

**877—12.7(7B,PL97-300,PL102-367) Private industry council.** Within each service delivery area there shall be established a private industry council. Appointees to public and nonprofit sector positions on a private industry council shall exclusively represent one and only one organization or agency. Appointees to private sector positions on a private industry council shall exclusively represent the private sector.

**12.7(1) Composition of the PIC.**

*a.* There must be a minimum of 17 members on each PIC and the private sector representatives must constitute a majority of the membership. The required members include 9 members from the private sector, 3 members from community-based organizations and organized labor, and 1 representative from each of the following public agencies: education, vocational rehabilitation, public assistance, public employment service and economic development.

*b.* In order to maintain the partnership between the PIC and LEOs, the following LEOs may not serve on the PIC.

- (1) A member of a unit of government which is a party to a JTPA 28E LEO agreement and
- (2) Designated as a chief elected official or
- (3) A member who serves in an executive capacity for the LEOs. Executive capacity is defined as:
  1. A member of a LEO executive board,
  2. A member of a LEO executive committee, or
  3. A member of another LEO executive body which has the authority to negotiate with the PIC, approve the PIC/LEO agreement, vote to approve/disapprove the SDA's job training plan developed by the PIC, or act on behalf of the LEOs in the partnership with the PIC.

*c.* It is permissible for a local elected official to serve on the PIC if:

- (1) The individual represents one of the eight groups designated in the Act, is nominated and appointed in a manner consistent with the Act and is not serving on a LEO board in an executive capacity as defined in 12.7(1)“b”(3) above, or
- (2) The individual is serving in an executive capacity, but is serving on the PIC as a nonvoting member.

**12.7(2) Selecting PIC members.**

*a.* Whenever a new position is created or a vacancy occurs on a PIC for any reason, the division administrator of the division of workforce development center administration must be notified in writing of the vacancy within seven days of vacancy. This notification must come from the chief elected official (CEO) or someone designated by the CEO to notify the department.

*b.* The chief elected officials must appoint a new member to fill the position and submit a “Request for Private Industry Council Certification” to the department within 45 days of the position’s becoming open.

*c.* Printed copies of “Request for Private Industry Council Certification” forms shall be available from the Department of Workforce Development, 150 Des Moines Street, Des Moines, Iowa 50309. This form shall be used by the official(s) who appointed the private industry council in each service delivery area when applying for private industry council certification. All information requested by the form must be completed. When requested, the official(s) submitting the request for certification shall also submit copies of letters of nomination for all nominees to the private industry council.

**12.7(3) PIC nomination process.**

*a.* Nominations to the nonprofit or public PIC positions must come from the interested organizations. For example, nominations to education positions must come from educational agencies and institutions, and labor representative position nominees must come from recognized state and local labor organizations.

*b.* Nominations are good for 90 days. After the 90-day period, nominations expire and must be resubmitted.

**12.7(4) Appointment and certification.**

*a.* After selecting PIC members from the nominees submitted, local elected officials must submit those names to the department for certification.

*b.* Whenever a PIC is not composed of the required representatives as specified in 12.7(1), the PIC is out of compliance with the Act.

*c.* If the appointment and request for certification are not completed within the 45-day time period, the PIC will be found in nonconformance and the procedure for PIC decertification will be initiated, unless the vacant position is not one of the required 17 positions listed in 12.7(1).

*d.* A newly appointed PIC member may not vote on issues before the PIC until the department certifies the appointment of that member.

*e.* No change in the size, membership, chair or composition of a PIC shall be valid and effective until approved in writing by the department.

**12.7(5) PIC decertification.** If at any time the department determines that a PIC does not conform, it shall give that PIC a written notice of nonconformance which states the deficiency and allows a period of time in which to correct the deficiency. Failure to satisfy the notice of nonconformance within the time period allowed is grounds for the decertification of the PIC.