



**POLICY  
NUMBER  
091**

## **Administrative Policy**

<b>Title:</b>	Local Workforce Development Board Composition and Certification		
<b>Program:</b>	Workforce Innovation and Opportunity Act		
<b>Effective:</b>	06/08/2016	<b>Revised:</b>	02/20/2020

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to provide Local Workforce Development Boards (LWDBs) with the requirements for LWDB membership composition under the Workforce Innovation and Opportunity Act (WIOA) and Chapter 445, Florida Statutes (F. S.), as well as the process for certification of LWDBs.

### **II. BACKGROUND**

Each local workforce development area in the state must establish a local workforce development board to carry out the functions specified for the local board under WIOA sec. 107(d) for such area. The CareerSource Florida Board of Directors shall be responsible for granting charters to local workforce development boards that have a membership consistent with the requirements of federal and state law and have developed a plan consistent with the state's workforce development plan.

### **III. AUTHORITY**

[Public Law 113-128, Workforce Innovation and Opportunity Act](#), Sections 106 and 107

[20 Code of Federal Regulations 679.320](#)

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

#### **IV. POLICIES AND PROCEDURES**

Outlined below are the policies and procedures for certifying LWDBs and ensuring the composition of and appointment of members to LWDBs are consistent with the provisions of federal and state requirements.

##### **A. LWDB Membership and Composition**

The Governor, in partnership with CareerSource Florida as the state workforce development board, must establish criteria for use by Chief Local Elected Officials (CLEOs) for appointment of members of the local boards in accordance with WIOA sec. 107(b)(2). The composition of the local board must meet the following criteria:

##### **1. Business**

A majority of the local board members must represent businesses in the local area as individuals who:

- a. Are owners of a business, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
- b. 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
- c. Are appointed from among individuals nominated by local business organizations and business trade associations.

##### **2. Labor/Apprenticeships**

No fewer than 20 percent of the members must be representatives of the workforce within the local area who:

- a. Include at least two representatives of labor organizations nominated by local labor federations. For a local area in which no employees are represented by such organizations, at least two other representatives of employees will be included.
- b. Include 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.
- c. 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.

- d. 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.

### **3. Education**

Each local board must include representatives of entities administering education and training activities in the local area who:

- a. Include a representative of eligible providers administering adult education and literacy activities under Title II of WIOA.
- b. Include a representative of institutions of higher education providing workforce investment activities (including community colleges).
- c. Include a private education provider. CareerSource Florida may waive this requirement if requested by a LWDB if it is demonstrated that such representative does not exist in the local area.
- d. 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.

### **4. Governmental/Economic/Community Development**

Each local board must include representatives of governmental, economic and community development entities serving the local area who:

- a. Represent economic and community development entities serving the local area.
- b. Represent Vocational Rehabilitation serving the local area.
- c. May represent agencies or entities serving the local area relating to transportation, housing, and public assistance.
- d. May represent philanthropic organizations serving the local area.

### **5. Other Entity Representation**

Each local board may include other individuals or representatives of entities determined by the Chief Elected Official in the local areas to be appropriate.

Unlike the state board, members of the local board may be appointed as representative of more than one entity if the individual meets all the criteria for

representation.

#### **B. LWDB Chairperson**

The members of the local board must elect a chairperson for the local board from among the members of the local board. The Chairperson 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.

#### **C. Standing Committees**

The local board may designate and direct the activities of standing committees to provide information and to assist the local board in carrying out its required activities, as further prescribed in WIOA sec. 107(b)(4).

#### **D. Authority of Board Members**

Members of the board who represent organizations, agencies, or other entities must be individuals with optimum policymaking authority within the organizations, agencies or entities.

#### **E. Board Member Nominations**

CLEOs must develop a process for soliciting LWDB nominations and for selecting LWDB members, consistent with federal and state law and this 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.

The members of the board shall represent diverse geographic areas within the local area; the importance of minority and gender representation must be considered when making appointments to the local board.

#### **F. Appointment of Board Members**

The CLEO in a local area is authorized to appoint the members of the local board who meet the criteria outlined in **Section A.** of this policy. When a local area includes more than one unit of local government, the CLEOs of such units may execute an agreement that specifies the respective roles of the individual CLEOs with regard to:

- a. The selection, appointment, removal or reappointment of the members of the local board from the individuals nominated or recommended to be such members; and
- b. In carrying out any other responsibilities assigned to such officials in accordance with WIOA.

If after a reasonable effort the CLEOs are unable to reach agreement, the Governor

may appoint the members of the local board from individuals so nominated or recommended.

### **G. Removal of a Board Member**

LWDB members who no longer hold the position or status that made them eligible appointees must resign or be removed by the Chief Local Elected Officials. Local workforce development board vacancies must be filled within a reasonable amount of time.

In accordance with [Chapter 445.007\(2\)\(b\), F.S.](#), the Governor may remove a member of an 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, documented violation of conflict of interest, failure to meet local workforce development board representation requirements, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, or lack of performance.

### **H. Certification of Local Workforce Development Boards**

#### **1. Certification**

Once every two years, one local workforce development board must be certified for each local area in the state, based on the criteria described in WIOA sec. 107(b). For a second or subsequent certification, certification must also be based on the extent to which the local area has ensured that workforce investment activities carried out in the local area have enabled a local area to meet the corresponding performance accountability measures and achieve fiscal integrity as defined in WIOA sec. 106(e)(2).

The CareerSource Florida Board of Directors shall recertify LWDBs every two years. DEO, in consultation with the CareerSource Florida Board of Directors, will issue instructions to the LWDBs for certification. LWDBs will submit certification documents to DEO. Upon satisfactory review of an LWDB's certification documents, DEO will provide a recommendation regarding certification to the CareerSource Florida Board of Directors. At the appropriate time intervals, instructions will be issued to LWDBs regarding the certification process, to include documentation requirements.

#### **2. Failure to Achieve Certification**

Failure of an LWDB to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to WIOA sec. 107(c)(1).

**I. Decertification of Local Workforce Development Boards**

The Governor may decertify an LWDB in accordance with WIOA Sec. 107(c)(3), as further prescribed in [Administrative Policy 104, Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards](#).

**V. DEFINITIONS**

1. **Small business** is defined by the [Small Business Administration](#).
2. **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.

**VI. REVISION HISTORY**

<b>Date</b>	<b>Description</b>
02/20/2020	Revised and approved by CareerSource Florida Board of Directors.
06/08/2016	Issued by the Florida Department of Economic Opportunity. This administrative policy supersedes and replaces FG-OSPS-073, Regional Workforce Board Composition, Certification and Decertification, issued 06/29/2013.