

# Washington State Workforce Innovation and Opportunity Act Title I-B Policy

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**Policy Number:** 5610, Revision 1

**Policy Title:** Local Board Member Appointment Criteria

**Effective Date:** July 1, 2015

## 1. Purpose:

Section 107(b)(1) of the Workforce Innovation and Opportunity Act (WIOA) requires the Governor, in partnership with the State Workforce Development Board, to establish criteria for use by local Chief Elected Officials to appoint members of local boards in their areas. The U.S. Department of Labor (DOL), through Training and Employment Guidance Letter (TEGL) 27-14, further requires state policy outlining the criteria and process for local board member appointment.

This is to communicate the policy approved by the State Workforce Development Board (SWDB) on June 5, 2015 and to clarify categorization of non-profit board representatives.

## 2. Background:

WIOA includes a number of criteria that local Chief Elected Officials must use in the appointment of Local Workforce Development Board (LWDB) members. This policy outlines those criteria as well as additional state criteria for use by Chief Local Elected officials to appoint LWDB members.

## 3. Policy:

### a. **Local Board Membership:**

All local board members must be individuals with *optimum policy-making authority* within the entities they represent and *demonstrated experience and expertise* for the positions they fill [20 CFR 679.120].

#### i. Business Representatives:

The majority of local board members must be representatives of businesses or business organizations 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:

- Be an owner, chief executive officer, chief operating officer, or other individual with optimum policy-making or hiring authority;
- Provide employment opportunities that, at a minimum, include high-quality, work-relevant training in local in-demand industry sectors or occupations as those terms are defined in WIOA Section 3(23) in the local area;

Representatives meeting the criteria above and representing non-profit corporations that play a role as an employer in a high demand/high growth industry or prioritized sector – such as non-profit hospitals, nursing homes, etc. – may serve in the business category.

Representatives of non-profit business organizations (trade associations, chambers of commerce, etc.) as identified in WIOA may also serve in the business category.

Representatives of non-profit economic development organizations led by the business community may serve in the business category or the economic development category.

Representatives of non-profit corporations whose primary function is to provide services to help people become employed or move out of poverty may not serve in the business category. Such non-profits serve in the workforce representative category.

Public economic development organizations may not serve in the business category. Such non-profits serve in the economic development category.

ii. Workforce Representatives:

At least 20 percent of local board members must be workforce representatives who meet the following criteria:

- Two or more members in this category must be representatives of labor organizations, if such organizations exist in the local area. If labor organizations do not exist, representatives must be selected from other employee representatives;
- One or more members in this category must represent a joint labor-management or union-affiliated registered apprenticeship program within the local 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;

In addition to the workforce representatives cited above, the local board may include the following to contribute to the 20 percent requirement:

- 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;
- One or more representatives of non-profit corporations whose primary function is to provide services to help people become employed or move out of poverty; and

- 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. Balance of Representatives:

- At least one eligible provider administering adult education and literacy activities under WIOA Title II;
- At least one representative from an institution of higher education providing workforce investment activities, including community colleges; and
- At least one representative from each of the following governmental and economic and community development entities:
  - Economic and community development entities;
  - The state employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and
  - The programs carried out under Title I of the Rehabilitation Act of 1973, other than Section 112 or part C of that title;

Local boards may include representatives of other appropriate entities in the local area, including:

- Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
- Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
- Philanthropic organizations serving the local area; and
- Other appropriate individuals as determined by the chief elected official.

**b. Board Member Nominations:**

Chief elected officials must establish local board member nomination and appointment processes that ensure:

- Business representatives are appointed from among individuals who are nominated by local business organizations and business trade associations.
- At least 51 percent of workforce representatives must be selected from among individuals nominated by 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 as described in WIOA 107(b)(2)(C)(i) or (ii), nominations are solicited from those particular entities. [WIOA Section 107(b)(6)]
- All other representatives are appointed from among individuals who are nominated by locally-recognized organizations or entities, such as chambers of commerce, non-profit networks, or coalitions, etc.

**c. Board Members Representing Multiple Entities:**

20 CFR 679.320(h) provides that an individual may be appointed to serve on an LWDB as a representative of more than one entity if the individual meets all of the representation criteria for each entity, which includes being formally nominated by and holding optimum policy-making authority for the entity (s)he represents. The SWDB determined that each LWDB member can represent no more than one entity. If a local Chief Elected Official cannot fill a seat at the time of certification or recertification, the LWDB will be required to demonstrate active recruitment to fill the position and must notify the SWDB upon successful completion of the recruitment process.

**d. Alternative Entity:**

Pursuant to WIOA Section 107(i), the State may recognize as the local board a local entity (including a local council, regional workforce development board, or similar entity) that (1) is established to serve the local area or the service delivery area that most closely corresponds to the local area; (2) was in existence the day before the date of enactment of WIA (August 7, 1998), pursuant to state law; and (3) includes representatives of business in the local area; and representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations; or other representatives of employees in the local area (for a local area in which no employees are represented by such organizations).

**4. Definitions:**

Small Business – Defined by the U.S. Small Business Administration (SBA) as per a North American Industry Classification System (NAICS) code match to the [Table of Small Business Size Standards](#).

Optimum policy-making authority – Characteristics of an individual who can reasonably be expected to speak affirmatively on behalf of an entity and commit that entity to a chosen course of action.

Demonstrated experience and expertise – Characteristics of an individual who is a workplace learning advisor as defined in WIOA Section 3(70); contributes to the field of workforce development, human resources, training and development, or a core program function; or is recognized by a local board for valuable contributions in education/workforce development related fields.

**5. References:**

- [WIOA Section 107\(b\)](#)
- [WIOA Section 107\(i\)](#)
- [20 CFR 679.120, 679.310, 679.320, 679.330, 679.340, 679.350, and 679.360](#)
- [Training and Employment Guidance Letter \(TEGL\) 27-14](#)

**6. Supersedes:**

None.

**7. Website:**

[Workforce Professionals Center](#)

**8. Action:**

Local Workforce Development Boards and their contractors must distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

**9. Attachments:**

None

**Direct Inquiries To:**

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