

 <p>A proud partner of the AmericanJobCenter network</p>		POLICY # 31
Title:	Nomination and Selection of Local Board Members	
Program:	Workforce Innovation and Opportunity Act	
Effective:	July 28, 2017	
Revision #:		Original policy date: July 28, 2017

Purpose: To describe the purpose of and criteria for establishing and certifying a local Workforce Development Board under the Workforce Innovation and Opportunity Act (WIOA).

References: Title I of the Workforce Innovation and Opportunity Act of 2014, Section 107; WorkForce WV WIOA Guidance Notice No. 02-15; 20 CFR Part 679 Subpart C

Policy: Each WIOA local workforce development area is required to establish and maintain a local workforce development board. The Local Elected Officials (LEOs) appoint the local board, which is certified every two (2) years by the Governor.

The local board is part of a statewide workforce development system which is business driven, customer-centric, streamlined, and outcome oriented. The local board is expected to carry out strategies and policies that support both the economic development mission(s) of the local area and the State board's goals. The local board sets policy for the local area, in the context of broader State policy, and shall act as the regional strategic leader, or acts in partnership with a designated regional leader, in addressing workforce development issues, including but not limited to WIOA activities.

The local board must be led by committed business leaders who can ensure that the local workforce development system is responsive to current and projected labor market demand, will contain a broad range of partners needed to develop a comprehensive vision for the local workforce system, and will focus on strategic decisions, not operational management.

The local board has responsibility for making the following critical decisions:

- How best to organize the regional workforce system to most effectively serve the needs of the current and emerging private sector employers and job seekers.
- How best to provide comprehensive services to regional private sector employers.
- How best to deploy available resources to achieve negotiated local performance accountability measures and build capacity for continuous improvement.
- How to expand the resource base and service capability through the development of strategic partnerships, an integrated service delivery system, and generation of additional public and private funding.

The local board carries out their responsibilities in partnership with local elected officials. The joint responsibilities include but are not limited to the following.

- Developing a vision and goals for the local workforce development system that are aligned with both the economic development mission(s) for the local area and State board goals.
- Development of the four-year local strategic plan.
- Selection of one-stop operator(s) and locations.
- Selection of training providers.
- Approval of the local one-stop operation(s) budget.
- Program oversight.
- Negotiations with the Governor to reach agreement on local performance accountability measures.

A Local Elected Official Agreement to deliver these responsibilities is required where a local area includes more than one unit of local government. The term "Local Elected Official" means the local elected officer of a unit of general local government in a local area. This agreement must specify the entity who will serve as the fiscal and administrative agent, as well as the roles of the individual local elected officials in regard to local board nominations and appointments and carrying out all other responsibilities assigned to the Local Elected Officials under WIOA.

An agreement between the Local Elected Officials and the local board is also required. This agreement must specify the roles of the Local Elected Officials and the local board and how each will carry out their partnership responsibilities under WIOA. This agreement must be updated within sixty (60) days when new LEO's are elected.

Functions of the Local Board

A. Responsibilities

- The local board shall enter an agreement with the Local Elected Officials clearly detailing the partnership between the two entities for the governance and oversight of activities under WIOA.
- The local board shall develop a budget for carrying out the duties of the local board. The Local Elected Officials must approve the budget. The local board may solicit and accept grants and donations from sources other than federal funds made available under WIOA assuming it has organized itself in a manner to do so.
- The local board, with the agreement of the Local Elected Officials, shall designate or certify one-stop operator(s) and shall terminate for cause the eligibility of one-stop operators.
- The local board shall elect eligible providers of youth activities by awarding grants or contracts on a competitive basis.
- The local board shall identify eligible providers of training services for adults and dislocated workers.
- The local board, in partnership with the Local Elected Officials, shall conduct oversight with respect to local programs of youth, adult, and dislocated worker activities authorized under WIOA.

- The local board, in partnership with the Local Elected Officials, will negotiate and reach agreement with WorkForce West Virginia on behalf of the Governor on local performance accountability measures.
- The local board shall assist the Governor in developing a statewide employment statistics system.
- The local board shall coordinate the workforce activities authorized under WIOA with local economic development strategies and develop employer linkages with those activities.
- The local board shall promote the participation of local private sector employers through the statewide workforce development system.
- The local board, in partnership with the Local Elected Officials, shall develop the vision, goals, objectives and policies for the local workforce development area. The vision shall be aligned with both the economic development mission(s) for the local area and the State board's goal.
- The local board, in partnership with the Local Elected Officials, shall develop and submit to the Governor, a local strategic plan that meets the requirements in Section 108 of the Workforce Innovation and Opportunity Act.
- The local board may employ staff and/or utilize other options for carrying out these responsibilities.
- The local board is responsible for any other activity as required by the Workforce Innovation and Opportunity Act, Section 107 (d) or by the Governor.

B. Limitations (WIOA Sec. 107(g))

- In general, the local board may not provide training services.
- The local board may not mandate curricula for schools.
- The local board may not be designated or certified as a one-stop operator unless an agreement is reached with the Local Elected Officials and the Governor.

C. Local Board Meetings

- Annual Meetings The annual meeting of the members of the Workforce Development Board shall be held during the first six (6) months of each fiscal year on such date as may be designated by the Members, or by the Executive Committee. At this time an annual budget will be presented for approval and submitted to the LEO Board.
- Regular Meetings Regular quarterly and special meetings of the Members, in addition to the annual meeting, shall be held at such times and places as shall be determined by the Members.
- Notice of Meetings Written notice stating the place, day and hour of any meeting of Members, shall be provided at the beginning of each fiscal year, and in the case of special meetings or when otherwise required by the law the purpose of which any such meeting is called, shall be delivered by mail or electronically to each voting member of record, at such address as appears upon the records of the WDBMOV and at least ten (10) days before the date of such meeting.

The guidelines for establishment of the Local Board include the following sections:

1. Composition of the Local Board
2. Local Board Appointment Process
3. Functions of the Local Board
4. Conflict of Interest
5. Certification of the Local Board

COMPOSITION OF THE LOCAL BOARD

A complete list of mandatory and optional local WDBMOV members can be found in the Workforce Innovation and Opportunity Act.

Please note there is no limit to the number of members that the local board shall have on its roster, but it must include all mandatory members and maintain the proper membership category percentages as detailed below. Consequently, local board members can represent more than one (1) membership category and do not have the prohibition of dual representation.

A. Mandatory Members

- Business Representatives - At least 51% of the members must be made up of private sector business representatives in the local workforce development area. This includes small business or organizations representing business that provide employment opportunities, that at a minimum include high-quality, work relevant training and development in in-demand industry sectors or occupations in the local workforce development area. This includes representatives nominated by local business organizations and business trade associations.
- Minimum number of business representatives: Ten (10) Representatives from proprietary schools cannot be considered a business sector member.
- Workforce Representatives (Labor, Community Based Organization and Youth Service Organizations) - Not less than 20% of the members of the local board shall be representative of the workforce within the local area, including:
 - Representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees.
- Representative, who shall be a member of a labor organization or training director, from a joint-labor management apprenticeship program, or if no such joint program exists in the area, such as representative of an apprenticeship program in the area, if such a program exists.
- May include a representative of community based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities.

May include representatives of organizations that have demonstrated:

- Experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.
- Education and Training Representatives — Each local board shall include representatives of entities administering education and training activities in the local area, who:
- Shall include a representative of eligible providers administering adult education and literacy activities under Title II.
- Shall include a representative of institutions of higher education providing workforce investment activities (including community colleges). May include representatives of local education agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.
- Government and Economic Development Representatives — Each local board shall include representatives of governmental and economic and community development entities serving the local area, who:
- Shall include a representative of economic and community development entities.
- Shall include an appropriate representative from the State employment services under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area.
- Shall include an appropriate representative of the programs carried out under Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than Section 112 or Part C of that title (29 U.S.C. 732, 741), serving the local area.
- Shall include an appropriate representative from the West Virginia Department of Health and Human Resources.

B. Optional Members

- A representative of an entity that administers programs serving the local area relating to transportation, housing, and public assistance.
- A representative of higher education providing WIOA activities.
- A representative of a philanthropic organization.
- Any other individual or representative of an entity as the local elected officials in the local area shall determine to be appropriate.

C. Chairperson

Members of the local board will elect a chairperson annually from among the private sector business representatives. The chairperson serves as the Executive Committee Chair and selects the chairs for all standing committees and taskforces of the local board.

D. Terms of Membership

- All Members appointed by the Local Elected Officials shall serve for a term of three (3) calendar years or until their successors shall be elected and qualified, or until their resignation, removal or death, unless amended by the LEO's.
- Ending dates of the members' terms shall be staggered so that no more than one third of the members' terms end each year. Members may be re-appointed for successive terms.
- Members of the board must be individuals with optimum policy making authority within the organizations, agencies, or entities they represent.
- Vacancies will be filled if deemed appropriate by the LEO or if a required participant under WIOA. Any vacancy among the Members caused by death, resignation, and removal or otherwise will be filled by a recommendation from the constituency to be represented and appointed by the local elected officials. The term of office of a Member chosen to fill a vacancy shall expire when the term of the Member's predecessor would have expired.
- By direction of the WDBMOV board a member may be paid reasonable/ un-reimbursed expenses, if any, incurred in attending any meeting of the Board of Directors. No other form of compensation shall be paid to any member in return for such member participation as a member or for attendance at any meeting of the WDBMOV board. Nothing contained herein shall preclude any member from serving the organization in any other capacity, but they shall not receive compensation therefor.
- Any Member may be removed by a two-thirds' vote of all Members of the Board who vote in favor of such removal. Any Member removed from the WDBMOV has the right to appeal to the Local Elected Officials within ten (10) working days of notification.

E. Appointment of Membership

- Individuals to be considered for voting membership shall be recommended by the constituency the Member is to represent. The local elected officials, as defined in WIOA, shall appoint an individual to serve as a voting member.
- In appointing the voting Members of the Board, the local elected officials shall appoint the following in accordance with WIOA and all other relevant laws:

- A majority of the WDBMOV membership shall represent private sector industry and businesses (including small business and women-minority business enterprises) as is required by Section 107 of the Workforce Innovation and Opportunity Act.

Private sector members shall be owners, chief executives, or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority within their respective organizations. They shall represent businesses, including small businesses, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area. Appointments will be from among individuals nominated by local business organizations and business trade associations.

- Not less than 20% of the member of the Local Board shall include:
 - at least two representatives of labor organizations
 - at least one representative of labor organization or training director, from a joint labor – management apprenticeship program
 - may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment (examples: organizations serving veterans, persons with disabilities)
 - may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives that serve out of school youth
- The Local Board must also include at least one representative from each of the following:
 - eligible providers administering adult education and literacy activities under title II;
 - institutions of higher education providing workforce investment activities, including community colleges;
 - economic and community development entity;
 - State employment service office under Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
 - programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;
 - may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance, or representatives of philanthropic organizations serving the local area; and may include such other individuals or

representatives of entities as the Chief Elected Official in the local area may determine to be appropriate.

- An individual may be appointed as a representative of more than one entity / category if the individual meets all the criteria for representation.

G. Conflict of Interest

No member, officer, employee or agent of the WDBMOV shall:

- cast a vote on the provision of service under the WIOA Title I plan by that member, by any member of his or her family, or by any organization of which that member or any member of his or her family is an officer, owner, or employee, or
- vote on any matter which would provide direct financial benefit to that member, or
- participate in the award or administration of any grant contract that is funded through the WIOA Title I plan where he or she knows that any of the following has a financial interest in the person or organization that will receive or has received the grant or contract:
 - (a) the officer, employee, or agent;
 - (b) any family member of the officer, employee, or agent;
 - (c) any partner of the officer, employee, or agent or
 - (d) any person or organization that employs, or is about to employ, any person described above
- any member of the WDB MOV or any committee, council or other subservient body thereto who would be forbidden from voting on a particular contract of the provision of goods or services or the operation of programs under this Conflict of Interest policy shall, if he, she or the organization represented by such member intends to submit a bid to become the operator of any program or the provider of goods or services under any contract, recuse himself or herself completely from the process of development or drafting of specifications, statements of work, invitations for bids, and/or requests for proposals.

Where there is a conflict of interest on the part of a member, such member shall disclose the material facts as to his or her interest or benefit from the proposed board action, and, in the event the measure required approval by the WDBMOV, the proposed board action may then be approved upon the affirmative vote of a majority of the disinterested members, even though the disinterested members be less than a quorum. Such interested members may be counted in determining the presence of a quorum at the meeting at which issue is considered.

For purposes of this conflict of interest provision, no “direct financial benefit” arises from a WDBMOV director’s employment, employment by an organization that a WDBMOV member represents, from time-to-time of persons participating in a WDBMOV program that is administered by a contractor that is controlled by or related to the member or the organization that he or she represents.

No member, officer, employee or agent of the WDBMOV shall: (1) solicit or accept gratuities, favors, or anything of monetary value from contractors or suppliers or potential contractors or suppliers, or (2) solicit, accept or agree to accept any benefits for exercising WIOA authority and performing their duties which conflicts with the rules of the State of West Virginia Ethics Commission.

For purposes of this section, immediate family is defined as: spouse, ancestor, descendant, sibling and the spouse or child of the foregoing (including “step” relationships).

H. Certification of the Local Board

- The Local Elected Officials shall submit a local board membership appointment form for each board member. Information to be reported on the forms include the names of the individuals appointed as members of the local board, their title, company or agency name, appointment/term expiration date, and sector representation. For business representatives, the industry sector and whether the business is small or large shall be reported.
- Nominations and completed appointment forms must be kept on file at the local level and must be made available for review during the monitoring of the local board by WorkForce West Virginia.
- The local board must meet 30 days after the Governor's notification of certification approval to elect a chairperson.
- The name and contact person for the chairperson, as well as any subsequent changes in the chairperson designation, must be submitted to WorkForce West Virginia.
- The Local Elected Officials must submit to WorkForce West Virginia every two (2) years its updated local board membership information.

Action: The American Job Center shall inform individuals applying for or receiving services under Title I of the Workforce Innovation and Opportunity Act of their rights under this policy. All recipients and sub-recipients of Workforce Innovation and Opportunity Act funds through Region 4 shall be required to verify compliance with this policy. Failure to follow this policy shall result in disapproval of funds.

Expiration Date: This policy shall remain in effect until revised or canceled by the Workforce Development Board Mid-Ohio Valley.

The WDBMOV has operated under these guidelines prior to approval of this policy.