



Administrative Policy

**POLICY
NUMBER
110**

Title:	Local Workforce Development Area and Board Governance		
Program:	Workforce Innovation and Opportunity Act		
Effective:	03/04/2021	Revised:	03/04/2024

I. PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to chief local elected officials (CLEOs), fiscal agents, local workforce development boards (LWDBs), LWDB chairpersons, LWDB staff, and workforce system partners on the requirements for local workforce development area (local area) and LWDB governance. This policy outlines key roles, responsibilities, and requirements of the entities/individuals that make up the workforce development system within a local area.

This policy also identifies and describes required agreements to ensure the local area serves as a jurisdiction for the administration of workforce development activities and expenditure of Workforce Innovation and Opportunity Act (WIOA) adult, dislocated worker, and youth funds allocated to LWDBs by the Florida Department of Commerce (FloridaCommerce).

II. BACKGROUND

WIOA envisions a workforce development system that focuses on the needs of job seekers and businesses and anticipates and responds to the needs of local and regional economies.

WIOA requires LWDBs and CLEOs to design and govern the system regionally, align workforce policies and services with regional economies, and support service delivery strategies tailored to those needs. The local area serves as a jurisdiction for the administration of workforce development activities which requires the CLEO to play an active role in both the strategic planning and ongoing operation of the local workforce development system. Agreements between the CLEO and the entities responsible for the

local workforce development system will address how the local area functions and how administrative tasks will be carried out within the local area.

III. AUTHORITY

[Public Law 113-128, Workforce Innovation and Opportunity Act](#), Sections 106 and 107
[20 Code of Federal Regulations \(CFR\) 678.600](#); [20 CFR 679.310](#); [20 CFR 679.320](#); and [20 CFR 679.370](#)

[Chapter 119, F. S.](#)

[Chapter 286, F.S.](#)

[Sections 445.004 and 445.007, F.S.](#)

[CareerSource Florida Strategic Policy 2023.09.19.A.2 – Education and Industry Consortiums](#)

[CareerSource Florida Strategic Policy 2020.02.20.A.1 – Board Governance and Leadership](#)

[CareerSource Florida Strategic Policy 2018.09.26.A.1 – Ethics and Transparency Policy](#)

IV. POLICIES AND PROCEDURES

A. Roles and Responsibilities

1. Chief Local Elected Official (CLEO)

Pursuant to WIOA sec. 3(9), the CLEO is the chief elected executive officer of a unit of general local government in a local area and, in a case in which a local area includes more than one unit of general local government, the representative(s) under the agreement (interlocal, consortium, and other agreements as described in **Section IV.F.1.** of this policy) that specifies the respective roles.

The CLEO's responsibilities include:

- a) Requesting local area designation (as prescribed in [Administrative Policy 094 – Local Workforce Development Area Designation](#));
- b) Requesting LWDB certification (as prescribed in [Administrative Policy 091 – Local Workforce Development Board Composition and Certification](#));
- c) Appointing members to the LWDB;
- d) Establishing bylaws in coordination with the LWDB;
- e) Designating a fiscal agent (if not serving as grant recipient) and monitoring their effectiveness;
- f) Approving the LWDB budget;
- g) Remaining liable for any misuse of WIOA grant funds by the local area;

- h) In coordination with the LWDB and/or staff to the board, negotiating and reaching agreement on LWDB local performance measures with FloridaCommerce;
- i) Negotiating with the LWDB and required partners to maintain the workforce delivery system through the Memorandum of Understanding (as prescribed in [Administrative Policy 106 - Memorandums of Understanding and Infrastructure Funding Agreements](#));
- j) Partnering with the LWDB and planning region, to develop and submit the WIOA local plan and regional plan; and
- k) Reviewing the annual performance review of the LWDB executive director.

CLEOs who are not active members of LWDBs are encouraged to attend in meetings of the local board. Additionally, CLEOs are strongly encouraged to attend new LWDB member orientation and annual training, in accordance with **Section IV. I** of this policy.

The CLEO may delegate the listed responsibilities except:

- a) Appointing members to the LWDB.
- b) Designating a fiscal agent (designation of a fiscal agent does not relieve the CLEO or Governor of liability for misuse of grant funds – [20 CFR 679.420](#)).
- c) Liability for any misuse of WIOA grant funds by the local area.

The CLEO may remove a member of the LWDB, the executive director of the LWDB, or the designated person responsible for the operational and administrative function of the LWDB for cause.¹

2. Fiscal Agent

The fiscal agent is the entity designated by the CLEO to perform accounting and funds management on behalf of the CLEO. The duties of the fiscal agent include but are not limited to:

- a) Receiving funds;
- b) Ensuring sustained fiscal integrity and accountability for expenditures of funds in accordance with the Office of Management and Budget's (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (commonly called "Uniform Guidance") and applicable circulars, WIOA, corresponding federal regulations, state law, and state policies;
- c) Responding to audit financial findings;
- d) Maintaining proper accounting records and documentation;
- e) Preparing financial reports; and
- f) Providing technical assistance to subrecipients regarding fiscal issues.

¹ Section 445.007(2)(c)

Although the appropriate role of the fiscal agent should be limited to accounting and funds management functions rather than policy or service delivery, there may be circumstances in which the fiscal agent may be the LWDB, the procured one-stop operator, the workforce services provider, and/or youth service provider.

At the direction of the LWDB, the fiscal agent may have the following additional functions:

- a) Procuring contracts or obtain written agreements;
- b) Conducting financial monitoring of service providers; and
- c) Ensuring an independent audit is conducted of all employment and training programs.

The fiscal agent must provide financial reports to the LWDB and CLEO at least quarterly.

3. Local Workforce Development Board

The LWDB is appointed by the CLEO in each local area in accordance with state criteria established under WIOA sec. 107(b) and certified by the Governor every two years in accordance with WIOA sec. 107(c)(2). The state's criteria for LWDB certification are found in [Administrative Policy 091 – Local Workforce Development Board Composition and Certification](#).

The LWDB provides strategic and operational oversight, assists in achievement of the state's strategic and operational vision and goals, and maximizes and continues to improve quality of services, customer satisfaction, and effectiveness of services provided. LWDB responsibilities include, but are not limited to:

- a) Developing and submitting a four-year local plan and regional plan;
- b) Conducting workforce research and regional labor market analysis;
- c) Convening local workforce development system stakeholders to assist in the development of the local plan and in identifying expertise and resources to leverage support for workforce development activities;
- d) Leading efforts to engage employers, a wide range of representatives of industry, government, education, and workforce training in the local area;
- e) Leading efforts to develop and implement career pathways;
- f) Leading efforts to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers;
- g) Developing strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and job seekers;
- h) In partnership with the CLEO, conducting oversight of the WIOA adult, dislocated worker, and youth programs and the entire local workforce delivery system, ensuring the appropriate use and management of WIOA funds, and ensuring the appropriate use, management and investment of funds to maximize performance outcomes;

- i) Negotiating and reaching agreement on local performance measures with the CLEO and FloridaCommerce;
- j) Negotiating with the CLEO and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with 20 CFR 678.715 and [Administrative Policy 106 – Memorandums of Understanding and Infrastructure Funding Agreements](#);
- k) Selecting providers of youth workforce investment activities through competitive grants or contracts in accordance with [Administrative Policy 120 – Youth Service Provider Selection](#); providers of training services consistent with state policy and WIOA sec. 122; providers of career services through the awards of contracts in accordance with [Administrative Policy 083 – Direct Provider of Workforce Services](#); and one-stop operators in accordance with 20 CFR 678.600 through 20 CFR 678.635 and [Administrative Policy 097 – One-Stop Operator Procurement](#);²
- l) Working with the state to ensure there are sufficient numbers and types of providers of career services and training services serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities;
- m) Coordinating activities with education and training providers in the local area;
- n) Developing a budget for the activities of the LWDB, with approval of the CLEO and consistent with the four-year local plan and the duties of the LWDB;
- o) Assessing, on an annual basis, the physical and programmatic accessibility of all career centers in the local area, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
- p) Certifying the local area’s career centers in accordance with 20 CFR 678.800 and [Administrative Policy 093 – One-Stop Delivery System and One-Stop Center Certification Requirements](#);
- q) Concluding agreements necessary to designate the fiscal agent and administrative entity. A public or private entity, including an entity established under section 163.01, F.S. which makes a majority of the appointments to a local board may serve as the local board’s administrative entity if approved by FloridaCommerce based upon a showing that a fair and competitive process was used to select the administrative entity;³
- r) Providing ongoing oversight related to administrative costs, duplicated services, career counseling, economic development, equal access, compliance and accountability, and performance outcomes;⁴
- s) Overseeing the one-stop delivery system in its local area;⁵

² In accordance with section 445.007(6), F.S., consistent with federal and state law, LWDBs must designate all local service providers and may not transfer this authority to a third party.

³ Section 445.007(4)(b).

⁴ Section 445.007(4)(c).

⁵ Section 445.007(4)(d).

- t) In partnership with the CLEO, establishing bylaws and codes of conduct for LWDB members, as well as the LWDB executive director and LWDB staff;
- u) Establishing additional monitoring and reporting requirements, if one entity fulfills multiple functions, to ensure the entity is compliant with WIOA, final rules and regulations, OMB Uniform Guidance and applicable circulars, and the state's conflict of interest policy; and
- v) Completing new LWDB member orientation and annual training requirements within the required timeframes, in accordance with **Section IV. I** of this policy.

A full list of LWDB functions can be found in WIOA sec. 107(d), 20 CFR 679.370 and section 445.007, F.S.

4. Local Workforce Development Board Chairperson

Each LWDB must elect a chairperson to direct the business of the local board. The chairperson is elected by the members of the LWDB and must be one of the business representatives on the local board. The chairperson may serve no more than two terms in this position; each term may not exceed two years. Additionally, the chairperson may not simultaneously act as the employed executive director, chief operating officer, or chief financial officer of any LWDB or career center while in position as the chairperson.

At a minimum, FloridaCommerce will review the chairperson's term requirements during the LWDB's certification process as described in [Administrative Policy 091 – Local Workforce Development Board Composition and Certification](#). In addition, FloridaCommerce will review each LWDB's composition during its annual programmatic monitoring, which may also include a review of the chairperson's term(s).

The chairperson's duties include but are not limited to:

- a) Leading the LWDB to develop a guiding vision that aligns with the state's priorities;
- b) Acting as the lead strategic convener to promote and broker effective relationships between CLEOs and economic development, education, and workforce partners in the local area;
- c) Leading an executive committee to guide the work of the board, and ensure that committees or task forces have necessary leadership and membership to perform the work of the board;
- d) Leading the agenda setting process for the year and guiding meetings, ensuring both tactical and strategic work is completed in all meetings;
- e) Appointing members to the Education and Industry Consortium;
- f) Providing the annual performance review of the LWDB executive director to the CLEO(s) and at least once annually to the LWDB, and upon request of the LWDB; and

- g) Appearing before the state workforce development board (state board) to discuss the performance of the LWDB, upon the request of the state board.

5. Local Workforce Development Board Executives

The LWDB may hire a qualified executive director and staff to assist in ensuring the functions of the local board are achieved. The LWDB must ensure the individual or entity designated as the executive director has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively and ethically carrying out the functions of the LWDB which include, but are not limited to:

- a) Coordinating with the CLEO(s) regarding the identification and nomination of members to the LWDB and ensuring membership is compliant with WIOA and Florida Statutes;
- b) Organizing local board meetings and ensuring meetings are held according to the LWDB's bylaws and Florida's sunshine laws;
- c) Developing and submitting the local and regional plan;
- d) Conducting oversight of the WIOA adult, dislocated worker, youth programs and the entire one-stop delivery system, including development of policies and monitoring the administration of the programs;
- e) Negotiating and reaching agreement on local performance measures with the CLEO and FloridaCommerce;
- f) Ensuring the outcomes of local performance measures are provided to the LWDB members and CLEO no less than semi-annually.
- g) Negotiating with CLEO and required partners for the Memorandum of Understanding (as prescribed in [Administrative Policy 106 - Memorandums of Understanding and Infrastructure Funding Agreements](#));
- h) In compliance with local board procurement policy, providing oversight of the competitive procurement process for procuring or awarding contracts for providers of youth program services, providers of workforce services (if applicable), and the one-stop operator as required in paragraph (i) of 20 CFR 679.370;
- i) Developing a budget for activities of the LWDBs;
- j) Certifying the one-stop career centers. One-stop certification requirements may be found in [Administrative Policy 93 – One-Stop Career Center Certification Requirements](#); and
- k) Providing copies of all monitoring and audit reports and related materials to the LWDB members, LWDB chairperson, and CLEO within five business days of receipt.

Executive directors, chief financial officers, and chief operating officers who represent a LWDB may not personally contract with or otherwise represent more than one LWDB. Under extraordinary circumstances, LWDBs may request approval for a temporary exception to this prohibition from the state board and

FloridaCommerce by emailing the request to FloridaCommerce at LWDBGovernance@commerce.fl.gov.

Executive directors, chief operating officers, and chief financial officers may not simultaneously act as members of any LWDB.

6. One-Stop Operator

The one-stop operator is the entity or consortium of entities that coordinates service delivery of required one-stop partners and service providers. WIOA requires LWDBs to use a competitive procurement process to select its one-stop operator and to competitively reprocur these services every four years, in accordance with WIOA sec. 121(d) and 20 CFR 678.600 through 678.635. See [Administrative Policy 097 – One-Stop Operator Procurement](#) for the requirements LWDBs must follow to select one-stop operators.

7. Provider of Workforce Services

LWDBs are required to select the provider of basic and individualized career services (also referred to as “workforce services”) and have the option of being direct providers of workforce services or awarding grants or contracts for these services. WIOA allows LWDBs to be direct providers of workforce services with the agreement of the CLEO in the local area, LWDB, and the Governor. See [Administrative Policy 083 – Direct Provider of Workforce Services](#) for the requirements LWDBs must follow to serve as direct providers of workforce services.

8. Youth Service Provider

LWDBs are required to select providers of youth workforce services through competitive grants or contracts. LWDBs have the option of directly providing some or all youth workforce services rather than awarding grants or contracts for these services. LWDBs that choose to award grants or contracts for youth workforce services must do so through a competitive procurement process in accordance with WIOA sec. 123 and 20 CFR 681.400. See [Administrative Policy 120 – Youth Service Provider Selection](#) for the requirements LWDBs must follow to select youth service providers.

B. One Entity Performing Multiple Functions

WIOA establishes clear roles and responsibilities for each entity or organization involved in the workforce delivery system. The LWDB must ensure that roles and duties of workforce delivery system entities are clearly delineated. This includes efforts to designate and/or procure the functions of the fiscal agent, staff to the LWDB, one-

stop operator, direct provider of workforce services, and provider of youth program services.

One entity may perform multiple functions if appropriate firewalls and internal controls are in place. Local entities or organizations often function simultaneously in a variety of roles, including fiscal agent, staff to the LWDB, one-stop operator, provider of workforce services, and provider of youth program services.

See Section IV.D. for requirements for LWDBs serving multiple functions.

C. Local Workforce Development Boards as Direct Providers of Workforce Services

Ideally, entities providing workforce services are procured through the LWDB, which is responsible for monitoring and overseeing the contracts, as well as services performed through the contract. The LWDB is designed to oversee the workforce delivery system and its services. Chapter 445.007(6), F.S. allows LWDBs to be designated as the one-stop operator and direct provider of services (except training services), with the agreement of the CLEO and the state board (as delegated by the Governor) based on the criteria established by the state board.

LWDBs seeking to provide workforce services, except training services, will follow the requirements established in [Administrative Policy 083 – Direct Provider of Workforce Services](#).

LWDBs seeking designation as the one-stop operator, must comply with the criteria prescribed in this administrative policy and [Administrative Policy 097 – One-Stop Operator Procurement](#).

D. Local Workforce Development Boards Serving Multiple Functions

Consistent with WIOA sec. 121(d)(4)(A) and (C), LWDBs selected to perform multiple functions in a local area must develop a written agreement with the CLEO to clarify how the LWDB will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, the Uniform Guidance, and conflict of interest policies of both the State and LWDB. (See TEGL 15-16, Section 11. Avoiding Conflicts of Interest.).

LWDBs serving multiple functions must be able to demonstrate that roles, responsibilities and duties of each function are clearly defined and delineated in locally established processes and procedures that clearly detail:

- a) How functions are sufficiently separated;
- b) Descriptions of the steps the local area has taken to mitigate risks that could lead to impropriety;
- c) Firewalls (physical, technological, policies, etc.) created to ensure such risks are mitigated; and
- d) Oversight and monitoring procedures.

These processes and procedures must be included in the LWDB's WIOA Local Plan.

E. Temporary Assumption of Duties for Procured and Contracted Services

In certain critical circumstances, (e.g., sudden termination of contract or failed procurement), the LWDB may be faced with the need to temporarily assume the role(s) of one-stop operator, direct provider of workforce services, and/or youth program service provider. When this happens for the one-stop operator or workforce services, LWDBs may request to temporarily assume the responsibilities that were being provided by a contracted vendor or services being sought when the procurement failed. Requests for LWDBs to act as a one-stop operator and/or provider of workforce services on a time-limited and temporary basis⁶ must be approved by the CLEO and submitted to FloridaCommerce. The request must include the duration (six months or less) for which the LWDB will act as a one-stop operator or provider of workforce services. Upon receipt of the request, FloridaCommerce will review for compliance with applicable governing authorities and make a recommendation for consideration by the state board. The LWDB must begin the competitive procurement process within 30 days of approval to serve in a temporary capacity. Should the LWDB desire to serve as the one-stop operator, the LWDB must participate in the competitive procurement process as prescribed in [Administrative Policy 091 – One-Stop Operator Procurement](#).

When this happens for youth workforce services, the LWDB is not required to submit a request to FloridaCommerce to assume these responsibilities. However, the LWDB must adhere to the requirements in **Section IV. D.** of this policy when the LWDB serves multiple functions.

1. Sudden Termination of Contract

In the event of a sudden termination of contract, the LWDB must submit a formal request to serve in the capacity of the role in which the contract was terminated.

The LWDB will:

- a) Submit a request to serve in the role in which the contract was terminated;
- b) Provide documentation of the original contract and the termination notification, which should include the reason for termination;
- c) Provide an explanation and an organizational chart showing who will be responsible for assuming the role(s) temporarily. The explanation and organizational chart must clearly illustrate how the following will be enforced to minimize potential risks associated with the temporary designation.
 - 1) Separation of duties; (including but not limited to the temporary removal of duties from certain areas/individuals to allow assumption of the temporary role);

⁶ In this context, temporary is defined as six months or less.

- 2) Firewalls; (including but not limited to restriction from access to any information that may lead to impropriety); and
 - 3) Conflict of interest requirements.
- d) The length of time in which the LWDB seeks to temporarily serve in the role in which the contract was terminated, not to exceed six months from the date of request.

LWDBs will submit formal requests for temporary designation to FloridaCommerce via email to LWDBGovernance@commerce.fl.gov.

2. Failed Procurement

In the event of a failed procurement, the LWDB must submit a formal request to serve in the capacity of the role for which the procurement failed and provide the following:

- a) A copy of the competitive solicitation;
- b) Proof of the announcement medium used (e.g., newspaper, social media, website, email notification to potential bidders), including documentation showing how long the announcement was posted; and
- c) The length of time the LWDB seeks to temporarily serve in the role.
- d) An explanation and an organizational chart showing who will temporarily be responsible for assuming the role(s). The explanation and organizational chart will clearly illustrate how the following will be enforced to minimize potential risks associated with the temporary designation:
 - 1) Separation of duties; (including but not limited to the temporary removal of duties from certain areas/individuals to allow assumption of the temporary role);
 - 2) Firewalls; (including but not limited to restriction from access to any information that may lead to impropriety); and
 - 3) Conflict of interest requirements.

Additionally, the LWDB will:

- a) Review the previously issued competitive solicitation and identify any elements that led to the failed procurement (e.g., unrealistic compensation for requested services, duties outside the scope of the role for which services are being sought);
- b) Update and reissue the competitive solicitation (within 30 days of being granted temporary authority to serve in the role in which the procurement was not successful);
- c) Notify FloridaCommerce of the selection upon final approval by the LWDB once an entity is selected; and

- d) Onboard the selected entity of the new solicitation on or before the end of the temporary designation.

The individual or entity contracted to fulfill the role of the LWDB executive director must not be the one-stop operator or the provider of workforce and/or youth program services.

LWDBs will submit formal requests for temporary designation to FloridaCommerce via email to LWDBGovernance@commerce.fl.gov.

3. Local Workforce Development Area Multi-Function Agreement

For circumstances in which an entity or organization, other than the LWDB, has been selected or otherwise designated to perform more than one function, the required contract or written agreement must include a clause to clarify how the entity will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant OMB circulars, and the state's conflict of interest policy. The written clause in the contract or agreement must include, at a minimum, the following requirements:

- a) Definition of roles and responsibilities/duties per function (e.g., fiscal agent, one-stop operator, and/or procured provider of workforce or youth program services);
- b) Description of the separation of staff duties under each role, including deliverables for each separate function;
- c) Description of how budget authority is separated, including separate line-item budgets for each function;
- d) Description of how staff duties will be completed while demonstrating compliance with WIOA and corresponding regulations, OMB circulars, and the state's conflict of interest policy, including how conflict of interest will be minimized;
- e) Description of the roles and responsibilities within the organization, including an organizational chart, and sustainability if a function is removed; and
- f) Description of how fiscal monitoring will occur if the fiscal agent is performing multiple functions.

The written clauses in the agreement are intended to limit conflicts of interest or the appearance thereof, minimize fiscal risk, and develop appropriate firewalls within a single entity performing multiple functions.

F. Governance Agreements

Implementation of a local workforce development system pursuant to WIOA requires CLEOs to play an active role in both strategic planning and ongoing operation of the

local workforce development system. When a local area includes more than one unit of general local government, the chief elected officials of such units may execute a written agreement that specifies the respective roles and liability of the individual CLEOs. CLEOs are liable in their official capacity but not personally liable for the misuse of WIOA funds.

1. Interlocal, Consortium, and Other Agreements

The purpose of having interlocal, consortium, or other governing agreements is to ensure the decisions that are delegated to CLEO(s), or a consortium, reflect the agreement of all the chief elected officials in all jurisdictions of a local area and consistent with requirements established in section 163.01, F.S. These agreements are between the chief elected officials of each jurisdiction within the local area and must contain signatures of the representative(s) authorized to enter into such agreements.

The interlocal or consortium agreement will clearly state the level of agreement to be reached amongst the governmental entities involved and identify the roles and responsibilities of the CLEOs within the local area. At a minimum, applicable agreements will address:

- a) **Identification of local workforce development area** - The agreement will clearly identify the units of local government which are covered by the agreement and which make up the local area.
- b) **Designation and responsibilities of the CLEO** - The parties to the interlocal agreement should identify the county commissioners and/or mayors to serve as the CLEO(s) of the local area for the purposes of approving local and, if appropriate, regional plans; establishing policy; authorizing WIOA expenditures; establishing contracts; paying for services outside of the local area; or paying costs associated with monitoring or audit findings or sanctions.

Areas where a consortium is serving in the capacity to perform the duties and functions of the CLEO will describe the duties/responsibilities of the consortium, members that make up the consortium, and the authority of its members in an agreement signed by the applicable elected officials or their authorized designee.

- c) **Establishment, appointment, and operation of the LWDB** - The agreement should include an agreed upon process for establishing and appointing the LWDB members, including:
 - 1) Membership of the LWDB that is consistent with WIOA and state policy;
and

- 2) How the needs of all geographical areas in all jurisdictions will be represented within the local area.
- 3) Development of a process for all CLEOs to participate in the LWDB membership appointment process to ensure appropriate and equitable representation from all counties included in the local area and reflect the representation in interlocal, consortium, and/or other agreements.

The following questions including, but not limited to, may be used to guide such discussions:

- 1) How many members should represent each county in the local area?
 - 2) Should county population be considered when determining LWDB member representation?
 - 3) What is the appropriate level of financial responsibility for each county and should the financial responsibility be factored into the LWDB member representation?
- d) **Designation and responsibilities of the fiscal agent** - The agreement will identify the entity performing these duties and its responsibilities.
- e) **Process for CLEOs to provide input** - The agreement will include a process for all CLEOs to provide input for the purposes of reaching a consensus on critical decisions that may impact the local workforce development system.
- f) **Liability** - Under WIOA, CLEOs are liable for misspent funds, disallowed costs, funds spent fraudulently, and potential sanctions for nonperformance. Therefore, CLEOs within a local area must agree on how liability will be addressed. The following questions can be used to guide such discussions:
- 1) How will sanctions related to performance be shared among the jurisdictions within the local area?
 - 2) How will the issue of disallowed costs or misspent funds that cannot be covered by federal grant funds be addressed?
 - 3) What is each county's share of the financial responsibility as a percentage of the total amount to be repaid?
- g) **Performance Accountability** – Generally, performance accountability is addressed in the WIOA local plan. However, CLEOs will agree on an approach to performance accountability. The following questions may be used to guide such discussions:
- 1) Who will be responsible for negotiating local performance measures with the state (the Executive Director / staff to the board, local board)?

- 2) Will the local area have any performance criteria in addition to federal and state criteria? How will performance be administratively tracked locally?
 - 3) Will performance-related incentives be shared among the jurisdictions within the local area?
- h) **Dispute Resolution Process** - The governing agreement should include provisions for resolving disputes. Below are possible issues to address in the agreement relative to dispute resolution:
- 1) What types of disputes arise to the level of needing a dispute resolution process?
 - 2) What type of dispute resolution process should be used (mediation, arbitration, consultation with state, etc.)?
- i) **Other Agreement Provisions (Miscellaneous)**
- 1) Duration of the agreement; and
 - 2) Process for modification or termination of the agreement.

2. Bylaws

Bylaws are the provisions by which the local area is governed and the LWDB and its operations are managed. They provide consistency and clarification on the roles and responsibilities of the various representatives governing the local workforce development system. In partnership with the CLEO, the LWDB must ensure that its bylaws are up-to-date and in alignment with requirements of WIOA and state policy. At a minimum, the following should be reflected in the local area's bylaws.

- a) **Purpose and Responsibilities (Functions)** – Describe the purpose of the LWDB (e.g., to set policy and establish oversight of the workforce development system). Describe the functions or the responsibilities of the LWDB (e.g., the local board has the responsibility to provide strategic and operational oversight, assists in achievement of the State's strategic and operational vision and goals, and maximizes and continues to improve quality of services, customer satisfaction, and effectiveness of services provided). A list of the LWDB's responsibilities can be found in **Section IV.A.3.** of this policy and 20 CFR 679.370.
- b) **Membership** – Include the processes and procedures for the following:
- 1) Recruiting, nominating, vetting, and appointing LWDB members;
 - 2) Filling LWDB member vacancies; and
 - 3) Resignation, reasons for disqualification, removal, and reappointment of LWDB members.

LWDB membership and composition requirements can be found in [Administrative Policy 091 - Local Workforce Development Board Composition and Certification](#).

- c) **Authority of LWDB** – Include the power and authorities of the LWDB, including authority to recommend, select, and hire an executive director to perform operational and administrative functions of the local board.
- d) **Duties and Terms of the Members** – Describe the duties and term limits of the LWDB members. LWDB member term limit requirements are prescribed in [Administrative Policy 091 - Local Workforce Development Board Composition and Certification](#).
- e) **Officers** – Describe the authority of its officers, including terms of office, and LWDB officer duties.
- f) **Committees** – Describe the types of committees (e.g. executive committee, finance committee, nominating committee, etc.) as well as their authorities, responsibilities, terms of committee members and chairpersons, who has the authority to appoint committee members, and who may sit on the committees. LWDBs must adopt a committee structure consistent with applicable federal law and state policies.⁷ The LWDB will prohibit any LWDB staff from serving as members of a LWDB committee or subcommittee.
- g) **Meetings and Minutes** - Describe frequency of meetings and describe how regular board and committee meetings are planned and conducted. The LWDB will also describe the process and requirements for calling special and emergency meetings, what constitutes a special or emergency meeting, and who is authorized to call such meetings. This includes but is not limited to the requirement to timely provide the meeting schedule to the LWDB members and the public.
 - 1) **Record Keeping** – The LWDB will describe how meeting minutes will be scribed/recorded, retain records of local board members who are present/absent, and record official acts of the board including the number of votes of members (yeas, nays, and abstentions). Meeting minutes must be made available publicly on the LWDB’s website within 15 days of approval by the LWDB.
 - 2) **Voting, Board Actions, and Conflict of Interest** – Include voting and quorum requirements, record official acts of the LWDB including the

⁷ Section 445.007(7), F.S.

number of votes of members (yeas, nays, and abstentions). Abstentions due to conflict of interest or related party contracts must be recorded, include the name of the abstaining member, and the reason for abstention.

LWDBs must include in their board policies the requirement to conduct regular performance reviews, at a minimum annually, for the executive director. Performance reviews must, at a minimum, include local area performance in the federal and state programs administered by the LWDB, and state-issued letter grades. Additionally, performance reviews must evaluate the executive director's effectiveness in:

- a) Ensuring workforce investment activities carried out in the local area enable the local area to meet the corresponding performance accountability measures and achieve fiscal integrity as defined in WIOA sec. 106(e)(2).
- b) Meeting the functions outlined in **Section IV.A.5.** of this policy.

The annual performance review must be provided to and reviewed by the CLEO(s).

LWDBs must adhere to requirements in the Grantee-Subgrantee Agreement for board member conflicts of interest disclosures and applicable requirements. This includes but is not limited to the requirement to adopt and abide by a conflict of interest policy that ensures compliance with state and federal law, regulations and policies.

While it is preferable that the elements outlined in **Section IV.F.** of this policy be contained in comprehensive documents as described, it is acceptable that the items identified in this section be contained in separate agreements (memoranda of understanding, governing policies, and procedures, etc.), as long as the requirements of this section are clearly met.

G. Education and Industry Consortiums

Each LWDB must create an education and industry consortium composed of representatives of educational entities and businesses in the designated service delivery area. Education and industry consortiums in each local area must provide quarterly reports to the applicable LWDB which provide community-based information related to educational programs and industry needs to assist the LWDB in making decisions on programs, services, and partnerships in the service delivery area. The LWDB will consider the information obtained from the consortium to determine the most effective ways to grow, retain, and attract talent to the service delivery area. The chairperson of the LWDB will appoint the consortium members. Consortium members will be appointed for two-year terms beginning on January 1 of the year of appointment, and any vacancy on the consortium must be filled for the remainder of the unexpired term in the same manner as the original appointment. Note: A member of a LWDB may not serve as a member of the consortium.

Education and industry consortiums are subject to state law and CareerSource Florida strategic and administrative policies.

H. WIOA Sunshine Provision, Public Disclosures, and Transparency

The WIOA “sunshine provision” requires LWDBs to conduct business in an open manner and make available, on a regular basis through electronic means and open meetings, information about the activities of the LWDB.

In addition to the sunshine provision under WIOA⁸, LWDBs must comply with and adhere to the transparency and public disclosure requirements in section 445.007, F.S. as well as requirements detailed in the Grantee-Subgrantee Agreement. Accordingly, the following items must be posted to each LWDB’s website:

- a) **Local Plans** – Information about the local plan, or modification of the local plan, before submission.
- b) **LWDB members** – A list of current LWDB members and their affiliation (company or entity that the local board member is employed by or owns), and their terms of service.
- c) **Selection of One-Stop Operators** – Information about the activities of the LWDB to select a one-stop operator including Request for Proposals, Question and Answers, and executed contracts.
- d) **Notice of all LWDB meetings** – Notification of all LWDB meetings, including committee meetings, at least seven days before the meeting is to occur. Notice of special or emergency meetings must be posted at least 72 hours before the meeting is to occur.
- e) **Minutes of formal meetings of the LWDB** – Meeting minutes must be made available publicly on the LWDB’s website within 15 days of approval by the LWDB. The two most recent years of LWDB meeting minutes must be posted.
- f) **LWDB Bylaws** – The most current version of the LWDB’s bylaws must always be publicly available on the LWDB’s website. Changes to the bylaws must be posted within 15 days of approval.
- g) **Interlocal agreement, as applicable** – The most current version of the local area’s interlocal agreement must always be publicly available on the LWDB’s website. Changes to the interlocal agreement must be posted within 15 days of a new or amended agreement being executed by all parties.
- h) **Budget** - Each LWDB must publish the local board’s budget on its website within 10 days after approval by FloridaCommerce. The budget must remain published on the website for the duration of the fiscal year for which it accounts for the expenditure of funds.

⁸ 20 CFR 679.390

- i) **Compensation disclosures** – The Total Compensation for Executive Leadership and Other Specific Employees (Exhibit E of the Grantee-Subgrantee Agreement) form must be posted on the local board’s website upon it being submitted to FloridaCommerce within 30 days after the end of each LWDB’s fiscal year⁹ and remain posted for three years after it is first published. The disclosures must be accompanied by a written declaration provided by the chief financial officer or their designee that they have read the compensation disclosure documents and the facts stated in it are true.
- j) **Employee position and salary information** - Current employee positions and salary information for each position (including performance bonuses).
- k) **LWDB’s IRS Form 990** – Annually, each LWDB must publish its most recent IRS form 990 within 60 calendar days after it is filed with the IRS and remain posted for three years after it is filed. Tax returns for the three most recent years must be posted.
- l) **Statements of Financial Interest** – The LWDB’s website must inform the public that disclosures or statements of financial interest (consistent with requirements in section 112.3144, F.S.¹⁰ or section 112.3145, F.S.¹¹, whichever is appropriate) for each LWDB member and executive director or designated person responsible for the operational and administrative functions of the LWDB, have been filed with the Commission on Ethics and provide information on how each disclosure or statement may be reviewed. The notice to the public must remain on the website throughout the term of office or employment of the filer and until one year after the term on the LWDB or employment ends.
- m) **Single Audit** – Must be posted for the two most recent years.
- n) Awards of grants or contracts to eligible training providers of workforce investment activities including providers of youth workforce investment activities.
- o) **Related Party Contracts** – All contracts between a LWDB and a member of the LWDB, relative of a LWDB member, an organization or individual represented on the LWDB, or an employee of the LWDB approved on or after July 1, 2021, must be published on the LWDB’s website within 10 days after approval by the local board or FloridaCommerce, whichever is later. Such contracts must remain on the website for at least one year after termination of the contract. Such contracts will be identified as related party contracts.
- p) **Contracts in excess of \$35,000** – An executed copy of the plain language version of any contract that is estimated to exceed \$35,000 with a private entity, municipality, city, town, or vendor of services, supplies, or programs, including marketing, or for the purchase or lease or use of lands, facilities, or properties for the five most recent years.

⁹ The disclosure must be posted by July 30th for LWDBs with a June 30th year end and by October 30th for LWDBs with a September 30th year end.

¹⁰ Form 6 – Full and Public Disclosure of Financial Interests

¹¹ Form 1 – Statement of Financial Interests

- q) All active agreements with another board that delegate partial or complete responsibility for any duties the LWDB is expected, required, or mandated to perform under the Grantee-Subgrantee Agreement or WIOA, even if the cost is not expected to exceed \$35,000.

LWDB members and staff must maintain integrity, accountability and transparency in decisions and actions that earn and protect the public trust in compliance with [Strategic Policy 2018.09.26.A.1 - Ethics and Transparency Policy](#). This includes taking all necessary steps to avoid the appearance of conflicts of interest.

The LWDB is subject to open government and confidentiality requirements in Chapters 119 and 286, F.S.¹² The LWDB must appoint a public records coordinator for the purpose of ensuring that all public records matters are handled appropriately.

I. New Board Member Orientation and Annual Training

Members appointed to the LWDB are required to participate in orientation and annual training to ensure they understand the purpose of their participation on the LWDB. The purpose of orientation and training is to provide LWDB members with information that empowers them to effectively serve as a board member. The LWDB is expected to take all reasonable steps necessary to encourage attendance by the CLEO at board member orientation and training.

1. New LWDB Member Orientation

All new LWDB members, within six months of appointment, will complete a new board member orientation. The LWDB must develop LWDB member orientation for board members, which will cover at a minimum:

- a) Overview of WIOA;
- b) Overview of the workforce development system and structure;
- c) The state's workforce development system goals and strategies;
- d) The purpose of the LWDB;
- e) LWDB composition, including required members and areas of representation;
- f) Roles and responsibilities of the CLEO, fiscal agent, LWDB, LWDB chairperson, and LWDB executive director and staff;
- g) Required partners and programs;
- h) How the workforce system is funded;
- i) Performance requirements;
- j) Sunshine law requirements; and

¹² The LWDB is subject to Chapters 119 and 286, F.S. The LWDB is responsible for responding to public records requests and subpoenas. The LWDB is responsible for ensuring that its staff and agents have a working knowledge of Chapter 119, F.S.

- k) Conflict of interest policy and disclosure of potential conflicts of interest.

2. Annual Training Requirements

LWDB members will complete an annual training to remind them of the purpose of their appointment as a member of the LWDB. The annual training will include at a minimum:

- a) The state's workforce development goals and strategies;
- b) The purpose of the LWDB;
- c) Roles and responsibilities of the CLEO, fiscal agent, LWDB, LWDB chairperson, and LWDB executive director and staff;
- d) How the workforce system is funded;
- e) Performance requirements;
- f) Sunshine law requirements; and
- g) Conflict of interest policy.

In addition to the minimum topics required for new member orientation and annual training, LWDBs may add additional topics that meet local needs for creating a knowledgeable, high-performing board. New member orientation and annual training may be offered in-person and/or virtually at the local area's discretion. The LWDB must retain and provide to FloridaCommerce upon request, attendance records of participants and the dates of completion. New board members completing the board member orientation are not required to complete the annual refresher training in the same year they become a new member.

J. State and Local Monitoring

At the local level, the LWDB must conduct oversight of the procurement process and resulting contracts and agreements to ensure all aspects of written agreements and contracts are compliant with federal and state laws and regulations. Additionally, the LWDB must also ensure that governing agreements are upheld. In instances where the LWDB is also the one-stop operator, the LWDB must follow the monitoring requirements outlined in Administrative Policy 097 – One-Stop Operator Procurement. The LWDB must also monitor compliance with this policy.

FloridaCommerce will perform programmatic and fiscal monitoring and will review the local area's agreements and contracts during the annual monitoring review for compliance with federal and state laws and regulations. Findings and other noncompliance issues will be handled through the state's monitoring resolution process.

V. DEFINITIONS

- a) **Chairperson** is a business representative among the LWDB members who is elected by the LWDB.
- b) **Chief Local Elected Official (CLEO)** (CEO in WIOA sec. 3(9)) means:
 - 1) A chief elected executive officer of a unit of general local government in a local area; and
 - 2) In a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in Section 107(c)(1)(B).
- c) **Executive Director** is an individual hired or designated by the LWDB to perform the operational and administrative functions of the local board. The term also includes the roles of chief executive officer and president of the LWDB.
- d) **Fiscal Agent** is the entity designated to perform accounting and funds management on behalf of the CLEO.
- e) **For cause** includes but is not limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, official incompetence or irresponsibility, misfeasance, malfeasance, nonfeasance, gross mismanagement, waste, or lack of performance.
- f) **Governance Agreements (i.e., Interlocal, Consortium, and other governing agreements)** are written agreements designed to ensure that decisions of CLEO(s) or a consortium, including how the local board is governed, roles and responsibilities of members, liabilities, etc., are accurately documented and reflect the agreement of the chief elected officials in all jurisdictions of a local area.
- g) **Local Workforce Development Area (LWDA)** is a geographical area that serves as the jurisdiction for the administration of workforce development activities and has been granted such designation by meeting criteria as prescribed in [Administrative Policy 94 – Local Workforce Development Area Designation](#).
- h) **Local Workforce Development Board (LWDB)** is a board established under WIOA sec. 107, to set policy for the local workforce development system.
- i) **Education and Industry Consortium** is a consortium established under section 445.007(15), F. S., which is composed of representatives of educational entities and businesses in the designated local area and meets the criteria established in CareerSource Strategic Policy 2023.09.19.A.2.

VI. REVISION HISTORY

Date	Description
03/04/2024	Issued by Florida Department of Commerce.
02/28/2024	Revised by Florida Department of Commerce and approved by the CareerSource Florida Board of Directors.
07/01/2021	Revised and issued by the Florida Department of Economic Opportunity to incorporate the requirements of the Reimagining Education and Career Help Act of 2021 (House Bill 1507).
03/04/2021	Issued by the Florida Department of Economic Opportunity.
02/18/2021	Approved by CareerSource Florida Board of Directors.

VII. RESOURCES

[WIOA Fact Sheet: Governance and Leadership](#)