

**State of New Hampshire**

*By His Excellency*

**Craig R. Benson, Governor**

**EXECUTIVE ORDER NUMBER 2004-9**

**AN ORDER TRANSFERRING THE OVERSIGHT OF THE WORKFORCE  
OPPORTUNITY COUNCIL TO THE N.H. DEPARTMENT OF LABOR**

**WHEREAS**, the federal Workforce Investment Act of 1998, Public Law 105-220, (hereinafter referred to as the "Act") provides for workforce investment activities through statewide and local workforce investment systems, to increase employment, retention, and earnings of participants, and to increase occupational skill attainment by participants, and as a result improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation; and

**WHEREAS**, under the requirements of the Act, the Workforce Opportunity Council (Council) was established within the Office of the Governor through Executive Order 2001-1 as the state workforce investment board; and

**WHEREAS**, said Executive Order 2001-1 established the powers and responsibilities of the Council pursuant to the Act, and this order reaffirms those powers and responsibilities; and

**WHEREAS**, the Council in turn formed the Workforce Opportunity Council, Inc., (Corporation) a not-for-profit voluntary corporation for the purpose of discharging the day-to-day operations, responsibilities, and obligations of the Council, under the oversight of the Council; and

**WHEREAS**, the Corporation, since its inception, has diligently carried out the responsibilities and obligations of the Council, under the oversight of the Council; and

**WHEREAS**, the Corporation has provided to the Office of the Governor flexibility in initiating and implementing innovative workforce development projects; and

**WHEREAS**, the Corporation has used the New Hampshire Community Technical College System as its fiscal intermediary, to facilitate access to the federal funds awarded and/or applied for and administered by the Corporation;

**NOW THEREFORE, I, CRAIG R. BENSON, GOVERNOR of the State of New Hampshire**, by the authority vested in me pursuant to Part 2, Article 41 of the New Hampshire Constitution, do hereby order that:

1. Under the oversight of the Council, the Corporation continue its non-profit existence and operations as deemed appropriate by the Council, and pursuant to New Hampshire law. Such operations include the ability to apply for and administer grants under its own corporate name;
2. The Commissioner of Labor act as consultant and advisor to the Chair of the Corporation and the Corporation's Officers on matters pertaining to workforce development in the State;
3. The role of fiscal intermediary for the Corporation be transferred to the New Hampshire Department of Labor (NHDOL), and consist of the following:
  - a. act as official grantee for federal formula funds awarded to the State under the Act;
  - b. release said formula funds to the Corporation in accordance with the federal draw-down rules, and pursuant to the oversight and direction of the Council;
  - c. act as official grantee and/or fiscal intermediary to the Corporation, and as requested by the Corporation, for grants other than federal WIA formula funds;
  - d. maintain such financial and/or program records as appropriate to support the actions taken in the course of its grant recipient/fiscal intermediary role;
4. The Community Technical College System and the Department of Labor shall enter into a Memorandum of Understanding to effectuate this Order.



Given under my hand and seal at  
The Executive Chambers, Concord,  
New Hampshire, this 18th day of  
November, two thousand and four

  
Governor of New Hampshire