**Local Workforce Development Board Certification**

Summary
The Workforce Innovation and Opportunity Act of 2014 (WIOA) renames local boards as Local Workforce Development Boards (LWDBs), establishes new criteria for board membership, expands the required functions of the boards, and sets additional board requirements. The purpose of this policy is to provide guidance to LWDBs on the requirements for establishing boards that are compliant with WIOA.

Relevant Laws, Rules, or Policies
[20 CFR Part 679, Subpart C - Local Workforce Development Boards](https://www.law.cornell.edu/cfr/text/20/part-679/subpart-C)
[Federal Open Meeting law](https://www.law.cornell.edu/cfr/text/20/661.307)
[Minnesota Open Meeting law](https://www.revisor.mn.gov/statutes/cite/13D)

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Contact

Sean Bibus, sean.bibus@state.mn.us
Tel   651.259.7576

Policy

**I. PUBLIC ACCESS AND SUNSHINE PROVISION POLICY**

Local Workforce Development Board meetings shall be conducted in accordance with 20 CFR 661.307 and the Minnesota Open Meetings Law, Minnesota Statutes chapter 13D. The LWDB shall make available to the public information regarding its activities, including:

* Local plan prior to submission and after approval of the plan
* Membership
* Selection and certification of one-stop operators
* Award of grants or contracts to eligible providers of youth workforce development activities
* Schedules of all meetings of the LWDB and subcommittees
* Minutes of formal meetings of the LWDB

**II. CONFLICT OF INTEREST POLICY**

A member of a LWDB shall avoid the appearance of conflict of interest by not voting in, or participating in, any decision by the board regarding the provision of services by such member, or any organization or business which that member directly represents, or on any matter which would provide direct financial benefit to that member, the member's immediate family, or any organization which that member directly represents.

**III. LWDB MEMBERSHIP REQUIREMENTS**

**A. Diversity:** Members of the LWDB should reflect the race, ethnicity, gender, disability and geographic diversity of their Local Area. This must be considered and documented when making appointments to the LWDB.

**B. Proxies and Member Businesses Located Outside of a LWDB’s Area:** Board members must be individuals with optimum policy making authority within the organizations they represent. The State encourages LWDBs struggling to fill board membership openings to utilize [20 § CFR 679.310(g)(7)](https://www.govinfo.gov/content/pkg/CFR-2019-title20-vol4/xml/CFR-2019-title20-vol4-part679.xml#seqnum679.310) to amend their by-laws to allow for proxies without optimum policy making authority from board member’s organizations. Per [20 § CFR 679.310(g)(7)](https://www.govinfo.gov/content/pkg/CFR-2019-title20-vol4/xml/CFR-2019-title20-vol4-part679.xml#seqnum679.310) the State also allows for one member representing a business to be from a business located geographically outside of a board’s area as long as the business operates within the board’s area.

**C. Vacancies:** Vacancies must be filled within 90 days of the date the vacancy occurs. In the event a vacancy has not be filled within 90 days, the LWDB may submit to DEED in writing, an explanation for why a vacancy has not been filled with a description of the process underway to fill the vacancy and; to request an approval of an extension, of up to 90 days.

**D. Term Limits:** A board must have a policy establishing term limits for members and the chair.

**E. Attendance:** A board must have a policy establishing attendance whereby members who fail to attend three unexcused consecutive meetings of the full board must be terminated from the board and replaced.

**F. Membership Requirements:**

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| **LWDB Members**  | **Who May Satisfy the Requirement**  |
| Representatives of Business  | The majority of the members of the LWDB must be representatives of a business located in the Local Area. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Each business representative must meet all of the following criteria: * Be an owner, local executive officer, local operating officer, or other individuals with optimum policymaking or hiring authority
* Provide employment opportunities in in-demand industry sectors or in-demand occupations identified in the regional or local plan
* Are nominated by local business organizations or business trade associations
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| Representatives of Workforce  | At least 20 percent of the members of the LWDB must be workforce representatives with optimum policy-making authority. These representatives: * Must include two or more representatives of labor organizations, where such organizations exist in the Local Area. Where they do not exist, representatives must be selected from other employee representatives, i.e. someone who speaks officially for an employee or group of employees and represents them (i.e. HR representative and/or designee); plus
* Must include one or more representatives of a joint labor-management, or union affiliated, registered apprenticeship program. If no union affiliated registered apprenticeship program exists in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.
* One or more representatives of community-based organizations that have demonstrated experience in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or support competitive integrated employment for individuals with disabilities.

In addition to the representatives enumerated above, the LWDB may include the following to contribute to the 20 percent requirement:* One or more representatives of organizations that have demonstrated experiences and expertise in addressing the employment, training, or education needs of eligible youth, including organizations that serve out-of-school youth.
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| Representatives of Education, Training, Governmental, and Economic and Community Development Entities  | The balance of the LWDB Membership must include individuals with optimum policy making authority, as follows: * At least one eligible provider administering adult education and literacy activities under WIOA title II, selected from among the providers in the Local Area, and
* At least one representative from an institution of higher education providing workforce development activities, including community colleges; and
* At least one representative from each of the following governmental and economic and community development entities:
	+ Economic and community development entities;
	+ The state Employment Service office under the Wagner-Peyser Act, serving the Local Area; and
	+ The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or Part C of that title
* In addition to the representatives enumerated above, the Local Elected Officials may appoint other appropriate entities in the Local Area, including:
	+ 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
	+ Governmental and economic and community development entities who represent transportation, housing, and public assistance programs
	+ Philanthropic organizations serving the Local Area; and
	+ Other appropriate individuals as determined by the local elected officials
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**IV. APPOINTMENT OF LWDB MEMBERS**

Local Elected Officials must establish a formal nomination and appointment process, consistent with the criteria established by the Governor and GWDB under sec. 107(b)(1) of WIOA for appointments of members of the LWDBs, that ensures:

* Business representatives are appointed from among individuals who are nominated by local business organizations and business trade associations
* Labor representatives are appointed from among individuals who are nominated by local labor federations (or, for a Local Area in which no employees are represented by such organizations, other representatives of employees)
* 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, nominations are solicited from those particular entities.
* An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation
* All required board members must have voting privilege. The local elected officials may convey voting privileges to non-required members

**V. CERTIFICATION OF LWDBs**

The Minnesota Department of Employment and Economic Development (DEED) state agency, on behalf of the Governor, is responsible for the oversight and certification of LWDBs. Once every two years LWDBs will be certified by DEED based on the criteria established in this policy. LWDBs must submit their membership rosters annually to DEED’s CareerForce Division. LWDBs in compliance with WIOA and this policy will receive a certification letter. LWDBs not in compliance will be notified in writing of the reason for non-compliance, and will be required to submit a corrective action plan that addresses how the board will come into compliance and be certified. Failure of a LWDB to implement a corrective action may result in a sanction of funds and/or decertification.

The Governor may also decertify a LWDB after providing a notice and an opportunity for comment for any of the following reasons: fraud or abuse, failure to carry out the functions specified for the LWDB in WIOA law, or non-performance.