

# Local Workforce Board Management



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# Local Governance Structure

- a. Local Elected Official Board, if applicable
  - i. In a case in which a local area includes more than 1 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 in the appointment of the LWDB members and in carrying out other responsibilities assigned to it per the agreement.
- b. Chief Local Elected Official (CEO or CLEO)
- c. Local Workforce Development Board (LWDB)
  - i. Standing Committee(s)
  - ii. Executive Committee
- d. Staff
  - i. Executive Director
- e. Fiscal Agent/Grant Recipient
- f. Programmatic Administrator

# Local Elected Official Board

- a. Local Elected Official Boards are created when there are multiple units of general government within the jurisdictional boundaries of a designated LWDA
- b. Their primary task is to elect or determine which Local Elected Official will serve as the LWDA's Chief Local Elected Official
  - i. Some LWDA's Chief Local Elected Official is the Mayor of the fiscal agent/grant recipient
- c. Generally, an agreement or set of bylaws is created by the Local Elected Officials that sets out the following:
  - i. How the LWDB members will be selected;
  - ii. Sharing of Liability; and
  - iii. Such other Responsibilities as the Local Elected Officials include.

# Chief Local Elected Official (CEO or CLEO)

- a. The CLEO is a LWDA's highest authority and is liable for any misuse of the grant funds allocated to the local area
- b. The CLEO's major responsibilities are as follows:
  - i. Appoint eligible/nominated individuals to serve as members on the LWDB;
  - ii. Establish the LWDB's bylaws;
  - iii. Designate the LWDA's Local Grant Recipient;
  - iv. Appoint the Fiscal Agent for the LWDA;
  - v. Oversee the LWDA's One-Stop Delivery System;
    - 1. Agree to the MOU;
    - 2. Agree to the provisions of the IFA; and
    - 3. Participate in the One-stop Certification Process;
  - vi. Assist in the Development and Submission of the Local/Regional Plan;
  - vii. Approve the LWDA's budget; and
  - viii. Participate in the negotiation of Local Performance Measures.

# Local Workforce Development Board – Formation/Membership

- a. Every designated LWDA must have a Governor-certified LWDB
  - i. Certification occurs once every 2 years
- b. Members of the LWDB are appointed by the LWDA's CLEO
  - i. Appointments may be based on nominations or recommendations as required for certain LWDB member positions
- c. Composition Requirements:
  - i. Majority of LWDB (50% + 1) shall be representatives of business in the LWDA
    - 1. Business Owners, Business CEOs or COOs, or Business Executives with optimum policymaking or hiring authority that provide employment opportunities in high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area AND
    - 2. That are appointed from among individuals nominated by local business organizations and business trade associations

# Local Workforce Development Board – Formation/Membership Continued

- ii. Workforce Representatives (20% or More) within the LWDA
  1. Must include: Labor Organization **Representatives** nominated by local labor federation, if present, or other labor representatives
  2. Must include: Representative who is 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
  3. May include: Representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment
  4. May include: Representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth

# Local Workforce Development Board – Formation/Membership Continued

## a. Composition Requirements:

- i. Educational Representatives from entities administering education and training activities in the LWDA
  1. Must include: Representative of Adult Ed.
  2. Must include: Representative of institutions of higher education providing workforce investment activities (including community colleges)
  3. 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
- ii. Governmental and Economic/Community Development Representatives from entities serving the LWDA
  1. Must include: a representative from economic and community development entities;
  2. Must include: a Wagner-Peyser Program Representative who serves the LWDA
  3. Must include: a Vocational Rehabilitation Program Representative who serves the LWDA
  4. May include representatives of agencies or entities administering programs serving the LWDA in relation to transportation, housing, and public assistance
  5. May include Representatives of philanthropic organizations serving the LWDA

# Local Workforce Development Board - Governance

- a. The LWDB shall be Chaired by a business representative properly elected by the LWDB members
- b. The LWDB shall be governed by a set of Bylaws established by the Chief Elected Official
- c. Such Bylaws shall at a minimum address the following:
  - i. The nomination process used by the CLEO to select LWDB members
  - ii. The LWDB member term limits and how term limits will be staggered to ensure only a portion of membership expire annually
  - iii. The process to notify the CLEO of LWDB vacancy
  - iv. The proxy and alternative designee process that will be used when a WDB member is unable to attend a meeting and assigns a designee
    - 1. If the alternative designee is a business representative, he or she must have optimum policymaking or hiring authority
    - 2. Other alternative designees must have demonstrated experience and expertise and optimum policy-making authority



# Local Workforce Development Board – Governance Continued

- v. The use of technology, such as phone and Web-based meetings, that will be used to promote LWDB member participation
- vi. 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
- vii. A description of any other conditions governing appointment or membership on the Local WDB as deemed appropriate by the CLEO

# Local Workforce Development Board – Functions

- a. Develop and Approve the Local Plan**
- b. Workforce Research and Regional Labor Market Analysis
- c. Convene system stakeholders to assist in the development of the Local Plan and in identifying non-Federal expertise and resources to leverage support for workforce development activities
- d. Lead Employer Engagement
- e. Develop Career Pathways with assistance from secondary and postsecondary representatives
- f. Identify and Promote Promising Practices
- g. Develop strategies for using Technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers
- h. Program Oversight (In partnership with the CLEO)**
  - i. Ensure the appropriate use and management of the funds for activities
  - ii. Ensure the appropriate use, management, and investment of funds to maximize performance outcomes

# Local Workforce Development Board – Functions Continued

- i. Negotiation of Local Performance Measures
- j. Selection of Operators and Providers:**
  - i. One-Stop Operator
  - ii. Youth Providers
  - iii. Identify Eligible Training Providers
  - iv. Identify Eligible Career Service Providers
- k. Coordinate activities with education and training providers in the LWDA
- l. Budget and Administration
  - i. The LWDB may solicit and accept grants and donations
  - ii. For purposes of carrying their duties under this Act, LWDBs may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code
- m. Accessibility at LWDA one-stops, assess annually

# Local Workforce Development Board – Staff

- a. LWDBs may hire directors and staff to carry out the functions previously identified
- b. A set of qualifications for the position of director must be established and applied to ensure the individual selected has the requisite knowledge, skills, and abilities to assist in carrying out the functions
- c. Generally, LWDB staff may only assist the LWDB in fulfilling the LWDB's required functions
- d. If the LWDB selects an entity to staff the LWDB that provides additional workforce functions, the entity is required to enter into a written agreement with the LWDB and CLEO to clarify their roles and responsibilities
- e. The written agreement with the LWDB and CLEO shall clarify how the entity will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and the State's conflict of interest policy

# Local Fiscal Agent

- a. The Local Fiscal Agent is distinguished from the LWDB staff by its appointment process, role and general responsibilities
- b. Appointment/Designation: The CLEO determines whether an entity will serve as a Local Fiscal Agent and such designation must identify the Local Fiscal Agent's roles and responsibilities
- c. Generally, a Local Fiscal Agent is responsible for the following:
  - i. Receive the grant funds;
  - ii. Ensure fiscal integrity is maintained and account for expenditures in accordance with Office of Management and Budget circulars, WIOA and the corresponding Federal Regulations and State policies;
  - iii. Respond to audit financial findings;
  - iv. Maintain proper accounting records and adequate documentation;
  - v. Prepare financial reports; and
  - vi. Provide technical assistance to subrecipients regarding fiscal issues.
- d. Additionally, the LWDB may direct the Local Fiscal Agent to perform the following additional functions:
  - i. Procure contracts or obtain written agreements;
  - ii. Conduct financial monitoring of service providers; and
  - iii. Ensure independent audit of all employment and training programs.

# Open Meetings Compliance

- a. Sunshine Provision of WIOA requires LWDBs to make the following available to the public, on a regular basis through electronic means and open meetings:
  - i. Information regarding the activities of the LWDB, including information regarding the local plan prior to submission and regarding membership;
  - ii. The designation and certification of one-stop operators;
  - iii. LWDB Bylaws;
  - iv. The award of grants or contracts to eligible providers of youth workforce investment activities, and
  - v. Minutes of formal meetings of the LWDB.
- b. State Specific
  - i. Georgia - All Local Elected Official Board meetings shall be conducted in accordance with Federal sunshine laws and the Georgia Open Meetings Act; All Local Workforce Development Board meetings shall be conducted in accordance with Federal sunshine laws and the Georgia Open Meetings Act.
    - 1. Georgia Open Meetings Law Highlights:
      - a. Meeting is gathering of a quorum of any committee where policy is discussed. However, significant exemptions are also codified. O.C.G.A. 50-14-1(a)(3)

# Open Meetings Compliance Continued

- b. Must make agenda available prior to meeting but an item's absence does not preclude action
  - c. Must make a summary of meeting available within two (2) business days of meeting
  - d. Only an agency with state-wide jurisdiction or committee of such an agency shall be authorized to conduct meetings by teleconference, provided that any such meeting is conducted in compliance with this chapter
- ii. Tennessee - All meetings of any governing body (*members of any public body which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public body on policy or administration*) are declared to be public meetings open to the public at all times, except as provided by the Constitution of Tennessee. Chance meeting of 2 or more members, not considered a meeting.
  - 1. Tennessee Open Meetings Law Highlights
    - a. LWDBs aren't included within the electronic attendance provision (T.C.A. 8-44-108)
    - b. "Meeting" does not include any on-site inspection of any project or program
- iii. Florida – Updated

# Florida Local workforce development boards

- Florida updated 445.007 in 2020 and 2021
- Interesting Provisions
  - LWDB Members may not serve more than 8 consecutive years, unless government entity representative.
  - Require budgets to be posted on website for the entire fiscal year.
  - The chief elected official for the local workforce development board may remove a member of the local board, the executive director of the local board, or the designated person responsible for the operational and administrative functions of the local board for cause.



# Mississippi Workforce Investment Boards & District Workforce Development Councils

- Each of the four (4) state workforce areas has a local workforce investment board to set policy for the portion of the state workforce investment system within the local area
- Each community college district shall have an affiliated District Workforce Development Council
- Each workforce development center shall be staffed and organized locally by the affiliated community college. The workforce development center shall serve as staff to the affiliated district council



Open for  
Questions and  
Discussion

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