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(SN 81)

WIOA BULLETIN NO. 04-15 Change 2

TO: WIOA Partners

FROM: Bennette Misalucha, Executive Director
Hawaii Workforce Development Council

A handwritten signature in blue ink, reading "Bennette Misalucha".

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

PURPOSE

This bulletin supersedes WIOA Bulletin No. 04-15 Change 1, dated September 27, 2017. It clarifies the term limits for Local Workforce Development Board (LWDB or Local Board) members in accordance with state statutory requirements. Additionally, it outlines the criteria for LWDB appointments, and the biennial certification process required under the Workforce Innovation and Opportunity Act (WIOA).

BACKGROUND

Under the WIOA, the Governor, in partnership with the Workforce Development Council (WDC), is required to establish the criteria for appointments of LWDB members and to certify each LWDB 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 actively engage and collaborate with both required and additional public and private partners to ensure continuous improvement and alignment of employment, training, and education programs. Through strategic innovation and coordinated efforts, the LWDB is responsible for advancing economic growth and fostering a comprehensive, effective, and job-driven workforce development system.

POLICY

As required by WIOA § 107(b)(1) and 20 CFR 679.310, the Governor, in partnership with WDC, shall establish criteria for the appointments of a WIOA-compliant Local Board by the CLEO. The LWDB is responsible for performing the functions outlined in WIOA §107(d) and 20 CFR 679.300 and for implementing WIOA programs and activities at the local level.

A. MEMBERSHIP AND COMPOSITION

The criteria for appointment of LWDB members shall conform with WIOA §107(b)(2) and 20 CFR 679.320 as summarized in Local Workforce Development Board Membership Requirements, Attachment 1. All board members must have “optimum policy-making authority” (20 CFR 679.340), meaning they are authorized to speak and act on behalf of the entity they represent and possess the authority to commit that entity to a chosen course of action.

- A formal nomination and appointment process must be established (20 CFR 679.320(g). Business representatives must be appointed from individuals nominated by local business organizations or business trade associations, not their own employer. Similarly, labor representatives must be appointed from individuals nominated by local labor federations.
- Where multiple entities are eligible for representation, such as adult education and literacy providers under Title II or institutions of higher education offering workforce activities, the CLEO must solicit nominations from each respective group when appointing members.
- An individual may represent multiple entities if they meet all eligibility criteria for each required category of 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 privileges. The CLEO may convey voting privileges to non-required members.
- A member appointed to represent a business, workforce, or other category who changes their affiliation must notify the LWDB Chairperson. The CLEO must ensure that the LWDB’s composition remains compliant with the requirements of 20 CFR 679.320.

The term limits of Local Board members must mirror those of the State Workforce Development Board, as outlined in HRS 26-34. Accordingly, Local Board members must serve staggered terms of four years, with a maximum service duration of eight years. This alignment ensures consistency and effective succession planning between state and local boards.

B. OPERATING BY-LAWS

As required by 20 CFR 679.310(g), 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 membership expire in a given year;
- The procedure to promptly notify the CLEO of a board member vacancy, to ensure a nominee is promptly selected to fill the vacancy;
- The proxy and alternative designee process that will be used when a LWDB member is unable 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 CEO.

C. CERTIFICATION

Local Boards must be certified every two years by the Governor (WIOA § 107(c)(2)(A) and 20 CFR 679.350).

PROCEDURES

The CLEO submits the LWDB Membership Certification Request (Attachment 3) to the Governor by March 31 of each even-numbered year.

INQUIRIES

Inquiries regarding this Bulletin may be directed to WDC Executive Director Bennette Misalucha at bennette.e.misalucha@hawaii.gov.

ATTACHMENTS

- 1- Local Workforce Development Board Membership Requirement
- 2- Nomination Form
- 3- Local Workforce Development Board Membership Certification Request

Attachment 1:

LOCAL WORKFORCE DEVELOPMENT BOARD MEMBERSHIP REQUIREMENTS

LWDB Members	Who May Satisfy the Requirement
Representatives of Business	<p>WIOA § 107(b)(2)A), 20 CFR 679.320(b)</p> <p><i>COMPOSITION - Such criteria shall require that, at a minimum-</i></p> <p><i>(A) a majority of the members of each local board shall be representatives of business in the local area, who</i></p> <ul style="list-style-type: none"> <i>(i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority.</i> <i>(ii) represent businesses, including small businesses, or organizations representing businesses described in this clause, 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.</i> <i>(iii) and are appointed from among individuals nominated by local business organizations and business trade associations.</i>

Representatives of the Workforce	<p>WIOA § 107(b)(2)(B), 20 CFR 679.320(c)</p> <p><i>(B) not less than 20 percent of the members of each local board shall be representatives of the workforce within the local area, who</i></p> <ul style="list-style-type: none"> <i>(i) shall include 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.</i> <i>(ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor- management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists.</i> <i>(iii) may include representatives 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.</i> <i>(iv) And may include representatives of organizations that have demonstrated experience and expertise in H.R.803—33 addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.</i>
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**Representatives of
Education and
Training**

WIOA § 107(b)(2)(C), 20 CFR 679.320(d)

(C) each local board shall include representatives of entities administering education and training activities in the local area, who

- (i) shall include a representative of eligible providers administering adult education and literacy activities under title II.*
- (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges)*
- (iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.*

The balance of Local Board membership must include:

1. At least one eligible provider administering adult education and literacy activities under WIOA title II.
2. At least one representative from an institution of higher education providing workforce investment activities, including community colleges; and
3. At least one representative from each of the following governmental and economic and community development entities:
 - a. Economic and community development entities.
 - b. The state Employment Service Office under the Wagner- Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and
 - c. The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or Part C of that title.

[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)]

In addition to the representatives enumerated above, the CLEO may appoint other appropriate entities in the local area, including:

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.

Representatives of Education and Training (continued)	<ol style="list-style-type: none"> 2. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs. 3. Philanthropic organizations serving the local area; and 4. Other appropriate individuals as determined by the chief elected official.
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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:

LOCAL BOARD MEMBERSHIPS

CATEGORY	COUNT	TOTAL
Business	9 + 1 (to maintain a Majority)	10
Workforce	3 (2 labor + 1 apprentice) + 1 (to maintain 20%)	4
Education/Training	2 (1 adult education/literacy + 1 higher Ed	2
Economic/Community Development	1 (economic/community development)	1
Government	2 (1 Wagner-Peyser) + 1 Vocational Rehabilitation	2
	PRESCRIBED LOCAL BOARD MEMBERSHP	19

***Nomination Form for Board Members of the
Local Workforce Development Board***

This nomination form can also be completed online by using this link:
<https://forms.office.com/g/4LGUqY1aqi>

Nominating Organization Information

Name of Nominating Organization: Click or tap here to enter text.

Contact Person: Click or tap here to enter text.

Phone: Click or tap here to enter text.

Email: Click or tap here to enter text.

Check the box for the membership category you are applying for:

Business	<input type="checkbox"/>
Workforce	<input type="checkbox"/>
Education/Training	<input type="checkbox"/>
Economic/Community Development	<input type="checkbox"/>
Government	<input type="checkbox"/>

Nominee's Identifying Information:

Name: Click or tap here to enter text.

Position/Title: Click or tap here to enter text.

Business/Organization Represented: Click or tap here to enter text.

Phone: Click or tap here to enter text.

Email: Click or tap here to enter text.

Number of Employees: Click or tap here to enter text.

Street Address: Click or tap here to enter text.

City: Click or tap here to enter text.

State: HI

Zip Code: Click or tap here to enter text.

1. 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.
2. List any experiences you feel would be advantageous to the Local Workforce Development Board (if not included in item 3):
3. If applicable, please list any other information that you feel would be pertinent:

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

Nominator's Signature: Click or tap here to enter text.

Print Name: Click or tap here to enter text.

Nominee's Signature: Click or tap here to enter text.

Print Name: Click or tap here to enter text.

Date: Click or tap to enter a date.

Local Workforce Development Area: _____

LOCAL WORKFORCE DEVELOPMENT BOARD MEMBERSHIP CERTIFICATION REQUEST

*****This certification request must be submitted by March 31 of each even-numbered year.**

Current LWDB Membership

A. For each current member include the Nomination Form (Attachment 2) and resume, except for

- 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.

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 org, etc.).

	Name and Professional Title	Term Date	Organization	Nominated by	Membership Category
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

Total Number of Board Members: _____

Total Private Sector Members: _____

Percent of Board: _____ (not less than 51%)

Total Labor 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