

Board Policy Training: OWD 4-11.1 Workforce Innovation and Opportunity Act (WIOA) Board Composition & Certification Training

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Purpose of Policy OWD 4-11.1

The purpose of the policy is too provide guidance on

- the composition and certification criteria for the appointment and selection of Local Workforce Development Board (LWDB) members,
- the certification of the Workforce Development Board (WDB), and
- the outline of the roles and responsibilities and authority of the Chief Elected Officials (CEO), and the LWDBs relative to the Workforce Innovation and Opportunity Act

Board Training Agenda

- 1 WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)
- 2 WIOA WORKFORCE LEGISLATION
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WORKFORCE INNOVATION & OPPORTUNITY ACT

The Workforce Innovation and Opportunity Act (WIOA) was signed into law by President Obama in July of 2014 and is designed to **improve structure and delivery** by assisting workers in achieving a family-sustaining wage as well as **strengthening the alignment** of employment, education, training, and support while:

- Helping job seeker's succeed in the labor market and
- By matching employers with skilled workers



Source: <https://www.jeffersonstate.edu/scholarships-for-non-credit-career-programs/>

WORKFORCE LEGISLATION

WIOA Legislative Titles

Under WIOA, there are five (5) Titles written into law to address different programs, services and transitions.

WIOA requires that **Titles I through IV** coordinate and collaborate to provide services through a comprehensive, high-quality workforce development system which aligns workforce, economic development and education.

- **Title I:** Workforce Development Activities: authorizes job training and related services to unemployed or underemployed individuals and establishes the governance and performance accountability system for WIOA;
- **Title II:** Adult Education and Literacy: authorizes education services to assist adults in improving their basic skills, completing secondary education, and transitioning to postsecondary education;
- **Title III:** Amendments to the Wagner-Peyser Act: amends the Wagner-Peyser Act of 1933 to integrate the U.S. Employment Service (ES) into the One-Stop system authorized by WIOA;
- **Title IV:** Amendments to the Rehabilitation Act of 1973: authorizes employment-related vocational rehabilitation services to individuals with disabilities, to integrate vocational rehabilitation into the One-Stop system; and
- **Title V:** General Provisions: specifies transition provisions from WIA to WIOA.

WORKFORCE LEGISLATION

WIOA Workforce Partners

1. WIOA Title 1B: Adult, Dislocated Worker, and Youth Programs (Louisiana Department of Labor)
2. WIOA Title 2: Adult Education
3. WIOA Title 3: Wagner-Peyser Employment Services (Louisiana Department of Labor)
4. WIOA Title 4: Vocational Rehabilitation Services (Louisiana Rehabilitation Services)
5. WIOA Title 1D: Migrant & Seasonal Farm Workers
6. WIOA Title 1D: Native American Programs
7. Unemployment Insurance (Louisiana Department of Labor)
8. Jobs for Veterans State Grant (Louisiana Department of Labor)
9. Trade Adjustment Assistance (Louisiana Department of Labor)
10. Career & Technical Education
11. Community Service Block Grant
12. Job Corps
13. Reentry Employment Opportunities (Second-Chance Act)
14. Senior Community Services (Louisiana Department of Health and Human Services)
15. Temporary Assistance for Needy Families (Louisiana Department of Health and Human Services)
16. Supplemental Nutrition Assistance Program (Louisiana Department of Health and Human Services)

LOCAL WORKFORCE DEVELOPMENT BOARD

Purpose

- Provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to help develop a comprehensive and high-quality workforce development system in the Local Area;
- Assist in the achievement of the State's Strategic and Operational vision and goals as outlined in the Combined State Plan; and
- Maximize and continue to improve the quality of services, customer satisfaction, and effectiveness of the services provided.



LOCAL WORKFORCE DEVELOPMENT BOARD

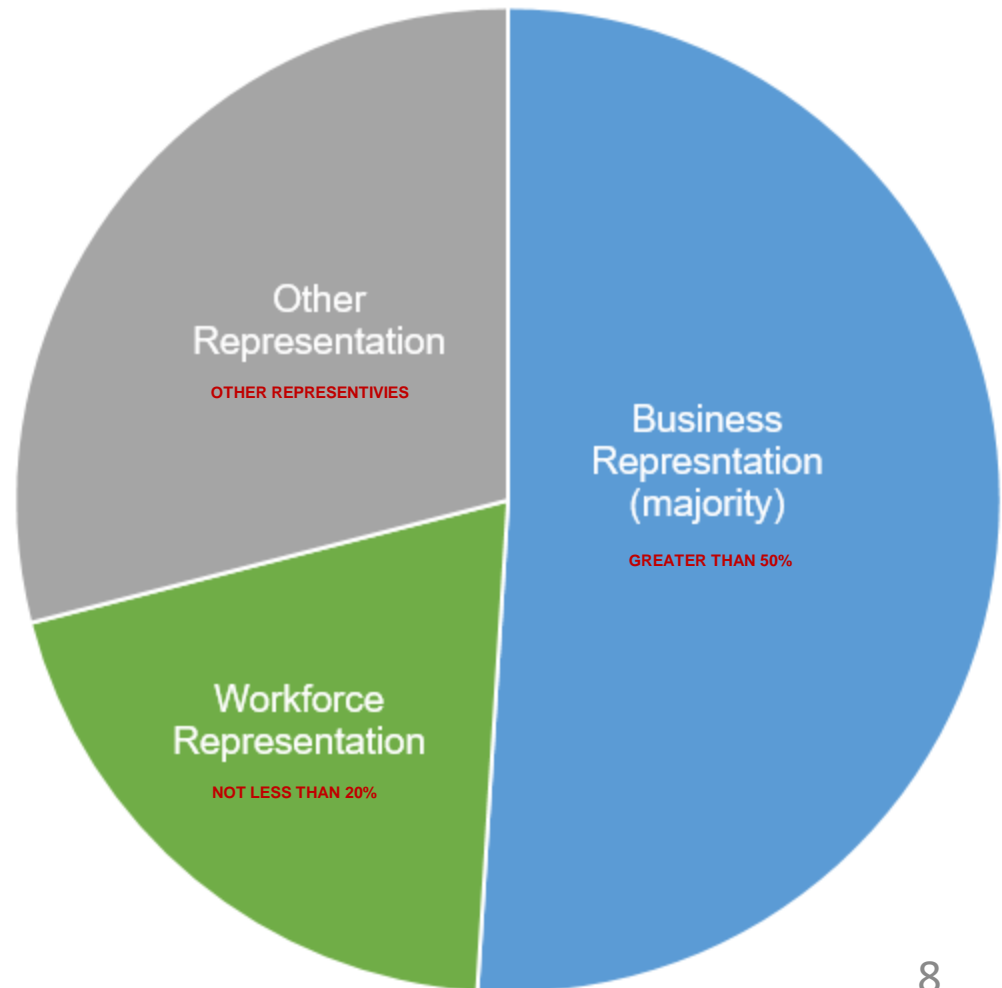
Composition

Business Representatives

Workforce Representatives: Labor Organizations; Employers with Registered Apprenticeships; Community-based organizations; Orgs with experience with youth employment, training, or educational needs

Other Representatives to include:

- Adult Education/Literacy Providers
- Higher Education (including community colleges)
- Economic and Community Development
- Wagner-Peyser Employment Services -(DOL)
- Vocational Rehabilitation
- May include others determined appropriate by chief elected officials



LOCAL WORKFORCE DEVELOPMENT BOARD

Composition: Business Representatives

- Greater than **50%** (majority) of the members on the LWDB shall be representatives of the Business Sector in the Local Area.
- Are owners of businesses, chief executives or operating officers, or other business executives or employees with optimum policymaking or hiring authority;
- Are appointed from among individuals nominated by state/regional/local business organizations and business trade associations.

LOCAL WORKFORCE DEVELOPMENT BOARD

Composition: Workforce Representatives

- A minimum of **20%** of the members on the LWDB shall be representatives of the Workforce Sector in the local area.
- Labor Organizations who have been nominated by Local Labor Federations or other representatives of employees;
- Labor Organization or a training director from a joint labor-management apprenticeship program; or if no such joint program exists in the area, a representative of an apprenticeship program in the area if such a program exists;

LOCAL WORKFORCE DEVELOPMENT BOARD

Composition: Education and Training Representatives

- One (1) higher education representative
- One (1) adult education and literacy representative
- May include representatives of local educational agencies and/or community-based organizations

LOCAL WORKFORCE DEVELOPMENT BOARD

Composition: Governmental, Economic, and Community Development Representatives

- One (1) Economic Development representative
- One (1) Wagner-Peyser representative
- One (1) Vocational Rehabilitation representative
- One (1) Department of Children and Family Services representative

LOCAL WORKFORCE DEVELOPMENT BOARD

Composition: Optional Members

- Agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance.
- Philanthropic organizations serving the local area.
- Other individuals or representatives of entities as the Chief Elected Official (CEO), in the local area may determine to be appropriate.

Local Workforce Development Board

Board Size

Example:

The **minimum size** of a Local Workforce Development Board in Louisiana is **23 members** under the following scenario:

Business	12	11 + 1 (to maintain >50%)
Workforce	5	2 labor organization 1 joint labor-management apprenticeship program 2 to maintain 20% minimum
Education/Training	2	1 adult education/literacy 1 higher education
Government Economic & Community Development	4	1 economic/community development 1 Wagner Peyser 1 Vocational Rehabilitation 1 Department of Children and Family Services
TOTAL	23	(MINIMUM SIZE)

CEOs may appoint additional members at their discretion, but must assure the majority business representation and 20% minimum workforce representation is preserved.

LOCAL WORKFORCE DEVELOPMENT BOARD

Nominations and Appointments

- CEOs contact appropriate entities for nominations. Information for specified entities to contact is included in the handbook that is attached to the policy.
- CEOs must establish a formal nominating and appointing process for member appointments
- Board members who no longer hold the position or status that made them eligible must resign or be removed by the CEO. A resignation is not effective until the CEO has accepted it.
- Initial board members shall be appointed for staggered terms
 - Private sector members will serve a 3-year term (business)
 - Public sector members will serve a 2-year term (workforce)
- Workforce Investment Board Directors may not sit on a Board.

LOCAL WORKFORCE DEVELOPMENT BOARD

Multi-Jurisdictional Agreement

In a case in which a local area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials. The Multi-Jurisdictional Agreement should contain the following items:

- Purpose
- Designation of a Chief Elected Official
- Participating Local Chief Elected Officials
- Dispute Resolution
- Fiscal Agent or Grant Sub recipient Designation
- Grant Recipient/Liability of Funds
- Communication
- LWDB Budget Approval
- LWDB Member Representation
- Selection of a New Chief Local Elected Official (in conjunction with consortium agreement)
- Election of New Chief Local Elected Official (Parish)
- Amendment or Change to the Consortium Agreement

Local Workforce Board Functions

Strategic Functions

- Develop a local plan
- Conduct workforce research & labor market analysis
- Negotiate local performance measures
- Develop a budget
- Lead career pathways development

System Capacity Building

- Identify and promote promising practices
- Convene, broker and leverage stakeholders to assist in writing plan and identify non-federal expertise and resources
- Engage a diverse range of employers to promote business representation and industry sector partnerships

Systems Alignment & Effective Operations

- Identify eligible training providers
- Designate One-Stop operators
- Program oversight and developing MOUs with One-Stop partners
- Conduct oversight of local youth activities
- Identify eligible youth providers and award competitive grants/contracts

LOCAL WORKFORCE DEVELOPMENT BOARD

Board Meetings

- A minimum of one official meeting of the LWDB shall be held quarterly (at least four meetings a year).
- No official business may be conducted in the absence of a quorum.
 - Ex. If there is a board of 23 members, 12 out of the 23 members must be present.
- A LWDB vacancy does not lower the count of the total membership when considering a quorum.

LOCAL WORKFORCE DEVELOPMENT BOARD

By-Laws

LWDBs **must** have by-laws in place. By-laws should define, control and set the basic principles and manner by which organization will be operated. At a minimum, the by-laws address:

- The nomination process used by the CEO to elect the LWDB chair and members, term limitations and how the term appointments will be staggered to ensure only a portion of memberships expire in a given year.
- The process to notify the CEO of a LWDB member vacancy to ensure a prompt nominee.
- The use of technology to improve LWDB functions, broker relationships with stakeholders and any other conditions governing appointment or membership on the LWDB as deemed appropriate by the CEO and as allowed under Louisiana Law.

LOCAL WORKFORCE DEVELOPMENT BOARD

Sunshine Provisions

- The LWDB shall conduct business in an open manner.
- The LWDB shall make available to the public, on a regular basis, and through electronic means and open meetings, information regarding the activities of the LWDB:
 - The local plan prior to submission of the plan
 - Membership
 - Designation and certification of one-stop operators consistent with the State plan
 - Awards of grants or contracts to eligible providers of youth activities
 - Minutes of formal meetings of the LWDB

LOCAL WORKFORCE DEVELOPMENT BOARD

Standing Committee

- The LWDB may designate and direct activities of a standing committee.
- Must be chaired by a business member of the Local Workforce Development Board.
- Shall include other Local Workforce Development Board members.
- May include other individuals appointed by the Local Workforce Development Board who **are not** members of the Local Workforce Development Board.
- Standing Committee meetings may not be conducted virtually.

LOCAL WORKFORCE DEVELOPMENT BOARD

Conflict of Interest

Conflict between the official responsibilities and the private interests of a person or entity that is in a position of trust.

A conflict of interest would arise when an individual or organization has a financial interest or other interest in or participates in the selection or award of funding for an organization.

A conflict of interest form that attests to the integrity of each member sitting on the board should be signed by all board members.

LOCAL WORKFORCE DEVELOPMENT BOARD

Ethics Requirements

- Members **must** complete Ethics Training
 - *Once every year while serving on the LWDB*
 - *www.ethics.la.gov*
- Members **must** complete a Financial Disclosure form
 - *Must be completed annually*
 - *Due to Louisiana Board of Ethics by **May 15th***

LOCAL WORKFORCE DEVELOPMENT BOARD

Certification

- LWC will conduct an assessment of the board.
- A certification packet will be submitted by the board and must contain all required documents as outlined in the submission checklist.
- Certification of LWDBs will be performed on a biennial basis.
- Upon completion of the assessment boards found to be in compliance of the criteria will be recertified
- Boards that fail to achieve certification shall result in appointment and certification of a new LWDB for the local area according to the law.
- The detailed appeals process is included in the policy

REFERENCES

Public Law 113-128 (29 U.S.C. Sec. 3101, et. Set.)
WIOA sec. 107(b)(4)

Code of Federal Regulations:

20 CFR, Subpart C

20 CFR 679.110 (d)(4)

20 CFR 679.340(b)

20 CFR 679.360

20 CFR 679.370

State Policy:

OWD Policy #4-11.1 WIOA LWDB Composition and Certification
Local Workforce Development LWDB Handbook (2nd ed.)

CONTACT INFORMATION

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