



**POLICY NUMBER
91**

Title:	Local Workforce Development Board Composition, Certification and Decertification
Program:	Workforce Innovation and Opportunity Act
Adopted:	June 8, 2016
Effective:	June 8, 2016

I. PURPOSE AND SCOPE

The purpose of this issuance is to provide Local Workforce Development Boards (LWDBs) with the guidelines for membership composition under the Workforce Innovation and Opportunity Act (WIOA) and Chapter 445 of the Florida Statutes (Fla. Stat.), as well as the process for certification and decertification of LWDBs.

II. BACKGROUND

The Governor has the responsibility of certifying LWDBs once every two years, based on the criteria in federal and state law, and as described in this Administrative Policy.

This responsibility has been delegated to CareerSource Florida, Inc. (CSF). CSF, with the assistance of the Department of Economic Opportunity (DEO), will review each LWDB to ensure its compliance with representation and other requirements for certification.

This Administrative Policy replaces Guidance Paper FG-073, issued under the authority of the Workforce Investment Act.

III. AUTHORITY

WIOA Section 107. Requires each local workforce development area (LWDA) to establish a LWDB to perform specific policy, oversight, and administrative functions.

Fla. Stat. Section 445.004. Authorizes CSF to charter LWDBs that have a membership consistent with federal and state law and that have developed a plan consistent with the state's workforce development strategy.

Fla. Stat. Section 445.007(1). Establishes additional membership requirements that apply to LWDBs.

IV. POLICIES AND PROCEDURES

Outlined below are the policies and procedures for certifying LWDBs and ensuring that the composition of, and appointment to LWDBs are consistent with the provisions of state and federal requirements. Policies for decertification of LWDBs are also outlined.

A. ESTABLISHMENT OF LOCAL WORKFORCE DEVELOPMENT BOARDS

1. Formation of Local Workforce Development Boards

The Governor, in partnership with CSF—the State Workforce Investment Board—establishes criteria for use by the Chief Elected Official in the appointment of members to the LWDBs. [§ 107(b), WIOA, and § 445.007, Fla. Stat.] The Chief Elected Official shall be the appointing authority for the members of the LWDBs. [§ 107(c), WIOA, § 445.007(1), Fla. Stat.]

In a case in which a LWDA includes more than one unit of general local government, the Chief Elected Officials of such units may execute an agreement that specifies the respective roles of the individual Chief Elected Officials with regard to:

- The appointment of the LWDB members from the individuals nominated or recommended; and
- The carrying out of any other responsibilities assigned to such officials by federal or state law.

If, after a reasonable effort, the Chief Elected Officials are unable to reach such an agreement, the Governor may appoint the LWDB members from individuals nominated or recommended. [§ 107(c)(1)(B)(3), WIOA]

Chief Elected Officials shall develop a process for soliciting LWDB nominations and for selecting LWDB members, consistent with federal and state law and this Administrative Policy. Documentation supporting the nomination/selection process, including names of nominating organizations and names of all candidates and their qualifications, must be retained for not less than five years.

An individual may be appointed as a representative of more than one entity if the individual meets all criteria for such representation. An individual who represents more than one area must be appropriately nominated by the organizations or entities they will represent, must have optimum policy making authority and must be able to speak affirmatively on behalf of each entity represented.

Members of the board shall represent diverse geographic areas within the local area; and the importance of minority and gender representation shall be considered when making appointments to the board. [§ 107(b)(5), WIOA, § 445.007(1), Fla. Stat.]

2. Required Members

a. *Business*

A majority of the LWDB members must represent local businesses in the local area who

- Are owners of a business, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
- Represent businesses, including small businesses, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area (at least two representatives of small businesses must be included); and
- Are appointed from among individuals nominated by local business organizations and business trade associations.

[§ 107(b)(2)(A), WIOA]

b. *Labor/Apprenticeships*

No less than 20% of the members shall be representatives of the workforce within the local area, including:

- At least two representatives will represent labor organizations nominated by local labor federations. For a local area in which no employees are represented by such organizations, at least two representatives of employees will be included.
- At least one representative of a labor organization or a training director from a joint labor-management apprenticeship program. If no such joint program exists in the area, at least one representative of an apprenticeship program in the area, if such a program exists.
- May include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or provide/support competitive integrated employment for individuals with disabilities.
- May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives or organizations that serve out-of-school youth.

[§ 107(b)(2)(B), WIOA]

c. *Education*

Each local board shall include representatives of entities administering education and training activities in the local area, including:

- A representative of eligible providers administering adult education and literacy activities under Title II of WIOA.
- A representative of institutions of higher education providing workforce investment activities (including community colleges).

- A private education provider. CareerSource Florida may waive this requirement if requested by a LWDB if it is demonstrated that such representatives do not exist in the local area.
- May include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

When there is more than one institution in each of the types of educational entities listed above, nominations are solicited from representatives of each of these entities.

[§ 107(b)(2)(C), WIOA, § 445.007(1), Fla. Stat.]

d. *Economic/Community Development and Other Entities*

Each local board shall include representatives of governmental and economic and community development entities serving the local areas, including:

- A representative of economic and community development entities serving the local area. An economic agency is defined as including a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.
- A representative of Vocational Rehabilitation serving the local area.
- May include representatives of agencies or entities serving the local area relating to transportation, housing, and public assistance.
- May include representatives of philanthropic organizations serving the local area.
- May include other individuals or representatives of entities as the Chief Elected Official in the local areas determines to be appropriate.

[§ 107(b)(2)(D) & (E), § 3(17) WIOA]

3. LWDB Chair

The Chair of the LWDB must be from the business community and serve for a term of no more than two years and no more than two terms. [§ 107(b)(3)], WIOA, § 445.007(2)(a)]

B. REMOVAL OF A MEMBER OF THE BOARD FOR CAUSE

The Governor may remove a member of a LWDB, as well as its Executive Director or the designated person responsible for operational and administrative functions for the board for cause. Cause includes, but is not limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, or lack of performance. [§ 445.007(2)(b), Fla. Stat.]

C. CERTIFICATION OF LOCAL WORKFORCE DEVELOPMENT BOARDS

1. Certification

The Governor shall certify one local board for each local area in the State once every two years, based on the criteria described in section 107(b), WIOA. For a second or subsequent

certification, certification shall also be based on the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in section 106(e)(2), WIOA. [§ 107(c)(2)(A), (B), WIOA]

CSF shall initially certify each LWDB and shall recertify LWDBs every two years.

DEO, in consultation with CSF, will issue instructions to the LWDBs for certification. LWDBs will submit certification documents to DEO. Upon satisfactory review of a LWDB's certification documents, DEO will provide a recommendation regarding certification to CSF.

2. Failure to Achieve Certification

Failure of a LWDB to achieve certification shall result in appointment and certification of a new board for the local area pursuant to section 107(c)(1), WIOA. [§ 107(c)(2)(C), WIOA]

D. DECERTIFICATION

CareerSource Florida, under authority delegated by the Governor, may decertify a LWDB at any time after providing notice and an opportunity to comment for any of the following:

1. Fraud, Abuse, Failure to Carry Out Functions

The failure to carry out functions specified for the local board applies to functions described in section 107(d), WIOA.

2. Nonperformance

A local board that fails to meet the local performance accountability measures for such local area in accordance with section 116(c), WIOA, for two consecutive program years may be decertified.

If a local board is decertified, CSF may require that a new LWDB be appointed and certified for the local area pursuant to a reorganization plan developed by CSF in consultation with the Chief Elected Officials in the local area, and in accordance with a local agreement specified in section 107(b), WIOA.

[§ 107(c)(3), WIOA]

V. DEFINITIONS

Small business is defined by the [Small Business Administration](#).