



Local Workforce Development Boards: Requirements & Best Practices



Connecting Talent with Opportunity

Overview

- **Membership**
 - Minimum requirements
 - Roles & Responsibilities of Officers
 - Role of Core Partners
 - Dual representation
- **Operations**
 - Sunshine Provisions
 - Conflict of Interest
 - Bylaws
 - Robert's Rules of Order
- **Member Engagement**
 - Orientation & Onboarding
 - Communication
- **State Oversight**
 - LWDB Certification
 - OWD Annual Monitoring

References & Resources

- Federal
 - [Workforce Innovation & Opportunity Act, sec. 107](#)
 - [20 C.F.R. 679, subpart C](#)
 - [Federal Register Vol 81., No. 161](#)
- State
 - [GA Rules & Regulations 692-1-.05](#)
 - [Georgia Open Meetings Act](#)
 - [TCSG OWD Policy Manual, Section 1.7.5](#)
 - [WIG GA-15-007R](#)
 - [WIG LS-16-003](#)
 - [LWDB Resource Guide](#)
 - [WorkSource Georgia Academy Training](#)
 - Local Board, Train the Trainer (Webinar & PowerPoint)
 - How to Run a Board Meeting (PowerPoint)

Role of the LWDB under WIOA

- WIOA gives LWDB broad authority and responsibility for designing local workforce systems and delivering services in a manner designed to best achieve the goals of WIOA, based on the area's particular workforce needs.
- Statutorily-defined functions, to be carried out in conjunction with the CLEO¹:
 - Strategic functions
 - Development of the local plan
 - Conducting workforce research & regional labor market analysis
 - Negotiating local performance accountability measures
 - Convening, brokering, & leveraging system stakeholders
 - Developing & administering the budget
 - System Capacity Building
 - Development of career pathways
 - Leading efforts to engage in proven & promising practices
 - Leading efforts for diverse employer engagement
 - Developing strategies for using technology to maximize the accessibility & effectiveness of the system
 - System Alignment & Effective Operations
 - Providing program oversight
 - Selecting operators & providers
 - Coordinating the education & training providers
 - Assessing accessibility of one-stop centers for individuals with disabilities
- The responsibilities and expectations of the LWDB and its members should be further clarified in the bylaws.

Membership Requirements

- **Minimum Composition**

- **Business Representatives**
 - Small Business (2)
- **Workforce Representatives**
 - Labor Organizations (2)
 - Employers with Registered Apprenticeships (1)
 - Community-Based Organizations
 - Organizations with experience with youth employment/training/educational needs
- **Others, to include:**
 - Adult Education/Literacy Providers
 - Higher Education
 - Economic and Community Development
 - Wagner-Peyser Employment Services (GDOL)
 - Vocational Rehabilitation
 - May include others as determined by CLEO



- 19 member minimum, but CLEO can always designate additional members

Common Questions regarding Membership

- Dual representation is not expressly prohibited in WIOA and USDOL has determined that flexibility for LWDB membership is appropriate, but...
 - Dual representation does not remove the 19-member minimum
 - Conditions imposed in 20 C.F.R. 679.320(h)
 - Dual representation is mainly intended to account for the difference in structure of core programs across the country (i.e., core programs may be housed in the same agency and one individual represents two core programs).
- Chambers of Commerce representatives *may* be included in the Business category so long as the meet the membership criteria outlined in 20 C.F.R. 679.320:
 - *Owner, Chief Executive Officer, Chief Operating Officer, or other individual with optimum policy-making or hiring authority; AND,*
 - *Provide employment opportunities in in-demand industry sectors or occupations*
- Can LWDB members also serve on the SWDB?
 - Yes!
- Role of Core Partners
 - WIOA places strong emphasis on planning across multiple partner programs to ensure alignment in service delivery

LWDB Officers: Roles & Responsibilities

- Chairperson
 - Must be a business representative
 - Presides & maintains order according to Robert's Rules, as required by State rule
- Vice Chairperson
 - Must be a business representative
 - Able to fill in for Chair, when necessary
- Election Process
 - Must be included in the bylaws

LWDB Officers: Robert's Rules of Order

- Per State rule 692-1-.05(6)...
 - LWDB meetings shall be conducted in accordance with Robert's Rules of Order, and meeting minutes shall be kept and made available for review by the TCSG Office of Workforce Development.
- Benefits
 - Facilitate the transaction of business
 - Promote cooperation and harmony
 - Ensures that all members have equal rights, privileges, and obligations
 - Ensure the majority has the right to decide, but the rights of the minority are protected as well
- [How to Run a Board Meeting presentation](#)

Sunshine Provision: Federal Requirements

- 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:
 - Information about the Local Plan, or modifications to the Local Plan, before submission of the plan;
 - List and affiliation of LWDB members;
 - Selection of one-stop operators;
 - Award of grants or contracts to eligible training providers of workforce investment activities;
 - Minutes of formal meetings of the LWDB; and,
 - LWDB bylaws, consistent with 679.310(g).

Sunshine Provision: State Requirements

- Georgia Open Meetings Act
 - What constitutes a meeting?
 - The gathering of quorum of the members of the governing body of an agency at which any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon; or
 - The gathering of a quorum of any committee of the members of the governing body of an agency or a quorum of any committee created by the governing body at which any official business, policy, or public matter of the committee is formulated, presented, discussed, or voted upon.

Sunshine Provision: State Requirements

- Georgia Open Meetings Act
 - Meeting Notice, Agendas, and Minutes Requirements
 - Notices:
 - The time, place, and dates of regular meetings shall be available to the general public and a notice containing such information shall be posted at least one week in advance and maintained in a conspicuous place available to the public at the regular place of an agency or committee meeting, as well as on the agency's website, if any.
 - Agendas:
 - Prior to any meeting, the agency or committee holding such meeting shall make available an agenda of all matters expected to come before the agency or committee at such meeting. The agenda shall be available upon request and shall be posted at the meeting as far in advance of the meeting as reasonably possible, but shall not be required to be available more than two weeks prior to the meeting.
 - Failure to include on the agenda an item which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item.
 - Minutes:
 - A summary of subjects acted on and those members present at a meeting...shall be written and made available to the public for inspection within two business days of the adjournment of a meeting.
 - The regular minutes of a meeting...shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting.

LWDB Bylaws

- At a minimum, must address the following:
 - Election process for a chairperson and vice chairperson;
 - Total number of LWDB members;
 - Term limits, with such term being no more than three (3) years, subject to reappointment by the CLEO;
 - Quorum, which shall, at a minimum be a majority of the LWDB;
 - Number of annual meetings, which shall be no less than four (4);
 - Process by which the LWDB will provide updates of LWDB actions to the CLEO; and
 - Conflict of interest provision
- These are the rules that govern the organization, and as such are...
 - Legally binding
 - Can override parliamentary procedure

Common Questions regarding LWDB Bylaws

- **Quorum**
 - What is it?
 - What if we don't meet it?
 - How do we determine quorum if there are vacant seats?
- **Frequency of Meetings**
 - How often should the LWDB meet?
- **Technology Requirements**
 - If LWDBs can't meet via teleconference, why do the bylaws require outlining the “use of technology to improve board functions”?

Conflicts of Interest

- Per State Rule 692-1-.01(4)...
 - The instance in which a Public Official's private and/or personal interest might prevent or appear to prevent the Public Official from exercising his or her judgement, discretion, powers, or duties in an unbiased manner.
- Local Responsibilities
 - A Conflict of Interest provision must be included in the LWDB Bylaws
 - Per State Rule 692-1-.05(3)...Upon appointment, each LWDB member shall sign and date a copy of the bylaws and the conflict of interest provision, which shall be submitted to the TCSG OWD and retained by the LWDB for review by TCSG.
 - Each LWDB member will only be required to sign the provision one time.
 - New members must sign prior to participation in any official action, or such action shall be void.
- In the event of a Conflict of Interest...
 - LWDB member in question must recuse themselves from any interested vote/action & refrain from participating in any discourse on the impacted topic.
 - Recusals must be announced and formally reflected in the minutes

LWDB Attendance & Vacancies

- Per State Rule 692-1-.05(5)...
 - A LWDB member shall be automatically removed and replaced for failing to attend three (3) consecutive meetings without cause.
- Acceptable documentation for “cause”
 - Mostly dependent on LWDB’s bylaws, but cause must be shown and documented prior to the missed meeting and communicated to the LWDB Chair in a timely manner.
 - Examples of acceptable documentation may include, but is not limited to, the following:
 - An email dated prior to the meeting asking to be excused due to a work conflict, illness, another community board meeting commitment, etc.
 - A phone log documenting that the LWDB member asked to be excused prior to the meeting due to one of the reasons listed above.
- When necessary, LWDB members removed for missing three consecutive meetings may be reappointed by the CLEO.
- LWDB Vacancies must be filled within ninety (90) days
 - A waiver may be requested from OWD if approaching the 90-day deadline

LWDB Vacancy Waiver Process

- Request must be submitted in writing to the OWD Compliance Team at WIOACompliance@tcsg.edu & must include:
 - Date of vacancy;
 - An explanation of why the vacancy has not been filled; and,
 - A timeline for new appointment(s)
- If the LWDB bylaws stipulate a shorter vacancy timeline than 90 days, a waiver request must be submitted according to the shorter timeline.
- LWDB actions taken outside of the vacancy timeline shall be void unless the LWDB previously requested and received an approved waiver from OWD.

LWDB Committees

- Standing committees are optional under WIOA, but may be used to assist the LWDB in carrying out its responsibilities. Examples include:
 - One-Stop Committee
 - Youth Committee
 - Executive Committee
- If the LWDB has standing committees, they *must* be included in the bylaws and chaired by a member of the LWDB.
- Additionally, standing committees are required to appoint members that are not LWDB members.
 - Unable to vote, but must sign Conflict of Interest provision
 - USDOL encourages the use of standing committees to expand opportunities to additional community stakeholders, who are no longer mandated to sit on the LWDB, but continue to have a stake in the success of LWDB decisions.

Member Engagement: Orientation & Onboarding

- Each new LWDB member should undergo some kind of orientation and onboarding to understand their role in the system.
- An orientation should cover at least the following topics:
 - Broad goals of WIOA
 - Workforce Ecosystem & Required Partnerships
 - WIOA Funding
 - Overview of Programs & Services
 - Performance Accountability
- Actively provide the LWDB the information they need to be successful. After the onboarding, include annual presentations on...
 - Budget & Finances
 - Enrollment numbers
 - Performance Measures

Member Engagement: Communication

- Best Practices
 - Have one point of contact
 - Stick to a schedule
 - Allow plenty of time to review documentation on which LWDB members are expected to vote
 - Include fun & engaging presentations to show how the work is impacting the community
 - Equip LWDB members with talking points for their other community engagements

State Oversight

- LWDB Certification
 - Conducted every two years as a desk review to ensure LWDB is in compliance with federal regulations, state policy, and governing composition
 - OWD will request the following documents:
 - Most up-to-date LWDB member listing
 - Current bylaws
 - Complete list of current One-Stop partners
 - Meeting minutes from at least the two previous program years
 - Additional documents as needed by the monitor
 - Upon conclusion of OWD's review, the State will issue either:
 - Notice of Certification, or
 - Notice of Final Report, which will detail any deficiencies
 - LWDA will be required to submit a Corrective Action Plan detailing actions to correct the deficiencies

State Oversight

- OWD Annual Monitoring
 - Evaluates how LWDB Operations are being implemented
 - Areas of Testing
 - Composition
 - Vacancies
 - Attendance
 - LWDB Minutes
 - Bylaws
 - Standing Committees

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