


<b>Policy Area:</b> Local and Regional Governance	
<b>Title of Policy:</b> Establishment and Membership of Local Workforce Development Boards	<b>Number:</b> 200-02 (2016)
<b>Effective Date:</b> July 1, 2016	<b>Review by Date:</b> July 1, 2018
<b>Approved Date:</b> June 23, 2016 <b>Revision Date:</b> July 1, 2016 (Rescinds and replaces current Policy 15-01)	<b>Approved by:</b>  Mark Herzog

**I. Purpose**

This policy provides guidance for the establishment and membership of Local Workforce Development Boards under the Workforce Innovation and Opportunity Act (WIOA).

**II. Summary**

Each local workforce development area designated in the Commonwealth shall establish and maintain a Local Workforce Development Board (Local Board). Chief Local Elected Officials (CLEOs) appoint the Local Board, which is certified every two years by the Governor.

The Local Board is part of a statewide workforce system which is business-driven, customer-centric, streamlined, and outcome-oriented. The Local Board shall carry out strategies and policies that support both the economic development mission(s) for the local area and the Virginia Board of Workforce Development’s (VBWD) goals. The Local Board sets policy for the local area, in compliance with broader state policy, and is the regional strategic convener, or acts in partnership with a designated regional convener, in addressing workforce development issues, including but not limited to WIOA activities.

The Local Board shall be led by committed business leaders who can ensure that the local workforce system is responsive to current and projected labor market demand, shall contain a broad range of partners needed to develop a comprehensive vision for the local workforce system, and shall 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 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; and
- 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.

### **III. References**

- Workforce Innovation and Opportunity Act (Pub. L. 113-128)
- Training and Employment Notice No. 05-14, *Workforce Innovation and Opportunity Act Announcement and Initial Informational Resources*
- Training and Guidance Letter No. 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014*
- Notice of Proposed Rulemaking (NPRM) Docket No. ETA-2015-0001, RIN: 1205-AB73: Subpart C

### **IV. Policy**

Chief local elected officials shall submit annually to the Virginia Board of Workforce Development updated Local Board membership information including contact information for the Local Board, the annual budget for the Local Board and one-stop operations, and other expenditures. The term “chief local elected official” means the chief elected executive officer of a unit of general local government in a local area or an elected official so designated by the chief local elected official.

A complete list of mandatory and optional Local Workforce Development Board members can be found in Section 107(b) of the Workforce Innovation and Opportunity Act. There is no limit to the number of members the Local Board may have, but it must include all mandatory members.

#### **Mandatory Members**

- At least 51% of the members shall be composed of local private sector representatives that represent a broad range of in-demand occupations available in the local labor market. This includes 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.
- Not less than 20%, a minimum of two, of the members of the Local Board, shall be representatives of labor organizations, who have been nominated by local labor federations, and representatives from apprenticeship programs. Community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including veterans, persons with disabilities, and “out of school” youth may be included in addition to the aforementioned labor organization representatives.
- At least one representative from the Virginia Employment Commission who administers WIOA Title III activities for the local area who shall be designated by the Virginia Employment Commission.
- At least one regional adult education program manager that directly administers WIOA Title II Adult Education and Family Literacy (AEFLA) activities locally. If there is more than one adult education program operating in the LWDB area and each regional

program manager is not represented on the board, it is recommended that regional adult education program managers serve alternating terms.

- At least one representative of a school division Career and Technical Education program which represents programs aligned with the region's targeted industry sectors and demand occupations
- At least one representative from a local community college providing training services who shall be designated by the community college. At least one representative from a regional or local economic and community development entity.
- At least one representative from the Department of Aging and Rehabilitative Services and/or the Department for the Blind and Visually Impaired who administers WIOA Title IV activities for the local area who shall be designated by the two agencies administering vocational rehabilitative services under Title IV of the WIOA

### **Optional Members**

- A representative from a regional planning entity.
- A representative of eligible providers administering WIOA Title I Adult and Dislocated Workers Employment and Training activities.
- A representative of eligible providers administering WIOA Title I Youth Workforce Investment activities.
- A representative of eligible providers administering the Social Security Act Title IV (Part activities).
- A representative of eligible providers administering employment and training activities carried out through the U.S. Department of Health & Human Services' Community Services Block Grant.
- A representative of eligible providers administering employment and training activities carried out through the U.S. Department of Housing and Urban Development's Community Development Block Grant.
- A representative of eligible providers administering Title V of the Older Americans Act programs for engaging low-income senior citizens in community service, employment, and volunteer opportunities.
- A representative of eligible providers administering Section 212 of the Second Chance Act offender reintegration activities.
- A representative of eligible providers administering Supplemental Nutrient Assistance Program Employment and Training activities.
- A representative of eligible providers administering Social Security Ticket to Work, Disability Employment Initiative, and other self-sufficiency programs.
- A representative of eligible providers administering Small Business Association Employment and Training activities.
- A representative of an entity that administers programs serving the local area relating to transportation, housing, and public assistance.

- A superintendent, or designated representative, of a local public school system (other than a representative from a local Career and Technical Education program).
- A representative of higher education providing WIOA activities.
- A representative of a philanthropic organization.
- Any other individual or representative of an entity as the chief elected officials in the local area may determine to be appropriate.

### **Chairperson**

The members of the Local Board shall elect a chairperson from among the private sector representatives. The chairperson shall serve as the Executive Committee Chair and shall identify the method for selecting the chairs for all standing committees and taskforces of the local Board.

### **Membership Terms**

- Members of the Local Board must be individuals with optimum policy-making authority within the organizations, agencies, or entities they represent.
- Members of the Local Board shall be appointed for staggered terms.
- Private sector representatives shall be an appropriate mix of small, medium and large employers that reflect the local labor market, i.e., the business representation shall reflect the industry mix in the local labor market.
- Individuals serving on the Local Board who subsequently retire or no longer hold the position that made them eligible board members may continue to serve on the local Board; however, if their membership category changes as result of their retirement or change in employment status, the local board must account for that change when evaluating overall membership composition.
- Vacancies resulting from resignations or removal of mandatory members must be filled within 90 days.

### **Conflict of Interest**

All members of the Local Board serve a public interest and trust role and have a clear obligation to conduct all affairs in a manner consistent with this concept. All decisions of the Local Board are to be based on promoting the best interest of the state and the public good. Accordingly:

- All members of the Local Board are subject to the provisions of the State and Local Government Conflict of Interest Act.
- The Local Board shall adopt in its bylaws a conflict of interest policy meeting the minimum standards set forth in the State and Local Government Conflict of Interest Act. The conflict of interest standards shall apply to all board members (voting and non-voting).
- A member of a Local Board shall neither cast a vote on, nor participate in, any decision-making capacity on the provision of services by such member (or by an organization that

such member directly represents); nor on any matter that would provide any direct benefit to such member or the immediate family of such member. Immediate family means (1) a spouse and (2) any other person residing in the same household as the member, who is a dependent of the member or of whom the member is a dependent. Dependent means any person, whether or not related by blood or marriage, which receives from the member, or provides to the member, more than one-half of his financial support.

- Any Local Board member (or specific entity represented by that member) who participates in the development of contract specifications or standards is prohibited from receiving any direct financial benefit from any resulting contract.
- Any Local Board member who participates in a Local Board decision relating to specific terms of a contract, the determination of specific standards for performance of a contract, the development of Invitations for Bid or Requests for Proposals or other such bid processes leading to a contract, or any similar decisions is prohibited from receiving any direct financial benefit from any resulting contract. In addition, no corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust, foundation or other entity shall receive the contract if it would create a conflict of interest for the Board member who participated in this manner.
- Each Local Board member shall file a statement of economic interest with the Local Board as a condition of assuming membership and then annually while serving as a Board member. The Chief Local Elected Officials shall determine the composition of the statement of economic interest.
- Any Local Board member with a potential or actual conflict of interest shall disclose that fact to the Local Board as soon as the potential conflict is discovered and, to the extent possible, before the agenda for the meeting involving the matter at issue is prepared. If it is determined during a meeting that a conflict of interest exists, the member must verbally declare such conflict of interest, such declaration must be clearly noted in the minutes, and such member must excuse himself from the remainder of the discussion and voting on that item. Each Local Board member is responsible for determining whether any potential or actual conflict of interest exists or arises during his tenure on the Local Board.
- If a contract or purchase is made by the Local Board involving its own member with a conflict of interest, the Local Board shall justify the terms and conditions of the contract or purchase and document that the contract or purchase was adequately bid or negotiated and that the terms of the contract or price of the purchase are fair and reasonable.
- Local Board members who are also one-stop center operators shall not serve on any committees that deal with oversight of the one-stop system or allocation of resources that would potentially be allocated to that member's program.
- All members of the Local Board are subject to all other provisions of the State and Local Government Conflict of Interest Act not outlined above.

**V. Procedures**

*Local Board Appointment Process*

**Nominations and Selection**

The Chief Local Elected Officials shall contact the appropriate entities in the local area for nominations to appoint members and/or to fill vacancies on the Local Board from business, local educational entities, and labor representatives. Chief Local Elected Officials may also design a process for nominations of individuals and other types of representation the officials would like to include on the Local Board. Vacancies subsequent to the establishment of the Local Board must be filled in the same manner as the original appointments.

Private sector representatives are to be selected from individuals nominated by local business organizations (ex. business trade associations, chamber of commerce, economic development agencies). Individual businesses may also nominate themselves or provide nominations of other businesses to the chief local elected officials. Private sector representatives can include owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy making or hiring authority (ex. Vice Presidents of Human Resources).

Non-mandatory educational entity representatives must be selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities including local school boards, entities providing vocational education, and postsecondary educational institutions. Labor representatives must be selected from among individuals nominated by local labor federations (or in a local area in which no employees are represented by such organizations, other representatives of employees, such as employee organizations and/or the state AFL-CIO).

For all other members, Chief Local Elected Officials should consult with the appropriate groups in the local area for possible individuals to serve including:

- Representatives of community-based organizations, including organizations representing individuals with disabilities and veterans where such organizations exist in the area.
- Representatives of local economic development agencies, including private sector economic development entities.

**Public Participation**

Chief Local Elected Officials must provide public notice of the intent to solicit nominations for Local Board membership, including the process to be used for nominations and selection.