



To: Workforce Development Board Chairs
Workforce Development Board Directors
Regional Chief Elected Officials

From: Regina Ashley, Associate Chief Operations Officer for Policy 
Indiana Department of Workforce Development

Date: April 17, 2015

Subject: **WIOA T1- (107) P1**
Local Workforce Development Board Certification

Purpose

To provide policy for local Workforce Development Board Certification consistent with the Workforce Innovation and Opportunity Act (WIOA). Workforce Investment Boards under WIA are termed Workforce Development Boards under WIOA.

Rescission

DWD Policy 2010-Change 2, Establishment and Certification of Indiana's Workforce Investment Boards and Regional Workforce Boards dated June 22, 2011.

Reference

Workforce Investment and Innovation Act (WIOA) Section 107(a)-(c)

Content

WIOA requires the Governor to certify a local board for each area of the state once every two years. The initial certification is solely membership based. The second or subsequent certification is to be based not only on membership, but also on the extent to which the local

board has ensured that workforce investment activities have enabled the area to meet the performance accountability measures and achieve sustained fiscal integrity [WIOA 107(c)(2)(B)]. Although certification is every two years, boards will be monitored annually to review sustained compliance with the policy.

Several local boards had sent requests to the Governor asking for designation for their areas under WIOA Sec. 106 (b)(2). This policy serves as formal communication to the field that the Governor has approved all workforce areas to remain the same for PY 15 and PY 16. Thus, all current boards may adjust their membership according to this policy and apply for certification.

Appointing Authority

The Regional Chief Elected Official (RCEO) in a local area is authorized to appoint the members of the local board (refer to WIOA T1-(107) P2).

Generally

- The RCEO shall appoint members that represent optimum policy-making authority within their organization, business, agency, or entity.
- The RCEO shall appoint members that represent diverse geographic areas within the local area.

Business Members

- More than 50% of the board members must represent business, whether profit or non-profit. Educational institutions are not considered businesses; they belong in the education and training entity category of membership.
- As stated in proposed rule §679.320, at least two business members must represent small business as defined by the U.S. Small Business Administration (SBA). Because the SBA definition varies based on NAICs code and revenue, DWD has determined to simplify the definition to mean any firm with fewer than 500 employees.
- Business members are to be appointed from among individuals nominated by local business organizations and business trade associations.
 - If no nominations are received that meet the membership requirements and needs of the board, the board may solicit members directly from among employers within their labor market (including out-of-state, when the labor market crosses state lines).
 - Current business members of the board who meet WIOA requirements and whose terms have not expired do **not** need to be re-nominated or reappointed.

- Business representatives must be owners of businesses, chief executives or operating officers of businesses, or other business executives with optimal policy-making or hiring authority or represent businesses that :
 - Provide employment opportunities for residents of the area. To that end, all business representative must employ at least five full-time employees, with one exception: because approximately 5 percent of the employment opportunities throughout the State are located at businesses with fewer than five full-time employees, **one** (1) business representative on each WDB **may** come from a business that employs at least one full-time employee other than the owner of the business. This individual may count as one of the two small businesses.
 - Provide employment opportunities that include high-quality, work-relevant training and development in in-demand sectors or occupations in the local area. Local boards must develop a process for determining whether a business meets this minimum requirement in the Act.
 - Are one of the region's targeted industries or have employment positions that are on the region's targeted occupations list.

Workforce Representatives

- Not less than 20% of the members of each local board must be workforce representatives that include:
 - **At least two** labor representatives.
 - If there are employees in the local area represented by labor organizations, then the labor reps must come from individuals nominated by local labor federations.
 - If no nominations are received within 60 days, the board may solicit members directly from among labor members within their labor market area (including out-of-state, when the labor market crosses state lines).
 - If there are no employees represented by labor organizations, the board may solicit other representatives of employees.
 - Current labor representative members of the board who meet WIOA requirements and whose terms have not expired do **not** need to be re-nominated or re-appointed.
 - **At least one** representative who is a member of a labor organization or training director from a joint labor-management apprenticeship program.

- If no such joint labor-management training program exists in the area or if no nomination is received within 60 days, then the board may solicit a representative from an apprenticeship program in the area.
- The 20% minimum may be met solely through representatives of labor and apprenticeship. In addition, however, the board **MAY** also include the following in this category:
 - Representatives of community-based organizations (CBOs) with demonstrated expertise in addressing the employment needs of individuals with barriers to employment.
 - Representatives of organizations with expertise in serving eligible youth.
- Optional CBO and youth serving organization representatives who are currently board members and whose terms have not expired do **not** need to be re-nominated or re-appointed if the board elects to retain them as members after July 1, 2015.

Education and Training Representatives

- The board must have **at least two** education and training representatives, including:
 - **At least one** representative of eligible providers administering adult education and literacy under WIOA Title II. If there are multiple providers in the area, nominations must be sought from among those providers. [107 (b)(6)]. If no nominations are received within 60 days, the board may solicit members directly from among adult education providers within their workforce area.
 - **At least one** representative of postsecondary institutions that provide workforce investment activities. If there are multiple such institutions in the area, nominations must be sought from among those institutions [107 (b)(6)]. Ideally, a president or chancellor would be the representative. The representative must be an individual with maximum policy-making authority for the entity represented. If no nominations are received within 60 days, the board may solicit members directly from among postsecondary education providers within their workforce area.
- Current education representative members of the board whose terms have not expired do **not** need to be re-nominated or re-appointed.
- Optional: The board **MAY** also include representatives of local educational agencies and community-based organizations with demonstrated expertise in addressing the education and training needs of individuals with barriers to employment as education

- If no such joint labor-management training program exists in the area or if no nomination is received within 60 days, then the board may solicit a representative from an apprenticeship program in the area.
- The 20% minimum may be met solely through representatives of labor and apprenticeship. In addition, however, the board **MAY** also include the following in this category:
 - Representatives of community-based organizations (CBOs) with demonstrated expertise in addressing the employment needs of individuals with barriers to employment.
 - Representatives of organizations with expertise in serving eligible youth.
- Optional CBO and youth serving organization representatives who are currently board members and whose terms have not expired do **not** need to be re-nominated or re-appointed if the board elects to retain them as members after July 1, 2015.

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 - **At least one** representative of postsecondary institutions that provide workforce investment activities. If there are multiple such institutions in the area, nominations must be sought from among those institutions [107 (b)(6)]. Ideally, a president or chancellor would be the representative. The representative must be an individual with maximum policy-making authority for the entity represented. If no nominations are received within 60 days, the board may solicit members directly from among postsecondary education providers within their workforce area.
- Current education representative members of the board whose terms have not expired do **not** need to be re-nominated or re-appointed.
- Optional: The board **MAY** also include representatives of local educational agencies and community-based organizations with demonstrated expertise in addressing the education and training needs of individuals with barriers to employment as education

and training representatives, in addition to the required adult education and postsecondary members. Current members of the board who fall into this optional category may continue to serve without being reappointed if their terms have not expired and if the board elects to retain the positions after July 1.

Governmental and Economic and Community Development Entities

- **At least three** members of the board must represent governmental and economic and community development entities, including:
 - **At least one** representative of economic and community development entities.
 - **At least one** representative from the State employment service. There is no statutory nomination requirement for this representative. However, by Indiana policy, nominations for the representative of Wagner-Peyser must be solicited from the Deputy Director of Field Operations at DWD. If no nominations are received within 60 days of request, local boards may fill this position through local, individual solicitation.
 - **At least one** representative from vocational rehabilitation (representing Title I of the Rehabilitation Act of 1973 other than section 112 or part C of that title). There is no statutory nomination requirement for this representative. However, by Indiana policy, nominations for the representative of vocational rehabilitation must be solicited from the Director of the Bureau of Vocational Rehabilitation Services at the Family and Social Services Administration. If no nominations are received within 60 days of request, local boards may fill this position through local, individual solicitation.

Optional: The board **MAY** include representatives of agencies or entities administering programs related to transportation, housing, and public assistance; and **MAY** include representatives of philanthropic organizations.

Other

- The chief elected official may appoint other individuals as he/she determines to be appropriate, such as representatives of emerging employment opportunities (e.g., entrepreneurs), elected officials, and so forth.

Dual Representation

- There is nothing in the Act that prohibits a member from representing more than one category of membership, providing all other conditions for each category are met.

Chairmanship

- The members of the local board shall elect a chairperson from among the business representatives.

Standing Committees

- No standing committees are required. However, If the board **DOES** designate any standing committees as described in 107(b)(3)(A):
 - The committee chair must be a member of the board.
 - Other board members **MAY** be included.
 - Non-board members **SHALL** be included who the board determines have appropriate experience and expertise.
- **IF** the board elects to designate a standing committee related to youth issues, then the committee **shall** include members representing community-based organizations with a demonstrated record of success in serving eligible youth.
- Paragraph 107(b)(4)(B) of the Act indicates the board may designate other standing committees. Since only paragraph (A) mentions the inclusion of non-board members, any “additional” standing committees identified pursuant to paragraph (B) do not have to include non-board members.

Effective Date

July 1, 2015

End Date

Upon rescission.

Contact for Questions

policy@dwd.in.gov

Action

Submit the attached application for certification electronically no later than June 12 to:

policy@dwd.in.gov

Within two weeks of submission, certification will either be confirmed or the board will receive directions for steps that must be taken to achieve certification.

Attachment:

Attachment A: Application for Certification

WIOA T1-(107) P1
Local Workforce Development Board Certification
April 17, 2015
Attachment A-1

Attachment A

Application for Board Certification

The Workforce Innovation and Opportunity Act requires the Governor to certify local boards once every two years. Although certification is every two years, boards will be monitored no less than annually to review sustained compliance with the policy.

Note: Current members whose terms have not expired and who meet the membership requirements of WIOA do not need to be re-nominated or reappointed.

Directions for Application

Submit the following documents as email attachments no later than June 12 to:
policy@dwd.in.gov :

1. A letter requesting certification signed by the Chief Elected Official (you may scan it and create a pdf. The original is not necessary). The letter must include:
 - a. Assurance that the workforce board has adopted bylaws for its governance which are on file at the board director's office. The bylaws address all requirements of section 679.310 of the interim regulations.
 - b. Assurance that each member of the WDB will comply with the financial interest and conflict of interest requirements outlined in DWD Policy 2010-03, issued September 22, 2010 and WIOA 107(h).
 - c. Assurance that vacancies will be reported to the Oversight Division within 90 day; that vacant positions will be filled within 90 days; and that an updated template will be provided to the Oversight Division.
2. The template below, completed with board membership that will be effective by July 1, 2015 (you may complete and send the template as an excel file).

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Local Workforce Development Board Certification

April 17, 2015

Attachment B-4

Seat 3					
(add additional rows as necessary)					
Government and Economic Development (3 seats at minimum; minimum eco develop, Wagner-Peyser & Vocational Rehabilitation ; optional transportation , housing , rehabilitation)					
Seat 1					
Seat 2					
Seat 3					
(add additional rows as necessary)					
Other Members (as determined necessary by Chief Elected Official)					
Seat 1					
(add additional rows as necessary)					

Number	Percent
	100%

Total Board Members

Total Business Members

Total Workforce Representative Members