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September 27, 2017

(SN 04)

**WIOA BULLETIN NO. 04-15 Change 1**

**TO:** WIOA Partners

**SUBJECT:** Appointment of Local Workforce Development Board Members and Certification of the Local Workforce Development Boards

**PURPOSE**

The purpose of this bulletin is to issue criteria for appointment of Local Workforce Development Board (LWDB or Local Board) members and the required biennial certification of the LWDB under the Workforce Innovation and Opportunity Act (WIOA). Included in this bulletin are the LWDB membership requirements (Attachment 1), the nomination form to be used to nominate board members (Attachment 2), and the board membership certification application to be used to request board certification (Attachment 3).

**BACKGROUND**

The Governor is required to establish the criteria for appointments of LWDB members and to certify a LWDB in each local area every two years. The LWDBs set policies and serve as a strategic convener of partnerships between the Chief Local Elected Official (CLEO) and local workforce, education and economic agencies. Local Board members must participate actively and closely collaborate with required and other public and private partners to continuously improve and align employment, training, and education programs through innovation and development of strategies to promote economic growth and create a more comprehensive, effective, job-driven workforce development system.

**POLICY**

As required by WIOA section (§) 107(b)(1), 20 CFR 679.320, and Training and Employment Guidance Letter (TEGL) 27-14, the Governor and Workforce Development Council (WDC or State Board) shall establish criteria for the appointments of a WIOA-compliant Local Board by the Chief Local Elected Official (CLEO). The LWDB shall perform the functions described in WIOA §107(d) and 20 CFR 679.300 and work on local implementation activities.

The criteria for appointment of LWDB members shall conform with WIOA § 107(b)(2), 20 CFR 679.320 and TEGL 27-14 as summarized in Local Workforce Development Board Membership Requirements, Attachment 1.

In addition:

- All members should have “optimum policy-making authority,” that is, the individual may reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action, and have policy and hiring authority within the business (20 CFR 679.340).
- A formal nomination and appointment policy must be established (20 CFR 679.320(g)). Business representatives must be appointed from among individuals nominated by local business organizations, other than their employer; and business trade associations and representatives from labor organizations must be appointed from among individuals who have been nominated from local labor federations.
- When there is more than one local area provider of adult education and literacy activities under Title II, or multiple institutions of higher education providing workforce investment activities, the CLEO must solicit nominations from those providers and institutions respectively in appointing the required representatives.
- A multiple entity representative may be appointed if the individual meets all the criteria for representation.
- Chairperson must be elected from among the business representatives on the Local Board as required by WIOA §107(b)(3) and 20 CFR 679.330.
- All required LWDB members must have voting privilege. The CLEO may convey voting privileges to non-required members.
- A member whose employment status changes must notify the Chairperson of the LWDB. At that time, a review of the member’s eligibility must be conducted. If the member is no longer eligible to serve, he/she may resign or he/she may serve until whichever is earlier, the end of the term or the next required board certification.

The member who is a representative of organizations with “demonstrated experience and expertise” described in subcategories under the workforce representatives and the education and training representatives means an individual who:

1. Is a workplace learning advisor as defined in WIOA §3(70);
2. Contributes to the field of workforce development, human resources, training and development, or a core program function; or
3. Is recognized by the Local Board for valuable contributions in education or workforce

development related fields.

Besides requirements highlighted in this bulletin, the CLEOs and Local Board Chairpersons must comply with requirements in the law, regulations and other guidance issued by federal and state governments.

The CLEO must establish by-laws consistent with State policy for LWDB membership that at a minimum address:

- The nomination process used to select the LWDB Chair and members;
- The term limitations and how the term appointments will be staggered to ensure only a portion of the membership expire in any given year;
- The process to notify the CLEO of a LWDB member vacancy to ensure a prompt nominee;
- The proxy and alternative designee process that will be used to attend a meeting and assigns a designee as per the requirements of 20 CFR 679.110(d)(4).
- The use of technology, such as phone and web-based meetings that will be used to promote LWDB member participation;
- The process to ensure LWDB members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities; and
- A description of any other conditions governing appointment or membership on the LWDB as deemed appropriate by the CLEO.

Local Boards must be certified every two years (20 CFR 679.350). By July 1 of each odd-numbered year, the CLEO and the Local Board Chairperson will submit a LWDB Membership Certification Request (Attachment 3).

### **FAILURE TO ACHIEVE CERTIFICATION**

Failure of a LWDB to achieve certification shall result in appointment and certification of a new local board for the local area as defined in WIOA §107(c)(2)(C).

### **DECERTIFICATION OF LOCAL WORKFORCE DEVELOPMENT BOARDS**

In accordance with WIOA §107(c)(3) WDC has the authority to decertify a local board at any time after providing notice and an opportunity for comment, for fraud or abuse; or failure to carry out the functions specified for the local board in WIOA §107(d).

WDC may also decertify a LWDB if a local area fails to meet the local performance accountability measures for the local area for two consecutive program years.

### **PROCEDURES**

The Chief Local Elected Official and Local Workforce Development Board Chairpersons or their designees must submit a completed and signed LWDB Membership Certification Request

(Attachment 3) and the nomination form for board members of the LWDB (Attachment 2) for each nominee to WDC:

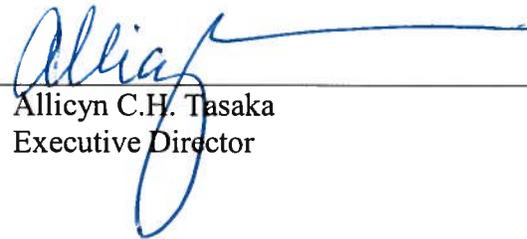
Workforce Development Council  
830 Punchbowl Street, Room 417  
Honolulu, Hawaii 96813

**DUE DATE**

A completed and signed LWDB Membership Certification Request and the nomination forms for each nominee is due to WDC by **July 1 of each odd-numbered year.**

**INQUIRIES**

Inquiries regarding this Bulletin may be directed to Jeanne Ohta at (808) 586-9170.



Allicyn C.H. Tasaka  
Executive Director

Attachment 1: Local Workforce Development Board Membership Requirements  
Attachment 2: Nomination Form for Board Members of the LWDB  
Attachment 3: LWDB Board Membership Certification Request

## Local Workforce Development Board Membership Requirements

LWDB Members	Who May Satisfy The Requirement
<p><b>Representatives of Business</b> [WIOA § 107(b)(2)(A), 20 CFR 679.320(b)]</p>	<p><b>The majority</b> of the members of the Local Board must be representatives of business in the local area. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Business representatives serving on Local Boards may also serve on the State Board. Each business representative must meet the following criteria:</p> <ol style="list-style-type: none"> <li>1. be an owner, chief executive officer, chief operating officer, or other individual with optimum policymaking or hiring authority;</li> <li>2. have employees, and provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA section 3(23); and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others (in the case of organizations representing business as per WIOA § 107(b)(2)(A)(ii); and</li> <li>3. are appointed from among individuals nominated by local business organizations and business trade associations; other than their employers</li> </ol>
<p><b>Representatives of Workforce</b> [WIOA § 107(b)(2)(B), 20 CFR 679.320(c)]</p>	<p><b>Not less than 20 percent</b> of the members of the Local Board must be workforce representatives. These representatives:</p> <ol style="list-style-type: none"> <li>1. must include <b>two or more representatives of labor organizations</b>, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives;</li> <li>2. must include <b>one or more representatives of a joint labor- management, or union affiliated, registered apprenticeship</b> program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists; and <b>may include:</b></li> </ol>

	<p>In addition to the representatives enumerated above, the Board may include the following to contribute to the 20 percent requirement:</p> <ol style="list-style-type: none"> <li>1. <b>one or more representatives of community-based organizations</b> that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and</li> <li>2. <b>one or more representatives of organizations that demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth</b>, including representatives of organizations that serve out-of-school youth.</li> </ol>
<p><b>Representatives of Education and Training</b>  [WIOA § 107(b)(2)(C), 20 CFR 679.320(d)]</p>	<p>The balance of Local Board membership <b>must include</b>:</p> <ol style="list-style-type: none"> <li>1. <b>At least one eligible provider</b> administering adult education and literacy activities under WIOA title II;</li> <li>2. <b>At least one representative from an institution of higher education</b> providing workforce investment activities, including community colleges; and</li> <li>3. <b>At least one representative from each of the following governmental and economic and community development entities</b>: <ol style="list-style-type: none"> <li>a. Economic and community development entities;</li> <li>b. The state Employment Service Office under the Wagner- Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and</li> <li>c. The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or Part C of that title.</li> </ol> </li> </ol> <p>[Special Rule: If there are multiple eligible providers serving the local area by administering adult education and literacy activities under Title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, the representative of Title II and the representative of an institution of higher education must be appointed from among individuals nominated by local providers representing those providers or institutions. WIOA §107(b)(6)]</p> <p><b>In addition to the representatives enumerated above, the CLEO may appoint</b> other appropriate entities in the local area, including:</p>

	<ol style="list-style-type: none"> <li>1. Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;</li> <li>2. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;</li> <li>3. Philanthropic organizations serving the local area; and</li> <li>4. Other appropriate individuals as determined by the chief elected official.</li> </ol>
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Nothing in WIOA expressly prohibits a person from representing more than one local board membership category. Assuming no representation of multiple categories occurs, the minimum size of a Local Workforce Development Board will be 19 members as described in the formula below:

<b>MINIMUM LOCAL BOARD MEMBERSHIP</b>		
Category	Count	Total
<b>Business</b>	<b>9 + 1 (to maintain a majority) =</b>	<b>10</b>
<b>Workforce</b>	<b>3 (2 labor + 1 apprentice) + 1 (to maintain 20%) =</b>	<b>4</b>
<b>Education/Training</b>	<b>2 (1 adult education/literacy + 1 higher education) =</b>	<b>2</b>
<b>Economic/Community Development</b>	<b>1 (1 economic/community development) =</b>	<b>1</b>
<b>Government</b>	<b>2 (1 Wagner-Peyser + 1 Vocational Rehabilitation) =</b>	<b>2</b>
<b>Minimum Local Board Membership:</b>		<b>19</b>

## Nomination Form for Board Members of the

Click here to enter name of WDB. **Local Workforce Development Board**

### 1. Nominating Organization Information

**Date:** Click or tap to enter a date.

**Name of Nominating Organization:**

**Contact Person:** Click here to enter text.

**Phone\*:** Click here to enter text.      **Email:** Click here to enter text.

### 2. Nominee's Identifying Information:

**Work/Home Phone\*:** Click here to enter text.

**Cell Phone\*:** Click here to enter text.

\*include area code if not 808

**Email:** Click here to enter text.

**Title:** Choose one.      **Other title:** Click here to enter text.

**Name:** Click here to enter text.

**Position/Title:** Click here to enter text.

**Organization Represented:** Click here to enter text.

**Number of Employees:** Click here to enter text.

**Street Address:** Click here to enter text.

**City:** Click here to enter text.      **State:** HI

**Zip Code:** Click here to enter text.

### 3. List below or attach resume that describes education and work experience (paid or unpaid).

Include past or present involvement in community-related activities, e.g. committees, volunteer work, commissions, boards, chambers of commerce.

Click here to enter text.

4. List any experiences you feel would be advantageous to the Local Workforce Development Board (if not included in item 3):

[Click here to enter text.](#)

5. If applicable, please list any other information that you feel would be pertinent:

[Click here to enter text.](#)

**Certification Statement**

By signing below, I certify that the information provided is truthful and correct to the best of my knowledge.

Nominator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Nominee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Local Workforce Development Area

**LOCAL WORKFORCE DEVELOPMENT BOARD MEMBERSHIP CERTIFICATION REQUEST**

**Current LWDB Membership**

- A. For each member include the Nomination Form (Attachment 2) and resume, except for the following:
  - The Title II representative employed by the Department of Education;
  - The representative of an institution of higher education employed by the University of Hawaii system;
  - The economic development representative employed by a state or county agency;
  - The representative of the State Employment Service Office under Wagner-Peyser;
  - The representative of the State Division of Rehabilitation.
- B. In the chart below, list the individuals currently appointed to the LWDB, their titles, and their respective membership category (e.g., business, local education entity, labor organization, community-based organization, etc.).

	<b>Name</b>	<b>Title</b>	<b>Organization</b>	<b>Nominated by</b>	<b>Membership Category</b>
1.					
2.					
3.					
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25.						

**Total Number of Board Members:** \_\_\_\_\_

**Total Private Sector Members:** \_\_\_\_\_ **Percent of Board:** \_\_\_\_\_ **(not less than 51%)**

**Total Workforce Members:** \_\_\_\_\_ **Percent of Board:** \_\_\_\_\_ **(not less than 20%)**

By signing this form, the Local Workforce Development Board Chairperson and Chief Local Elected Official request certification of its Local Board.

**Local Workforce Development Board Chair**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Chief Local Elected Official**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

- The board meets the certification criteria
- The board does not meet the certification criteria

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date