

## WORKFORCE DEVELOPMENT BOARD MEMBER NOMINATION AND BOARD CERTIFICATION POLICY

Effective Date: September 19, 2019

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**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

**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 so as 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's 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 include 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.

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 Workforce Development Board 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 local 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**

The 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. Membership Terms**

- Members of the board must be individuals with optimum policy making authority within the organizations, agencies, or entities they represent.
- Members of the board shall be appointed for staggered terms. The specifics shall be outlined in the local board by-laws.
- 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 shall not continue to serve on the local board.
- Vacancies resulting from resignation or removal of mandatory members must be filled within 60 days.

## **E. Local Board Appointment Process**

### **Nominations and Selection**



The Local Elected Officials must 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. Local Elected Officials shall 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 among 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 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.

Local 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, entities providing secondary adult education and literacy activities, and post-secondary educational institutions (including representatives of community colleges, where such entities exist).

State government representatives must be selected from among individuals nominated by the director of the respective state agency for which representative is needed.

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).

For all other members, local elected officials shall 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.

## **F. Functions of the Local Board**

### **A. Responsibilities**

- The local board shall enter into 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 the purpose of 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, 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, 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 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. Restrictions**

- 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**



- All local boards are required to meet at least quarterly or at the call of the chair or upon written request of a majority of the members of the local workforce development board.
- A simple majority of the local workforce development board shall constitute a quorum.
- The local board shall share information regarding its meetings and activities with the public.
  - The local board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operator(s) consistent with the State plan, and the award of grants or contracts to eligible providers of youth activities, and minutes for formal meetings of the local board.
  - In order to comply with the Sunshine Provisions, each local board and any subcommittee authorized to take official action on behalf of the local board must do the following:
    - Take official action and engage in deliberations only at meetings open to the public. "Official action" includes making recommendations, establishing policy, making decisions, and/or voting on matters of local board business. "Deliberations" are discussions of local board business necessary in order to reach decisions.
    - Ensure that all meetings are held in an accessible location for the disabled and that all information is provided in accessible and alternate formats.
    - Give public notice of meetings in accordance with applicable state code provisions, including public notice in advance of any special meetings or rescheduled regular meetings. No public notice need be given of an emergency meeting called to deal with a real or potential emergency involving a clear and present danger to life or property.
    - Ensure that votes of local board members be publicly cast and, in the case of roll call votes, recorded.
    - Keep written minutes of all public meetings, including date, time and place of the meeting, members present, the substance of all official actions, a record of roll call votes, and the names of any citizens who appeared and gave testimony.
  - Closed executive sessions may be used. Such session may be held during or after an open meeting, or may be announced for a future time. If a closed session is not announced for a specific time, local board members must be notified 24 hours in advance of the date, time, location and purpose of the session. The reason for holding an executive session must be announced at the open meeting either immediately prior or subsequent to the executive session.

- Official action on any matter discussed at an executive session must be taken at an open meeting.

## **G. 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 board are to be based on promoting the best interest of the state and the public good.

- A member of the local board or committee must 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 a spouse residing in the individual's household and any dependent child or children and dependent parent or parents.
- A board or committee member who participates in decisions relating to specific terms of a contract, the determination of performance standards in a contract, or the development of Request for Proposals or other processes leading to a contract, is prohibited from receiving any direct financial benefit from any resulting contract.
- Any board or committee member with a potential conflict of interest must disclose that fact to the Local Workforce Development Board as soon as the potential conflict is discovered. If the potential conflict of interest is discovered during a board or committee meeting, the member must declare such potential conflict and excuse themselves from the remainder of the discussion and vote on that item. A board or committee member shall not engage in any business transaction or private for profit arrangement which accrues from that member's position on the board.
- If the board believes that a conflict of interest provision has been violated, it can recommend to WorkForce West Virginia and the chief elected official of the workforce area that the member who has violated a provision be removed as a member of the board.
- The chief elected official can remove a member of the board for a violation of conflict of interest code with or without a recommendation from the board.

## **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, address, E-mail address, telephone and fax



numbers, 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.

**Equal Opportunity and Grievances:** The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

**Questions:** Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.

**Expiration:** Effective until rescinded, in writing, by the Region VII Workforce Development Board.



T.J. Van Meter, Executive Director



Date



Layne Diehl, Chairperson Region VII WDB



Date