



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

SECRETARY OF SENATE
2020 MAY 29 PM 12:16

EXECUTIVE ORDER

No. 2020-107

Department of Labor and Economic Opportunity

Michigan Workforce Development Board

Rescission of Executive Order 2015-11

To ensure Michigan workers can acquire the skills and credentials they need to secure and advance in jobs with family-sustaining wages, and to ensure Michigan's job providers have access to the skilled workers they need to succeed in a global economy, Michigan must strengthen the quality and labor market relevance of its workforce through investment, education, and economic development efforts. Achieving this requires the alignment of these efforts to support a comprehensive, accessible, and high-quality workforce development system.

Section 101 of chapter 1 of the Workforce Innovation and Opportunity Act, Public Law 113-128, as amended, 29 USC 3101 to 3361 (the "WIOA"), requires the governor to establish a state workforce development board. 29 USC 3111(a).

Executive Order 2015-11 established the former Governor's Talent Investment Board within the Michigan Talent Investment Agency as Michigan's workforce development board. That order was amended by Executive Order 2018-13, which renamed the board the Michigan Future Talent Council, transferred the Council to the Department of Talent and Economic Development, and altered the Council's membership and responsibilities. Under Executive Reorganization Order 2019-3, the Department of Talent and Economic Development was renamed the Department of Labor and Economic Opportunity.

Changes in the structure and operation of Michigan's workforce development board are necessary to reflect the current organizational structure of the state government, to comply with federal law, and to better address the employment and skill needs of Michigan's workers and job providers. The United States Department of Labor has approved the composition of Michigan's workforce development board as described in this order.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creating the Michigan Workforce Development Board

(a) The Michigan Workforce Development Board (the “Board”) is created as an advisory body within the Department of Labor and Economic Opportunity (the “Department”), and is designated as the state workforce development board required by section 101 of the WIOA, 29 USC 3111, and includes the following members:

- (1) The governor, or the governor’s designee.
- (2) One member of the Michigan House of Representatives, appointed by the governor from a list of three candidates submitted by the speaker.
- (3) One member of the Michigan Senate, appointed by the governor from a list of three candidates submitted by the majority leader.
- (4) The director of the Department, or the director’s designee from within that Department.
- (5) The following members appointed by the governor:
 - (A) Twelve residents of this state representing businesses in Michigan. Each member must be an owner of a business, a chief executive or operating officer of a business, or other business executive or employer with optimum policy-making or hiring authority. These members must include:
 - (i) A small business owner.
 - (ii) A member representing manufacturing business enterprises.
 - (iii) A member representing mobility business enterprises.
 - (iv) A member representing minority-owned business enterprises.
 - (v) A member representing female-owned business enterprises.
 - (vi) A member representing business enterprises employing veterans, returning citizens, or persons with disabilities.

- (vii) A member representing business who is also a member of the Michigan Economic Development Corporation Board.
 - (viii) Five other members.
- (B) Three residents of this state representing the workforce and general labor in Michigan.
- (C) Five other residents of this state, including all of the following:
 - (i) A director of a Michigan high school career and technical education program, including high school instructional programs that teach students skills in a specific career clusters and prepare students so they have the necessary academic, technical, and work behavior skills to enter, compete, and advance in education and in their careers.
 - (ii) An apprenticeship coordinator of a joint labor-management apprenticeship program.
 - (iii) One chief elected official of a city or county in this state, or the chief elected official's designee.
 - (iv) One president of a community college district organized under the Community College Act of 1966, 1966 PA 331, as amended, MCL 389.1 to 389.195.
 - (v) One president of an institution of higher education described in or established pursuant to section 5 or 6 of article 8 of the Michigan Constitution of 1963.
- (6) One non-voting member of the Michigan House of Representatives, appointed by the governor from a list of three candidates submitted by the house minority leader.
- (7) One non-voting member of the Michigan Senate, appointed by the governor from a list of three candidates submitted by the senate minority leader.
- (b) The members of the Board appointed under section 1(a)(5) of this order must represent diverse geographic areas of this state, including urban, rural, and suburban areas.
- (c) No member of the Board may serve as a member representing more than one of the following:
 - (1) The category described in section 1(a)(5)(A) of this order.
 - (2) The category described in section 1(a)(5)(B) of this order.

- (3) The category described in section 1(a)(5)(C) of this order.
- (d) At least one of the members appointed under section 1(a)(5)(A) of this order must represent a small business as defined by the United States Small Business Administration.
- (e) To encourage coordination and cooperation between the Board and the Michigan Economic Development Corporation, and the more effective alignment of workforce and economic development efforts in this state, at least one of the Board members appointed under section 1(a)(5)(A) of this order must also be a member of the executive committee of the Michigan Economic Development Corporation.
- (f) A member representing an organization described in section 1(a)(5)(B) or 1(a)(5)(C) of this order must be an individual with optimum policy-making authority in the organization or for the core program that they represent. For purposes of this section 1, an individual with optimum policy-making authority is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.
- (g) The Board members initially appointed under section 1(a)(2) and 1(a)(6) of this order must be appointed for a term expiring on January 1, 2021. After the initial appointment, the Board members appointed under section 1(a)(2) and 1(a)(6) of this order must be appointed for a term of two years, concurrent with the two-year term for a member of the Michigan House of Representatives. The Board member initially appointed under section 1(a)(3) and 1(a)(7) of this order must be appointed for a term expiring on January 1, 2023. After the initial appointment, the Board member appointed under section 1(a)(3) and 1(a)(7) of this order must be appointed for a term of four years, concurrent with the four-year term for a member of the Michigan Senate.
- (h) Of the Board members appointed under section 1(a)(5) of this order, five members must be appointed for a term of four years, five members must be appointed for a term of three years, five members must be appointed for a term of two years, and five members must be appointed for a term of one year. After the initial appointments, a member of the Board appointed under section 1(a)(5) of this order must be appointed for a term of four years.
- (i) The director of the Department must notify the governor of a vacancy on the Board. A vacancy on the Board created other than by the expiration of the term of a member of the Board will be filled in the same manner as the original appointment, for the remainder of the unexpired term. A member of the Board may be reappointed for additional terms.
- (j) The governor must designate a member of the Board appointed under section 1(a)(5)(A) of this order to serve as chairperson of the Board at the pleasure of the governor. The Board must elect a vice-chairperson from among its members. The vice-chairperson must act as chairperson when the chairperson of the Board is absent.

2. Charge to the Board

- (a) The Board is an advisory body and must assist the governor with all of the following:
- (1) The development, implementation, and modification of Michigan's four-year unified state plan pursuant to the WIOA, 29 USC 3112.
 - (2) Consistent with section 2(a)(1) of this order, the review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by this state to align workforce development programs in Michigan in a manner that supports a comprehensive and streamlined workforce development system in Michigan, including the review and provision of comments on the state plans, if any, for programs and activities of one-stop partners that are not core programs.
 - (3) The development and continuous improvement of the workforce development system in Michigan, including all of the following:
 - (A) The 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.
 - (B) The 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.
 - (C) The 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.
 - (D) The development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations.
 - (E) The identification of regions, including planning regions, for the purposes of section 106(a) of the WIOA, 29 USC 3121(a), and the designation of local areas under section 106 of the WIOA, 29 US 3121, after consultation with local boards and chief elected officials.
 - (F) The development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers with planning and delivering services, including training services and supportive services, to support effective delivery of services to workers, jobseekers, and employers.

- (G) The development of strategies to support staff training and awareness across programs supported under the workforce development system.
- (4) The development and updating of comprehensive performance accountability measures for this state, including state-adjusted levels of performance, to assess the effectiveness of the core programs in Michigan, as required under section 116(b) of the WIOA, 29 USC 3141(b).
- (5) The identification and dissemination of information of best practices, including best practices for all of the following:
 - (A) The effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment.
 - (B) The development of effective local boards, which may include information on factors that contribute to enabling local boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness.
 - (C) Effective training programs that respond to real-time labor market analysis that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences, and that evaluate the skills and competencies for adaptability to support efficient placement into employment or career pathways.
- (6) The development and review of statewide policies affecting the coordinated provision of services through this state's one-stop delivery system described in section 121(e) of the WIOA, 29 USC 3151(e), including the development of all of the following:
 - (A) Objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers described in 121(g) of the WIOA, 29 USC 3151(g);
 - (B) Guidance for the allocation of one-stop center infrastructure funds under section 121(h) of the WIOA, 29 USC 3151(h).
 - (C) Policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system.
- (7) The 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, including the improvements to do all of the

following:

- (A) Enhance digital literacy skills as defined in section 202 of the Museum and Library Service Act, Public Law 94-462, as amended, 20 USC 9101.
 - (B) Accelerate the acquisition of skills and recognized postsecondary credentials by participants.
 - (C) Strengthen the professional development of providers and workforce professionals.
 - (D) Ensure technology is accessible to individuals with disabilities and individuals residing in remote areas.
- (8) The development of strategies for aligning technology and data systems across one-stop partner programs to enhance 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.
 - (9) The development of allocation formulas for the distribution of money for employment and training activities for adults, and for youth workforce investment activities, to local areas as permitted under sections 128(b)(3) and 133(b)(3) of the WIOA, 29 USC 3163(b)(3) and 29 USC 3173(b)(3).
 - (10) The development of strategies to ensure engagement of stakeholders from the state's vocational rehabilitation program and activities under the Rehabilitation Act of 1973, as amended by title IV of WIOA.
 - (11) The preparation of the annual reports described in paragraphs (1) and (2) of section 116(d) of the WIOA, 29 USC 3141(d).
 - (12) The development of the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act, Public Law 73-30, as amended, 29 USC 491-2(e).
 - (13) The development of other policies to promote statewide objectives for, and enhance the performance of, the workforce development system in the state.
- (b) The Board must perform other functions and responsibilities required of the Board under WIOA.
 - (c) When exercising its duties under this order, the Board may provide policy advice across workforce areas, including traditional adult workforce development, community colleges, career and technical education, and workforce elements of

economic development.

- (d) The Board must actively participate in convening Michigan's workforce development system's stakeholders, brokering relations with a diverse range of employers, and leveraging support for workforce development activities.
- (e) As requested by the governor or the director of the Department, the Board must advise the governor and the director of the Department regarding policies in workforce development, adult education, career and technical education, community colleges, and the workforce elements of economic development. When exercising its duties under this order, the Board must endeavor to develop a unified state policy dialogue involving local workforce development boards, universities, community colleges, K-12 schools and other key stakeholders.
- (f) The Board must provide other information, advice, or assistance as requested by the governor or the director of the Department.

3. Board Operations

- (a) The Department must assist the Board in the performance its duties and provide personnel to staff the Board. The budgeting, procurement, and related management functions of the Board will be performed under the direction and supervision of the director of the Department.
- (b) The director of the Department must ensure adequate representation of all core programs within the Department by consulting regularly with each lead administrator for a core program within the Department and providing each lead administrator an opportunity for input into Michigan's state plan or other workforce development policy efforts.
- (c) The Board must adopt procedures consistent with the WIOA, Michigan law, and this order governing its organization and operations.
- (d) A member of the Board may not vote by proxy. Except as otherwise expressly provided in this order, a member of the Board may not designate an alternate to participate in Board meetings during the member's absence.
- (e) A member of the Board must not vote on a matter under consideration by the Board regarding the provision of services, or by an entity the member represents, or on a matter that would provide direct financial benefit to the member or the immediate family of the member. A member of the Board must not engage in any other activity determined by the governor to constitute a conflict of interest, as specified in Michigan's state plan.
- (f) The Board must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.
- (g) The Board must make available to the public on a regular basis, through electronic means and open meetings information regarding the activities of the Board,

including information relating to Michigan's state plan, or a modification of Michigan's state plan, before submission of the state plan or modification, information regarding membership of the Board, and upon request, minutes of the meetings of the Board.

- (h) A majority of the members of the Board serving constitutes a quorum for the transaction of the business of the Board. The Board must act by a majority vote of its serving members.
- (i) The Board must meet at the call of its chairperson and as otherwise provided in procedures adopted by the Board.
- (j) The Board must use technology, including telecommunications and web-based meetings, to promote participation by Board members.
- (k) The Board may establish advisory workgroups composed of individuals or entities participating in Board activities or other members of the public as deemed necessary by the Board to assist the Board in performing its duties and responsibilities. The Board may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (l) The Board may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Board may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.
- (m) Members of the Board must not receive additional compensation for participation on the Body. Members of the Board may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.
- (n) The Board may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Board and the performance of its duties as the Director deems advisable and necessary, in accordance with this order and applicable law, rules, and procedures, subject to available funding.
- (o) The Board may hire a director (the "Workforce Development Board Director") or other staff to assist the Board in carrying out the functions described in section 2(a) using money available as described in section 129(b)(3) or 134(a)(3)(B)(i) of the WIOA, 29 USC 3164(b)(3) or 3174(a)(3)(B)(i). Subject to any applicable rules or regulations of the Civil Service Commission, the Board must establish a set of objective qualifications for the position of Workforce Development Board Director, to ensure that the individual selected as the Workforce Development Board Director has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist the Board in effectively carrying out the functions of the Board. The Workforce Development Board Director and other Board staff described in this section 3(o) are subject to the limitations on the payment of salary and bonuses

described in section 194(15) of the WIOA, 29 USC 3254(15).

- (p) The Board may be funded with money available under sections 129(b)(3) or 134(a)(3)(B) of the WIOA, 29 USC 3164(b)(3) or 3174(a)(3)(B), and non-federal money as appropriated and available for that use.
- (q) The Board may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.
- (r) Members of the Board must refer all legal, legislative, and media contacts to the Department.

4. Rescission of Executive Order 2015-11

- (a) Executive Order 2015-11, as amended by Executive Order 2018-13, is rescinded. The Michigan Future Talent Council is abolished.

5. Definitions

- (a) As used in this order:
 - (1) “Civil Service Commission” means the commission provided for by section 5 of article 11 of the Michigan Constitution of 1963.
 - (2) “Department of Labor and Economic Opportunity” means the principal department of state government created by Executive Order 2019-13, MCL 125.1998.
 - (3) “Michigan Economic Development Corporation” means the public body corporate created pursuant to section 28 of article 7 of the Michigan Constitution of 1963 and the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, as amended, MCL 124.501 to 124.512, between the Michigan Strategic Fund and local participating economic development corporations formed under the Economic Development Corporations Act, 1974 PA 338, as amended, MCL 125.1601 to 125.1636, dated April 5, 1999, as amended and restated.
- (b) As used in this order, the following terms have the meaning as defined in section 3 of the WIOA, 29 USC 3102: “adult”; “adult education”; “career and technical education”; “career pathway”; “chief elected official”; “core program”; “employment and training activity”; “in-demand industry sector or occupation”; “individuals with disabilities”; “industry or sector partnership”; “local area”; “local board”; “one-stop”; “one-stop center”; “one-stop operator”; “one-stop partner”; “one-stop partner program”; “planning region”; “recognized postsecondary credential”; “region”; “state plan”; “supportive services”; “training services”; “veteran”; “workforce development system”; “workforce investment activity”; and “youth workforce investment activity.”

6. Implementation

- (a) All departments, agencies, committees, commissioners, or officers of this state, or of any political subdivision of this state, must give to the Board, or to any member or representative of the Board, any necessary assistance required by the Board, or any member or representative of the Board, in the performance of the duties of the Board so far as is compatible with its, his, or her duties. Free access also must be given to any books, records, or documents in its, his, or her custody relating to matters within the scope of inquiry, study, or review of the Board.
- (b) This order is not intended to abate a proceeding commenced by, against, or before an entity affected by this order. A proceeding may be maintained by, against, or before the successor of any entity affected under this order.
- (c) If any portion of this order is found to be unenforceable, the rest of the order remains in effect.
- (d) This order is effective upon signing.

Given under my hand and the great seal of the State of Michigan.



Date: May 29, 2020

Time: 12:00 pm

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE