GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2007-88
April 9, 2007

SUBJECT: Amendment of the District of Columbia Workforce Investment Council as established by Mayor's Order 99-85, dated June 2, 1999

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2001), and in accordance with the Workforce Investment Act of 1998 ("Investment Act"), approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2801 *et seq.*), and the Workforce Investment Implementation Act of 2000 ("Implementation Act"), effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1601 *et seq.*), it is hereby **ORDERED** that:

I. CONTINUATION OF THE WORKFORCE INVESTMENT COUNCIL:

The District of Columbia Workforce Investment Council ("DCWIC"), as established by Mayor's Order 99-85, dated June 2, 1999, is continued, retaining its name. This Order will stipulate and amend its oversight, structure, duties, and functions.

II. PURPOSE:

The DCWIC is the state and local workforce investment board charged with developing consumer-driven systems and programs to support career development and self-sufficiency and to enhance the productivity and competitiveness of the District of Columbia's workforce.

III. ORGANIZATIONAL STRUCTURE:

A. TRANSFER OF MANAGEMENT AND OVERSIGHT

The DCWIC shall be transferred from the organizational management and authority of the Department of Employment Services and shall report directly to the management and oversight of the Deputy Mayor for Planning and Economic Development.

B. MEMBERS

The DCWIC shall consist of not more than thirty-nine (39) members. Except as specified below, members shall be appointed by the Mayor. Members shall include:

1. The Mayor or his/her designee;
2. Two (2) members of the Council of the District of Columbia who shall be appointed by the Chairman of the Council of the District of Columbia;
3. The Deputy Mayor for Planning and Economic Development or his/her designee;
4. The Deputy Mayor for Education or his/her designee;
5. The Director of the Department of Employment Services;
6. The Director of the Department of Youth Rehabilitative Services;
7. The Director of the Department of Human Services;
8. The President of the University of the District of Columbia;
9. No more than two (2) additional representatives of District of Columbia government agencies;
10. Twenty (20) representatives of the local business community, recommended by local business organizations and subject to appointment by the Mayor, who are owners, chief executive officers, chief operating officers, or other executives with hiring or policy-making authority of businesses that reflect the employment opportunities of the District;
11. Two (2) representatives of labor organizations, recommended by labor federations and subject to appointment by the Mayor;
12. Two (2) representatives of organizations that have experience with respect to youth activities;
13. Not more than two (2) representatives from organizations that have experience with respect to the delivery of workforce investment activities; and
14. Not more than two (2) community members with experience relative to the District.

C. OFFICERS

The Mayor shall appoint on an annual basis a Chairperson from among the business community members of the DCWIC. The DCWIC may designate any other officers necessary and appropriate to achieving its purposes. All officers other than the Chairperson shall be elected on an annual basis by the membership of the DCWIC.

D. COMMITTEES

The DCWIC shall have two standing committees, the Executive Committee and the Youth Committee, also called the Youth Investment Council. The Chairperson, together with the Executive Committee, may create such additional committees as they deem necessary to perform the functions of the DCWIC.

The Executive Committee shall consist of the following thirteen (13) members, who shall include the Chairperson and any additional elected officers of the DCWIC:

1. Seven (7) members appointed to the DCWIC from the business community;
2. The Deputy Mayor for Planning and Economic Development or his/her designee;
3. The Deputy Mayor for Education or his/her designee;
4. The Director of the Department of Employment Services;
5. One (1) additional representative of the District of Columbia government;
6. One (1) representative of a labor organization; and
7. One (1) additional private sector member.

The Youth Investment Council shall serve as the "youth council" pursuant to section 117(h) of the Investment Act (29 U.S.C. § 2832(h)). The purpose of the Youth Investment Council shall be to improve the quality, comprehensiveness, and supply of youth employment services in the District by advising the DCWIC on matters affecting youth employment and youth employment preparation.

The Youth Investment Council shall consist of the following members:

1. The two (2) members of the DCWIC selected because of experience with respect to youth activities;
2. The Director of the Department of Youth Rehabilitative Services;
3. The Deputy Mayor for Education or his/her designee;
4. Not more than five (5) additional members of the DCWIC with interest in youth policy;
5. The Chief of the Metropolitan Police Department or his/her designee;
6. The Executive Director of the District of Columbia Housing Authority;
7. Two (2) parents of youth seeking or receiving job training or job placement services;
8. Two (2) youth seeking or receiving job training or job placement services; and
9. Two (2) youth who are former job training or job placement services participants.

Members of the Youth Investment Council who are not members of the DCWIC shall be voting members of the Youth Investment Council, but nonvoting members of the DCWIC.

E. TERMS

Private sector members shall be appointed for terms of three (3) years. Current members shall continue to serve until the expiration of their appointment, and the schedule of appointments established by Mayor's Order 99-85 shall not be affected by this Order. Private sector members shall be eligible for reappointment to no more than three (3) complete terms. Any member appointed to fill a vacancy in an unexpired term shall be appointed only for the remainder of the term. Government members shall serve at the pleasure of the appointing authority.

IV. FUNCTIONS:

The DCWIC shall assist the Mayor in connection with the following functions:

A. Policy/State functions

1. State plan

   a. Developing a five-year strategic Workforce Investment Plan; and

   b. Developing and providing for continuous improvement of a District-wide system of workforce development.

2. Accountability

   a. Developing and providing for continuous improvement of a comprehensive performance measurement system to assess the effectiveness of District workforce investment activities;

   b. Establishing performance standards for training and employment programs;

   c. Preparing and submitting an annual report to the Council and Secretary of Labor; and

   d. Developing a District-wide employment statistics system.

3. Policy and strategy development

   a. Coordinating initiatives of DCPS, UDC, public charter schools, private colleges and universities in the District of Columbia, and adult literacy programs to enhance the contributions of public and higher education to the implementation of the District employment and training policy;

b. Recommending amendments to local laws or regulations that present barriers to achieving the goals of the Workforce Investment Act;

c. Developing a wage and career progression strategy that includes mechanisms to help low-income workers upgrade literacy, numeracy, and basic skills to assist in their move toward self-sufficiency;

d. Developing an educational continuum with educational and training opportunities appropriate to a range of skill levels, with clear transitions between programs;

e. Developing an industry sector strategy to target investments to stable and high growth industry sectors that have jobs and advancement opportunities for employees with less than a four-year college degree;

f. Coordinating workforce investment activities with economic development strategies; and

g. Conducting a labor market analysis.

4. Intergovernmental responsibilities

a. Developing applications for incentive grants under section 503 of the Workforce Investment Act; and

b. Identifying ways in which the District can foster regional cooperation with the local and state workforce boards in the jurisdictions surrounding the District to develop and implement mutually beneficial workforce investment approaches.

B. Implementation/Local functions

1. Oversight of providers

a. Designating or certifying One-Stop Operators;

b. Awarding grants and contracts to eligible providers based on a competitive selection process;

c. Overseeing all workforce investment programs; and

d. Promoting participation of private sector employers in workforce development initiatives.

2. Youth activities

a. Selecting youth activity providers based on the recommendations of the Youth Committee;

b. Overseeing youth activity providers; and

c. Coordinating youth workforce investment activities.

C. Administrative functions

1. Developing a budget for carrying out DCWIC duties and functions; and

2. Identifying and securing, in conjunction with the Office of Partnership and Grants Development, additional private sources of funding to support the duties and functions of the DCWIC beyond federal and local government support.

D. Any other responsibilities enumerated in the Implementation Act and any other responsibilities granted to state and local workforce investment boards by the Investment Act.

V. ADMINISTRATION:

Members of the DCWIC shall serve without compensation, except that when approved in advance by the Mayor or his/her designee, reasonable expenses of the DCWIC as a whole and of individual members necessary to the performance of DCWIC functions may be reimbursed, subject to the availability of appropriations.

The Executive Committee of the DCWIC may appoint and terminate for cause an Executive Director, whose compensation shall be subject to the availability of appropriations. The Executive Director shall exercise personnel authority over any additional staff approved by the Executive Committee and the Mayor.

VI. **EFFECTIVE DATE:** This Order shall become effective immediately.

ADRIAN M. FENTY
MAYOR

ATTEST:

STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OFCOLUMBIA

Legal Counsel Division

MEMORANDUM

TO: **Mark V. Ouellette**
Special Assistant
Office of the Deputy Mayor for Education

FROM: **Wayne C. Witkowski**
Deputy Attorney General
Legal Counsel Division

DATE: **April 5, 2007**

SUBJECT: **Legal Sufficiency Review of Draft Mayor's Order for the Workforce Investment Council (AM-07-220) (MID 198769)**

This responds to your March 29, 2007 e-mail, by which you request that this Office review the above-referenced draft Mayor's Order (Order) for legal sufficiency.

The Workforce Investment Council (WIC) was established by Mayor's Order 99-85, dated June 2, 1999.[1] Its mission is to develop consumer-driven systems and programs to support career development and self-sufficiency and to enhance the productivity and competitiveness of the District's workforce.

The Order would continue the WIC in amended form. More specifically, the Order would (a) transfer the WIC from the organizational management and authority of the Department of Employment Services to the management and oversight of the Deputy Mayor for Planning and Economic Development and (b) amend its membership, committee structure, and core functions.

The Order is authorized by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(2) (2006 Repl.). *See also* sections 111 and 117 of the Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. §§ 2821 and 2832) (providing for the establishment of state and local workforce investment boards).

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[1] This Office found Mayor's Order 99-85 to be legally sufficient in a March 31, 1999 memorandum to Arnold R. Finlayson, then Director of the Office of Documents and Administrative Issuances. *See* LCD File No. AM-99-129.

I find the attached revised Order[2] to be legally sufficient.[3]

Should you have any questions regarding this memorandum, please contact either Mr. Grimaldi at 724-5198, or me at 724-5524.

WCW/jjg

Attachment (as stated)

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[2] The attachment reflects the revisions of Assistant Attorney General John J. Grimaldi, II, Legal Counsel Division. Because the members of the WIC are appointed by the Mayor, the attachment also reflects the comments of Carla Brailey, Director, Office of Boards and Commissions.

[3] The Office of Documents and Administrative Issuances has also approved the Order as to form.