

**Nevada Department of Employment, Training and Rehabilitation
(DETR)**

**Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 1.0

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Membership of Local Workforce Development Boards (LWDB)

Issued: New July 2015 replacing Workforce Investment Act (WIA); Approved Governor's Workforce Development Board (GWDB) Executive Committee June 21, 2018; Ratified Governor's Workforce Development Board date July 17, 2018

Purpose: To transmit guidance to the Chief Elected Official(s) (CEO) of Local Workforce Development Areas (Local areas) regarding state policy on criteria for LWDBs

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in bold, *italic type*

Authorities/References: Workforce Innovation and Opportunity Act P.L. 113-128; 20 CFR §679.300-430

ACTION REQUIRED: Upon issuance bring this guidance to the attention of GWDB, LWDB members and any other concerned parties. Any LWDB policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background: WIOA Sec. 107(b)(1) requires the Governor, in partnership with the GWDB, to establish criteria for use by CEOs in the local area for appointment of members of the local board. Under WIOA, the LWDB, in partnership with the CEOs, are responsible for establishing policy and overseeing workforce programs for a workforce development area.

I. General:

- A.** The Governor, will establish criteria for use by CEOs in the appointment of members of the LWDBs in accordance with Section 107(b)(2) of WIOA.
- B.** The CEOs shall be the appointing authority for the members of the LWDBs. (WIOA Sec. 107(b) and 20 CFR §679.310(a))
- C.** Chief elected officials shall develop a process for soliciting LWDB nominations and for selecting LWDB members. (20 CFR §679.310(g) (1))

- D. Representatives from private business or other entities shall be individuals with optimum policy making or hiring authority within the employer community and within the entities they represent. (20 CFR §679.340))
- E. The Chair of the LWDB must be from the business community. (WIOA Sec. 107(b)(3) and 20 CFR §679.330)
- F. An individual may be appointed as a representative of more than one entity if the individual meets all criteria for representation. (20 CFR §679.320 (h))

II. Required Members of the LWDB: (WIOA Sec. 107 and 20 CFR §679.320)

Members of the LWDB must be selected by the CEOs consistent with criteria established under WIOA section 107(b)(1) and criteria established by the Governor. Such selection must also meet the established requirements of WIOA Sec. 107(b)(2) and 20 CFR §679.320 (a).

- A. **Business** A majority of the members of the LWDB must be representatives of business 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 LWDBs may also serve on the GWDB. Each business representative must meet the following criteria:
 - (1) Be an owner, chief executive officer, chief operating officer, or other individual with optimum policy-making or hiring authority; and
 - (2) Provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA Sec. 3(23).

- B. **Education** The LWDB must also include:
 - (1) At least one eligible provider administering adult education and literacy activities under WIOA title II;
 - (2) At least one representative from an institution of higher education providing workforce investment activities, including community colleges; and
 - (3) 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 Sec.107(b)(2)(C)(i) or (ii), nominations are solicited from those particular entities. ((WIOA Sec. 107(b) (6)).

- C. **Labor** Membership must include two or more representatives of labor organizations, where such organizations exist in the local area. Where Labor organizations do not exist, representatives must be selected from other employee representatives [20 CFR §679.320(c)(1)]. The LWDB must include one or more representatives of a joint labor-management, or union affiliated, registered apprenticeship program within the 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. (20 CFR §679.320 (c)(2))

D. Other Required Members The LWDB must also include at least one representative from each of the following governmental and economic and community development entities:

- (1) Economic and community development entities;
- (2) The State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and
- (3) The programs carried out under Title I of the Rehabilitation Act of 1973, other than section 112 or part C of that title.

E. Additional Members The membership of LWDB may include individuals or representatives of other appropriate entities in the local area, including:

- (1) 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;
- (2) Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
- (3) Philanthropic organizations serving the local area; and
- (4) Other appropriate individuals as determined by the chief elected official. (20 CFR §679.320 (e))

III. Local Board Operations

A. Quorum A quorum shall be defined as:

A simple majority (51%) of members, excluding vacancies.

B. Change in Status LWDB members who no longer hold the position or status that made them eligible members must resign or be removed by the CEOs immediately as a representative of that entity; i.e. no longer work in the private sector, or are no longer with an educational institution, etc.

C. Vacancies LWDB vacancies must be filled within a reasonable amount of time of the vacancy, **but no later than 120 days** from occurrence. The CEOs are authorized to make all reappointments of members. Reappointments must be made within a reasonable amount of time of the term expiration, **but no later than 120 days**. Any action taken by a LWDB later than the 120 days per this policy shall be void unless the LWDB has an approved waiver from the Governor's Office of Workforce Innovation (OWINN) prior to the LWDB meeting. Waivers are to be requested in writing to: Governor's Workforce Development Board c/o State Board Liaison 555 East Washington Avenue, Suite 4900 Las Vegas, Nevada 89101.

D. Removal LWDB members must be removed by the CEOs if any of the following occurs:

- (1) Documented violation of conflict of interest;
- (2) Failure to meet LWDB member representation requirements defined in the WIOA and this policy; or
- (3) Documented proof of fraud and/or abuse.

LWDB members may be removed for other factors outlined in the Local Board bylaws such as attendance.

E. Conflict of Interest and Transparency The respective LWDB must be a WIOA-compliant board per WIOA Sec.107 State and Board Policy and as defined by SCP 4.6. Members must ensure the integrity of their pursuits by taking steps to avoid conflict of interest or even the appearance of conflict of interest per Board and State policy. ANY conflict of interest by ANY board member must be declared and then abstained from voting on that agenda item. Reference SCP 4.6 Conflict of Interest.

The LWDB must conduct its business in an open manner as required by WIOA Sec. 107(e), Nevada Revised Statutes (NRS) Chapter 241 and most recent Nevada Open Meeting Law Manual by making available to the public, on a regular basis through electronic means and open meetings, information about the activities of the LWDB. This includes 20 CFR §679.390:

- (1) Information about the Local Plan, or modification to the Local Plan, before submission of the plan;
- (2) List and affiliation of LWDB members;
- (3) Selection and certification of one-stop operators;
- (4) Award of grants or contracts to eligible providers of workforce investment activities including providers of youth workforce investment activities;
- (5) Minutes of formal meetings of the LWDB; and
- (6) LWDB by-laws, consistent with 20 CFR §679.310(g).

F. Standing Committees Standing committees may be established by the LWDB to provide information and assist the LWDB in carrying out its responsibilities under WIOA Sec. 107. Standing committees must be chaired by a member of the LWDB, may include other members of the LWDB, and may include other individuals appointed by the LWDB—who are not members of the LWDB and who have demonstrated experience and expertise in accordance with 20 CFR §679.340(b) and as determined by the LWDB. Standing committees may include each of the following 20 CFR §679.360:

- (1) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include representatives of the one-stop partners;
- (2) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which must include community-based organizations with a demonstrated record of success in serving eligible youth; and
- (3) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with WIOA Sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 ([42 U.S.C. 12101 et seq.](#)) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

The LWDB may designate other standing committees in addition to those specified above.

LWDB may designate an entity in existence as of the date of the enactment of WIOA, such as an effective youth council, to serve as a standing committee as long as the entity meets the requirements of WIOA Sec.107(b)(4).