

West Virginia State Workforce Development Board	
Policy Area: Local and Regional Governance	
Title of Policy: Establishment and Membership of Local Workforce Development Boards	Number: 200-02 (2024)
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I. Purpose

This issuance provides guidance regarding the establishment and membership of Local Workforce Development Boards under the Workforce Innovation and Opportunity Act (WIOA). This policy rescinds and replaces WorkForce West Virginia (WFWV) WIOA Guidance Notice No. 02-15.

II. Summary

Each local workforce development area designated in West Virginia is required to establish and maintain a Local Workforce Development Board (Local Board). Chief Local Elected Officials (CLEOs) appoint the Local Board, which is certified every two years by the Governor.

The Local Board is part of a statewide “No Wrong Door” workforce system that is business-driven, customer-focused, and outcomes-oriented. The Local Board is expected to carry out strategies and policies that support the goals and objectives outlined in the WIOA State Plan while providing oversight for local workforce development services and activities. The Local Board sets policy for the local area in the context of broader state policy and should serve as the regional strategic convener in addressing workforce development issues.

The Local Board shall be led by committed business leaders who can ensure that the regional workforce system is responsive to current and projected labor market demand, will contain a broad range of partners needed to develop a comprehensive vision for the local workforce system, and will focus on strategic decisions, not operational management.

The Local Board has responsibility for making the following critical decisions:

- How to build and maintain resources and service capability for the region through strategic partnerships, integrated service delivery, and generation of additional public and private funding;
- How best to organize the regional workforce system to most effectively implement initiatives aimed at building the skills of the regional workforce for careers in high-demand, high-quality occupations;
- How best to provide comprehensive services to regional private sector employers; and
- How best to deploy available resources to achieve negotiated levels of local performance and build capacity for continuous improvement.

III. References

- Workforce Innovation and Opportunity Act (Pub. L. 113-128)
- United States Department of Labor, *Workforce Innovation and Opportunity Act; Final Rule*, 20 CFR, Part 679, Subpart B, Workforce Innovation and Opportunity Act Local Governance
- Training and Employment Notice No. 05-14, *Workforce Innovation and Opportunity Act Announcement and Initial Informational Resources*
- Training and Guidance Letter No. 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014*
- West Virginia Code, §5B-2B-4 *West Virginia Workforce Investment Act*
- West Virginia Code § 6B-1 *West Virginia Governmental Ethics Act*

IV. Policy

By May 31 each year, CLEOs must submit to the West Virginia State Workforce Board (WVSWB) updated Local Board membership information including contact information for the Local Board, the annual budget for the Local Board and one-stop operations, and other expenditures. The term “chief local elected official” means the chief elected executive officer of a unit of general local government in a local area or an elected official so designated by the chief local elected official.

A complete list of mandatory and optional Local Workforce Development Board members can be found in Section 107(b) of the Workforce Innovation and Opportunity Act. There is no limit to the number of members that the Local Board may have on its roster, but it must include all mandatory members.

Mandatory Members

- At least 51% of the members must be made up of private sector representatives located in the local area that represent a broad range of in-demand occupations available in the local labor market. This includes organizations representing businesses within priority industries that provide high-growth employment at self-sufficiency wages and career progression.
- Not less than 20%, a minimum of two, of the members of the Local Board, must be made up of representatives of labor organizations, who have been nominated by local labor federations, and representatives from apprenticeship programs. Community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including veterans, persons with disabilities, and “out of school” youth may be included in addition to the labor organization representatives.
- At least one representative of eligible providers administering WIOA Title II Adult Education and Literacy activities locally.
- At least one representative who administers WIOA Title III activities for the local area.
- At least one representative who administers WIOA Title IV activities for the local area.

- At least one representative of a school division Career and Technical Education program.
- At least one representative from a local community and technical college providing WIOA training services.
- At least one representative from a local economic and community development entity.

Optional Members

- A representative from a regional planning entity.
- A representative of eligible providers administering WIOA Title I Adult and Dislocated Workers Employment and Training activities.
- A representative of eligible providers administering WIOA Title I Youth Workforce Investment activities.
- A representative of eligible providers administering the Social Security Act Title IV, Part A activities.
- A representative of eligible providers administering employment and training activities carried out through the U.S. Department of Health & Human Services' Community Services Block Grant.
- A representative of eligible providers administering employment and training activities carried out through the U.S. Department of Housing and Urban Development's Community Development Block Grant.
- A representative of eligible providers administering Title V of the Older Americans Act programs for engaging low-income senior citizens in community service, employment, and volunteer opportunities.
- A representative of eligible providers administering Section 212 of the Second Chance Act offender reintegration activities.
- A representative of eligible providers administering Supplemental Nutrient Assistance Program Employment and Training activities.
- A representative of eligible providers administering Social Security Ticket to Work, Disability Employment Initiative, and other self-sufficiency programs.
- A representative of eligible providers administering Small Business Association Employment and Training activities.
- A representative of an entity that administers programs serving the local area relating to transportation, housing, and public assistance.
- A superintendent, or designated representative, of a local public school system (other than a representative from a local Career and Technical Education program).
- A representative of higher education providing WIOA activities.
- A representative of a philanthropic organization.
- Any other individual or representative of an entity as the chief elected officials in the local area may determine to be appropriate.

Chairperson

The members of the Local Board will elect a chairperson from among the private sector representatives.

Membership Terms

- Members of the Local Board shall be individuals with optimum policy making authority within the organizations, agencies, or entities they represent.
- Members of the Local Board shall be appointed for staggered terms.
- Private sector representatives shall be an appropriate mix of small, medium and large employers that reflect the local labor market, i.e., the business representation should reflect the industry mix in the local labor market.
- Individuals serving on the Local Board who subsequently retire or no longer hold the position that made them eligible board members shall not continue to serve on the local Board. The entity affiliated with the vacating board member may provide a new representative to the Local Board.
- Vacancies resulting from resignations or removal of mandatory members must be filled within 90 days.

Furthermore, the bylaws should delineate the roles and responsibilities of the CLEO, specifying whether the CLEO serves as a voting member or a WIOA sponsored appointing authority. Any amendments to the bylaws must adhere to the established local procedures for making such changes, ensuring consistency and accountability in governance. This decision must be documented in the Board Certification form and will be subject to review during each Board Certification process. In addition, the delegation must remain in effect throughout the duration of the board certification period and may only be modified upon submission for subsequent board certification. In accordance with Policy 200-04, this review occurs biennially.

Conflict of Interest

All members of the Local Board serve a public interest and trust role and have a clear obligation to conduct all affairs in a manner consistent with this concept. All decisions of the Local Board are to be based on promoting the best interest of the state and the public good. Accordingly:

- All members of the Local Board are subject to the provisions of West Virginia Governmental Ethics Act.
- The Local Board shall adopt in its bylaws a conflict of interest policy meeting the minimum standards set forth in the West Virginia Governmental Ethics Act. The conflict of interest standards shall apply to all board members (voting and non-voting).
- A member of a Local Board shall neither cast a vote on, nor participate in, any decision-making capacity on the provision of services by such member (or by an organization that such member directly represents); nor on any matter that would provide any direct benefit to such member or the immediate family of such member. Immediate family means (1) a spouse and (2) any other person residing in the same household as the member, who is a

dependent of the member or of whom the member is a dependent. Dependent means any person, whether or not related by blood or marriage, which receives from the member, or provides to the member, more than one-half of his financial support.

- Any Local Board member (or specific entity represented by that member) who participates in the development of contract specifications or standards is prohibited from receiving any direct financial benefit from any resulting contract.
- Any Local Board member who participates in a Local Board decision relating to specific terms of a contract, the determination of specific standards for performance of a contract, the development of Invitations for Bid or Requests for Proposals or other such bid processes leading to a contract, or any similar decisions is prohibited from receiving any direct financial benefit from any resulting contract. In addition, no corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust, foundation or other entity shall receive the contract if it would create a conflict of interest for the Board member who participated in this manner.
- Each Local Board member shall file a statement of economic interest with the Local Board, as a condition of assuming membership and then, annually while serving as a Board member. CLEOs shall determine the composition of the statement of economic interest.
- Any Local Board member with a potential or actual conflict of interest must disclose that fact to the Local Board as soon as the potential conflict is discovered and, to the extent possible, before the agenda for the meeting involving the matter at issue is prepared. If it should be determined during a meeting that a conflict of interest exists, the member must verbally declare such conflict of interest, such declaration must be clearly noted in the minutes, and such member must excuse himself from the remainder of the discussion and voting on that item. Each Local Board member is responsible for determining whether any potential or actual conflict of interest exists or arises for him or herself during his tenure on the Local Board.
- If a contract or purchase is made by the local Board involving its own member with a conflict of interest, the local Board shall justify the terms and conditions of the contract or purchase and document that the contract or purchase was adequately bid or negotiated and that the terms of the contract or price of the purchase are fair and reasonable.
- Local Board members who are also one-stop center operators shall not serve on any committees that deal with oversight of the one-stop system or allocation of resources that would potentially be allocated to that member's program.
- All members of the Local Board are subject to all other provisions of the West Virginia Governmental Ethics Act not outlined above.

V. Procedures

Local Board Appointment Process

Nominations and Selection

CLEOs shall contact the appropriate entities in the local area for nominations to appoint members and/or to fill vacancies on the Local Board from business, local educational entities, and labor representatives. CLEOs may also design a process for nominations of individuals and other types of representation the officials would like to include on the Local Board. Vacancies subsequent to the establishment of the Local Board shall be filled in the same manner as the original appointments.

Private sector representatives are to be selected from among individuals nominated by local business organizations (ex. business trade associations, chamber of commerce, economic development agencies). Individual businesses may also nominate themselves or provide nominations of other businesses to CLEOs. Private sector representatives may include owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy making or hiring authority (ex. Vice Presidents of Human Resources).

Local educational entity representatives shall be selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities including local school boards, entities providing vocational education, entities providing secondary adult education and literacy activities, and postsecondary educational institutions (including representatives of community and technical colleges, where such entities exist).

Labor representatives shall be selected from among individuals nominated by local labor federations (or in a local area in which no employees are represented by such organizations, other representatives of employees, such as employee organizations and/or the state AFL-CIO).

For all other members, CLEOs should consult with the appropriate groups in the local area for possible individuals to serve including:

- Representatives of community-based organizations, including organizations representing individuals with disabilities and veterans where such organizations exist in the area.
- Representatives of local economic development agencies, including private sector economic development entities.

Public Participation

CLEOs shall provide public notice of the intent to solicit nominations for Local Board membership, including the process to be used for nominations and selection.