

**Nevada Department of Employment, Training and Rehabilitation (DETR)
Workforce Innovation and Opportunity Act of 2014
State Compliance Policy**

Policy Number: 1.0

Originating Office: Workforce Investment Support Services

Subject: Membership of Local Workforce Development Boards

Issued: New

Revised: July 2015 pursuant to the Workforce Innovation and Opportunity Act of 2014 (WIOA)

Purpose: To transmit guidance to the Chief Elected Official(s) (CEO) of local Workforce Development Areas (Local areas) regarding state policy on criteria for local workforce development boards.

Background: Section 107(b)(1) of the WIOA requires the Governor, in partnership with the State Board, to establish criteria for use by chief elected officials in the local area for appointment of members of the local board. Under the WIOA, the local workforce development board (Local board), in partnership with the chief elected official (CEO), is responsible for establishing policy and overseeing workforce programs for a workforce development area.

I. General:

- A.** The Governor will establish criteria for use by chief elected officials in the appointment of members of the Local Workforce Development Boards (LWDBs) in accordance with Section 107(b)(2).
- B.** Chief elected officials shall be the appointing authority for the members of the LWDBs. [Section 107(b) and §679.310(a)]
- C.** Chief elected officials shall develop a process for soliciting LWDB nominations and for selecting LWDB members [§679.310(g) (1)].
- D.** Representatives from private business or other entities shall be individuals with optimum policy making or hiring authority within the employer community and within the entities they represent. [§679.340]
- E.** The Chair of the LWDB must be from the business community. [Section 107(b)(3) and §679.330]

F. An individual may be appointed as a representative of more than one entity if the individual meets all criteria for representation [§679.320 (h)].

II. Required Members of the LWDB: (Section 107 and §679.320)

Members of Local Board must be selected by the chief elected official consistent with criteria established under WIOA section 107(b)(1) and criteria established by the Governor, and must meet the requirements of WIOA section 107(b)(2) [§679.320 (a)].

A. **Business:** A 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 policy-making or hiring authority; and
- (2) provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA section 3(23).

B. **B. Education** The Local Board must also 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) 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 107(b)(2)(C)(i) or (ii), nominations are solicited from those particular entities. [(WIOA section 107(b) (6)].

C. **Labor** Membership 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 [§679.320(c)(1)]. The Local Board 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 [§679.320 (c)(2)].

D. **Other Required Members** The Local Board must also include at least one representative from each of the following governmental and economic and community development entities:

- (1) Economic and community development entities;
- (2) The State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and

- (3) The programs carried out under Title I of the Rehabilitation Act of 1973, other than section 112 or part C of that title;

E. **Additional Members:** The membership of Local Boards 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 [§679.320 (e)].

III. Local Board Operations

A. **Quorum** - A quorum shall be defined as:

- (1) A simple majority (51%) of members, excluding vacancies, and;
- (2) Of those members in attendance, no fewer than 51% are a combination of business and workforce representatives.

B. **Change in Status** – Local Board members who no longer hold the position or status that made them eligible members must resign or be removed by the CEOs immediately as a representative of that entity; i.e. no longer work in the private sector, or are no longer with an educational institution, etc.

C. **Mid-Term Appointment** – LWDB members replacing out-going members, mid-term, will serve the remainder of the out-going member’s term.

D. **Vacancies** – Local Board vacancies must be filled within a reasonable amount of time of the vacancy, **but no later than 90 days** from occurrence. The CEOs are authorized to make all reappointments of members. Reappointments must be made within a reasonable amount of time of the term expiration, but **no later than 90 days**. Any action taken by a LWDB later than the 90 days per this policy shall be void unless the Local Board has an approved waiver from the Department of Employment, Training and Rehabilitation prior to the LWDB meeting. Waivers are to be requested in writing to the Director, Department of Employment, Training and Rehabilitation.

E. **Removal** - LWDB members must be removed by the CEOs if any of the following occurs:

- (1) Documented violation of conflict of interest,
- (2) Failure to meet LWDB member representation requirements defined in the WIOA and this policy, or,
- (3) Documented proof of fraud and/or abuse.

LWDB members may be removed for other factors outlined in the Local Board bylaws such as attendance.

F. Conflict of Interest and Transparency: The respective Local Workforce Development Board must be a WIOA-compliant board per WIOA Title I, Section 107, and have no familial relationship to the 3rd degree of consanguinity, business, financial, or political ties with any member of the One-Stop Operators, its staff, Local Elected Officials Consortium, or an employee of a mandatory core program located within the One-Stop in the respective Local Workforce Development Area(s).

The Local Board must conduct its business in an open manner as required by WIOA section 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 Board. This includes §679.390:

- (1) Information about the Local Plan, or modification to the Local Plan, before submission of the plan;
- (2) List and affiliation of Local Board members;
- (3) Selection of one-stop operators;
- (4) Award of grants or contracts to eligible providers of workforce investment activities including providers of youth workforce investment activities;
- (5) Minutes of formal meetings of the Local Board; and
- (6) Local Board by-laws, consistent with § 679.310(g).

G. Standing Committees: Standing committees may be established by the Local Board to provide information and assist the Local Board in carrying out its responsibilities under WIOA sec. 107. Standing committees must be chaired by a member of the Local Board, may include other members of the LWDB, and may include other individuals appointed by the Local Board who are not members of the Local Board and who have demonstrated experience and expertise in accordance with §679.340(b) and as determined by the Local Board. Standing committees may include each of the following §679.360:

- (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 section 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.

The Local Board may designate other standing committees in addition to those specified above.

Local Boards 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 section 107(b)(4).

Reference: WIOA Section 107, 20 CFR §679.320