



State of Oregon  
Workforce Programs

# Workforce Innovation and Opportunity Act (WIOA) Title I Policy

Subject: **Local Board Membership Criteria**

Number/Reference: **WIOA 107(b)**

Effective Date: **6/8/2016**

Revision # **2**

## Overview

The Workforce Innovation and Opportunity Act (WIOA) requires the Governor, in partnership with the State Board, to establish criteria for appointment of local board members to be used by chief local elected officials (CLEO). This policy contains the minimum criteria for local board membership, appointments, and standing committees.

## Policy Statement

### Local Workforce Development Board Membership

Membership of local workforce development boards must be in accordance with the WIOA and Attachment A. In addition:

- Local board members must be free of conflicts of interest to the fullest extent possible.
- All representatives appointed to local workforce development boards must have optimum policy-making authority as defined in Attachment A.
- Each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.
- Chairpersons must be a Representative of Business, as defined in Attachment A.
  - Chairpersons shall be elected by the voting members of the local board.
- Priority consideration for the representative of an institution of higher education [WIOA Sec. 107(b)(2)(C)(ii)] shall be given to a representative from a community college within the area served by the board.
- It is strongly encouraged that each local board includes a voting position for an agency official of the Dept. of Human Services' (DHS) Self Sufficiency Programs.
  - Where a local area has multiple DHS officials within a local workforce area a policy for selecting and rotating membership must be determined and documented
- Business membership must comprise representatives of the local areas targeted sectors and industries and representatives from non-target industries, where available.

## Nominations

- Representatives from businesses must be appointed from among individuals nominated by local business organizations and business trade associations.
- Representatives from labor organizations must be appointed from among individuals who have been nominated from local labor federations.
- Where a local area has:
  - a) multiple entities providing adult education and literacy activities under Title II of WIOA, and/or
  - b) multiple institutions of higher education (including community colleges) providing workforce investment activities,the CLEO must solicit nominations from those entities in appointing the required representative.
  - The CLEO must establish a formal policy to facilitate all nominations.
  - A policy for selecting and rotating membership must be determined and documented.

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### Standing Committees

- The State of Oregon encourages the use of standing committees to expand opportunities for stakeholders to participate in board decision-making, particularly for representatives of organizations that may no longer sit on the Local Board but continue to have a stake in the success of board decisions. Such committees also expand the capacity of the board in meeting required functions.
- Local Boards may establish standing committees that include individuals who are not formal members of the board, but who have expertise to advise on issues that support the board's ability to attain the goals of the State, local and regional plans, and the objective of providing customer focused services to individuals and businesses. Standing committees must be chaired by a member of the Local Board.

### Vacancies, Changes in Status, and Related

The Office of Community Colleges and Workforce Development believes that for a local board to fulfill its role and obligations, membership levels as prescribed in WIOA and this policy must be maintained at all times. The following criteria, definitions, and clarifications must be adhered to in all local board policies, bylaws, etc.

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

Proxy – If a member of a local board is unable to attend a meeting and wishes to send a proxy, that proxy must be from the same category of representation/membership as the member. [Note: Unless local board policy/by-laws prohibit the use of proxies.]

Mid-Term Appointment – Board members replacing out-going members mid-term will serve the remainder of the out-going member term.

Quorum – A quorum shall be defined as:

- A simple majority (51%) of members, excluding vacancies AND
- Of those members in attendance, no fewer than 25% are business representatives.

Removal – Board members must be removed by the CEOs if any of the following occurs:

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

Board members may be removed for other factors outlined in the board bylaws such as attendance. **Local workforce development boards are strongly encouraged to establish and enforce attendance guidelines for its members.** The bylaws must define the specific criteria that will be used to establish just cause for such removal and the process that will be required to document proof, and the steps regarding filing an appeal and arbitration.

Vacancies – Board member vacancies must be filled within a reasonable amount of time of the vacancy as determined by the local area, but no later than 90 days from occurrence. The CEOs in a local area 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 90 days**. Any action taken by a local board, with a vacancy or term expiration beyond the time period identified in the LWDB by-laws or later than the 90 days per this policy shall be void unless the LWDB has an approved waiver from the Office of Community Colleges and Workforce Development prior to the local board meeting. Waivers must include an explanation of why a vacancy was not filled in the defined timeframe and a description of the process underway to fill the vacancy.

Waivers are to be requested in writing to:

**Workforce Programs Director**

**3225 25<sup>th</sup> St SE**

**Salem, OR 97302**

(updated 6/15/2020)

### **Action(s)**

Local boards should develop additional policies and procedures, as appropriate, to comply with the above requirements and related issues (examples may include: additional membership criteria, nominations, voting rules, term limits, roles and limitations of *ex officio* members, standing committees, etc.). All local policies and procedures must comply with state and federal guidelines, and may add additional criteria, requirements, limitations, etc.

### **Attachments/Additional Resources**

- Attachment A – Local Board Membership Requirements (referenced above)
- Attachment B – Local Board Membership Calculator – this tool can be used compare board membership configurations and indicate minimum required representation, by membership category. It also demonstrates the effect that a change in membership will have on other categories. *Note:* For purposes of this calculator, “representatives of education and training” as described in Attachment A are divided into two groups (C & D), to more closely reflect the categories as described in WIOA.
- Attachment C – Local Board Membership Roster
- Attachment D – References