

Preliminary Policy on the Request for Local Board Certification

Reference:

Workforce Innovation and Opportunity Act, Sec. 107; Training and Employment Guidance Letter (TEGL) 19-14; Preliminary Policy on Criteria for Local Workforce Development Boards.

Background:

Sec. 107(a) of the Workforce Innovation and Opportunity Act (WIOA) states: “There shall be established in each local area of a State, and certified by the Governor of the State, a local workforce development board, to set policy for the portion of the statewide workforce investment system within the local area...”

Action:

Initial certification of the local Workforce Development Board will be completed by June 30, 2015, with the certification request submitted to the State no later than **May 29, 2015**.

Policy:

Certification of the Local Board

The Governor shall, once every two years, certify one local board for each local area in the state.¹ Such certification shall be based on the composition criteria established under Sec. 107(b) and, for a second or subsequent certification, the extent to which the local board has ensured that workforce development activities carried out in the local area have enabled the local area to meet the local performance measures and achieve sustained fiscal integrity.² [Sustained fiscal integrity means that the Secretary has not made a formal determination, during either of the last two (2) consecutive years preceding the determination of such integrity, that either the grant recipient or the administrative entity of the area misexpended funds under WIOA or, if applicable, WIA, due to willful disregard of requirements, gross negligence, or failure to comply with accepted standards of administration.]³ For information on local board member qualifications, see NDOL’s [“Preliminary Policy on Criteria for Local Workforce Development Boards.”](#)

Failure of a local board to achieve certification shall result in appointment and certification of another local board for the local area pursuant to the process described in Sec. 107(c)(1) and Sec. 107(c)(2).⁴

¹ WIOA Section 107(c)(2)(A)

² WIOA Section 107(c)(2)(B)

³ WIOA Section 106(e)(2)

⁴ WIOA Section 107(c)(2)(C)

Initial certification of the local Workforce Development Board will be completed by June 30, 2015, with the certification request submitted to the State no later than **May 29, 2015**.

NDOL highly recommends that local areas consult with the appropriate state leadership of the WIOA core programs when considering appointments of any potential board member representing WIOA core programs.

Request Submission

Local Workforce Development Boards are required to complete the attached **Local Workforce Development Board Certification Request** and **Local Workforce Development Board Members List** [Attachment B] and submit them to NDOL by **5:00 p.m. on May 29, 2015**. Requests submitted after this deadline will not be accepted.

Submit such requests electronically to:

Joan Modrell at joan.modrell@nebraska.gov

Disclaimer:

This policy is based on NDOL's reading of the statute along with the Notice of Proposed Rulemaking released by USDOL. This policy may be subject to change as additional federal regulations and TEGs are released. This policy is not intended to be permanent and should be viewed as a placeholder until final federal regulations are released in early 2016.

Attachment A

Instructions for Filling out the Local Workforce Development Board Certification Request and Local Workforce Development Board Members List [Attachment B]

General

In accordance with WIOA Sec. 107(b)(5) and the NDOL [Preliminary Policy on Criteria for Local Workforce Development Boards](#), members appointed to the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. An individual with “optimum policy-making authority” means an individual who can reasonably be expected to speak affirmatively on behalf of the entity he/she represents and to commit that entity to a chosen course of action.⁵

All representatives of business must represent businesses, including small businesses, with employment opportunities that reflect the employment opportunities of the local area. At a minimum, the H3 (high-wage, high skill, high demand) criteria and occupations must be used to define a local area’s high quality, in-demand industry sectors and occupations.⁶

Additionally, representatives of the workforce and representatives of education and training may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment. An individual with “demonstrated experience and expertise” means an individual who:

- Is a workplace learning advisor;
- Contributes to the field of workforce development, human resources, training and development, or a core program function; or
- The local board recognizes for valuable contributions in education or workforce development related fields.⁷

Documentation that board members meet these criteria (e.g., resumes, certifications, etc.) must be submitted along with this request for local board certification.

⁵ 20 CFR § 679.340(a)

⁶ Preliminary Policy on Criteria for Local Workforce Development Boards

⁷ 20 CFR § 679.120(b)

Instructions

1. In accordance with WIOA Sec. 107(b)(3), the local board shall elect a chairperson from among the **representatives of business** on the local board. Enter the chairperson's information in the first line.
2. Indicate whether the action associated with the appointee is an appointment, a reappointment, or if the appointment is to a vacant position. Use the following abbreviations:

A: Appointment

R: Reappointment

V: Appointment to Vacant Position

3. Identify the appointee by name and title, and list the appointee's company name, address, and phone number
4. Identify the membership category ("Sector") the appointee represents. Use the following abbreviations:

Bus: Representatives of business in accordance with WIOA Sec. 107(b)(2)(A)

Lab: Representatives of the workforce within the local area in accordance with WIOA Sec. 107(b)(2)(B)

Educ: Representatives of adult education and literacy/higher education in accordance with WIOA Sec. 107(b)(2)(C)

Econ: Representatives of governmental and economic community development entities in accordance with WIOA Sec. 107(b)(2)(D)

5. Verify that the appointee is an individual with optimum policymaking authority (or policymaking or hiring authority in the case of a business representative) by entering "Yes" in the appropriate cell. **Documentation that supports this verification must be attached.**
6. Verify that any appointee representing business is an individual that represents H-3 criteria and occupations by entering "Yes" in the appropriate cell. For all other categories of representatives, enter "N/A." **Documentation that supports this verification must be attached.**
7. Verify that any appointee representing the workforce and representatives or education and training who is a representative of a community-based organization that has demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment. If there is no such representative, enter "N/A." **Documentation that supports this verification must be attached.**
8. Identify the nominating organization by name. **Documentation of the nominating organization must be attached.**

ATTACHMENT B

Local Workforce Development Board Certification Request

Local Board Name:	
Contact Person:	
Telephone:	
Date:	

Local Workforce Development Board Membership Certification

The Workforce Innovation and Opportunity Act (WIOA) Sec. 107(a)-(c) provides for the requirements for nominating and selecting members in each membership category. WIOA Sec. 107(b)(2)(A) requires that business members constitute the majority of the Workforce Development Board (local board). Per WIOA Sec. 107(b)(3), the chairperson of the local board shall be a business representative.

I certify that the below listed members of the [Named local area board] were appointed in a manner required by WIOA Sec. 107(b)(2), and that the local board chairperson was elected from among the representatives of business on the local board in accordance with WIOA Sec. 107(b)(3).

Local Workforce Development Board Chair Signature Date

Action:

- A: Appointment
- R: Reappointment
- V: Appointment to Vacant Position

*Requires Supporting Documentation

Sector:

- Bus: Representative of Business
- Lab: Representative of Workforce
- Edu: Representative of Adult Education
- Econ: Representatives of Government or Economic Dev.