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July 1, 2015

(SN 04)

WIOA BULLETIN NO. 04-15

TO: WIOA Partners

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

PURPOSE

The purpose of this bulletin is to issue criteria for appointment of Local Workforce Development Board (LWDB or Local Board) members and certification of the LWBD under the Workforce Innovation and Opportunity Act (WIOA).

BACKGROUND

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

POLICY

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

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

In addition:

- All members should have "optimum policy-making authority", that is, the individual may reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.

- A formal policy must be established to facilitate the nomination process. Business representatives must be appointed from among individuals nominated by local business organizations and business trade associations and representatives from labor organizations must be appointed from among individuals who have been nominated from local labor federations.

- When there is more than one local area provider of adult education and literacy activities under Title II, or multiple institutions of higher education providing workforce investment activities, the CLEO must solicit nominations from those providers and institutions respectively in appointing the required representatives.

- A multiple entity representative may be appointed if the individual meets all the criteria for representation.

- Chairperson must be elected from among the business representatives on the Local Board as required by WIOA § 107(b)(3).

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

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

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

PROCEDURES

The Chief Local Elected Official and Local Workforce Investment Board Chairpersons or their designees must submit a completed and signed Application for Certification of the LWDB (Attachment 2) to DLIR:

Department of Labor and Industrial Relations (DLIR)
830 Punchbowl Street, Room 329
Honolulu, Hawaii 96813

DUE DATE

A completed and signed Application for Certification of the Local Workforce Development Board is due to DLIR by **September 15, 2015.**

INQUIRIES

Inquiries regarding this Bulletin may be directed to Linda Sakamoto at (808) 586-9059.

LINDA CHU TAKAYAMA
Director

Attachments

Attachment 1

Local Workforce Development Board Membership Requirements

LWDB Members	Who May Satisfy The Requirement
Representatives of Business [WIOA § 107(b)(2)(A)]	**The majority** of the members of the Local Board must be representatives of business in the local area. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Business representatives serving on Local Boards may also serve on the State Board. Each business representative must meet the following criteria: 1. be an owner, chief executive officer, chief operating officer, or other individual with optimum policymaking or hiring authority; 2. provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA section 3(23); and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others (in the case of organizations representing business as per WIOA § 107(b)(2)(A)(ii); and 3. are appointed from among individuals nominated by local business organizations and business trade associations.
Representatives of Workforce [WIOA § 107(b)(2)(B)]	**Not less than 20 percent** of the members of the Local Board 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; and **may include:** In addition to the representatives enumerated above, the

	Board may include the following to contribute to the 20 percent requirement: 1. **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 2. **one or more representatives of organizations that 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.
Representatives of Education and Training **[WIOA § 107(b)(2)(C)]**	The balance of Local Board membership **must include:** 1. **At least one eligible provider** administering adult education and literacy activities under WIOA title II; 2. **At least one representative from an institution of higher education** providing workforce investment activities, including community colleges; and 3. **At least one representative from each of the following governmental and economic and community development entities:** a. Economic and community development entities; b. The state Employment Service Office under the Wagner- Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and c. The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or Part C of that title. **In addition to the representatives enumerated above, the CLEO may appoint** other appropriate entities in the local area, including: 1. Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment; 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.

Nothing in WIOA expressly prohibits a person from representing more than one local board membership category. Assuming no representation of multiple categories occurs, the minimum size of a Local Workforce Development Board will be 19 members as described in the formula below:

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

Attachment 2

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Local Workforce Development Area

LOCAL WORKFORCE DEVELOPMENT BOARD MEMBERSHIP CERTIFICATION REQUEST

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

Current LWDB Membership

In the chart below, list the individuals currently appointed to the LWDB, their titles, and their respective membership category (e.g., business, local education entity, labor organization, community based organization, etc.).

Name	Title	Membership Category

Nomination Process

Identify associations or trade organizations from whom nominations were sought for business representatives and labor organization representatives.

Business Organizations:

Labor Organizations:

Local Workforce Development Board Chair	Chief Local Elected Official
Signature	Signature
Name	Name
Title	Title
Date	Date

☐ **Approved by DLIR**

Signature

Name

☐ **Not approved by DLIR**

Date

Title

Comments: