



Thursday, August 1, 2019, 11:00 AM
4902 Eisenhower Blvd. Ste., 250

Ad Hoc Committee – By-Laws Agenda

- I. **Welcome and Introductions**.....Michael Bach, Chair
- II. **Action Items:**
 - 1. Approval of Minutes – 06/27/2019 meeting.....Michael Bach, Page 2
- III. **Discussion Items:**
 - 1. Changes to Current By-Laws.....Committee Chair Page 5
 - 2. Next Steps..... Michael Bach, Chair
- IV. **Information Items:**
 - 1. CFR- 2017 Title 20 – Volume 4 - Part 679 Statewide and Local Governance of the Workforce Development SystemMichael Bach, Page 24
 - 2. CareerSource Florida Administrative Policy #91 – Local Workforce Development Board Composition, Certification and Decertification.....Michael Bach, Page 51
- V. **Public Comments**
- VI. **Adjournment**

Next Meeting -TBD



**CareerSource Tampa Bay
Ad Hoc By-Laws Committee Meeting Minutes**

Date: June 27, 2019

Location: 9215 N. Florida Avenue Tampa, FL.

Call to Order

Michael Bach called the meeting to order at 12:33 PM. There was a quorum present with the following Ad Hoc By-Laws Committee members participating.

Members in attendance

Michael Bach, Tom Aderhold, Don Noble.

Members not in attendance

Dr. Ginger Clark, Roy Sweatman.

Staff Present

John Flanagan and Tammy Stahlgren.

Board Liaison

Kenneth Jones

Guests

None

Public Comments

There were none

Welcome and Introductions:

Action Item: Approval of Minutes

► **May 16, 2019 Ad Hoc – By-Laws Committee Meeting Minutes**

- [A motion to approve the May 16, 2019 Ad Hoc By-Laws Committee Meeting Minutes.](#)
- [Motioned: Tom Aderhold](#)
- [Seconded: Don Noble](#)

- [There was no further discussion. The motion carried.](#)

Discussion Items:

Process of By-Laws Revision

CEO John Flanagan explained that the corrective action plan from USDOL resulted in the need for a process change. The Board of County Commissioners (BOCC), with fiduciary responsibility, is to have final approval of the By-Laws. As By-Laws need to be changed or

added, changes will go through an internal review process and then to BOCC for final approval.

Ken Jones explained that we want to make sure we are complying with the findings, as well as the corrective action plan. Board recommendations are still part of the process, but at the end of the process BOCC will have the final approval.

There is not a timeline as this process could take several draft proposals before the final By-Laws are approved by the Board, and brought to the BOCC. The one time-sensitive item, was removing the “silent consent process,” which was approved at the last Board of Directors meeting.

Ken Jones explained that after the committee reviews the By-Laws today, the draft will go back to the County Commissioners for review, and then back to this committee for any additional recommendations. This process could go back and forth several times until a final copy is ready for approval.

The final two steps in the By-Laws amending process will be:

- 1) Present a final draft to the CareerSource Tampa Bay BOD for approval.
- 2) Submit to BOCC for Final approval.

Changes to the Current By-Laws

Ken Jones led the discussion regarding changes to the current By-Laws.

The Committee members received a copy of the current By-Laws and the first draft of revised By-Laws generated by the county 3-4 months months ago, prior to the release of the USDOL findings. There may be recommendations from USDOL that are not in this draft.

The committee reviewed the By-Laws through Article V. Section 1. Proposed changes were made. Ken Jones will amend the draft with the Ad Hoc Committee’s recommended changes and meet again with the committee to finish reviewing the document.

Discussion of other topics:

The committee approved adding the following committees:

- Standing Compensation Committee – Created to: 1) Review and oversee the Chief Executive Officer, 2) Review and finalize any type of CareerSource incentive plan.

Discussion for and against the standing compensation committee occurred. The recommendation was to create a Standing Compensation Committee. The Ad Hoc committee agreed that 2 meetings per year would be adequate. One meeting would be tied to when the strategic plan for CSTB compensation and benefits is finalized, and the 2nd meeting would be to review the CEO.

- Standing Youth Committee – Focusing on opportunities for youth is important to this agency. It is one of the cornerstones of CSTB’s new Summer Job Connection initiative. This large initiative warrants its own standing committee outside of Workforce Solutions. This committee would focus on career pipeline development

and career exploration. The meetings of this committee would probably be quarterly, following other committee schedules. Members should be included from the 4 groups, and having non-board members serve on committees was also suggested.

- Ken Jones and Michael Bach will draft an outline for the structure of the two committees and will follow up with this committee for a review.
- Recommendation to amend the By-Laws to include the number of committee members needed for each committee.
- Recommendation to amend the By-Laws to require each Board Member to serve on at least one committee.

Adjournment

The meeting was adjourned at approximately 2:18 p.m.

Minutes prepared by: Tammy Stahlgren, Administrative Services Coordinator.

DRAFT

BY-LAWS
Of
Tampa Bay WorkForce Alliance, Inc.
d/b/a CareerSource Tampa Bay
A Florida Not-for-Profit Corporation

The provisions of this document constitute the By-Laws of Tampa Bay WorkForce Alliance, Inc., a Florida not-for-profit corporation, which shall be utilized to govern the management and operation of Tampa Bay WorkForce Alliance, Inc. for all purposes.

ARTICLE I – NAME, SERVICE AREA, AND OFFICE LOCATION

SECTION I – Name

The legal name of the organization shall be Tampa Bay WorkForce Alliance, Inc. doing business as ~~and hereinafter referred to as CareerSource Tampa Bay,~~ hereinafter referred to as the “Corporation”.

SECTION 2 – Service Area

~~CareerSource Tampa Bay~~ The Corporation shall primarily serve the employers and residents of Hillsborough County, Florida. ~~Other geographical areas may be served as determined by the CareerSource Tampa Bay Board of Directors.~~

SECTION 3 – Office Location

The official office location and mailing address shall be as determined by the ~~Executive Committee of CareerSource Tampa Bay~~ Corporation’s Board of Directors.

ARTICLE II – PURPOSE AND USE OF FUNDS

SECTION I – Purpose

The purposes for which ~~CareerSource Tampa Bay~~ the Corporation is formed, and its business goals and objectives are as follows:

- A. To deliver customer-focused, value-added workforce solutions designed to meet the specific needs of customers, both employers and job seekers alike.

- B. To administer workforce programs and act as ~~a~~ the local sub-grant recipient, fiscal agent and administrative entity as defined by the Federal Workforce Innovation and Opportunity Act (WIOA), authorized by the State of Florida, the U.S. Department of Labor, and in agreement with the Hillsborough County Board of County Commissioners (Hillsborough BOCC) serving as the Chief Elected Official (CEO).
- C. To enhance the provision of workforce development services; increase the involvement of the business community, including small and minority businesses, in workforce development activities; to increase private sector employment opportunities; and to ensure the economic health of the community.
- D. To place special emphasis on service to welfare recipients, economically disadvantaged adults and youth, dislocated workers, and individuals and employers needing workforce development services as identified in the CareerSource Tampa Bay strategic plan.

SECTION 2 – Use of Funds

~~CareerSource Tampa Bay~~ The Corporation shall use available funding in ways that will most effectively satisfy the labor demand needs of the residents and business community to enhance the economic well-being of the community.

No investment, loan or evidence of indebtedness or promise to pay shall be contracted on behalf of the Corporation unless authorized by a Board resolution. If approved, such authority may be general or specific.

ARTICLE III - BOARD MEMBERSHIP

SECTION I – Governing Body

~~CareerSource Tampa Bay~~ The Corporation shall be governed by a Board of Directors (Board), to be appointed as provided herein.

SECTION 2 – Authority and Responsibilities of the Board

The authorities and responsibilities of the Board shall include all authorities and responsibilities delegated to it by applicable federal, state and local laws, regulations, policies and mandates, and shall include:

- A. Establishing and adopting policy for governance, administration and operation of the ~~CareerSource Tampa Bay Board of Directors~~;
- B. Developing, ratifying and submitting or amending the local workforce plan pursuant to Public Law No. 113-128 WIOA and the provisions of Florida Statute 445.007 subject to the approval of the Hillsborough ~~County Board of County Commissioners~~ BOCC;

- ~~B. C.~~ Coordinating agreements with the Hillsborough ~~County Board of County~~
- C. ~~Commissioners~~ BOCC that are necessary to designate the fiscal agent and administrative entity;
- D. Oversight of programs;
- E. Oversight of administrative costs;
- F. Oversight of performance outcomes;
- G. Identifying and selecting providers of training services, intensive services, youth providers and One-Stop Operators as necessary and applicable;
- ~~H.~~ Developing a budget, subject to the approval of the Hillsborough ~~County Board of~~
- ~~H.~~ County Commissioners BOCC, for purposes of carrying out the duties of the Board under applicable state and federal law;
- ~~J.~~ I. Oversight of the budget;
- ~~K.~~ J. Negotiating and reaching agreement on local performance measures;
- K. Coordinating the workforce investment activities with economic development strategies and developing other employer linkages with such activities; and
- L. ~~L.~~ Developing the Regional Targeted Occupations List.

SECTION 3 – Power to Employ a President and CEO

The Board shall have the power to employ a President and CEO who shall be responsible for the operational and administrative functions of the Corporation. The President and CEO shall report to the Board and shall be responsible for employment of such other staff as required to carry out the duties assigned to the Board.

SECTION ~~4~~3 – Authority of Individual Board Members

Board members have authority over the affairs of ~~CareerSource Tampa Bay~~ the Corporation only when acting as a Board ~~of Directors~~ legally in session. The Board shall not be bound in any way by any action or statement on the part of any individual Board member except when such statement or action is taken when carrying out specific instructions by the Board ~~of Directors of CareerSource Tampa Bay.~~

Members of the Board and Committees of the Board may be contacted for comments on Corporation matters and/or issues of public interest. Because the Board and Committees are comprised of members of a myriad of businesses, agencies, and organizations it is important that the Corporation's positions are communicated clearly and consistently. Board and Committee members shall direct any such requests to the Chair and/or President and CEO. The Chair and President and CEO are designated as the official spokespersons for the Corporation.

SECTION ~~5~~4 - Categories of Board Membership

All the members of the Board of Directors of CareerSource Tampa Bay shall be appointed by the Hillsborough County Board of County Commissioners BOCC in accordance with Federal, and State and Hillsborough BOCC legislation, regulations and policies and shall be made from the following categories:

- A. Representatives of business Business: These individuals shall constitute a majority of the membership of the Board, and shall be individuals; who are business owners, chief executives or operating officers, employers or other individuals with optimum policymaking or hiring authority, provide employment opportunities that include high-quality, work relevant training and development in in-demand industry sectors or occupations, and are nominated for these seats by local business, professional and trade business organizations or business trade associations. Business sector representatives shall constitute a minimum of fifty-one percent (51%) of the total Board.
- B. Workforce: Not less than 20 percent These shall be representatives; of local labor organizations nominated by local labor federations, member of a local labor organization or a training director from a joint labor-management apprenticeship program, or if no joint program exists an individual from an apprenticeship program, **MAY** include community based organizations that have demonstrated experience and expertise in addressing employment needs of individuals with barriers, including organizations that serve veterans or individuals with disabilities, and out of school youth. Workforce sector representatives shall constitute a minimum of twenty percent (20%) of the total Board.
- C. Education and Training: Representatives of education and training shall include; providers administering adult education and literacy activities under WIOA Ititle II, institutions of higher education providing workforce investment activities (including community colleges and private education providers), **MAY** include local educational agencies and community based organizations with expertise in education and training of individuals with barriers to employment.
- D. Government, Economic/Community Development: Representatives of governmental, and economic and community development entities; economic and community development entities serving the local area, State Employment office/Wagner-Peyser Act 29 U.S.C. 720 et seq, WIOA Ititle I of rehabilitation act of 1973, **MAY** include agencies representing transportation, housing, public assistance, and philanthropic organizations or representatives of entities or individuals as the CEO determines to be appropriate. The Chairman of the Hillsborough BOCC, or designee from the Hillsborough BOCC, shall fill one of the mandatory seats on the Board as appropriate and as established by Federal and State legislation, regulations and/or policies.
- ~~D~~.E. All Board members shall be individuals with optimum policymaking authority within the organizations, agencies or entities. A representative with "optimum policymaking authority" is an individual who can 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.
- ~~E~~.F. An individual may be appointed as a representative of more than one agency membership area if the individual meets all criteria for such representation.

If an individual represents more than one membership area, he or she must be appropriately nominated by the organization or entity he or she will represent and must have optimum policymaking authority within each ~~agency membership area~~ represented. This ~~Individuals representing more than one membership area~~ shall be determined by the Hillsborough County Board of County Commissioners ~~BOCC~~.

- ~~F. A representative with “optimum policymaking authority” is an individual who can 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.~~
- G. Nominees shall represent the urban and suburban nature of Hillsborough County as well as the demographic, ethnic, and gender characteristics reflective of the County.
- ~~H. The Chairman of the Hillsborough County Board of County Commissioners or his/her designee from the Board of County Commissioners, shall fill one of the mandatory seats on the Board as appropriate and as established by Federal and State legislation, regulations and/or policies.~~

SECTION 6 - Qualifications

Members of the Board shall be U.S. citizens or permanent residents, and residents and registered voters of Hillsborough County. The residency requirement only may be waived by the Hillsborough BOCC for required categories of Board membership except for the Business sector category. Business sector representatives must be employed by a business that is located in Hillsborough County.

SECTION 7 – Financial Disclosure

Each Board member is considered a “public servant” and as such is required to file a statement of financial interests within thirty (30) days of appointment to the Board and annually thereafter.

SECTION 8 - Compensation

No compensation will be paid to Board members for services performed by them for the Corporation. Board members may be reimbursed for expenses incurred when traveling on official business of the Corporation if approved in advance by the Board. Such reimbursement must conform to the Corporation’s established travel policy.

SECTION 95 – Appointment of Board Members

- A. Members of the ~~CareerSource Tampa Bay Board of Directors~~ shall be appointed by the Hillsborough County Board of County Commissioners BOCC subject to the provisions of WIOA and its regulations, and pursuant to

the Florida Workforce Innovation Act and policies established by the Governor for the State of Florida. The maximum number of Board members and the categories of membership shall conform to Federal and State legislation, regulations and policies.

- B. The CareerSource Tampa Bay Board may make recommendations regarding nominations identify and encourage potential applicants to apply to the Hillsborough County Board of County Commissioners BOCC for Board appointment. Such nominations applications shall be in accordance with the nomination application process set forth in the governing statutes by the Hillsborough BOCC. Appointments to the Board shall be at the discretion of the Hillsborough County Board of County Commissioners BOCC.
- C. Members of the Board shall serve at the pleasure of the Hillsborough County Board of County Commissioners BOCC and may be removed either with or without cause at any time.

ARTICLE IV – BOARD OF DIRECTORS

SECTION I – Terms of Membership

- A. Members of the Board shall serve for fixed and staggered terms of two (2) years with the exceptions described within these By-Laws.
- B. In accordance with the federal law and Florida State law, whenever a mandatory seat on the Board must be filled by an individual occupying a specific position in an organization, agency or institution, their term of office shall not expire except and unless the federal or state statute is amended to exclude the position.
- C. If a member resigns prior to the expiration date of his/her term in office, nominations applications for filling the vacancy shall be in accordance with the application process set forth by ~~be made to~~ the Hillsborough BOCC County Board of County Commissioners in the same manner as is described within these By-Laws. Upon appointment, the new member shall serve the unexpired term of the member whose vacancy he/she is filling.
- D. The Chairman of the Hillsborough County Board of County Commissioners BOCC, or his or her designee from the Hillsborough BOCC, is not subject to the Board membership term limits specified herein.

SECTION 2 – Resignation of Membership

A member may resign his or her membership on the CareerSource Tampa Bay Board at any time by submitting a resignation in writing to the Chair ~~or President & CEO~~. In the case of the resignation of the Chair, a resignation shall be submitted in writing to the Vice Chair ~~Elect or President & CEO~~. A resignation shall become effective upon the date specified in such notice, or, if no date is specified, upon receipt of the resignation by the Chair or Vice Chair.

Three (3) consecutive absences from regularly scheduled Board meetings of the ~~CareerSource Tampa Bay Board~~, without an excuse approved by the Chair shall constitute a de facto resignation of the Board member. Three (3) consecutive absences from regularly scheduled committee meetings of ~~CareerSource Tampa Bay~~, without an excuse approved by the ~~e~~Committee ~~e~~Chair, shall constitute a de facto resignation of the committee member from that committee. De facto resignation from a committee will not impact the individuals' membership on the Board or membership on other committees.

SECTION 3 – Revocation of Membership

The Executive Committee may, by a two-thirds (2/3rd) affirmative vote at a meeting where a quorum has been established, recommend revocation of Board membership to the Hillsborough ~~County Board of County Commissioners~~ BOCC for the following reasons:

- A. Should a Board member cease to represent the category to which they were appointed to fill on the Board through change in status;
- B. Disability, illness or inability to perform their duties on the Board; or
- C. Unethical or illegal practices or actions.

SECTION 4 – Notification of Vacancies

The Chair of the ~~Board~~ will notify the Hillsborough ~~Board of County Commissioners~~ BOCC when Board vacancies occur through written correspondence with the ~~Commissioner~~ Chairman of the Hillsborough BOCC, or designee from the Hillsborough BOCC assigned to serve on the Board, ~~board of directors~~ and the County's Liaison to the Corporation as they occur, and will annually submit written notification of all vacancies at the beginning of each fiscal year.

ARTICLE V - BOARD OFFICERS

The Officers of ~~CareerSource Tampa Bay~~ the Corporation shall consist of a Chair, a Vice Chair-Elect, a 2nd Vice Chair, a Secretary and a Treasurer. The Chairman of the Hillsborough ~~County Board of County Commissioners~~ BOCC, or his/her designee from the Hillsborough ~~Board of County Commissioners~~ BOCC, shall occupy the 2nd Vice Chair position.

SECTION 1- Election of Officers

The Chair, Vice ~~Chair-Elect~~, Treasurer, and Secretary of the ~~CareerSource Tampa Bay Board~~ Corporation shall be elected as follows:

- A. The A slate of nominees for Officers shall be ~~recommended~~ presented to the ~~CareerSource Tampa Bay Board of Directors~~ by the an Ad-Hoc Nominating Committee and selected based upon a majority vote of the quorum present at the annual meeting at which the slate is presented.

- B. The annual meeting at which the slate of Officers shall be elected shall take place in June or on a date as otherwise set by the Board, and the Officers shall take office in July.
- ~~C.~~ The CareerSource Tampa Bay Chair and, Vice Chair Elect and Treasurer shall be selected from among the representatives of the private sector Board members.
- ~~C.D.~~ The Treasurer and Secretary shall be selected from among any existing member of the Board.

SECTION 2 – Duties of Officers

- A. Duties of the Chair shall include:
- Presiding at all meetings of the ~~CareerSource Tampa Bay Board of Directors;~~
 - Serving as Chair of the Executive Committee;
 - Making all committee chair appointments;
 - Calling special meetings of the Board;
 - Establishing Ad-Hoc Committees as deemed necessary to conduct the business of the Board and make appointments thereto;
 - ~~Serving as a member of the Executive Committee; and~~
 - Serve on the Florida Workforce Development Association’s Chairs Alliance/Association representing Region 15; and
 - Performing all duties incident to the office of Chair.
- B. Duties of the Vice Chair ~~Elect~~ shall include:
- Presiding over meetings in the absence of the Chair;
 - Serving as a member of the Executive Committee; and
 - Serve as alternate to the Chair on the Florida Workforce Development Association’s Chairs Alliance/Association representing Region 15; and
 - Performing all duties incident to the office of Chair in the absence of the Chair.
- ~~C.~~ Duties of the 2nd Vice Chair shall include:
- Presiding over meetings in the absence of the Chair and Vice Chair;
 - Serving as a member of the Executive Committee;
 - Serving as a member of the Finance Committee;
 - Ensuring compliance with the inter-local agreement; and
 - Performing all duties incident to the offices of Chair and Vice Chair in the absence of the Chair and Vice Chair.
- ~~C.D.~~ Duties of the Treasurer shall include:
- Serving as a member of the Executive Committee;
 - ~~Serving as a member of the Audit Committee;~~
 - Serving as Chair of the Finance Committee; ~~and~~

- Making a report on the financial status of the Corporation at each regular meeting of the Board; and
- Performing all duties incident to the office of Treasurer.

~~D.E.~~ Duties of the Secretary shall include:

- Serving as a member of the Executive Committee;
- Signing all bank resolutions; and
- Reviewing all Board minutes prior to official adoption by the Board of Directors; and
- Performing all duties incident to the office of Secretary.

~~E.~~ Duties of the Vice Chair shall include:

- ~~Presiding over meetings in the absence of the Chair and the Chair Elect;~~
- ~~Serving on the Audit Committee; and~~
- ~~Ensuring compliance with the inter-local agreement.~~

SECTION 3 – Terms of Office

The term of office for the Chair, Vice Chair ~~Elect~~, Secretary and Treasurer ~~of CareerSource Tampa Bay~~ shall be for one (1) year, from July 1 through June 30.

~~CareerSource Tampa Bay~~ Board Officers may serve no more than two (2) consecutive terms of one (1) year each in the same office, if re-elected, provided that the time in office does not exceed the limits of their term of membership on the Board. After two (2) consecutive terms, the Officer shall then step down from their position for a minimum of one (1) year, although they may continue to serve as ~~CareerSource Tampa Bay~~ Board members, or in other offices.

The 2nd Vice Chair is not subject to the Officer term limits specified herein.

SECTION 4 – Vacancy in One of the Officer Positions

If a vacancy in any office ~~but~~ other than the Chair occurs due to the illness, resignation, etc. of the Officer elected, a replacement shall be elected to serve the unexpired term of office at the next regularly scheduled Board meeting. If the office of Chair becomes vacant, the Vice Chair ~~Elect~~ will assume the office of Chair for the remainder of the unexpired term.

ARTICLE VI – COMMITTEES

SECTION 1 – Standing Committees

The Standing Committees of ~~CareerSource Tampa Bay~~ shall be the Executive Committee, ~~the One Stop Committee~~, the Workforce Solutions Committee, and the Finance Committee, ~~and the Audit Committee~~. In addition, there may be such ~~a~~Ad h~~oc~~ committees as determined necessary by the Chair and approved by the Board. All Board members are expected to serve on at least one (1) Committee.

~~Other than those committees required by law, CareerSource Tampa Bay~~ The Board may vote to create, expand or combine Committees as appropriate for the efficient operation of the business of ~~CareerSource Tampa Bay~~ the Corporation.

SECTION 2 – Terms of the Executive Committee members and Committee Chairs

~~CareerSource Tampa Bay~~ Executive Committee mMembers and Committee Chairs may serve in those positions for no more than two (2) consecutive terms, if re-elected or re-appointed, and shall then step down from their position for a minimum of ~~a~~one (1) year, although they may continue to serve as ~~CareerSource Tampa Bay~~ Board or Committee members, ~~or in other offices~~.

The 2nd Vice Chair is not subject to the term limits specified herein.

SECTION 3 – General Committee Membership

- A. A committee member, with the exception of an Executive Committee member, may designate an alternate in writing who shall have the powers, including voting, of the committee member when that alternate attends committee meetings in lieu of the committee member. No Committee member or delegate may vote through proxy.
- B. ~~CareerSource~~ Board members shall comprise a majority of each committee.
- C. The Chair of any standing committee with the exception of the Executive Committee, at his or her discretion, may appoint existing ~~h~~Board and non-~~h~~Board members to deemed appropriate to serve on the respective committee.
- D. Non-~~h~~Board committee members shall serve for a two (2)-year term from their appointment date. Terms are renewable for additional two (2)-year periods at the discretion of the ~~e~~Committee ~~e~~Chairperson.

SECTION 4 – Executive Committee Membership, Duties and Responsibilities

~~CareerSource Tampa Bay~~ shall have an The Executive Committee shall be chaired by the Chair and shall consisting of the OfficersChair, Vice Chair, 2nd Vice Chair, Treasurer, Secretary, the Chairs of the Standing Committees, Past Chair (Ex-Officio), and ~~up to five~~ one

(1) Board member at-large members appointed by the Chairperson. A majority of the Executive Committee shall constitute a quorum.

~~The Executive Committee shall have and exercise the authority of the Board of Directors in the governance of the affairs of CareerSource Tampa Bay with the exception of adopting, repealing, or amending these By-Laws. Delegation of this authority to the Executive Committee shall not relieve the Board of Directors or any individual Director of any responsibility imposed on it, or him or her, by the Bylaws or by any applicable law.~~

~~Duties of the Executive Committee shall also include, but are not limited to:~~

- ~~• Reviewing qualifications of individuals nominated to serve on the Board of Directors and forwarding nominations with recommendations and rationale for appointment or non-appointment to the Board of Directors for action. If approved by the Board, the nominations shall be submitted to the Hillsborough County Board of County Commissioners for its consideration; and~~
- ~~• Planning, conducting and/or recommending Board Member development or in-service activities.~~

The Executive Committee shall have the authority to exercise those powers of the Board in the management of the Corporation's business between meetings of the Board, which may be lawfully delegated and consistent with these Bylaws, except for the following prohibitions:

- May not remove existing Officers or Board members or elect new Officers.
- May not reconsider or reverse any action or policy of the Board.
- May not adopt, repeal or amend these Bylaws or the Corporation's Articles of Incorporation.
- May not adopt or amend the budget or adopt programs or approve contractors for competitively bid contracts except when time requirements do not permit consideration and action by the full Board without impacting delivery of programs or services. In such instances, at the discretion of the Chair, the Executive Committee may approve or amend the budget, adopt programs and approve contractors for competitively bid contracts. If this does occur, the Executive Committee shall report its actions and recommendations at the next Board meeting for ratification.

The Executive Committee shall meet, with reasonable notice, at the call of the Chair, the Corporation's President & CEO or upon receipt of written request by at least three (3) Executive Committee members.

~~Section 5 – One Stop Committee Membership, Duties and Responsibilities~~

~~The One Stop Committee shall be chaired by a Board Member appointed by the Board Chair and shall consist of those members deemed appropriate and appointed to the committee by the One Stop Committee Chair. The One Stop Committee shall be responsible for:~~

- ~~• Providing assistance with planning, operational and other issues relating to the one-stop delivery system;~~

- ~~Providing assistance with planning, operational, and other issues relating to the provision of services to youth;~~
- ~~Providing assistance with planning, operational and other issues relating to the provision of services to individuals with disabilities;~~
- ~~Reviewing the plans and services of other agencies and one-stop partners with the intent to improve coordination of services;~~
- ~~Reviewing customer survey feedback to ensure customer input is made part of the plan of service;~~
- ~~Reviewing the enrollment and training of individuals under the Workforce Innovation and Opportunity Act;~~
- ~~Reviewing the services delivered to welfare transition customers;~~
- ~~Reviewing services and programs delivered to recognized target groups;~~
- ~~Reviewing the operation and performance of any grants or other funding received;~~
- ~~Reviewing periodic reports on performance in accordance with the committee's annual strategic plan; and~~
- ~~Planning for future changes and improvements to the one-stop system.~~

SECTION 65 – Workforce Solutions Committee Membership, Duties and Responsibilities

The Workforce Solutions Committee shall be chaired by a Board member appointed by the Board Chair and shall consist of those Board members and non-Board members deemed appropriate and appointed to the Committee by the ~~Workforce Solutions Committee Chair~~. The Workforce Solutions Committee's shall be responsible for: responsibilities shall include, but are not limited to:

- Providing assistance with planning and reviewing of operational and other issues relating to the one-stop delivery system;
- Providing assistance with planning, operational, and other issues relating to the provision of services to youth and individuals with disabilities;
- Reviewing the enrollment and training of individuals under WIOA;
- Reviewing customer survey feedback to ensure customer input is made part of the plan of service;
- Reviewing and approving the services and programs delivered to employers;
- Reviewing and approving training vendor applications and other actions pertaining to training vendors;
- Reviewing periodic training vendor performance reports;
- Reviewing the region's activities related to targeted industries;
- Creating and maintaining the regional targeted occupations list; and
- Reviewing and approving the Board's partnerships with economic development organizations and other business associations in accordance with the committee's annual strategic plan.

SECTION 76 – Finance Committee Membership, Duties and Responsibilities

The Finance Committee shall be chaired by the Treasurer, and shall consist of those Board members deemed appropriate and appointed to the Committee by the Treasurer. The Finance Committee shall be ~~the Committee of the Board~~ charged with oversight responsibilities regarding the fiscal affairs of the ~~Agency~~ Corporation to include the annual Audit. The Finance Committee's responsibilities shall include, but are not limited to:

- Reviewing a draft of the annual budget and submitting the tentative annual budget, along with a recommendation, to the Board ~~of Directors~~ for action;
- Reviewing and approving all subsequent modifications to the budget;
- Reviewing the annual audit and accompanying management letters with agency responses;
- Providing oversight through review of monitoring reports;
- Review and recommend approval of the IRS Form 990 submission;
- Reviewing the ~~agency's~~ Corporation's periodic financial statements and report on the ~~organizations~~ Corporation's financial status at each meeting of the Executive Committee; and
- Serving on procurement review panels at the request of the President and CEO and/or CFO.

SECTION 8 – Audit Committee Membership, Duties and Responsibilities

The Finance Committee shall include an Audit subcommittee chaired by the Treasurer ~~Committee shall~~ and consisting of the ~~County Commissioner serving on the CareerSource Tampa Bay Board of Directors~~ Chairman of the Hillsborough BOCC or designee from the Hillsborough BOCC, the ~~an Assistant Hillsborough County Administrator or designee~~ one at large county staff person, the Chair of the CareerSource Tampa Bay Finance Committee, and the CareerSource Tampa Bay President and CEO. The ~~Administrator of Hillsborough County will select the Assistant County Administrator or the at-large county staff person to serve on the Committee.~~ The Audit subcommittee's ~~Committee shall be responsible for:~~ responsibilities shall include, but are not limited to:

- Arranging and procuring the annual audit of any and all programs operated by ~~CareerSource Tampa Bay~~ the Corporation in compliance with OMB Circular A-133, including the selection of an audit firm;
- Reviewing reports on the monitoring of activities, operations and expenditures under the programs operated by ~~CareerSource Tampa Bay~~ the Corporation; and
- Reviewing such other interim or annual reviews and reports, whether conducted by an audit firm, entities expert in evaluation and/or monitoring of ~~CareerSource Tampa Bay~~ the Corporation's programs or county staff as determined by the Audit ~~Committee~~ subcommittee.

SECTION 98 – Ad-Hoc Nominating Committee Membership, Duties and Responsibilities

The Chair of CareerSource Tampa Bay shall appoint the Committee Chair and members of the ~~a~~Ad-Hoc Nominating Committee from among the membership of the Board. This Committee shall consist of no less than three (3) and no more than five (5) members of the Board. The ~~responsibilities of t~~The Ad Hoc Nominating Committee shall include:

- ~~Meeting prior to the fourth quarterly or a~~Annual ~~Board~~ meeting to identify and select a slate of Officers to be presented to the ~~CareerSource Tampa Bay~~ Board at the ~~a~~Annual meeting; and
- Reviewing Board members' length of service and recommending appointment to or renewal of membership to the Executive Committee as appropriate; and
- Presenting a slate of Officers to the Board at the Annual meeting. Prior to voting on the slate of Officers, accepting nominations from the floor.
- ~~Reviewing Board members' length of service and recommending renewal of membership to the Executive Committee as appropriate.~~

SECTION 9 – Ad-Hoc Committees

The Chair may appoint Ad Hoc Committees on an as needed basis and approved by the Board. Ad Hoc Committees shall be chaired by a Board member appointed by the Chair and may include non-Board members deemed appropriate to serve on the respective Ad Hoc Committee. Board members shall comprise a majority of each Ad Hoc Committee. The Executive Committee may serve as an Ad Hoc Committee as determined necessary by the Chair and approved by the Board.

ARTICLE VII - MEETINGS

SECTION I – Notice, Minutes, etc.

- A. Regular meetings of ~~CareerSource Tampa Bay~~ the Board and Committees of the Board shall be held at a place to be determined by the members, at such times and as often as they may deem necessary.
- B. The President ~~&and~~ and CEO or his/her designee shall ~~send written notice of each Board and Committee meeting to the members at such times and as often as they may deem necessary~~notify all Board and Committee members of regular meetings by mail, email or facsimile at least five (5) calendar days in advance. These notices shall contain the meeting date, time and place of the meeting and identify the agenda items.
- C. Special meetings of the Board may be called at any time by the Chair or by a petition signed by not less than twenty-five percent (25%) of the Board membership, setting forth the reason for calling a special meeting.
- D. The President and CEO or designee shall notify all Board members of special meetings by mail, email or facsimile at least three (3) calendar days in advance. These notices shall contain the meeting date, time and place of the meeting, identify the purpose of the meeting and whether it has been called by the Chair or by petition.
- E. The public shall be informed of Board and Committee meetings through notice(s), which shall state the purpose of the meeting, the meeting date, time and the place.

- ~~C. Special meeting notices shall state the purpose of the meeting and whether it has been called by the Chair or by petition.~~
- ~~D.F. All Board and Committee meetings shall be subject to the Sunshine and Open Meeting Laws of the State of Florida~~ conducted in accordance with Florida's Government-in-the-Sunshine Act.
- ~~E.G. The CareerSource Board may allow one or more members to participate in Board and Committee meetings by telephone or other types of communications technology provided that access be given to the public at such meetings through the use of such devices as a speaker telephone that would allow the absent member(s) or members to participate in discussions to be heard by other Board and Committee members and the public to hear discussions taking place during the meeting.~~
- ~~F.H. Special meetings of members may be called at any time by the CareerSource Tampa Bay Chair or by a petition signed by not less than twenty five percent (25%) of the membership of CareerSource Tampa Bay, setting forth the reason for calling such a meeting.~~
- ~~G.I. CareerSource Tampa Bay c~~Committees shall meet at the call of the Board Chair or Committee Chair, the Committee Vice Chair or the CareerSource Tampa Bay Board Chair.
- J. Minutes shall be kept of all Board and Committee meetings. Minutes shall be reviewed and approved at the next CareerSource Tampa Bay Board or Committee meeting as appropriate. The official minutes of meetings of the Board and Committees of the Board are public record and shall be open to inspection by the public. They shall be kept on file by the Board Secretary at the administrative office of CareerSource Tampa Bay the Corporation as the record of the official actions of the Board of Directors or Committee.
- K. As soon as practicable following a meeting of the Executive Committee, minutes of the meeting shall be transmitted to all Board members. Any Board member shall have five (5) days from receipt of the minutes within which to request that an action of the Executive Committee be brought before the full Board. This request shall be in writing to the Board Chair. If no such request is made, the action of the Executive Committee shall stand.

SECTION 2 – Limitation on Participation

Participation in Board meetings and Executive Committee meetings shall be limited to members of the Board, Committees and staff with the following exceptions:

- A. ~~Regularly scheduled a~~Agenda items that call for reports or participation by non- members; and-
- B. A time shall be set on the agenda for the receipt of public comment.

SECTION 3 – Parliamentary Procedures

When parliamentary procedures are not covered by these by-laws, Robert's Rules of Order, Revised, shall prevail.

ARTICLE VIII – QUORUM AND VOTING

SECTION 1 – Quorum

A quorum is required to conduct official business of the Board or Committees of the Board.

- A. A quorum of the Board shall consist of one-third (~~33%~~ 1/3^{1/3rd}) of the Board membership.
- B. A quorum of the Executive Committee shall consist of ~~one-third (33%)~~ a majority of the Executive Committee members.
- C. ~~Except for the Executive Committee, the number~~ A quorum of a Committee Members of the Board shall consist of the number of Committee members present for a committee meeting shall constitute a quorum for the purpose of conducting the business of the Committee. Attendance by a minimum of five (5) Committee members is highly encouraged.
- D. Board and Committee members participating by telephone or other types of communications technology will be included as part of the quorum as a quorum does not have to be physically present to conduct business.

SECTION 2 – Voting and Related Party Contracts

- A. Any action that may be taken by the ~~CareerSource Tampa Bay Board of Directors~~ or a ~~Committee~~ of the Board shall be considered the act of the Board or Committee only if the action is taken by an affirmative vote of the majority of the members in attendance at a meeting where a quorum has been established.
- B. Each member of the ~~CareerSource Tampa Bay Board of Directors~~ or a Committee of the Board shall have one (1) vote when present at a Board or Committee meeting of the Board, ~~whether in person or by phone or other type of communication technology.~~ Members may not vote by proxy.
- C. Voting privileges of non-~~B~~board members selected to serve on a ~~C~~committee are limited to that ~~C~~committee.
- D. A member of the Board or a Committee of the Board, who is present, either in person or by other communication means, at a meeting of the Board or a ~~C~~committee of the Board at which action on any matter is taken shall be presumed to have assented to the action taken unless his or her dissent is declared and entered in the minutes of the meeting
- E. When an issue presents a possible conflict of interest to a Board or Committee member, said member shall disclose the conflict of interest and shall abstain from voting on said issue. A conflict of interest is any matter which has a direct bearing on services to be provided by that member or any organization which

such member directly represents, or any matter which would financially benefit such member or any organization such member represents.

- F. Contracts awarded to Board members ~~of the CareerSource Tampa Bay Board of Directors~~ or any organization which such member directly represents shall require a ~~2/3~~ two-third (2/3rd) affirmative vote of the quorum in attendance at the Board meeting.
- G. A Board member acting as presiding Officer at a meeting of the Board or a Committee of the Board held pursuant to these By-Laws shall be entitled to vote on the same basis as if not acting as the presiding Officer.
- H. Any item considered, voted on and approved by a Committee of the ~~CareerSource Board of Directors~~, excluding approval of meeting minutes and adjournment of meeting, shall be brought forth to the ~~Executive Committee~~ Board for consideration at its next meeting.

SECTION 3 – Consent Agenda

~~As soon as practicable following a meeting of the Executive Committee, minutes of the meeting shall be transmitted to Members of the Board of Directors. Any Board Member shall have five (5) days from receipt of the minutes within which to request that an action of the Executive Committee be brought before the full Board. If no such request is made, the action of the Executive Committee shall stand.~~

ARTICLE IX - AMENDMENTS

These By-laws may be amended or replaced by an affirmative vote of two-thirds (~~2/3~~ 2/3rd) of the membership of the ~~CareerSource Tampa Bay Board~~, after notice, which shall specify or summarize the changes proposed to be made. Such notice shall be made no less than five (5) days prior to the meeting at which such amendment or repeal is acted upon.

ARTICLE X - GENERAL PROVISIONS

Nothing in these By-laws shall be construed to take precedence over federal, state or local laws or regulations, or to constrain the rights or obligations or the units of the local elected officials or governments party to the consortium agreement.

ARTICLE XI - INDEMNIFICATION

SECTION I – Indemnification of Board Members

~~CareerSource Tampa Bay, Inc.~~ The Corporation shall indemnify any ~~CareerSource Tampa Bay Board member, staff person, Officer, or former CareerSource Tampa Bay Board member, staff person, or Officer~~ for expenses actually and reasonably incurred by him or her in connection with the defense of any action, suit or proceeding, civil or criminal, in which he or she is made a party by reason of being or having been a ~~CareerSource Tampa Bay Board member, staff person, or Officer~~, except in relation to matters in which he or she was adjudged, in the action, suit or proceeding, to be liable for negligence or misconduct in the performance of his or her ~~CareerSource Tampa Bay~~ duties.

SECTION 2 – Rights to Indemnification

The right to indemnification under this Article is only available to the extent that the power to indemnify is lawful and to the extent that the person to be indemnified is lawful and to the extent that the person to be indemnified is not insured or otherwise indemnified.

SECTION 3 – Indemnification Insurance

~~CareerSource Tampa Bay and the Hillsborough County Board of County Commissioners shall have the power to purchase and maintain insurance sufficient to meet this Article's indemnification requirements.~~

The Corporation shall purchase and maintain insurance sufficient to meet this Article's indemnification requirements.

ARTICLE XII – FISCAL YEAR

The fiscal year of the Corporation shall be July 1 to June 30.

ARTICLE XIII – DISSOLUTION

Upon the dissolution of the Corporation, the Officers shall, after paying or making provision for the payment of all the liabilities of the Corporation, dispose of the remaining assets of the Corporation by returning them to the U.S. Department of Labor, the state designee, or, if the U.S. Department of Labor and state designee agrees, giving those assets to local charitable, educational, religious, or scientific purposes which at the time qualify as a Section 501(c)3 non-profit organization under the Internal Revenue Code.

ARTICLE XIV - ENACTMENT PROVISION

These By-laws shall become effective after approval by a two-thirds (~~2/3~~ 2/3rd) vote of the membership after due notice to the membership. Reasonable notice shall be given prior to the meeting at which these By-laws are enacted.

These amended By-Laws were adopted as of this ~~16th day of June 2016~~ (date to be determined).

DRAFT



Information Item

Reference Materials

Attached are reference materials that were previously submitted to the Ad Hoc By-Laws Committee, they include:

- **CFR- 2017 Title 20 – Volume 4 - Part 679 Statewide and Local Governance of the Workforce Development System**
- **CareerSource Florida Administrative Policy #91 – Local Workforce Development Board Composition, Certification and Decertification effective 6.8.16**

Employment and Training Administration, Labor

§ 678.900

a regular system of continuing professional staff development, and having systems in place to capture and respond to specific customer feedback.

(d) Local WDBs must assess at least once every 3 years the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery systems using the criteria and procedures developed by the State WDB. The Local WDB may establish additional criteria, or set higher standards for service coordination, than those set by the State criteria. Local WDBs must review and update the criteria every 2 years as part of the Local Plan update process described in § 676.580 of this chapter. Local WDBs must certify one-stop centers in order to be eligible to use infrastructure funds in the State funding mechanism described in § 678.730.

(e) All one-stop centers must comply with applicable physical and programmatic accessibility requirements, as set forth in 29 CFR part 38, the implementing regulations of WIOA sec. 188.

Subpart G—Common Identifier

§ 678.900 What is the common identifier to be used by each one-stop delivery system?

(a) The common one-stop delivery system identifier is “American Job Center.”

(b) As of November 17, 2016, each one-stop delivery system must include the “American Job Center” identifier or “a proud partner of the American Job Center network” on all primary electronic resources used by the one-stop delivery system, and on any newly printed, purchased, or created materials.

(c) As of July 1, 2017, each one-stop delivery system must include the “American Job Center” identifier or “a proud partner of the American Job Center network” on all products, programs, activities, services, electronic resources, facilities, and related property and new materials used in the one-stop delivery system.

(d) One-stop partners, States, or local areas may use additional identifiers on their products, programs, activities,

services, facilities, and related property and materials.

PART 679—STATEWIDE AND LOCAL GOVERNANCE OF THE WORKFORCE DEVELOPMENT SYSTEM UNDER TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

Subpart A—State Workforce Development Board

Sec.

679.100 What is the purpose of the State Workforce Development Board?

679.110 What is the State Workforce Development Board?

679.120 What is meant by the terms “optimum policy-making authority” and “demonstrated experience and expertise”?

679.130 What are the functions of the State Workforce Development Board?

679.140 How does the State Workforce Development Board meet its requirement to conduct business in an open manner under “sunshine provision” of the Workforce Innovation and Opportunity Act?

679.150 Under what circumstances may the Governor select an alternative entity in place of the State Workforce Development Board?

679.160 Under what circumstances may the State Workforce Development Board hire staff?

Subpart B—Workforce Innovation and Opportunity Act Local Governance (Workforce Development Areas)

679.200 What is the purpose of requiring States to identify regions?

679.210 What are the requirements for identifying a region?

679.220 What is the purpose of the local area?

679.230 What are the general procedural requirements for designation of local areas?

679.240 What are the substantive requirements for designation of local areas that were not designated as local areas under the Workforce Investment Act of 1998?

679.250 What are the requirements for initial and subsequent designation of workforce development areas that had been designated as local areas under the Workforce Investment Act of 1998?

679.260 What do the terms “performed successfully” and “sustained fiscal integrity” mean for purposes of designating local areas?

679.270 What are the special designation provisions for single-area States?

- 679.280 How does the State fulfill the requirement to provide assistance to local areas within a planning region that wish to redesignate into a single local area?
- 679.290 What right does an entity have to appeal the Governor’s decision rejecting a request for designation as a workforce development area?

Subpart C—Local Workforce Development Boards

- 679.300 What is the vision and purpose of the Local Workforce Development Board?
- 679.310 What is the Local Workforce Development Board?
- 679.320 Who are the required members of the Local Workforce Development Board?
- 679.330 Who must chair a Local Workforce Development Board?
- 679.340 What is meant by the terms “optimum policy-making authority” and “demonstrated experience and expertise”?
- 679.350 What criteria will be used to establish the membership of the Local Workforce Development Board?
- 679.360 What is a standing committee, and what is its relationship to the Local Workforce Development Board?
- 679.370 What are the functions of the Local Workforce Development Board?
- 679.380 How does the Local Workforce Development Board satisfy the consumer choice requirements for career services and training services?
- 679.390 How does the Local Workforce Development Board meet its requirement to conduct business in an open manner under the “sunshine provision” of the Workforce Innovation and Opportunity Act?
- 679.400 Who are the staff to the Local Workforce Development Board and what is their role?
- 679.410 Under what conditions may a Local Workforce Development Board directly be a provider of career services, or training services, or act as a one-stop operator?
- 679.420 What are the functions of the local fiscal agent?
- 679.430 How do entities performing multiple functions in a local area demonstrate internal controls and prevent conflict of interest?

Subpart D—Regional and Local Plan

- 679.500 What is the purpose of the regional and local plan?
- 679.510 What are the requirements for regional planning?
- 679.520 What are the requirements for approval of a regional plan?
- 679.530 When must the regional plan be modified?

- 679.540 How are local planning requirements reflected in a regional plan?
- 679.550 What are the requirements for the development of the local plan?
- 679.560 What are the contents of the local plan?
- 679.570 What are the requirements for approval of a local plan?
- 679.580 When must the local plan be modified?

Subpart E—Waivers/WorkFlex (Workforce Flexibility Plan)

- 679.600 What is the purpose of the general statutory and regulatory waiver authority in the Workforce Innovation and Opportunity Act?
- 679.610 What provisions of the Workforce Innovation and Opportunity Act and the Wagner-Peyser Act may be waived, and what provisions may not be waived?
- 679.620 Under what conditions may a Governor request, and the Secretary approve, a general waiver of statutory or regulatory requirements under the Workforce Innovation and Opportunity Act?
- 679.630 Under what conditions may the Governor submit a workforce flexibility plan?
- 679.640 What limitations apply to the State’s workforce flexibility plan authority under the Workforce Innovation and Opportunity Act?

AUTHORITY: Secs. 101, 106, 107, 108, 189, 503, Public Law 113–128, 128 Stat. 1425 (Jul. 22, 2014).

SOURCE: 81 FR 56371, Aug. 19, 2016, unless otherwise noted.

Subpart A—State Workforce Development Board

§ 679.100 What is the purpose of the State Workforce Development Board?

The purpose of the State Workforce Development Board (WDB) is to convene State, regional, and local workforce system and partners, to—

- (a) Enhance the capacity and performance of the workforce development system;
- (b) Align and improve the outcomes and effectiveness of Federally-funded and other workforce programs and investments; and
- (c) Through these efforts, promote economic growth.
- (d) Engage public workforce system representatives, including businesses, education providers, economic development, labor representatives, and other

stakeholders to help the workforce development system achieve the purpose of the Workforce Innovation and Opportunity Act (WIOA); and

(e) Assist to achieve the State's strategic and operational vision and goals as outlined in the State Plan.

§ 679.110 What is the State Workforce Development Board?

(a) The State WDB is a board established by the Governor in accordance with the requirements of WIOA sec. 101 and this section.

(b) The membership of the State WDB must meet the requirements of WIOA sec. 101(b) and must represent diverse geographic areas of the State, including urban, rural, and suburban areas. The WDB membership must include:

(1) The Governor;

(2) A member of each chamber of the State legislature, appointed by the appropriate presiding officers of such chamber, as appropriate under State law; and

(3) Members appointed by the Governor, which must include:

(i) A majority of representatives of businesses or organizations in the State who:

(A) Are the owner or chief executive officer for the business or organization, or is an executive with the business or organization with optimum policy-making or hiring authority, and also may be members of a Local WDB as described in WIOA sec. 107(b)(2)(A)(i);

(B) Represent businesses, or organizations that represent businesses described in paragraph (b)(3)(i) of this section, that, at a minimum, provide employment and training opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and

(C) Are appointed from a list of potential members nominated by State business organizations and business trade associations; and

(D) At a minimum, one member representing small businesses as defined by the U.S. Small Business Administration.

(ii) Not less than 20 percent who are representatives of the workforce within the State, which:

(A) Must include two or more representatives of labor organizations nominated by State labor federations;

(B) Must include one representative who must be a member of a labor organization or training director from a joint labor-management registered apprenticeship program, or, if no such joint program exists in the State, a member of a labor organization or training director who is a representative of an registered apprenticeship program;

(C) May include one or more representatives of community-based organizations 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

(D) May include one or more representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

(iii) The balance of the members:

(A) Must include representatives of the Government including:

(1) The lead State officials with primary responsibility for the following core programs—

(i) The adult, dislocated worker, and youth programs authorized under title I of WIOA and the Wagner-Peyser Act;

(ii) The Adult Education and Family Literacy Act (AEFLA) program authorized under title II of WIOA; and

(iii) The State Vocational Rehabilitation (VR) program authorized under the Rehabilitation Act of 1973, as amended by title IV of WIOA.

(iv) Where the lead official represents more than one core program, that official must ensure adequate representation of the needs of all core programs under his or her jurisdiction.

(2) Two or more chief elected officials (collectively representing both cities and counties, where appropriate).

(B) May include other appropriate representatives and officials designated

by the Governor, such as, but not limited to, State agency officials responsible for one-stop partner programs, economic development or juvenile justice programs in the State, individuals who represent an Indian tribe or tribal organization as defined in WIOA sec. 166(b), and State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

(c) The Governor must select a chairperson for the State WDB from the business representatives on the WDB described in paragraph (b)(3)(i) of this section).

(d) The Governor must establish by-laws that at a minimum address:

(1) The nomination process used by the Governor to select the State WDB chair and members;

(2) The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;

(3) The process to notify the Governor of a WDB member vacancy to ensure a prompt nominee;

(4) The proxy and alternative designee process that will be used when a WDB member is unable to attend a meeting and assigns a designee as per the following requirements:

(i) If the alternative designee is a business representative, he or she must have optimum policy-making hiring authority.

(ii) Other alternative designees must have demonstrated experience and expertise and optimum policy-making authority.

(5) The use of technology, such as phone and Web-based meetings, that must be used to promote WDB member participation;

(6) The process to ensure 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

(7) Other conditions governing appointment or membership on the State WDB as deemed appropriate by the Governor.

(e) Members who represent organizations, agencies or other entities de-

scribed in paragraphs (b)(3)(ii) through (iii) of this section must be individuals who have optimum policy-making authority in the organization or for the core program that they represent.

(f)(1) A State WDB member may not represent more than one of the categories described in:

(i) Paragraph (b)(3)(i) of this section (business representatives);

(ii) Paragraph (b)(3)(ii) of this section (workforce representatives); or

(iii) Paragraph (b)(3)(iii) of this section (government representatives).

(2) A State WDB member may not serve as a representative of more than one subcategory under paragraph (b)(3)(i) of this section.

(3) A State WDB member may not serve as a representative of more than one subcategory under paragraph (b)(3)(iii) of this section, except that where a single government agency is responsible for multiple required programs, the head of the agency may represent each of the required programs.

(g) All required WDB members must have voting privileges. The Governor also may convey voting privileges to non-required members.

§ 679.120 What is meant by the terms “optimum policy-making authority” and “demonstrated experience and expertise”?

For purposes of § 679.110:

(a) A representative with “optimum policy-making authority” is an individual who can 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.

(b) A representative with “demonstrated experience and expertise” means an individual with documented leadership in developing or implementing workforce development, human resources, training and development, or a core program function. Demonstrated experience and expertise may include individuals with experience in education or training of job seekers with barriers to employment as described in § 679.110(b)(3)(ii)(C) and (D).

§ 679.130 What are the functions of the State Workforce Development Board?

Under WIOA sec. 101(d), the State WDB must assist the Governor in the:

- (a) Development, implementation, and modification of the 4-year State Plan;
- (b) Review of statewide policies, programs, and recommendations on actions that must be taken by the State to align workforce development programs to support a comprehensive and streamlined workforce development system. Such review of policies, programs, and recommendations must include a review and provision of comments on the State Plans, if any, for programs and activities of one-stop partners that are not core programs;
- (c) Development and continuous improvement of the workforce development system, including—
 - (1) Identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among programs and activities;
 - (2) Development of strategies to support career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment, including individuals with disabilities, with workforce investment activities, education, and supportive services to enter or retain employment;
 - (3) Development of strategies to provide effective outreach to and improved access for individuals and employers who could benefit from workforce development system;
 - (4) Development and expansion of strategies to meet the needs of employers, workers, and job seekers particularly through industry or sector partnerships related to in-demand industry sectors and occupations;
 - (5) Identification of regions, including planning regions for the purposes of WIOA sec. 106(a), and the designation of local areas under WIOA sec. 106, after consultation with Local WDBs and chief elected officials;
 - (6) Development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to Local WDBs, one-stop operators, one-stop partners, and providers. Such assistance includes assist-

ance with planning and delivering services, including training and supportive services, to support effective delivery of services to workers, job seekers, and employers; and

- (7) Development of strategies to support staff training and awareness across the workforce development system and its programs;
- (d) Development and updating of comprehensive State performance and accountability measures to assess core program effectiveness under WIOA sec. 116(b);
- (e) Identification and dissemination of information on best practices, including best practices for—
 - (1) The effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;
 - (2) The development of effective Local WDBs, which may include information on factors that contribute to enabling Local WDBs to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and
 - (3) Effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual’s prior knowledge, skills, competencies, and experiences for adaptability, to support efficient placement into employment or career pathways;
- (f) Development and review of statewide policies affecting the coordinated provision of services through the State’s one-stop delivery system described in WIOA sec. 121(e), including the development of—
 - (1) Objective criteria and procedures for use by Local WDBs in assessing the effectiveness, physical and programmatic accessibility and continuous improvement of one-stop centers. Where a Local WDB serves as the one-stop operator, the State WDB must use such criteria to assess and certify the one-stop center;
 - (2) Guidance for the allocation of one-stop center infrastructure funds under WIOA sec. 121(h); and

(3) Policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system;

(g) Development of strategies for technological improvements to facilitate access to, and improve the quality of services and activities provided through the one-stop delivery system, including such improvements to—

(1) Enhance digital literacy skills (as defined in sec. 202 of the Museum and Library Service Act, 20 U.S.C. 9101);

(2) Accelerate acquisition of skills and recognized postsecondary credentials by participants;

(3) Strengthen professional development of providers and workforce professionals; and

(4) Ensure technology is accessible to individuals with disabilities and individuals residing in remote areas;

(h) Development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including design implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation to improve coordination of services across one-stop partner programs;

(i) Development of allocation formulas for the distribution of funds for employment and training activities for adults and youth workforce investment activities, to local areas as permitted under WIOA secs. 128(b)(3) and 133(b)(3);

(j) Preparation of the annual reports described in paragraphs (1) and (2) of WIOA sec. 116(d);

(k) Development of the statewide workforce and labor market information system described in sec. 15(e) of the Wagner-Peyser Act; and

(1) Development of other policies as may promote statewide objectives for and enhance the performance of the workforce development system in the State.

§ 679.140 How does the State Workforce Development Board meet its requirement to conduct business in an open manner under the “sunshine provision” of the Workforce Innovation and Opportunity Act?

(a) The State WDB must conduct business in an open manner as required by WIOA sec. 101(g).

(b) The State WDB must make available to the public, on a regular basis through electronic means and open meetings, information about the activities and functions of the State WDB, including:

(1) The State Plan, or modification to the State Plan, prior to submission of the State Plan or modification of the State Plan;

(2) Information regarding membership;

(3) Minutes of formal meetings of the State WDB upon request;

(4) State WDB by-laws as described at § 679.110(d).

§ 679.150 Under what circumstances may the Governor select an alternative entity in place of the State Workforce Development Board?

(a) The State may use any State entity that meets the requirements of WIOA sec. 101(e) to perform the functions of the State WDB. This may include:

(1) A State council;

(2) A State WDB within the meaning of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of WIOA; or

(3) A combination of regional WDBs or similar entity.

(b) If the State uses an alternative entity, the State Plan must demonstrate that the alternative entity meets all three of the requirements of WIOA sec. 101(e)(1):

(1) Was in existence on the day before the date of enactment of the Workforce Investment Act of 1998 (WIA);

(2) Is substantially similar to the State WDB described in WIOA secs. 101(a)–(c) and § 679.110; and

(3) Includes representatives of business and labor organizations in the State.

(c) If the alternative entity does not provide representatives for each of the categories required under WIOA sec. 101(b), the State Plan must explain the

manner in which the State will ensure an ongoing role for any unrepresented membership group in the workforce development system. The State WDB must maintain an ongoing and meaningful role for an unrepresented membership group, including entities carrying out the core programs, by such methods as:

(1) Regularly scheduled consultations with entities within the unrepresented membership groups;

(2) Providing an opportunity for input into the State Plan or other policy development by unrepresented membership groups; and

(3) Establishing an advisory committee of unrepresented membership groups.

(d) In parts 675 through 687 of this chapter, all references to the State WDB also apply to an alternative entity used by a State.

§ 679.160 Under what circumstances may the State Workforce Development Board hire staff?

(a) The State WDB may hire a director and other staff to assist in carrying out the functions described in WIOA sec. 101(d) and § 679.130 using funds described in WIOA sec. 129(b)(3) or sec. 134(a)(3)(B)(i).

(b) The State WDB must establish and apply a set of objective qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively carrying out the functions of the State WDB.

(c) The director and staff must be subject to the limitations on the payment of salary and bonuses described in WIOA sec. 194(15).

Subpart B—Workforce Innovation and Opportunity Act Local Governance (Workforce Development Areas)

§ 679.200 What is the purpose of requiring States to identify regions?

The purpose of identifying regions is to align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated

and efficient services to both job seekers and employers.

§ 679.210 What are the requirements for identifying a region?

(a) The Governor must assign local areas to a region prior to submission of the State Unified or Combined Plan, in order for the State to receive WIOA title I, subtitle B adult, dislocated worker, and youth allotments.

(b) The Governor must develop a policy and process for identifying regions. Such policy must include:

(1) Consultation with the Local WDBs and chief elected officials (CEOs) in the local area(s) as required in WIOA sec. 102(b)(2)(D)(i)(II) and WIOA sec. 106(a)(1); and

(2) Consideration of the extent to which the local areas in a proposed region:

- (i) Share a single labor market;
- (ii) Share a common economic development area; and

(iii) Possess the Federal and non-Federal resources, including appropriate education and training institutions, to administer activities under WIOA subtitle B.

(c) In addition to the required criteria described in paragraph (b)(2) of this section, other factors the Governor also may consider include:

- (1) Population centers;
- (2) Commuting patterns;
- (3) Land ownership;
- (4) Industrial composition;
- (5) Location quotients;
- (6) Labor force conditions;
- (7) Geographic boundaries; and
- (8) Additional factors as determined by the Secretary.

(d) Regions must consist of:

- (1) One local area;
- (2) Two or more contiguous local areas in a single State; or
- (3) Two or more contiguous local areas in two or more States.

(e) Planning regions are those regions described in paragraph (d)(2) or (3) of this section. Planning regions are subject to the regional planning requirements in § 679.510.

§ 679.220 What is the purpose of the local area?

(a) The purpose of a local area is to serve as a jurisdiction for the administration of workforce development activities and execution of adult, dislocated worker, and youth funds allocated by the State. Such areas may be aligned with a region identified in WIOA sec. 106(a)(1) or may be components of a planning region, each with its own Local WDB. Also, significantly, local areas are the areas within which Local WDBs oversee their functions, including strategic planning, operational alignment and service delivery design, and a jurisdiction where partners align resources at a sub-State level to design and implement overall service delivery strategies.

(b) The Governor must designate local areas (local areas) in order for the State to receive adult, dislocated worker, and youth funding under title I, subtitle B of WIOA.

§ 679.230 What are the general procedural requirements for designation of local areas?

As part of the process of designating or redesignating a local area, the Governor must develop a policy for designation of local areas that must include:

- (a) Consultation with the State WDB;
- (b) Consultation with the chief elected officials and affected Local WDBs; and
- (c) Consideration of comments received through a public comment process which must:
 - (1) Offer adequate time for public comment prior to designation of the local area; and
 - (2) Provide an opportunity for comment by representatives of Local WDBs, chief elected officials, businesses, institutions of higher education, labor organizations, other primary stakeholders, and the general public regarding the designation of the local area.

§ 679.240 What are the substantive requirements for designation of local areas that were not designated as local areas under the Workforce Investment Act of 1998?

(a) Except as provided in § 679.250, the Governor may designate or redesignate a local area in accordance with policies and procedures developed by the Governor, which must include at a minimum consideration of the extent to which the proposed area:

- (1) Is consistent with local labor market areas;
- (2) Has a common economic development area; and
- (3) Has the Federal and non-Federal resources, including appropriate education and training institutions, to administer activities under WIOA subtitle B.

(b) The Governor may approve a request at any time for designation as a workforce development area from any unit of general local government, including a combination of such units, if the State WDB determines that the area meets the requirements of paragraph (a)(1) of this section and recommends designation.

(c) Regardless of whether a local area has been designated under this section or § 679.250, the Governor may redesignate a local area if the redesignation has been requested by a local area and the Governor approves the request.

§ 679.250 What are the requirements for initial and subsequent designation of workforce development areas that had been designated as local areas under the Workforce Investment Act of 1998?

(a) If the chief elected official and Local WDB in a local area submits a request for initial designation, the Governor must approve the request if, for the 2 program years preceding the date of enactment of WIOA, the following criteria are met:

- (1) The local area was designated as a local area for purposes of WIA;
- (2) The local area performed successfully; and
- (3) The local area sustained fiscal integrity.

(b) Subject to paragraph (c) of this section, after the period of initial designation, if the chief elected official and Local WDB in a local area submits

a request for subsequent designation, the Governor must approve the request if the following criteria are met for the 2 most recent program years of initial designation:

(1) The local area performed successfully;

(2) The local area sustained fiscal integrity; and

(3) In the case of a local area in a planning region, the local area met the regional planning requirements described in WIOA sec. 106(c)(1).

(c) No determination of subsequent eligibility may be made before the conclusion of Program Year (PY) 2017.

(d) The Governor:

(1) May review a local area designated under paragraph (b) of this section at any time to evaluate whether that the area continues to meet the requirements for subsequent designation under that paragraph; and

(2) Must review a local area designated under paragraph (b) of this section before submitting its State Plan during each 4-year State planning cycle to evaluate whether the area continues to meet the requirements for subsequent designation under that paragraph.

(e) For purposes of subsequent designation under paragraphs (b) and (d) of this section, the local area and chief elected official must be considered to have requested continued designation unless the local area and chief elected official notify the Governor that they no longer seek designation.

(f) Local areas designated under § 679.240 or States designated as single-area States under § 679.270 are not subject to the requirements described in paragraph (b) of this section related to the subsequent designation of a local area.

(g) The Governor may approve, under paragraph (c) of this section, a request for designation as a local area from areas served by rural concentrated employment programs as described in WIOA sec. 107(c)(1)(C).

§ 679.260 What do the terms “performed successfully” and “sustained fiscal integrity” mean for purposes of designating local areas?

(a) For the purpose of initial local area designation, the term “performed successfully” means that the local area

met or exceeded the levels of performance the Governor negotiated with the Local WDB and chief elected official under WIA sec. 136(c) for the last 2 full program years before the enactment of WIOA, and that the local area has not failed any individual measure for the last 2 consecutive program years before the enactment of WIOA.

(b) For the purpose of determining subsequent local area designation, the term “performed successfully” means that the local area met or exceeded the levels of performance the Governor negotiated with the Local WDB and chief elected official for core indicators of performance as provided in paragraphs (b)(1) and (2) of this section as appropriate, and that the local area has not failed any individual measure for the last 2 consecutive program years in accordance with a State-established definition, provided in the State Plan, of met or exceeded performance.

(1) For subsequent designation determinations made at the conclusion of PY 2017, a finding of whether a local area performed successfully must be limited to having met or exceeded the negotiated levels for the Employment Rate 2nd Quarter after Exit and the Median Earnings indicators of performance, as described at § 677.155(a)(1)(i) and (iii) of this chapter respectively, for PY 2016 and PY 2017.

(2) For subsequent designation determinations made at the conclusion of PY 2018, or at any point thereafter, a finding of whether a local area performed successfully must be based on all six of the WIOA indicators of performance as described at § 677.155(a)(1)(i) through (vi) of this chapter for the 2 most recently completed program years.

(c) For the purpose of determining initial and subsequent local area designation under § 679.250(a) and (b), the term “sustained fiscal integrity” means that the Secretary has not made a formal determination that either the grant recipient or the administrative entity of the area misexpended funds due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration for the 2-year period preceding the determination.

§ 679.270 What are the special designation provisions for single-area States?

(a) The Governor of any State that was a single-State local area under the WIA as in effect on July 1, 2013 may designate the State as a single-State local area under WIOA.

(b) The Governor of a State local area under paragraph (a) of this section who seeks to designate the State as a single-State local area under WIOA must:

(1) Identify the State as a single-area State in the Unified or Combined State Plan; and

(2) Include the local plan for approval as part of the Unified or Combined State Plan.

(c) The State WDB for a single-area State must act as the Local WDB and carry out the functions of the Local WDB in accordance with WIOA sec. 107 and § 679.370, except that the State is not required to meet and report on a set of local performance accountability measures.

(d) Single-area States must conduct the functions of the Local WDB as outlined in paragraph (c) of this section to achieve the incorporation of local interests but may do so in a manner that reduces unnecessary burden and duplication of processes.

(e) States must carry out the duties of State and Local WDBs in accordance with guidance issued by the Secretary of Labor.

§ 679.280 How does the State fulfill the requirement to provide assistance to local areas within a planning region that wish to redesignate into a single local area?

(a) When the chief elected officials and Local WDBs of each local area within a planning region make a request to the Governor to redesignate into a single local area, the State WDB must authorize statewide adult, dislocated worker, and youth program funds to facilitate such redesignation.

(b) When statewide funds are not available, the State may provide funds for redesignation in the next available program year.

(c) Redesignation activities that may be carried out by the local areas include:

(1) Convening sessions and conferences;

(2) Renegotiation of contracts and agreements; and

(3) Other activities directly associated with the redesignation as deemed appropriate by the State WDB.

§ 679.290 What right does an entity have to appeal the Governor’s decision rejecting a request for designation as a workforce development area?

(a) A unit of local government (or combination of units) or a local area which has requested but has been denied its request for designation as a workforce development area under § 679.250 may appeal the decision to the State WDB, in accordance with appeal procedures established in the State Plan and § 683.630(a) of this chapter.

(b) If a decision on the appeal is not rendered in a timely manner or if the appeal to the State WDB does not result in designation, the entity may request review by the Secretary of Labor, under the procedures set forth at § 683.640 of this chapter.

Subpart C—Local Workforce Development Boards

§ 679.300 What is the vision and purpose of the Local Workforce Development Board?

(a) The vision for the Local WDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The Local WDB partners with employers and the workforce development system to develop policies and investments that support public workforce system strategies that support regional economies, the development of effective approaches including local and regional sector partnerships and career pathways, and high quality, customer centered service delivery and service delivery approaches;

(b) The purpose of the Local WDB is to—

(1) 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 and larger planning region;

(2) Assist in the achievement of the State's strategic and operational vision and goals as outlined in the Unified State Plan or Combined State Plan; and

(3) Maximize and continue to improve the quality of services, customer satisfaction, effectiveness of the services provided.

§ 679.310 What is the Local Workforce Development Board?

(a) The Local WDB is appointed by the chief elected official(s) in each local area in accordance with State criteria established under WIOA sec. 107(b), and is certified by the Governor every 2 years, in accordance with WIOA sec. 107(c)(2).

(b) In partnership with the chief elected official(s), the Local WDB sets policy for the portion of the statewide workforce development system within the local area and consistent with State policies.

(c) The Local WDB and the chief elected official(s) may enter into an agreement that describes the respective roles and responsibilities of the parties.

(d) The Local WDB, in partnership with the chief elected official(s), develops the local plan and performs the functions described in WIOA sec. 107(d) and § 679.370.

(e) If a local area includes more than one unit of general local government in accordance with WIOA sec. 107(c)(1)(B), the chief elected officials of such units may execute an agreement to describe their responsibilities for carrying out the roles and responsibilities. If the chief elected officials are unable to reach agreement after a reasonable effort, the Governor may appoint the members of the Local WDB from individuals nominated or recommended as specified in WIOA sec. 107(b).

(f) If the State Plan indicates that the State will be treated as a local area under WIOA, the State WDB must carry out the roles of the Local WDB in accordance with WIOA sec. 107, except that the State is not required to meet and report on a set of local performance accountability measures.

(g) The CEO must establish by-laws, consistent with State policy for Local

WDB membership, that at a minimum address:

(1) The nomination process used by the CEO to select the Local WDB chair and members;

(2) The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;

(3) The process to notify the CEO of a WDB member vacancy to ensure a prompt nominee;

(4) The proxy and alternative designee process that will be used when a WDB member is unable to attend a meeting and assigns a designee as per the requirements at § 679.110(d)(4);

(5) The use of technology, such as phone and Web-based meetings, that will be used to promote WDB member participation;

(6) The process to ensure WDB 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

(7) A description of any other conditions governing appointment or membership on the Local WDB as deemed appropriate by the CEO.

§ 679.320 Who are the required members of the Local Workforce Development Board?

(a) For each local area in the State, the members of Local WDB must be selected by the chief elected official consistent with criteria established under WIOA sec. 107(b)(1) and criteria established by the Governor, and must meet the requirements of WIOA sec. 107(b)(2).

(b) A majority of the members of the Local WDB 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 WDBs also may serve on the State WDB. Each business representative must meet the following criteria:

(1) Be an owner, chief executive officer, chief operating officer, or other individual with optimum policy-making or hiring authority; and

(2) Provide employment opportunities in in-demand industry sectors or

occupations, as those terms are defined in WIOA sec. 3(23).

(c) At least 20 percent of the members of the Local WDB must be workforce representatives. These representatives:

(1) Must include two or more representatives of labor organizations, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives;

(2) Must include one or more representatives of a joint labor-management, or union affiliated, registered apprenticeship 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;

(3) May include one or more representatives of community-based organizations 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

(4) May include one or more representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

(d) The Local WDB also must include:

(1) At least one eligible training 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:

(i) Economic and community development entities;

(ii) The State Employment Service office under the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*) serving the local area; and

(iii) The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or part C of that title;

(e) The membership of Local WDBs may include individuals or representatives of 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;

(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.

(f) Members must be individuals with optimum policy-making authority within the entities they represent.

(g) Chief elected officials must establish a formal nomination and appointment process, consistent with the criteria established by the Governor and State WDB under sec. 107(b)(1) of WIOA for appointment of members of the Local WDBs, that ensures:

(1) Business representatives are appointed from among individuals who are nominated by local business organizations and business trade associations;

(2) 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); and

(3) 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 as described in WIOA sec. 107(b)(2)(C)(i) or (ii), nominations are solicited from those particular entities.

(h) An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation, including the criteria described in paragraphs (c) through (g) of this section, for each entity.

(i) All required WDB members must have voting privilege. The chief elected official may convey voting privileges to non-required members.

§ 679.330 Who must chair a Local Workforce Development Board?

The Local WDB must elect a chairperson from among the business representatives on the WDB.

§ 679.340 What is meant by the terms “optimum policy-making authority” and “demonstrated experience and expertise”?

For purposes of selecting representatives to Local WDBs:

(a) A representative with “optimum policy-making authority” is an individual who can 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.

(b) A representative with “demonstrated experience and expertise” means an individual who:

(1) Is a workplace learning advisor as defined in WIOA sec. 3(70);

(2) Contributes to the field of workforce development, human resources, training and development, or a core program function; or

(3) The Local WDB recognizes for valuable contributions in education or workforce development related fields.

§ 679.350 What criteria will be used to establish the membership of the Local Workforce Development Board?

The Local WDB is appointed by the chief elected official(s) in the local area in accordance with State criteria established under WIOA sec. 107(b), and is certified by the Governor every 2 years, in accordance with WIOA sec. 107(c)(2).

§ 679.360 What is a standing committee, and what is its relationship to the Local Workforce Development Board?

(a) Standing committees may be established by the Local WDB to provide information and assist the Local WDB in carrying out its responsibilities under WIOA sec. 107. Standing committees must be chaired by a member of the Local WDB, may include other members of the Local WDB, and must include other individuals appointed by the Local WDB who are not members of the Local WDB and who have demonstrated experience and expertise in accordance with § 679.340(b) and as determined by the Local WDB. Standing committees may include each of the following:

(1) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include representatives of the one-stop partners.

(2) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which must include community-based organizations with a demonstrated record of success in serving eligible youth.

(3) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

(b) The Local WDB may designate other standing committees in addition to those specified in paragraph (a) of this section.

(c) Local WDBs may designate an entity in existence as of the date of the

enactment of WIOA, such as an effective youth council, to serve as a standing committee as long as the entity meets the requirements of WIOA sec. 107(b)(4).

§ 679.370 What are the functions of the Local Workforce Development Board?

As provided in WIOA sec. 107(d), the Local WDB must:

(a) Develop and submit a 4-year local plan for the local area, in partnership with the chief elected official and consistent with WIOA sec. 108;

(b) If the local area is part of a planning region that includes other local areas, develop and submit a regional plan in collaboration with other local areas. If the local area is part of a planning region, the local plan must be submitted as a part of the regional plan;

(c) Conduct workforce research and regional labor market analysis to include:

(1) Analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development (including education and training) activities to include an analysis of the strengths and weaknesses (including the capacity to provide) of such services to address the identified education and skill needs of the workforce and the employment needs of employers;

(2) Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and

(3) Other research, data collection, and analysis related to the workforce needs of the regional economy as the WDB, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions;

(d) Convene local workforce development system stakeholders to assist in the development of the local plan under § 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the Local WDB and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the Local WDB;

(e) Lead efforts to engage with a diverse range of employers and other entities in the region in order to:

(1) Promote business representation (particularly representatives with optimum policy-making or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Local WDB;

(2) Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;

(3) Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and

(4) Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations;

(f) With representatives of secondary and postsecondary education programs, lead efforts to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment;

(g) Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs;

(h) Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and job seekers, by:

(1) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;

(2) Facilitating access to services provided through the one-stop delivery system involved, including access in remote areas;

(3) Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and

(4) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment;

(i) In partnership with the chief elected official for the local area:

(1) Conduct oversight of youth workforce investment activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134(c) and (d), and the entire one-stop delivery system in the local area;

(2) Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area; and

(3) Ensure the appropriate use management, and investment of funds to maximize performance outcomes under WIOA sec. 116;

(j) Negotiate and reach agreement on local performance indicators with the chief elected official and the Governor;

(k) Negotiate with CEO and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with §678.715 of this chapter or must notify the Governor if they fail to reach agreement at the local level and will use a State infrastructure funding mechanism;

(l) Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:

(1) Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established); however, if the Local WDB determines there is an insufficient number of eligible training providers in a local area, the Local WDB may award contracts on a sole-source basis as per the provisions at WIOA sec. 123(b);

(2) Providers of training services consistent with the criteria and information requirements established by the Governor and WIOA sec. 122;

(3) Providers of career services through the award of contracts, if the one-stop operator does not provide such services; and

(4) One-stop operators in accordance with §§678.600 through 678.635 of this chapter;

(m) In accordance with WIOA sec. 107(d)(10)(E) work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities;

(n) Coordinate activities with education and training providers in the local area, including:

(1) Reviewing applications to provide adult education and literacy activities under WIOA title II for the local area to determine whether such applications are consistent with the local plan;

(2) Making recommendations to the eligible agency to promote alignment with such plan; and

(3) Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

(o) Develop a budget for the activities of the Local WDB, with approval of the chief elected official and consistent with the local plan and the duties of the Local WDB;

(p) Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*); and

(q) Certification of one-stop centers in accordance with § 678.800 of this chapter.

§ 679.380 How does the Local Workforce Development Board satisfy the consumer choice requirements for career services and training services?

(a) In accordance with WIOA sec. 122 and in working with the State, the Local WDB satisfies the consumer choice requirement for training services by:

(1) Determining the initial eligibility of entities providing a program of training services, renewing the eligibility of providers, and considering the possible termination of an eligible training provider due to the provider's submission of inaccurate eligibility and performance information or the provider's substantial violation of WIOA;

(2) Working with the State to ensure there are sufficient numbers and types of providers of training services, including eligible training providers with expertise in assisting individuals with disabilities and eligible training providers with expertise in assisting adults in need of adult education and literacy activities described under WIOA sec. 107(d)(10)(E), serving the local area;

(3) Ensuring the dissemination and appropriate use of the State list through the local one-stop delivery system;

(4) Receiving performance and cost information from the State and disseminating this information through the one-stop delivery systems within the State; and

(5) Providing adequate access to services for individuals with disabilities.

(b) Working with the State, the Local WDB satisfies the consumer choice requirement for career services by:

(1) Determining the career services that are best performed by the one-stop operator consistent with §§ 678.620 and

678.625 of this chapter and career services that require contracting with a career service provider; and

(2) Identifying a wide-array of potential career service providers and awarding contracts where appropriate including to providers to ensure:

(i) Sufficient access to services for individuals with disabilities, including opportunities that lead to integrated, competitive employment for individuals with disabilities; and

(ii) Sufficient access for adult education and literacy activities.

§ 679.390 How does the Local Workforce Development Board meet its requirement to conduct business in an open manner under the “sunshine provision” of the Workforce Innovation and Opportunity Act?

The Local WDB must conduct its business in an open manner as required by WIOA sec. 107(e), by making available to the public, on a regular basis through electronic means and open meetings, information about the activities of the Local WDB. This includes:

(a) Information about the Local Plan, or modification to the Local Plan, before submission of the plan;

(b) List and affiliation of Local WDB members;

(c) Selection of one-stop operators;

(d) Award of grants or contracts to eligible training providers of workforce investment activities including providers of youth workforce investment activities;

(e) Minutes of formal meetings of the Local WDB; and

(f) Local WDB by-laws, consistent with § 679.310(g).

§ 679.400 Who are the staff to the Local Workforce Development Board and what is their role?

(a) WIOA sec. 107(f) grants Local WDBs authority to hire a director and other staff to assist in carrying out the functions of the Local WDB.

(b) Local WDBs must establish and apply a set of qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in carrying out the functions of the Local WDB.

(c) The Local WDB director and staff must be subject to the limitations on the payment of salary and bonuses described in WIOA sec. 194(15).

(d) In general, Local WDB staff only may assist the Local WDB fulfill the required functions at WIOA sec. 107(d).

(e) Should the WDB select an entity to staff the WDB that provides additional workforce functions beyond the functions described at WIOA sec. 107(d), such an entity is required to enter into a written agreement with the Local WDB and chief elected official(s) to clarify their roles and responsibilities as required by § 679.430.

§ 679.410 Under what conditions may a Local Workforce Development Board directly be a provider of career services, or training services, or act as a one-stop operator?

(a)(1) A Local WDB may be selected as a one-stop operator:

(i) Through sole source procurement in accordance with § 678.610 of this chapter; or

(ii) Through successful competition in accordance with § 678.615 of this chapter.

(2) The chief elected official in the local area and the Governor must agree to the selection described in paragraph (a)(1) of this section.

(3) Where a Local WDB acts as a one-stop operator, the State must ensure certification of one-stop centers in accordance with § 678.800 of this chapter.

(b) A Local WDB may act as a provider of career services only with the agreement of the chief elected official in the local area and the Governor.

(c) A Local WDB is prohibited from providing training services, unless the Governor grants a waiver in accordance with the provisions in WIOA sec. 107(g)(1).

(1) The State must develop a procedure for approving waivers that includes the criteria at WIOA sec. 107(g)(1)(B)(i):

(i) Satisfactory evidence that there is an insufficient number of eligible training providers of such a program of training services to meet local demand in the local area;

(ii) Information demonstrating that the WDB meets the requirements for eligible training provider services under WIOA sec. 122; and

(iii) Information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local area.

(2) The local area must make the proposed request for a waiver available to eligible training providers and other interested members of the public for a public comment period of not less than 30 days and includes any comments received during this time in the final request for the waiver.

(3) The waiver must not exceed the duration of the local plan and may be renewed by submitting a new waiver request consistent with paragraphs (c)(1) and (2) of this section for additional periods, not to exceed the durations of such subsequent plans.

(4) The Governor may revoke the waiver if the Governor determines the waiver is no longer needed or that the Local WDB involved has engaged in a pattern of inappropriate referrals to training services operated by the Local WDB.

(d) The restrictions on the provision of career and training services by the Local WDB, as one-stop operator, also apply to staff of the Local WDB.

§ 679.420 What are the functions of the local fiscal agent?

(a) In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local fiscal agent. Designation of a fiscal agent does not relieve the chief elected official or Governor of liability for the misuse of grant funds. If the CEO designates a fiscal agent, the CEO must ensure this agent has clearly defined roles and responsibilities.

(b) In general the fiscal agent is responsible for the following functions:

(1) Receive funds.

(2) Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA and the corresponding Federal Regulations and State policies.

(3) Respond to audit financial findings.

- (4) Maintain proper accounting records and adequate documentation.
- (5) Prepare financial reports.
- (6) Provide technical assistance to subrecipients regarding fiscal issues.
- (c) At the direction of the Local WDB or the State WDB in single-area States, the fiscal agent may have the following additional functions:
 - (1) Procure contracts or obtain written agreements.
 - (2) Conduct financial monitoring of service providers.
 - (3) Ensure independent audit of all employment and training programs.

§ 679.430 How do entities performing multiple functions in a local area demonstrate internal controls and prevent conflict of interest?

Local organizations often function simultaneously in a variety of roles, including local fiscal agent, Local WDB staff, one-stop operator, and direct provider of services. Any organization that has been selected or otherwise designated to perform more than one of these functions must develop a written agreement with the Local WDB and CEO to clarify how the organization 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.

Subpart D—Regional and Local Plan

§ 679.500 What is the purpose of the regional and local plan?

- (a) The local plan serves as 4-year action plan to develop, align, and integrate service delivery strategies and to support the State’s vision and strategic and operational goals. The local plan sets forth the strategy to:
 - (1) Direct investments in economic, education, and workforce training programs to focus on providing relevant education and training to ensure that individuals, including youth and individuals with barriers to employment, have the skills to compete in the job market and that employers have a ready supply of skilled workers;
 - (2) Apply job-driven strategies in the one-stop delivery system;

- (3) Enable economic, education, and workforce partners to build a skilled workforce through innovation in, and alignment of, employment, training, and education programs; and
- (4) Incorporate the local plan into the regional plan per § 679.540.
- (b) In the case of planning regions, a regional plan is required to meet the purposes described in paragraph (a) of this section and to coordinate resources among multiple WDBs in a region.
- (c) The Governor must establish and disseminate to Local WDBs and regional planning areas a policy for the submission of local and regional plans. The policy must set a deadline for the submission of the regional and local plans that accounts for the activities required in plan development outlined in §§ 679.510 and 679.550.

§ 679.510 What are the requirements for regional planning?

- (a) Local WDBs and chief elected officials within an identified planning region (as defined in WIOA secs. 106(a)(2)(B)–(C) and § 679.200) must:
 - (1) Participate in a regional planning process that results in:
 - (i) The preparation of a regional plan, as described in paragraph (a)(2) of this section and consistent with any guidance issued by the Department;
 - (ii) The establishment of regional service strategies, including use of cooperative service delivery agreements;
 - (iii) The development and implementation of sector initiatives for in-demand industry sectors or occupations for the planning region;
 - (iv) The collection and analysis of regional labor market data (in conjunction with the State) which must include the local planning requirements at § 679.560(a)(1)(i) and (ii);
 - (v) The coordination of administrative cost arrangements, including the pooling of funds for administrative costs, as appropriate;
 - (vi) The coordination of transportation and other supportive services as appropriate;
 - (vii) The coordination of services with regional economic development services and providers; and

(viii) The establishment of an agreement concerning how the planning region will collectively negotiate and reach agreement with the Governor on local levels of performance for, and report on, the performance accountability measures described in WIOA sec. 116(c) for local areas or the planning region.

(2) Prepare, submit, and obtain approval of a single regional plan that:

(i) Includes a description of the activities described in paragraph (a)(1) of this section; and

(ii) Incorporates local plans for each of the local areas in the planning region, consistent with § 679.540(a).

(b) Consistent with § 679.550(b), the Local WDBs representing each local area in the planning region must provide an opportunity for public comment on the development of the regional plan or subsequent plan modifications before submitting the plan to the Governor. To provide adequate opportunity for public comment, the Local WDBs must:

(1) Make copies of the proposed regional plan available to the public through electronic and other means, such as public hearings and local news media;

(2) Include an opportunity for comment by members of the public, including representatives of business, labor organizations, and education;

(3) Provide no more than a 30-day period for comment on the plan before its submission to the Governor, beginning on the date on which the proposed plan is made available; and

(4) The Local WDBs must submit any comments that express disagreement with the plan to the Governor along with the plan.

(5) Consistent with WIOA sec. 107(e), the Local WDB must make information about the plan available to the public on a regular basis through electronic means and open meetings.

(c) The State must provide technical assistance and labor market data, as requested by local areas, to assist with regional planning and subsequent service delivery efforts.

(d) As they relate to regional areas and regional plans, the terms local area and local plan are defined in WIOA secs. 106(c)(3)(A)–(B).

§ 679.520 What are the requirements for approval of a regional plan?

Consistent with the requirements of § 679.570, the Governor must review completed plans (including a modification to the plan). Such plans will be considered approved 90 days after receipt of the plan unless the Governor determines in writing that:

(a) There are deficiencies in workforce investment activities that have been identified through audits and the local area has not made acceptable progress in implementing plans to address deficiencies; or

(b) The plan does not comply with applicable provisions of WIOA and the WIOA regulations, including the required consultations and public comment provisions, and the non-discrimination requirements of 29 CFR part 38.

(c) The plan does not align with the State Plan, including with regard to the alignment of the core programs to support the strategy identified in the State Plan in accordance with WIOA sec. 102(b)(1)(E) and § 676.105 of this chapter.

§ 679.530 When must the regional plan be modified?

(a) Consistent with § 679.580, the Governor must establish procedures governing the modification of regional plans.

(b) At the end of the first 2-year period of the 4-year local plan, the Local WDBs within a planning region, in partnership with the appropriate chief elected officials, must review the regional plan and prepare and submit modifications to the regional plan to reflect changes:

(1) In regional labor market and economic conditions; and

(2) Other factors affecting the implementation of the local plan, including but not limited to changes in the financing available to support WIOA title I and partner-provided WIOA services.

§ 679.540 How are local planning requirements reflected in a regional plan?

(a) The regional plan must address the requirements at WIOA secs. 106(c)(1)(A)–(H), and incorporate the

local planning requirements identified for local plans at WIOA secs. 108(b)(1)–(22).

(b) The Governor may issue regional planning guidance that allows Local WDBs and chief elected officials in a planning region to address any local plan requirements through the regional plan where there is a shared regional responsibility.

§ 679.550 What are the requirements for the development of the local plan?

(a) Under WIOA sec. 108, each Local WDB must, in partnership with the appropriate chief elected officials, develop and submit a comprehensive 4-year plan to the Governor.

(1) The plan must identify and describe the policies, procedures, and local activities that are carried out in the local area, consistent with the State Plan.

(2) If the local area is part of a planning region, the Local WDB must comply with WIOA sec. 106(c) and §§ 679.510 through 679.540 in the preparation and submission of a regional plan.

(b) Consistent with § 679.510(b), the Local WDB must provide an opportunity for public comment on the development of the local plan or subsequent plan modifications before submitting the plan to the Governor. To provide adequate opportunity for public comment, the Local WDB must:

(1) Make copies of the proposed local plan available to the public through electronic and other means, such as public hearings and local news media;

(2) Include an opportunity for comment by members of the public, including representatives of business, labor organizations, and education;

(3) Provide no more than a 30-day period for comment on the plan before its submission to the Governor, beginning on the date on which the proposed plan is made available, prior to its submission to the Governor; and

(4) The Local WDB must submit any comments that express disagreement with the plan to the Governor along with the plan.

(5) Consistent WIOA sec. 107(e), the Local WDB must make information about the plan available to the public

on a regular basis through electronic means and open meetings.

§ 679.560 What are the contents of the local plan?

(a) The local workforce investment plan must describe strategic planning elements, including:

(1) A regional analysis of:

(i) Economic conditions including existing and emerging in-demand industry sectors and occupations; and

(ii) Employment needs of employers in existing and emerging in-demand industry sectors and occupations.

(iii) As appropriate, a local area may use an existing analysis, which is a timely current description of the regional economy, to meet the requirements of paragraphs (a)(1)(i) and (ii) of this section;

(2) Knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations;

(3) An analysis of the regional workforce, including current labor force employment and unemployment data, information on labor market trends, and educational and skill levels of the workforce, including individuals with barriers to employment;

(4) An analysis of workforce development activities, including education and training, in the region. This analysis must include the strengths and weaknesses of workforce development activities and capacity to provide the workforce development activities to address the education and skill needs of the workforce, including individuals with barriers to employment, and the employment needs of employers;

(5) A description of the Local WDB's strategic vision to support regional economic growth and economic self-sufficiency. This must include goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), and goals relating to the performance accountability measures based on performance indicators described in § 677.155(a)(1) of this chapter; and

(6) Taking into account analyses described in paragraphs (a)(1) through (4) of this section, a strategy to work with the entities that carry out the core

programs and required partners to align resources available to the local area, to achieve the strategic vision and goals described in paragraph (a)(5) of this section.

(b) The plan must include a description of the following requirements at WIOA secs. 108(b)(2)–(21):

(1) The workforce development system in the local area that identifies:

(i) The programs that are included in the system; and

(ii) How the Local WDB will support the strategy identified in the State Plan under §676.105 of this chapter and work with the entities carrying out core programs and other workforce development programs, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 *et seq.*) to support service alignment;

(2) How the Local WDB will work with entities carrying out core programs to:

(i) Expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment;

(ii) Facilitate the development of career pathways and co-enrollment, as appropriate, in core programs; and

(iii) Improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);

(3) The strategies and services that will be used in the local area:

(i) To facilitate engagement of employers in workforce development programs, including small employers and employers in in-demand industry sectors and occupations;

(ii) To support a local workforce development system that meets the needs of businesses in the local area;

(iii) To better coordinate workforce development programs and economic development;

(iv) To strengthen linkages between the one-stop delivery system and unemployment insurance programs; and

(v) That may include the implementation of initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strate-

gies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of regional employers. These initiatives must support the strategy described in paragraph (b)(3) of this section;

(4) An examination of how the Local WDB will coordinate local workforce investment activities with regional economic development activities that are carried out in the local area and how the Local WDB will promote entrepreneurial skills training and microenterprise services;

(5) The one-stop delivery system in the local area, including:

(i) How the Local WDB will ensure the continuous improvement of eligible providers through the system and that such providers will meet the employment needs of local employers, workers, and job seekers;

(ii) How the Local WDB will facilitate access to services provided through the one-stop delivery system, including in remote areas, through the use of technology and other means;

(iii) How entities within the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and

(iv) The roles and resource contributions of the one-stop partners;

(6) A description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;

(7) A description of how the Local WDB will coordinate workforce investment activities carried out in the local area with statewide rapid response activities;

(8) A description and assessment of the type and availability of youth workforce investment activities in the local area including activities for

youth who are individuals with disabilities, which must include an identification of successful models of such activities;

(9) How the Local WDB will coordinate relevant secondary and postsecondary education programs and activities with education and workforce investment activities to coordinate strategies, enhance services, and avoid duplication of services;

(10) How the Local WDB will coordinate WIOA title I workforce investment activities with the provision of transportation and other appropriate supportive services in the local area;

(11) Plans, assurances, and strategies for maximizing coordination, improving service delivery, and avoiding duplication of Wagner-Peyser Act (29 U.S.C. 49 *et seq.*) services and other services provided through the one-stop delivery system;

(12) How the Local WDB will coordinate WIOA title I workforce investment activities with adult education and literacy activities under WIOA title II. This description must include how the Local WDB will carry out the review of local applications submitted under title II consistent with WIOA secs. 107(d)(11)(A) and (B)(i) and WIOA sec. 232;

(13) Copies of executed cooperative agreements which define how all local service providers, including additional providers, will carry out the requirements for integration of and access to the entire set of services available in the local one-stop delivery system. This includes cooperative agreements (as defined in WIOA sec. 107(d)(11)) between the Local WDB or other local entities described in WIOA sec. 101(a)(11)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the local office of a designated State agency or designated State unit administering programs carried out under title I of the Rehabilitation Act (29 U.S.C. 720 *et seq.*) (other than sec. 112 or part C of that title (29 U.S.C. 732, 741) and subject to sec. 121(f) in accordance with sec. 101(a)(11) of the Rehabilitation Act (29 U.S.C. 721(a)(11)) with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff,

technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

(14) An identification of the entity responsible for the disbursement of grant funds described in WIOA sec. 107(d)(12)(B)(i)(III), as determined by the chief elected official or the Governor under WIOA sec. 107(d)(12)(B)(i);

(15) The competitive process that will be used to award the subgrants and contracts for WIOA title I activities;

(16) The local levels of performance negotiated with the Governor and chief elected official consistent with WIOA sec. 116(c), to be used to measure the performance of the local area and to be used by the Local WDB for measuring the performance of the local fiscal agent (where appropriate), eligible providers under WIOA title I subtitle B, and the one-stop delivery system in the local area;

(17) The actions the Local WDB will take toward becoming or remaining a high-performing WDB, consistent with the factors developed by the State WDB;

(18) How training services outlined in WIOA sec. 134 will be provided through the use of individual training accounts, including, if contracts for training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter, and how the Local WDB will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;

(19) The process used by the Local WDB, consistent with WIOA sec. 108(d), to provide a 30-day public comment period prior to submission of the plan, including an opportunity to have input into the development of the local plan, particularly for representatives of businesses, education, and labor organizations;

(20) How one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under WIOA and by one-stop partners; and

(21) The direction given by the Governor and the Local WDB to the one-

stop operator to ensure priority for adult career and training services will be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient consistent with WIOA sec. 134(c)(3)(E) and § 680.600 of this chapter.

(c) The local plan must include any additional information required by the Governor.

(d) The local plan must identify the portions that the Governor has designated as appropriate for common response in the regional plan where there is a shared regional responsibility, as permitted by § 679.540(b).

(e) Comments submitted during the public comment period that represent disagreement with the plan must be submitted with the local plan.

§ 679.570 What are the requirements for approval of a local plan?

(a) Consistent with the requirements at § 679.520 the Governor must review completed plans (including a modification to the plan). Such plans will be considered approved 90 days after the Governor receives the plan unless the Governor determines in writing that:

(1) There are deficiencies in workforce investment activities that have been identified through audits and the local area has not made acceptable progress in implementing plans to address deficiencies; or

(2) The plan does not comply with applicable provisions of WIOA and the WIOA regulations, including the required consultations and public comment provisions, and the non-discrimination requirements of 29 CFR part 38.

(3) The plan does not align with the State Plan, including with regard to the alignment of the core programs to support the strategy identified in the State Plan in accordance with WIOA sec. 102(b)(1)(E) and § 676.105 of this chapter.

(b) In cases where the State is a single local area:

(1) The State must incorporate the local plan into the State’s Unified or Combined State Plan and submit it to the U.S. Department of Labor in accordance with the procedures described in § 676.105 of this chapter.

(2) The Secretary of Labor performs the roles assigned to the Governor as they relate to local planning activities.

(3) The Secretary of Labor will issue planning guidance for such States.

§ 679.580 When must the local plan be modified?

(a) Consistent with the requirements at § 679.530, the Governor must establish procedures governing the modification of local plans.

(b) At the end of the first 2-year period of the 4-year local plan, each Local WDB, in partnership with the appropriate chief elected officials, must review the local plan and prepare and submit modifications to the local plan to reflect changes:

(1) In labor market and economic conditions; and

(2) Other factors affecting the implementation of the local plan, including but not limited to:

(i) Significant changes in local economic conditions;

(ii) Changes in the financing available to support WIOA title I and partner-provided WIOA services;

(iii) Changes to the Local WDB structure; and

(iv) The need to revise strategies to meet local performance goals.

Subpart E—Waivers/WorkFlex (Workforce Flexibility Plan)

§ 679.600 What is the purpose of the general statutory and regulatory waiver authority in the Workforce Innovation and Opportunity Act?

(a) The purpose of the general statutory and regulatory waiver authority provided at sec. 189(i)(3) of the WIOA is to provide flexibility to States and local areas and enhance their ability to improve the statewide workforce development system to achieve the goals and purposes of WIOA.

(b) A waiver may be requested to address impediments to the implementation of a Unified or Combined State Plan, including the continuous improvement strategy, consistent with the purposes of title I of WIOA as identified in § 675.100 of this chapter.

§ 679.610 What provisions of the Workforce Innovation and Opportunity Act and the Wagner-Peyser Act may be waived, and what provisions may not be waived?

(a) The Secretary may waive for a State, or local area in a State, any of the statutory or regulatory requirements of subtitles A, B and E of title I of WIOA, except for requirements relating to:

- (1) Wage and labor standards;
- (2) Non-displacement protections;
- (3) Worker rights;
- (4) Participation and protection of workers and participants;
- (5) Grievance procedures and judicial review;
- (6) Nondiscrimination;
- (7) Allocation of funds to local areas;
- (8) Eligibility of providers or participants;
- (9) The establishment and functions of local areas and Local WDBs;
- (10) Procedures for review and approval of State and Local plans;
- (11) The funding of infrastructure costs for one-stop centers; and
- (12) Other requirements relating to the basic purposes of title I of WIOA described in §675.100 of this chapter.

(b) The Secretary may waive for a State, or local area in a State, any of the statutory or regulatory requirements of secs. 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g-49i) except for requirements relating to:

- (1) The provision of services to unemployment insurance claimants and veterans; and
- (2) Universal access to the basic labor exchange services without cost to job seekers.

§ 679.620 Under what conditions may a Governor request, and the Secretary approve, a general waiver of statutory or regulatory requirements under the Workforce Innovation and Opportunity Act?

(a) The Secretary will issue guidelines under which the States may request general waivers of WIOA and Wagner-Peyser Act requirements.

(b) A Governor may request a general waiver in consultation with appropriate chief elected officials:

- (1) By submitting a waiver plan which may accompany the State's

WIOA 4-year Unified or Combined State Plan or 2-year modification; or

(2) After a State's WIOA Plan is approved, by separately submitting a waiver plan.

(c) A Governor's waiver request may seek waivers for the entire State or for one or more local areas within the State.

(d) A Governor requesting a general waiver must submit to the Secretary a plan to improve the statewide workforce development system that:

- (1) Identifies the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Unified or Combined State Plan;
- (2) Describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;
- (3) Describes the goals of the waiver and the expected programmatic outcomes if the request is granted;
- (4) Describes how the waiver will align with the Department's policy priorities, such as:
 - (i) Supporting employer engagement;
 - (ii) Connecting education and training strategies;
 - (iii) Supporting work-based learning;
 - (iv) Improving job and career results; and
 - (v) Other priorities as articulated in guidance;
- (5) Describes the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment; and
- (6) Describes the processes used to:
 - (i) Monitor the progress in implementing the waiver;
 - (ii) Provide notice to any Local WDB affected by the waiver;
 - (iii) Provide any Local WDB affected by the waiver an opportunity to comment on the request;
 - (iv) Ensure meaningful public comment, including comment by business and organized labor, on the waiver; and
 - (v) Collect and report information about waiver outcomes in the State's WIOA Annual Report.
- (7) The Secretary may require that States provide the most recent data

available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver.

(e) The Secretary will issue a decision on a waiver request within 90 days after the receipt of the original waiver request.

(f) The Secretary will approve a waiver request if and only to the extent that:

(1) The Secretary determines that the requirements for which a waiver is requested impede the ability of either the State or local area to implement the State's Plan to improve the state-wide workforce development system;

(2) The Secretary determines that the waiver plan meets all of the requirements of WIOA sec. 189(i)(3) and §§ 679.600 through 679.620; and

(3) The State has executed a memorandum of understanding (MOU) with the Secretary requiring the State to meet, or ensure that the local area meets, agreed-upon outcomes and to implement other appropriate measures to ensure accountability.

(g) A waiver may be approved for as long as the Secretary determines appropriate, but for not longer than the duration of the State's existing Unified or Combined State Plan.

(h) The Secretary may revoke a waiver granted under this section if the Secretary determines that the State has failed to meet the agreed upon outcomes, measures, failed to comply with the terms and conditions in the MOU described in paragraph (f) of this section or any other document establishing the terms and conditions of the waiver, or if the waiver no longer meets the requirements of §§ 679.600 through 679.620.

§ 679.630 Under what conditions may the Governor submit a workforce flexibility plan?

(a) A State may submit to the Secretary, and the Secretary may approve, a workforce flexibility (workflex) plan under which the State is authorized to waive, in accordance with the plan:

(1) Any of the statutory or regulatory requirements under title I of WIOA applicable to local areas, if the local area requests the waiver in a waiver application, except for:

(i) Requirements relating to the basic purposes of title I of WIOA described in § 675.100 of this chapter;

(ii) Wage and labor standards;

(iii) Grievance procedures and judicial review;

(iv) Nondiscrimination;

(v) Eligibility of participants;

(vi) Allocation of funds to local areas;

(vii) Establishment and functions of local areas and Local WDBs;

(viii) Procedures for review and approval of local plans; and

(ix) Worker rights, participation, and protection.

(2) Any of the statutory or regulatory requirements applicable to the State under secs. 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g-49i), except for requirements relating to:

(i) The provision of services to unemployment insurance claimants and veterans; and

(ii) Universal access to basic labor exchange services without cost to job seekers.

(3) Any of the statutory or regulatory requirements applicable under the Older Americans Act of 1965 (OAA) (42 U.S.C. 3001 *et seq.*), to State agencies on aging with respect to activities carried out using funds allotted under OAA sec. 506(b) (42 U.S.C. 3056d(b)), except for requirements relating to:

(i) The basic purposes of OAA;

(ii) Wage and labor standards;

(iii) Eligibility of participants in the activities; and

(iv) Standards for grant agreements.

(b) A workforce flexibility plan submitted under paragraph (a) of this section must include descriptions of:

(1) The process by which local areas in the State may submit and obtain State approval of applications for waivers of requirements under title I of WIOA;

(2) A description of the criteria the State will use to approve local area waiver requests and how such requests support implementation of the goals identified State Plan;

(3) The statutory and regulatory requirements of title I of WIOA that are likely to be waived by the State under the workforce flexibility plan;

(4) The statutory and regulatory requirements of secs. 8 through 10 of the

Wagner-Peyser Act that are proposed for waiver, if any;

(5) The statutory and regulatory requirements of the OAA that are proposed for waiver, if any;

(6) The outcomes to be achieved by the waivers described in paragraphs (b)(1) through (5) of this section including, where appropriate, revisions to adjusted levels of performance included in the State or local plan under title I of WIOA, and a description of the data or other information the State will use to track and assess outcomes; and

(7) The measures to be taken to ensure appropriate accountability for Federal funds in connection with the waivers.

(c) A State's workforce flexibility plan may accompany the State's Unified or Combined State Plan, 2-year modification, or may be submitted separately as a modification to that plan.

(d) The Secretary may approve a workforce flexibility plan consistent with the period of approval of the State's Unified or Combined State Plan, and not for more than 5 years.

(e) Before submitting a workforce flexibility plan to the Secretary for approval, the State must provide adequate notice and a reasonable opportunity for comment on the proposed waiver requests under the workforce flexibility plan to all interested parties and to the general public.

(f) The Secretary will issue guidelines under which States may request designation as a work-flex State. These guidelines may require a State to implement an evaluation of the impact of work-flex in the State.

§ 679.640 What limitations apply to the State's workforce flexibility plan authority under the Workforce Innovation and Opportunity Act?

(a)(1) Under work-flex waiver authority a State must not waive the WIOA, Wagner-Peyser Act or OAA requirements which are excepted from the work-flex waiver authority and described in §679.630(a).

(2) Requests to waive statutory and regulatory requirements of title I of WIOA applicable at the State level may not be granted under work-flex waiver authority granted to a State. Such requests only may be granted by

the Secretary under the general waiver authority described at §§ 679.610 through 679.620.

(b) As required in §679.630(b)(6), States must address the outcomes to result from work-flex waivers as part of its workforce flexibility plan. The Secretary may terminate a State's work-flex designation if the State fails to meet agreed-upon outcomes or other terms and conditions contained in its workforce flexibility plan.

PART 680—ADULT AND DISLOCATED WORKER ACTIVITIES UNDER TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

Subpart A—Delivery of Adult and Dislocated Worker Activities Under Title I of the Workforce Innovation and Opportunity Act

Sec.

680.100 What is the role of the adult and dislocated worker programs in the one-stop delivery system?

680.110 When must adults and dislocated workers be registered and considered a participant?

680.120 What are the eligibility criteria for career services for adults in the adult and dislocated worker programs?

680.130 What are the eligibility criteria for career services for dislocated workers in the adult and dislocated worker programs?

680.140 What Workforce Innovation and Opportunity Act title I adult and dislocated worker services are Local Workforce Development Boards required and permitted to provide?

680.150 What career services must be provided to adults and dislocated workers?

680.160 How are career services delivered?

680.170 What is the individual employment plan?

680.180 What is an internship or work experience for adults and dislocated workers?

680.190 What is a transitional job?

680.195 What funds may be used for transitional jobs?

Subpart B—Training Services

680.200 What are training services for adults and dislocated workers? 680.210 Who may receive training services?

680.220 Are there particular career services an individual must receive before receiving training services under the Workforce Innovation and Opportunity Act?



Administrative Policy

**POLICY NUMBER
91**

Title:	Local Workforce Development Board Composition, Certification and Decertification
Program:	Workforce Innovation and Opportunity Act
Adopted:	June 8, 2016
Effective:	June 8, 2016

I. PURPOSE AND SCOPE

The purpose of this issuance is to provide Local Workforce Development Boards (LWDBs) with the guidelines for membership composition under the Workforce Innovation and Opportunity Act (WIOA) and Chapter 445 of the Florida Statutes (Fla. Stat.), as well as the process for certification and decertification of LWDBs.

II. BACKGROUND

The Governor has the responsibility of certifying LWDBs once every two years, based on the criteria in federal and state law, and as described in this Administrative Policy.

This responsibility has been delegated to CareerSource Florida, Inc. (CSF). CSF, with the assistance of the Department of Economic Opportunity (DEO), will review each LWDB to ensure its compliance with representation and other requirements for certification.

This Administrative Policy replaces Guidance Paper FG-073, issued under the authority of the Workforce Investment Act.

III. AUTHORITY

WIOA Section 107. Requires each local workforce development area (LWDA) to establish a LWDB to perform specific policy, oversight, and administrative functions.

Fla. Stat. Section 445.004. Authorizes CSF to charter LWDBs that have a membership consistent with federal and state law and that have developed a plan consistent with the state’s workforce development strategy.

Fla. Stat. Section 445.007(1). Establishes additional membership requirements that apply to LWDBs.

IV. POLICIES AND PROCEDURES

Outlined below are the policies and procedures for certifying LWDBs and ensuring that the composition of, and appointment to LWDBs are consistent with the provisions of state and federal requirements. Policies for decertification of LWDBs are also outlined.

A. ESTABLISHMENT OF LOCAL WORKFORCE DEVELOPMENT BOARDS

1. Formation of Local Workforce Development Boards

The Governor, in partnership with CSF—the State Workforce Investment Board—establishes criteria for use by the Chief Elected Official in the appointment of members to the LWDBs. [§ 107(b), WIOA, and § 445.007, Fla. Stat.] The Chief Elected Official shall be the appointing authority for the members of the LWDBs. [§ 107(c), WIOA, § 445.007(1), Fla. Stat.]

In a case in which a LWDA 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 with regard to:

- The appointment of the LWDB members from the individuals nominated or recommended; and
- The carrying out of any other responsibilities assigned to such officials by federal or state law.

If, after a reasonable effort, the Chief Elected Officials are unable to reach such an agreement, the Governor may appoint the LWDB members from individuals nominated or recommended. [§ 107(c)(1)(B)(3), WIOA]

Chief Elected Officials shall develop a process for soliciting LWDB nominations and for selecting LWDB members, consistent with federal and state law and this Administrative Policy. Documentation supporting the nomination/selection process, including names of nominating organizations and names of all candidates and their qualifications, must be retained for not less than five years.

An individual may be appointed as a representative of more than one entity if the individual meets all criteria for such representation. An individual who represents more than one area must be appropriately nominated by the organizations or entities they will represent, must have optimum policy making authority and must be able to speak affirmatively on behalf of each entity represented.

Members of the board shall represent diverse geographic areas within the local area; and the importance of minority and gender representation shall be considered when making appointments to the board. [§ 107(b)(5), WIOA, § 445.007(1), Fla. Stat.]

2. Required Members

a. *Business*

A majority of the LWDB members must represent local businesses in the local area who

- Are owners of a business, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
- Represent businesses, including small businesses, or organizations representing businesses 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 (at least two representatives of small businesses must be included); and
- Are appointed from among individuals nominated by local business organizations and business trade associations.

[§ 107(b)(2)(A), WIOA]

b. *Labor/Apprenticeships*

No less than 20% of the members shall be representatives of the workforce within the local area, including:

- At least two representatives will represent labor organizations nominated by local labor federations. For a local area in which no employees are represented by such organizations, at least two representatives of employees will be included.
- At least one representative of a labor organization or a training director from a joint labor-management apprenticeship program. If no such joint program exists in the area, at least one representative of an apprenticeship program in the area, if such a program exists.
- 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 provide/support competitive integrated employment for individuals with disabilities.
- May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives or organizations that serve out-of-school youth.

[§ 107(b)(2)(B), WIOA]

c. *Education*

Each local board shall include representatives of entities administering education and training activities in the local area, including:

- A representative of eligible providers administering adult education and literacy activities under Title II of WIOA.
- A representative of institutions of higher education providing workforce investment activities (including community colleges).

- A private education provider. CareerSource Florida may waive this requirement if requested by a LWDB if it is demonstrated that such representatives do not exist in the local area.
- 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.

When there is more than one institution in each of the types of educational entities listed above, nominations are solicited from representatives of each of these entities.

[§ 107(b)(2)(C), WIOA, § 445.007(1), Fla. Stat.]

d. *Economic/Community Development and Other Entities*

Each local board shall include representatives of governmental and economic and community development entities serving the local areas, including:

- A representative of economic and community development entities serving the local area. An economic agency is defined as including a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.
- A representative of Vocational Rehabilitation serving the local area.
- May include representatives of agencies or entities serving the local area relating to transportation, housing, and public assistance.
- May include representatives of philanthropic organizations serving the local area.
- May include other individuals or representatives of entities as the Chief Elected Official in the local areas determines to be appropriate.

[§ 107(b)(2)(D) & (E), § 3(17) WIOA]

3. LWDB Chair

The Chair of the LWDB must be from the business community and serve for a term of no more than two years and no more than two terms. [§ 107(b)(3)], WIOA, § 445.007(2)(a)]

B. REMOVAL OF A MEMBER OF THE BOARD FOR CAUSE

The Governor may remove a member of a LWDB, as well as its Executive Director or the designated person responsible for operational and administrative functions for the board for cause. Cause includes, but is not limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, or lack of performance. [§ 445.007(2)(b), Fla. Stat.]

C. CERTIFICATION OF LOCAL WORKFORCE DEVELOPMENT BOARDS

1. Certification

The Governor shall certify one local board for each local area in the State once every two years, based on the criteria described in section 107(b), WIOA. For a second or subsequent

certification, certification shall also be based on the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in section 106(e)(2), WIOA. [§ 107(c)(2)(A), (B), WIOA]

CSF shall initially certify each LWDB and shall recertify LWDBs every two years.

DEO, in consultation with CSF, will issue instructions to the LWDBs for certification. LWDBs will submit certification documents to DEO. Upon satisfactory review of a LWDB's certification documents, DEO will provide a recommendation regarding certification to CSF.

2. Failure to Achieve Certification

Failure of a LWDB to achieve certification shall result in appointment and certification of a new board for the local area pursuant to section 107(c)(1), WIOA. [§ 107(c)(2)(C), WIOA]

D. DECERTIFICATION

CareerSource Florida, under authority delegated by the Governor, may decertify a LWDB at any time after providing notice and an opportunity to comment for any of the following:

1. Fraud, Abuse, Failure to Carry Out Functions

The failure to carry out functions specified for the local board applies to functions described in section 107(d), WIOA.

2. Nonperformance

A local board that fails to meet the local performance accountability measures for such local area in accordance with section 116(c), WIOA, for two consecutive program years may be decertified.

If a local board is decertified, CSF may require that a new LWDB be appointed and certified for the local area pursuant to a reorganization plan developed by CSF in consultation with the Chief Elected Officials in the local area, and in accordance with a local agreement specified in section 107(b), WIOA.

[§ 107(c)(3), WIOA]

V. DEFINITIONS

Small business is defined by the [Small Business Administration](#).



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