determined by another delegated person or committee.
- C. The board chairperson, or designee, shall be responsible for sending notification of meetings, including date, location, a copy of minutes from previous Board meetings, and agenda to each board member and all other appropriate parties. This information shall be distributed a minimum of five (5) calendar days before the scheduled meeting.
- D. Meeting notices and agenda will be posted on the ARIZONA@WORK website a minimum of five (5) calendar days before the scheduled meeting.
- E. All board meetings shall comply in form and manner as required by Arizona Revised Statutes Open Meeting Law.

- F. Phone and web-based meetings are allowed. All participants must be able to hear all discussion for the phone meeting to occur or continue.
- G. Previous board meeting minutes shall be reviewed, corrected if necessary, and approved by the board.
- H. All action items require a motion and second, followed by discussion, and then a vote.
  - 1. Adequate time for discussion must be allowed before a vote is taken.
  - 2. The presiding officer may call for a vote when it is determined there has been adequate time for discussion, or it appears there is no further discussion.
- I. Basic Robert's Rules of Order shall be utilized as a guide in all meetings.
- J. Special Meetings:
  - 1. May be called by the board chairperson, or a majority of the board members, provided notification is given to each board member a minimum of five (5) working days before the scheduled meeting. Notification must include the date, time location, and purpose of the meeting.
  - 2. The only agenda item(s) for a special board meeting shall be those for which the meeting is called.
  - 3. Documentation must be on file showing all board members were notified of the voting process before a conference call, e-mail, or fax vote can take place.
  - 4. The board chairperson, or designee, shall send notification of the voting process, receive all votes, and send the voting results to all board members within five (5) days after the vote took place.
  - 5. All documentation shall become part of the official ATWDB files.

## XVII. QUORUM

- A. Applicable for ATWDB meetings, Program Directors' meetings, and all committee, ad hoc, and task group meetings.
- B. Fifty one percent (51%) of the total membership shall constitute a quorum to conduct business.
- C. A majority of those members present and voting shall be required for any action to be approved.

## XVIII. VOTING

- A. Applicable for ATWDB meetings, Program Directors' meetings, and all committee and task group meetings.

- B. Absentee or proxy voting shall not be allowed at any time, except a Program Director may designate an alternate for Program Directors' meetings.
- C. Only a duly appointed member may vote.
- D. In physical meetings, voting may be voice vote, hand vote or roll call vote. The presiding officer or chairperson shall determine the vote outcome.
- E. A hand vote or roll call may be requested by the presiding officer, chairperson, or any member.
- F. In any meeting a majority vote shall be determined based on the number of yea and nay votes received. Abstentions are considered as non-votes and do not positively or negatively affect the vote outcome.
- G. A roll call shall be taken for all conference phone calls, and voting shall be roll call vote with all votes recorded.
- H. The presiding officer or chairperson shall cast a vote only in a case of the vote. However, he/she may vote in any and all elections.

#### XIX. CONFLICT OF INTEREST

All ATWDB Members must adhere to the Workforce Arizona Council (Local Board Governance) Policy #01 and Workforce Arizona Council (Conflict of Interest) Policy #7 that follows the rules regarding conflict of interest.

- A. A board member may not vote on any matter that would provide direct financial benefit to the member or the members' immediate family, or on matters of the provision of services by the member or the entity the member represents.
- B. A board member must avoid even the appearance of a conflict of interest. Prior to taking office, board members must provide to the local board chair a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the local board. Such declarations must be updated annually or within 30 days to reflect any changes in such business interests or relationships. The board must appoint an individual to timely review the disclosure information and advise the board chair and appropriate members of potential conflicts.
- C. Prior to discussion, vote, or decision on any matter before the board, if a member, or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization, or property that would be affected by any official board action, the member must disclose the nature and extent of the interest or relationship and must abstain from discussion and voting on or in any other way participating in the decision on the matter.

- D. The board members will monitor potential conflict of interest and bring it to the board's attention in the event a member does not make a self-declaration.
- E. Any member may declare a perceived conflict of interest on the part of another member. The presiding officer or chairperson shall request a reason for the declaration, and then make a determination if there is a conflict of interest. If the determination is that there is a conflict of interest, the affected person will be excused from the meeting until a vote has been taken.
- F. The board must ensure that the local board's workforce service providers for WIOA Title IB adult, dislocated worker and youth programs must not employ or otherwise compensate a current board member or board employee who is employed or compensated by the board or its administrative entity, fiscal agent, or grant recipient to support the board in carrying out its duties.
- G. The board must ensure that the board, its members, or its administrative staff do not have any supervisory responsibility for daily activities of its workforce service providers, workforce system partners or contractors. The board must ensure a separation between governance functions and operating functions within an organization including different reporting structures. To ensure the appropriate firewalls are clearly defined between the staff who provide or oversee direct services to program participants and staff assigned to serve the local board, organizational charts will be requested.
- H. Local board members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner.

## XX. CONFLICT RESOLUTION

The Workforce Development Board is committed to reaching a prompt and fair resolution to any disputes, conflicts, or disagreements that may arise, and that may threaten or interfere with the functioning of the board.

- A. **Board Members**  
Conflicts between board members will be resolved by actions of the Workforce Development Board as follows:
  - a. In case of a conflict between board members, the matter will be resolved through a meeting of the interested parties with the Special Operations Committee of the board.
  - b. If the matter is not resolved at the board level, the conflict will be elevated to the Tribal Chief Elected Officials for resolution.
- B. **Service Delivery Partners**  
Conflicts with service delivery partners will be resolved as follows:
  - a. The parties shall first attempt to resolve the issues at the lowest possible levels of the organization involved.
  - b. The program director will attempt to resolve the issues at the lowest possible levels of the organization involved.

- c. If the informal resolution process is unsuccessful, the matter will be referred to the Executive Director of the board.
- d. If the matter is not resolved at the executive director's level, the matter will be referred to the local board for appropriate designation and/or recommendation. The local board chair may place the matter on the agenda of an executive session of the board.
- e. If the matter is still not resolved, the local board will advise the service providers of their options to appeal to the Arizona Department of Economic Security.

C. Consortium Partners

A similar approach using the conflict resolution process with service deliver partners will be used for conflicts with consortium partners.

XXI. COMMITTEES AND TASK GROUPS

A. The chair of all Standing Committees will be a LWDB Member.

B. The Special Operations Committee (SOC) shall be the only Standing Committee.

1. Special Operations

a. Members of this committee shall be the current board chairperson, current board vice chairperson, and two (2) board members appointed by the board chairperson, (3) program directors selected by the program directors, and the ATW Dislocated Worker Program Manager.

b. Term of office shall be two (2) years, beginning August 1 and ending July 31.

c. Appointments/selections shall be made no later than May 25 in the appropriate year.

d. The committee members shall select a member to serve as committee chairperson.

e. Vacancies will occur in the following situation:

1) Death or resignation.

2) Removal by the ATWDB Chairperson, the program directors, or by the committee.

3) Missing three (3) consecutive SOC meetings.

f. If a vacancy occurs, the following actions shall be taken:

1) Board Member vacancy: The board chairperson shall immediately appoint another board member to fill the remainder of the vacated term.

2) Program Director vacancy: At their next meeting, the program directors shall appoint an individual to fill the remainder of the vacated term.

g. Committee Duties.

1) At a minimum, shall meet quarterly.

2) Take action on matters authorized by the board or board chairperson.

3) Review, research, plan and/or develop recommendations or solutions on issues authorized by the ATWDB or assigned by the ATWDB Chairperson.

- 4) When necessary, take action on behalf of the ATWDB between board meetings when time is of the essence and authorized by the ATWDB Chairperson. Such actions shall be submitted to the ATWDB for confirmation.
  - 5) Approve conferences/workshops/special meetings and all matters regarding these activities.
- h. Chairperson Duties.
- 1) Preside at all committee meetings.
  - 2) Schedule meetings.
  - 3) Shall ensure that notifications of meetings, including date, location, and copy of previous minutes are sent to each SOC member, at least twenty (20) calendar days before the scheduled meeting.
  - 4) Ensure that all business and actions of the committee and carried out.
  - 5) Act as a liaison to the ATWDB Chairperson and the ATWDB.
  - 6) Present a report in ATWDB meetings and when necessary, in program directors' meetings.
- i. Meetings
- 1) Regular quarterly meetings will be scheduled, at a minimum.
  - 2) At the first meeting of the program year, the committee members shall elect a committee chairperson to serve for a period of two (2) years.
  - 3) Previous committee meeting minutes shall be reviewed, corrected, if necessary, and approved by the committee.
  - 4) All meetings shall comply in form and manner as required by Arizona Revised Statutes Open Meeting Law.
  - 5) Phone and web-based meetings are allowed. All participants must be able to hear all discussion for a phone meeting to occur or continue.
- j. Special Meetings
- 1) May be called by the committee chairperson, or a majority of the committee members, provided a minimum of five (5) workdays notification is given to each committee member.
  - 2) The notification must include the date, time, location and purpose of the meeting.
  - 3) The only agenda item(s) for a special committee meeting shall be those for which the meeting is called.
  - 4) Documentation must be on file showing all committee members were notified of the voting process before a conference call, e-mail or fax vote can take place.
  - 5) The committee chairperson, or designee, shall send notification of the voting process, receive all votes, and send the voting results to all committee members within five (5) days after the vote has occurred.
  - 6) All documentation shall become part of the official ATWDB files.
- k. All actions items require a motion and second, followed by discussion, and then a vote.
- 1) Adequate time for discussion must be allowed before a vote is taken.
  - 2) The presiding officer may call for a vote when it is determined there has been adequate time for discussion, or it appears there is no further discussion.
- l. Basic Roberts Rules of Order shall be utilized as a guide in all meetings.

#### Ad-Hoc Committees

- A. Ad-Hoc Committees may be appointed by the board chairperson or by the board for any special purpose and duration of time.
- B. All requirements and guidelines listed for Standing Committees are applicable to Ad-Hoc Committees.

## XXII. SPECIAL OPERATING PROCEDURES

- A. If no officer is present within fifteen (15) minutes after the scheduled beginning time for a meeting, the board members present shall designate by majority vote a Chairperson Pro-Tem for the duration of that meeting, or until an officer arrives, whichever occurs first.
- B. An individual board member may not take formal action on behalf of the board.

## XXIII. ATTENDANCE

- A. Board members are expected to attend all board meetings (Refer to Article XVI (A)).
- B. Board members are expected to notify the board chairperson or ATWDB Executive Director prior to the meeting if they will be unable to attend.

## XXIV. BOARD MEETING AGENDA

- A. Board members and any other parties must submit requested agenda items to the board chairperson or his/her designee a minimum of thirty (30) calendar days before the scheduled meeting.
- B. At the end of discussion of each agenda item, the presiding officer may recognize non-board members who wish to comment on the subject prior to the board taking formal action. The presiding officer may set a time limit for each comment.
- C. The presiding officer may move the order of the agenda at any time as appropriate.
- D. Opportunity for announcements by non-board members and the public shall be included as the last agenda item for each regular meeting.
- E. An executive session may be called at any time when deemed necessary by the chairperson, or a majority of board members.

## XXV. COMPENSATION

All board officers, board members and committee members shall serve without compensation, except for reimbursement for travel, lodging, and meal expenses in accordance with current and applicable ATWDB Policies.

## XXVI. MINUTES

- A. Minutes shall be recorded at each board meeting, program directors meeting, and committee meeting.
- B. The Executive Director, AE Chairperson, and Committee Chairperson shall be responsible for ensuring minutes are recorded at all meetings and filed appropriately.

XXVII. G.R. SUPPORT

The G.R. shall provide support and technical assistance as necessary and/or when requested.


XXVIII. AMENDMENTS

- A. These bylaws may be amended by a majority vote of board members present at any regular board meeting or at any special board meeting convened specifically for that purpose.
- B. Any board member, program director, committee chairperson, or committee may submit proposed amendments.
- C. Proposed amendments must be submitted to the Executive Director or designee for appropriate distribution and for inclusion on the board meeting agenda.
- D. Proposed amendments shall be sent to all board members allowing sufficient time to review and comment on the proposed amendments before any vote is taken.
- E. After approval, amended bylaws will be sent to all board members, G.R. staff, program directors', and other appropriate entities.

Amended: October 7, 2025

\_\_\_\_\_  
Arizona Tribal Workforce Development Board Chairperson (Printed Name)

\_\_\_\_\_  
Arizona Tribal Workforce Development Board Chairperson (Signature)

 <p>ARIZONA TRIBAL WORKFORCE</p> <p>A proud partner of the <a href="#">americanjobcenter</a> network</p>	<b>ORIGINAL ISSUE DATE:</b>	<b>REVISION DATE:</b> October 7, 2025
	<b>ATWDB POLICY #:</b>	<b>ATWDB Approval Date:</b>
	<b>AUTHORIZED BY:</b>  Arizona Tribal Workforce Development Board (ATWDB)	
<b>SUBJECT: ATWDB Conflict of Interest Policy</b>		

**PURPOSE**

The Arizona Tribal Workforce Development Board (ATWDB) is committed to carrying out the functions of the Workforce Innovation and Opportunity Act (WIOA) as described in 20CFR 679.370. This policy provides a framework to allow the Local Board to carry out its functions effectively while protecting the integrity of its processes and business transactions. It also establishes guidelines for conflict of interest, firewalls and internal controls required under WIOA for Local Workforce Development Boards (LWDBs) and entities serving in more than one role in the ARIZONA@WORK system.

**BACKGROUND**

This policy is not meant to rule out transactions between the local board and other entities or individuals where an interest or a relationship between the member and entity or individual exists which require proper disclosure and which are documented as being the outcome of established policies, and are determined to be in the best interest of the local board and community. As stated in 20CFR Section 683.200(c)(5)(ii) “Neither membership on the State WDB, the local WDB, or a WDB standing committee, nor the receipt of WIOA funds to provide training and related services, by itself, violates the conflict of interest provisions.”

This policy was created following the requirements of the Workforce Arizona Council outlined in its Conflict of Interest Policy #07 effective date February 23, 2023.

**APPLICABILITY**

This policy applies to all members of the Arizona Tribal Workforce Development Board and One-Stop Operators, Partners and actual or potential Service Provides.

**POLICY**

All board members and those applicable must adhere to the following rules regarding conflict of interest:

1. A board member must avoid even the appearance of a conflict of interest. Prior to taking office, board members must provide to the local board chair a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive, contracts or funding from the local board.

Such declarations will be updated annually or within 30 days of any changes to reflect any changes in such business interests or relationships.

2. A board member may not participate in any discussion or decision making matter that would provide direct financial benefit to the member, the member's immediate family, or to the entity/organization the member represents.
3. A board member may not vote on any matter that would provide direct financial benefit to the member, the member's immediate family, or to the entity/organization the member represents.
4. Prior to a discussion, vote, or decision on any matter before a local board, if a member or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization, or property that would be affected by any official board action, the member must disclose the nature and extent of the interest or relationship and must abstain from discussion and voting on or in any other way participating in the decision on the matter.

All abstentions must be recorded in the minutes of the local board meeting and retained as part of the official record.


5. No person preparing or assisting in the preparation of specifications, plans, or scopes of work shall receive any direct benefit from the utilization of those specifications, plans, or scopes of work.
6. It is the responsibility of the local board members to monitor potential conflicts of interest and bring them to the local board's attention in the event a member does not make a self-declaration.
7. In order to avoid a conflict of interest, the local board must ensure that its' service providers for WIOA Title IB Adult, Dislocated Worker, and Youth programs must not employ or otherwise compensate a current local board member or local board member or local board employee who is employed or compensated by the local board, fiscal agent, or grant recipient to support the local board in carrying out its' duties.
8. The local board must ensure that the local board, its' members, or its' administrative staff do not directly control the daily activities of its workforce service providers,

workforce system partners or contractors. *There must be complete separation between governance functions and operational functions within an organization including different reporting structures. The local board will ensure there is clearly defined firewalls between the staff who provide or oversee direct services to program participants and the staff assigned to serve the local board.*

9. Local board members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner.
10. Local board members are prohibited from providing equipment, materials, or supplies unless pursuant to an award or contract issued after a public competitive procurement process.

### **POLICY MANAGEMENT REQUIREMENTS**

Administrative revisions to the policy may be made by the ATWDB Executive Director, with notice to the Special Operations Committee (SOC) for review and recommendation to the ATWDB for approval.

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<b>AUTHORIZED BY:</b>		
Arizona Tribal Workforce Development Board (ATWDB)		
<b>SUBJECT: Training Services</b>		

**PURPOSE:**

To provide policy for Training Services that are available to unemployed and underemployed Workforce Innovation and Opportunity Act (WIOA) Title 1-B Adults, Dislocated Worker, and Youth program participants.

Training prepares individuals with the in-demand skills that meet the employers’ needs based on labor market information, sector strategies, career pathways, and business outreach. Through job driven training, individuals acquire the skills needed to obtain and/or retain employment and increase earnings which lead to self-sufficiency.

**REFERENCE(S):**

Workforce Innovation and Opportunity Act (WIOA) of 2014 (P.L. 113-128), Code of Federal Register 20 Part 680 and 681, Training and Employment Guidance Letter (TEGL) 19-16, 21-16, Training Employment Notice (TEN) 25-19

**POLICY:**

**Training Services**

Training services are available to assist individuals in gaining skills and knowledge to obtain and retain employment. Training is administered by public and private sector employers, as well as institutions of higher education, Registered Apprenticeships (RA), and other public and other public and private providers of programs of training services. The LWDB, and/or service providers may determine training services are appropriate, regardless of whether the individual has received basic or individualized career services. Training services for eligible participants must be directly linked to the employment opportunities in either the tribal areas or in another area where the participant is willing to relocate. Training services may include:

**A. Occupational Skills Training** - Training that is designed to meet the technical needs of the workplace and provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by specific occupational fields. Providers of occupational skills training must be listed on the Eligible Training Provider List (ETPL), and the specific training program must be listed as WIOA approved.

- B. On-the Job Training (OJT)** – Training provided through a contract with an employer who is reimbursed a percentage of the wage rate of the participant who is being trained while the participant is engaged in productive work.
- C. Skill Upgrading and Retraining** – Short-term or part-time training designed to upgrade skills in the workplace and provide retraining to enhance current skills.
- D. Entrepreneurial Training** – Training on the responsibilities of establishing, organizing, managing, and operating a business or enterprise.
- E. Programs that combine workplace training with related instruction, which may include cooperative education programs.**
- F. Training programs operated by the private sector.**
- G. Incumbent Worker Training** – Training designed to help the employer’s workforce obtain skills necessary to retain employment and prevent job loss. Training activities are provided through a contract between the ATWDB and an employer or group of employers (which may include employers in partnership with other entities delivering such training) for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs. Upon completion of the training, the employer must commit to continue to employ individuals who participated in the training.
- H. On-the-Job Training (OJT)** – Training provided through a contract with an employer who is reimbursed a percentage of the wage rate of the participant being trained while the participant is engaged in productive work.
- I. Customized Training** – Training designed for specific requirements of an employer or group of employers, which is related to new production, upgrading to new jobs that require new skills, workplace literacy, or other appropriate purposes as identified by the local board. Upon completion of the training, the employer must commit to employ or continue to employ the individuals who participated in the training.
- J. Registered Apprenticeship (RA)** – Training based on an approved set of National Guidelines for Apprenticeship Standards and developed by a national committee or organization, which includes OJT and related technical instruction in a classroom instructional setting.
- K. Job Readiness Training** – Training that includes workforce preparation activities and is provided in combination with:
1. Occupational skills training
  2. OJT
  3. Incumbent worker training
  4. Programs that combine workplace training with related instruction
  5. Training programs operated by the private sector
  6. Skills upgrading and retraining or
  7. Entrepreneurial training
- L. Adult Education and Literacy Activities, offered by WIOA Title II providers and other providers, including English Language Acquisition and integrated education training programs, provided concurrently or in combination with:**
1. Occupational skills training
  2. OJT
  3. Incumbent worker training
  4. Programs that combine workplace training with related instruction
  5. Training programs operated by the private sector

- 6. Skills upgrading and retraining or
- 7. Entrepreneurial training

**M.** Providers of OJT, Incumbent Worker Training, internships (individualized career services), paid and unpaid work experience (individualized career services) and transitional jobs are not required to be listed on the ETPL and are not subject to ETPL requirements.

**N.** Work-Based Training includes OJT, Incumbent Worker Training, and customized training and is not subject to ETPL requirements. Work Based Training must result in transferable skills within the industry in which the worker is currently employed, and/or other growing industries within the LWDA and in an occupation with a high potential for sustained demand or growth.

Work Based Training must not:

1. Displace any currently employer workers (including a partial displacement such as a reduction in non-overtime work, wage, or employment benefits)
2. Impair an existing contract for services or a collective bargaining agreement
3. Procure, contract for, or incur costs to be paid from WIOA Title IB program funds prior to the start date, as determined by the date when all parties sign the contract
4. Be provided to any company that has relocated within the previous 120 days of its application if the relocation resulted in any employees losing their job at the original location
5. Include proprietary training specific to a company, unless skills are determined to be transferable to other businesses or industries and
6. Be used to directly or indirectly assist, promote, or deter union organizing.

Employer Eligibility for Work Based Training All businesses must be located and conducting business within the State of Arizona. Each business agrees to:

1. Complete an application and enter into a contract with the service provider funding the training program
2. Adhere to applicable WIOA administrative requirements as well as the nondiscrimination and equal opportunity provisions of the laws
3. Provide a training development plan that identifies the training clearly identifying the need and competencies that will be achieved for each individual selected to receive the training
4. Provide a copy of a "Certificate of Completion" to the service provider for everyone who successfully completes the prescribed training program. Such certificates must contain the individual's name and the class or course completed through training
5. Employ, or in the case of incumbent workers continue to employ, an individual upon successful completion of training
6. Be available for program monitoring on a scheduled basis
7. Provide quarterly post-training reports, including information on the retention and/or promotion of trainees and the impact training made on the business for one year after completion of the training.

Administrative Requirements for Work Based Training Adult, Dislocated Worker and Youth Service Providers must collect performance data to Ensure employers who are participating in work based training are fulfilling their commitment to hire training participants after they complete the training program. Service providers must not contract with an employer who previously received payments Under WIOA if the employer has exhibited a pattern of failure to provide training

participants with continued long-term employment that includes wages, benefits (as well as health benefits) and working conditions that are equal to regular employees who worked the similar length of time and are doing the same type of work.

#### Service Provider Responsibilities

Responsibilities consist of:

1. Identifying a point of contact who will assist the business customer with questions and concerns and provide overall support for the contract
2. Incorporating the employer's training development plan into the IEP and identifying any other barriers or services needed
3. Monitoring during the training period and upon completion of the training contract
4. Developing policies and procedures for in-kind contributions (e.g., costs of training space or facilities at an employer's place of business used during training)
5. During the application process identifying how the training program will benefit individual workers participating in training
6. Reviewing participant progress and determining if supportive services are needed
7. Follow-up monitoring at the work site upon placement of the participant after completion of training to verify/document that the participant is working in the agreed upon position at the agreed upon salary, and utilizing the skills obtained through the training
8. Inclusion of a provision in the contract for contract termination due to lack of funds or lack of participant attendance in the training
9. Inclusion of a provision in the contract permitting LWDA, state, and federal staff to review training records
10. Monitoring for the purposes of verifying the prover is in compliance with the contract;
11. Monitoring the performance and progress of the participant and
12. Visiting participants and their supervisors at the worksite to assist in job-related or personal counseling, and to provide job coaching.

#### **PROGRAM PARTICIPANT ELIGIBILITY FOR TRAINING SERVICES**

##### **Adult and Dislocated Worker Program Participants**

All qualified program participants must be registered and enrolled in the Arizona Job Connection (AJC) and determined eligible for the WIOA Title I-B Adult and Dislocated Worker Program prior to being determined eligible for training services. Service Providers must develop procedures for determining eligibility for training services based on requirements. Training services, based on availability of funding, may be made available to unemployed and underemployed individuals if:

**A.** A service provider staff member determines, after a documented interview, evaluation, or objective assessment, and career planning, qualified participants are:

1. Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to, or higher than, wages from previous employment
2. In need of training services to obtain or retain employment leading to self-sufficiency or wages comparable to or higher than wages from previous employment
3. Have the skills and qualifications to participate successfully in training services
4. Select a program of training services that is directly linked to employment opportunities in the local area or in another area to which the individuals are willing to commute or relocate.

5. Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as state-funded training funds, Trade Adjustment Assistance (TAA), and Federal Pell Grants established under Title IV of the Higher Education Act of 1965, require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants; and

6. If training services are provided through the Adult Program funding stream, are determined eligible in accordance with the State and ARIZONA@WORK Arizona Tribal Workforce priority of service.

**B.** There is no required minimum time period for participation in career services before receiving training services.

**C.** Workforce Specialists must provide a justification for training through detailed documentation in case notes and in the participant's Individual Employment Plan (IEP). At a minimum, the documentation must include:

1. Summation of the interview identified in Section A
2. Labor market information supporting the decision to pursue training
3. Comprehensive Assessment/Objective Assessment results identifying skill gaps, and documentation of the participant's ability to complete the training
4. The name of the program of study
5. Start and anticipated end dates of training
6. Total cost of the program, including tuition, books, and supplies
7. The dollar amount of additional sources of training funds, including funds from other job training programs and grants to be applied to the training costs
8. Pell Grant eligibility and the award amount that will be applied to the training costs
9. Targeted outcomes of training. It must provide an unquestionable understanding between service provider staff and the participant of each step in program participation
10. Case notes and the IEP must clearly indicate how the training will be applied to job search and when job search is anticipated to start and program participation is expected to end.

### **Youth Program Participants**

The WIOA Youth Program must make each of the 14 program elements available to eligible youth program participants. Of the 14 elements, Occupational Skills Training qualifies as training for youth participants. The Occupational Skills Training includes other types of training services, such as Registered Apprenticeship. Occupational Skills Training does not include OJT, as OJT is considered a type of Work Experience in the youth program.

### **COORDINATION OF WIOA TITLE IB TRAINING FUNDS WITH OTHER GRANT ASSISTANCE AND CO-ENROLLMENTS**

Funding for training is based on the availability of program funds and is limited to program eligible participants who are unable to obtain other grant assistance to pay for the cost of training or who require assistance beyond what is available from other sources to pay for training.

**A.** Service Providers must coordinate funding arrangements and co-enrollments with One Stop Partners and other entities. Such coordination must be documented in the case notes in the participant's file and in AJC. Alternative sources of funding that may be available include, but are not limited to:

1. State-funded training funds

2. Trade Adjustment Assistance (TAA)
3. Rehabilitation Act funds
4. Temporary Assistance for Needy Families (TANF)
5. Federal Pell Grants; or
6. Other federal grant funds

**B.** In making the determination that WIOA Title IB funds are required, the Service Provider must take into account the full cost of training, including post-training certification testing, if applicable, and the cost of supportive services and other appropriate costs, to ensure training is completed successfully.

**C.** This provision does not apply to the GI Bill or other forms of Veterans Administration (VA) education or training benefits. Veterans and spouses are not required to coordinate their entitlement to VA training benefits with WIOA Title IB funds.

**D.** Student loans are excluded when determining the individual's overall need for WIOA Title IB funds for educational costs.

**E.** Individuals may be attending school when they become a WIOA Title IB participant; reimbursement for training costs is not allowed for payments made prior to WIOA Title IB participation.

#### **PELL GRANTS**

**A.** Pell Grant eligibility is established by completing the Free Application for Federal Student Aid (FAFSA). Documentation must be in the participant's file to support the eligibility determination and award of the PELL Grant.

**B.** All eligible participants pursuing training at a Pell Grant eligible institution must apply for a Federal Pell Grant, unless the participant provides documentation to indicate they are not eligible for the Pell Grant.

1. A participant may enroll in WIOA Title IB funded training while his/her Federal Pell Grant application is pending.

2. Reimbursement is not required from the portion of the Pell Grant assistance disbursed to the WIOA Title IB participant for education-related expenses, which includes supportive services.

**C.** Following the award of the Pell Grant, the training provider must reimburse the respective program the amount that the Pell Grant covers from the WIOA Title IB funds used to underwrite the training. Only the amount of the grant that applies to the participant's tuition will be used to reimburse the expended WIOA Title IB funds.

**D.** A completed agreement between the respective program and the educational institution must be on file as well as with the WIOA participant before any funds are paid to the training provider. This agreement must include the amount to be initially paid by the WIOA Title IB program and the agreement between the training provider and the participant to reimburse the WIOA Title IB program through the Federal Pell Grant.

**E.** Federal Pell Grants are awarded to cover tuition costs and education-related expenses.

**F.** When a participant is awarded a Pell Grant, the Pell Grant amount and the beginning and ending dates of the grant must be recorded in AJC on the WIOA Educational Grants page, and under AJC case notes, or in the participant's file.

## **CO-ENROLLMENT**

The ATWDB encourages co-enrollment with partner programs. Co-enrollment allows programs to leverage funds and expands services available to participants to meet their needs.

**A.** Co-management with partner programs must ensure duplication of services does not occur.

**B.** Supportive services may be provided to support WIOA Title IB funded or non-WIOA Title IB funded training. Any supportive services provided by the WIOA Title IB program must be documented appropriately in AJC and added to the Service and Training (S & T) Plan or the participant's file.

**C.** In the case of co-enrollment in Job Corps and WIOA, the Job Corps component will be considered training on the IEP.

**D.** The WIOA Title IB program may receive credit when a training service results in a recognized post-secondary credential, secondary school diploma, or high school equivalency diploma. This includes: 1. Instances when training is paid for using partner-program funds; or 2. When the participant paid for training using other funds (e.g., the participant paid for the training, the training was paid for by the participant's parent, employer, or other grants or scholarships paid for 100 percent of training); and 3. WIOA Title IB funds were used to provide career, and/or supportive services for the participant's success in the program.

**E.** When non-WIOA Title IB funds are used to pay for the training, the training program is not required to be listed on the ETPL. If the training is paid for using partner-provided funds, service provider staff must add the training in AJC on the Case Details page as follows:

1. Select the "Partner Provided Services" hyperlink and click add;
2. Select the Funding Source/Enrollment; and
3. Complete the services provided by the partner program on the Partner Provided Services page drop-down menu.

**F.** The WIOA Title IB program may count a participant's attainment of an industry recognized credential when the training program is not paid with WIOA Title IB funds towards the WIOA Title I-B credential attainment rate. To count the credential, the following requirements must be met:

1. The participant attained the industry-recognized credential during participation or within one year after exit;
2. WIOA service provider staff determines if the training program's outcomes meet the definition of an industry-recognized credential;
3. To record the industry-recognized credential, the service provider must enter the industry-recognized credential on the 4th Quarter Outcomes screen.

## **INDIVIDUAL TRAINING ACCOUNT (ITA)**

ITAs should be used to provide training services to eligible WIOA Title IB Adult, Dislocated Worker, and Youth participants based on the training needs identified in the participant's IEP. If ITAs are not used, complete, clear, and accurate documentation must be included in case notes in the participant's file.

ITAs are used for all training options that require use of the Eligible Training Provider List (ETPL). Each training program requires a separate ITA.

Approval of all ITAs issued for training must be documented in the participant's case file in the AJC system, providing evidence, based on real-time labor market information for identifying in demand occupations for which training is sought.

If using an ITA, provide limitations for amount and duration, if included in LWDB's policies (20 CFR 680. 310).

ITA's are not generally used by tribal entities. Tribal areas use other methods of an ITA such as, purchase order, letter of intent (LOI) and contracts. Those agreements must ensure they address the requirements within the state policy. Tribal Financial Departments determine how the training account will be set up. Each tribal area determines the total amount that may be paid for an individual based on the individual assessments, needs and funding available. Training is offered and available for all eligible Adults, Dislocated Workers and Youth.

**A. ITA Payments**

1. Payments from an ITA may be made in a variety of ways including the electronic transfer of funds through financial institutions, vouchers, or other appropriate methods.
2. Payments may also be made incrementally through payment of a portion of the costs at different points in the training course.
3. All ITAs are subject to approval by Program Management.

**B. ITA Limitations**

1. The amount and duration of each participant's ITA must be justified based on the participant's needs as identified in the IEP and maintained in the participant's case file such as the occupational choice or goal and level of training needed to succeed in that goal.
2. Eligible participants may select any approved training program from the ETPL, and the length of the ITA must be approved by Program Management.
3. The IEP and associated case notes must clearly identify the start and targeted end date of the ITA and program of study.
4. Individual tribal offices may establish a dollar amount limit per participant for an ITA. funding ceilings may be adjusted with approval of the WIOA Program Director