



## Workforce and Talent Development Board Policy

Subject: Local Workforce Development Board Membership Criteria

Publish Date: 11/1/2021

New Policy  Revised Policy

### Overview

The Workforce Innovation and Opportunity Act (WIOA) requires the Governor, in partnership with the Workforce and Talent Development Board, to establish criteria for appointment of Local Workforce Development Board (LWDB) members to be used by Chief Local Elected Officials (CLEOs). This policy contains the minimum criteria for LWDB membership, appointments and standing committees.

### Policy Statement

#### LWDB Membership

Membership of LWDBs must be in accordance with the WIOA and Attachment A. In addition:

- LWDB members must be free of conflicts of interest to the fullest extent possible.
- All representatives appointed to LWDBs must have optimum policy-making authority as defined in Attachment A.
- Each LWDB may include such other individuals or representatives or entities as the CLEO 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 LWDB.
- Priority consideration for the representative of an institution of higher education shall be given to a representative from a community college within the area served by the board.
- It is strongly encouraged that each LWDB includes a voting position for an agency official of the Oregon Department of Human Services' (DHS) Self Sufficiency Programs.
  - Where a local area has multiple DHS officials, 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.

The Local Board Membership Calculator (Attachment B) can be used to 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 to more closely reflect the categories as described in WIOA.

## **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 multiple entities providing adult education and literacy activities under Title II of WIOA and/or multiple institutions of higher education (including community colleges) providing workforce development 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.

## **Standing Committees**

- The State encourages the use of standing committees to expand opportunities for stakeholders to participate in LWDB decision-making, particularly for representatives of organizations that may no longer sit on the LWDB but continue to have a stake in the success of board decisions. Such committees also expand the capacity of the LWDB in meeting required functions.
- LWDBs 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 LWDB'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 LWDB.

## **Vacancies, Changes in Status and Related**

The Workforce and Talent Development Board 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 LWDB policies, bylaws and related documents.

- Change in Status: Board members who no longer hold the position or status that made them eligible LWDB members must resign or be removed by the CLEOs immediately as a representative of that entity, e.g., no longer work in the private sector or are no longer employed with an educational institution.
- Proxy: If a member of a LWDB 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 LWDB policy or bylaws prohibit the use of proxies.
- Mid-Term Appointment: LWDB 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 percent) of members, excluding vacancies; And
  - Of those members in attendance, no fewer than 25 percent are business representatives.

- **Removal:** LWDB members must be removed by the CLEO 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.
  - Documented proof of fraud and/or abuse.

Board members may be removed for other factors outlined in the board bylaws such as attendance. LWDBs are strongly encouraged to establish and enforce attendance guidelines for its members.

- **Vacancies:** LWDB 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 the occurrence. The CLEOs 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 LWDB with a vacancy or term expiration beyond the time period identified in the LWDB by-laws or later than the 90 days set by this policy, shall be void unless the LWDB has an approved waiver from HECC OWI prior to the LWDB 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.

Waiver requests are to be submitted in writing to:

Director  
Office of Workforce Investments  
3225 25<sup>th</sup> Street SE  
Salem, OR 97302

## **Effective Date**

11/1/2021

## **Required Action**

LWDBs must develop additional policies and procedures, as appropriate, to comply with the above requirements and related issues (e.g., additional membership criteria, nominations, voting rules, term limits, roles and limitations of ex officio members and standing committees). All local policies and procedures must comply with State and Federal guidelines and may add additional criteria, requirements or limitations.

## **Contact**

Questions are to be referred to [hecc.owi-workforce-policy@hecc.oregon.gov](mailto:hecc.owi-workforce-policy@hecc.oregon.gov).

## **Attachments**

- Attachment A: Local Board Membership Requirements
- Attachment B: Local Board Membership Calculator
- Attachment C: Local Workforce Development Board Membership Roster
- Attachment D: References