

NEW JERSEY STATE EMPLOYMENT AND TRAINING COMMISSION

POLICY RESOLUTION: SETC #2010-01

SUBJECT: Revised Local Workforce Investment Board Member Appointments and Process

Purpose:

This policy revises the existing membership requirements for local Workforce Investment Boards (WIBs), as well as the process for appointing members to the local WIB.

Background:

The Local Chief Elected Official (CEO) of the designated local Workforce Investment Board Area (LWIA) is responsible for the process for appointing and reappointing members to the local Workforce Investment Board.

The State Employment and Training Commission (SETC) Governance Committee reviewed the existing policy and is proposing changes to the existing policy. The purpose of the revisions is to create a process that is flexible and supports increasing the number of appointments of business and industry leaders to the local Workforce Investment Boards and to insure that appointments to the business and organized labor categories reflect the local and regional composition. In addition, the changes center on establishing open and transparent nominating and appointment processes in compliance with the Workforce Investment Act requirements. The "Policy on WIB Member Appointments and Process" is attached and details the new policy requirements.

Upon formal resolution of the State Employment and Training Commission (SETC), a notice will be posted on the SETC website that includes the "Policy on WIB Member Appointments and Process" and will invite written public comment. In addition, a widespread distribution of the Policy Document will be distributed to the Local Chief Elected Officials, local Workforce Investment Board Chairs, and Executive Directors. Subsequently, the resolution, and written comments will be submitted to the U.S. Department of Labor with a request to amend New Jersey's State Unified Plan.

Resolution:

It is hereby resolved that the State Employment and Training Commission formally adopts the revised "Policy on Workforce Investment Board Member Appointments and Process" and will amend the State Unified Plan and WIB member handbook accordingly.

Attachment: Policy on WIB Member appointments and Process

Approved: September 2, 2010

Revised: September 17, 2013

New Jersey State Employment and Training Commission

Policy on Local Workforce Investment Board Member Appointments and Process

Board Member Requirements

The Chief Elected Official (CEO) is responsible for the process of appointing members to the local Workforce Investment Boards (WIB). The following are the categories and required representatives of Board membership.

Business Representatives	Local WIB membership must have a majority (minimum 51%) of business representatives who reflect the composition of the local and regional pool of employers. Section 117 (b)(2)(A)(i)
	The Chair of the Board must be a private sector representative elected by the Board.
	Business members shall be business owners, chief executives, or chief operating officers of nongovernmental employers, or other private sector executives who have optimum policy-making or hiring authority. "Optimum policy-making authority" is described as an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action. [20 C.F.R. §661.203(a)]
	Business members should represent the local area's key industry sectors as defined in the WIB local plan; these local sectors should align in whole or in part with the state's key industry sectors. Additional business members should be appointed if needed to represent significant employers in the region. Membership should include women, minorities and individuals who have disabilities.
	Representatives from private not-for-profit entities that operate as businesses and are employers may be considered business sector members on the local WIB. The not-for-profit entities should align with the key industry sectors for the local area, as identified in the WIB local plan. Membership should include representatives from small businesses.
	Representatives from proprietary schools cannot be considered a business sector member.
<i>Process for securing nominations for business representatives</i>	<ul style="list-style-type: none"> ▪ Business representatives on the Board are selected from individuals nominated by local business organizations and trade organizations, Section 117(b)(A). ▪ Nominations must be aligned to the business representation described above. ▪ Nominations are submitted to the Chief Elected Official. Copies of the nominations must be provided to both the local WIB Chair and Executive Director.

Economic Development	Local WIB membership must have, <u>at a minimum</u> , two (2) representatives from economic development authorities, agencies or organizations.
	Representatives must be board members or employees of an economic development organization and must be individuals with optimum policy making authority within their own organization.
Organized Labor Representatives	Local WIB membership must have, <u>at a minimum</u> , two (2) representatives from organized labor, Section 117(b)(2)(A)(iii).
	Representatives of labor organizations should reflect the various types of industries that have substantial employment in the local or regional area. Additional appointees should be named if needed to adequately reflect labor representation in the local/regional industry composition.
	Representatives of labor organizations must be individuals with optimum policy making authority within their own organization.
	Labor representatives must be affiliated with organized labor by being a union member, labor union staff, or other individual participating in labor union activities. A labor federation is defined as an alliance of two or more organized labor unions for the purpose of mutual support and action. [20 C.F.R. §660.300]
	Representatives of labor organizations should be active in apprenticeship programs such as the Apprenticeship Advisory Committee or serve in an advisory capacity for a college or school board.
<i>Process for securing nominations for labor representatives</i>	Recognized state and local labor federations submit nominations to the Chief Elected Officials. Nominations must be aligned to the labor representation described above. Copies of the nominations must be provided to both the local WIB Chair and local WIB Executive Director.
Community-Based Organizations (CBO)	Local WIB membership must have, <u>at a minimum</u> , two (2) representatives from community and/or faith-based organizations.
	The term CBO, includes faith-based entities, and refers to a private nonprofit organization that is reflective of the needs of a significant segment of the community. Organizations that represent faith-based organizations, as well as veterans and individuals who have disabilities must be represented. Additional representatives of CBOs should be appointed if needed to reflect significant population segments. Representatives of local Community Action Agencies, designated by the NJ Department of Community Affairs, may be considered CBO members on the local WIB.
	Representatives of CBOs must be individuals with optimum policy making authority within their own organization.
	Members appointed to the local WIB must be actively engaged with a CBO as a board member, employee, or active member.
<i>Process for securing nominations for CBO representatives</i>	Community leaders submit nominations to the CEO, Section 117(b)(A)(iv). Copies of the nominations must be provided to both the local WIB Chair and Executive Director.

Education Representatives	Local WIB membership must have, <u>at a minimum</u> , two (2) of the following representatives from local educational entities: <ul style="list-style-type: none"> • Community or County College President • County Superintendent of Vocational and Technical/Career Schools • County Superintendent of Schools • Superintendent from an Abbott School or Superintendent from K-12 system • An individual representing Adult Education or Literacy, with optimum policy-making authority, from either a local education agency or other major publicly funded program.
<i>Process for securing nominations for Education Representatives</i>	Education leaders submit nominations to the Chief Elected Official with a copy to the local WIB Chair and local WIB Executive Director except in those instances where a specific individual is required to be appointed to the local WIB, Section 117(b)(A)(ii).
One-Stop Partner Agencies	<p>In addition to One-Stop Partners identified under the above categories, the following organizations must be represented on the local WIB.</p> <ul style="list-style-type: none"> • NJ Department of Labor and Workforce Development (LWD) programs including Wagner-Peyser, Veterans Services, Unemployment Insurance and Vocational Rehabilitation. <i>Note: This is frequently the Workforce New Jersey Manager</i> • WIA Program Administrator • Local or State Older Americans Act program • Housing and Urban Development or local Housing Authority • Local Community Services Block Grant http://www.acf.hhs.gov/programs/ocs/csbj/documents/caa/nj.html • Carl D. Perkins programs (if not represented through the County Vocational and Technical/Career School) • County Board of Social Services • Local One-Stop Operator • Human Services Advisory Council Director/Coordinator/Chair <p>Since several of the programs come under the jurisdiction of one agency, one representative may cover more than one program, if the individual meets all the criteria for representation. WIA section 121(b) and 20 CFR 662.200 (j).</p>
Other Individuals	Local Elected Officials may appoint other individuals to the Board.
Multi County/City jurisdictions	In local Workforce Investment Areas that are comprised of more than one County and/or City, CEOs by agreement, may rotate membership among specific institutions and programs within any one of the categories.

Process for local WIB Nominations and Appointments

The Chief Elected Official (CEO) is responsible for the process of appointing members to the WIB. Private Sector representatives, labor representatives, community-based organization representatives and several education representatives must be nominated by a highly regarded local organization in accordance with the requirements of Section 117 of the Workforce Investment Act (WIA) and as stipulated in New Jersey's State Plan and any modifications thereto. The CEO may require each of the nominating organizations recommend a minimum of 1-1/2 individuals (but no more than two individuals) per each open slot.

At the time of appointment, the term of the member is established. Local WIB member terms must be fixed and staggered over a three year period of time. "Fixed" means that they must be from one point in time to another. "Staggered" means that membership turnover must be less than one-third in any given year.

Organizations submitting a nomination must use a nominating form and be accompanied by a current resume or curriculum vitae. The local nominating organizations must submit their nominations to the CEO with a copy to both the local WIB Chair and WIB Executive Director.

In many jurisdictions, the local Board of Chosen Freeholders and/or the local Municipal Authority formally approve appointments to the local WIB. The CEO, acting on behalf of the Board of Chosen Freeholders/Municipal Authority is responsible for providing notification of the appointments in writing to both the local WIB Chair and WIB Executive Director. Similarly, the CEO must provide a copy of all letters of appointments and written letters of acceptance by the new Board member to both the local WIB Chair and WIB Executive Director within fifteen days. A copy of the written appointment, letters of notification of appointments and letters of acceptance must be maintained in the files by the local WIB Executive Director. WIB Executive Directors must also notify the SETC immediately when appointments to the Board are made and the term of membership.

Board members serve until their successor is appointed.

Process for filling Vacancies

When a vacancy occurs, the local WIB is required to notify the CEO in writing within 30 days of receiving the notice. In addition, the local WIB must notify the CEO of terms expiring 120 days prior to the expiration, or sooner.

When a Board Member's term has expired, the CEO must submit a written notification to the Board Member indicating either that they are being reappointed to the Board or notifying them that their term has expired.

All vacancies must be filled within 90 days from the time a vacancy occurs. The CEO must ensure that the vacancy is filled in the same manner as the original process. Appointees to vacant positions will serve until the end of the term assigned to the vacant position.

Copies of all notifications must be kept on file at the local WIB office.

Local WIB Attendance Policy

Board members are expected to be actively engaged in the work of the local WIB, attending meetings as well as serving on local WIB Committees. The local WIB By-laws must include an attendance policy which establishes minimum attendance requirements at Board meetings and/or Committee meetings. Local WIB Chairs are responsible for notifying the Board member, in writing, that s/he is in violation of the local WIB's attendance policy and that the members' term has lapsed due to attendance requirements in the By-laws. An appeal process must be included in the By-laws. Copies of the correspondence must be submitted to the CEO and WIB Executive Director. The CEOs must fill this vacancy in the same manner as the original process and within the time frame described above.

New Jersey State Employment and Training Commission

Summary of Revisions

Local Workforce Investment Board Member Appointments and Process

I. Background

The State Employment and Training Commission (SETC), functioning as the State Workforce Investment Board, is responsible for conducting oversight of the local workforce system. The SETC is responsible for developing policies, standards and procedures that improve the quality of the State and local workforce system. The SETC charged its Governance Committee with the responsibility of recommending strategies and policies that will enhance and empower local Workforce Investment Boards to achieve full accountability and high performance.

II. Analysis of WIB Membership

The Governance Committee examined the federal Workforce Investment Act (WIA), State regulations and the goals of the New Jersey State Unified Plan. The Chief Elected Official (CEO) of the designated local Workforce Investment Board Area (LWIA) is responsible for the process of appointing and reappointing members to the local Workforce Investment Board in alignment with WIA and New Jersey State policy, as established by the SETC. The following issues were taken into consideration:

- 1) Ensure that the Board membership process is flexible enough to allow that local and regional industries can be adequately represented on the local WIB, based on the local and regional labor market. Appointments to the business and organized labor categories should reflect the local and regional composition.
- 2) Eliminate the percentage requirements for appointments in the organized labor and community-based organizations categories thereby, encouraging more industry appointments. Presently these percentage requirements frequently result in the need to add two or more additional members for every new appointee.
- 3) Create the opportunity for local workforce investment areas to streamline the size of their Board.
- 4) Establish open and transparent nominating and appointment processes that are fully in alignment to WIA requirements.
- 5) Ensure that there is a process for full communication concerning Board nominations and appointments between the CEOs and WIB Chairs.

III. Summary of Changes to the Nominating, Appointment and Vacancy Processes

Nominations

WIA specifically requires a nominating process for business representatives, organized labor, education and community-based organizations. Changes to the nominating process include:

- Terms of appointments of Board members must be fixed and staggered over three years rather than two.
- In the business, organized labor, community-based and education categories, nominations must be submitted to the CEO by types of required organizations designated under the Workforce Investment Act (WIA).
- Appointments must also meet the specific requirements under WIA.
- The CEO may require that each of the nominating organizations recommend a minimum of 1-1/2 individuals (but no more than two individuals) for every WIB open slot; thereby creating multiple choices from which the CEO may choose. These appointments must meet the baseline criteria in their respective categories.
- The local WIB Chair and Executive Director must receive copies of written documentation from the CEO within 15 days on the following:
 - nominations submitted to the CEOs,
 - selection/ratification by the Boards of Chosen Freeholders on appointments and term of appointment
 - letter of appointment
 - written acceptances of appointees
- WIB Directors will be responsible for maintaining up-to-date files on all appointments as described above.

Vacancies

- Requirement that the WIB Chair and/or the Executive Director must notify the CEO in writing within 30 days of a Board vacancy.
- Requirement that the WIB Chair and/or the Executive Director must notify the CEO in writing within 120 days prior to terms expiring.
- Requirement that local WIB By-laws include an attendance policy which establishes minimum attendance at Board meetings and/or Committee meetings. In administering the attendance policy, the WIB Chair is responsible for notifying the WIB member that his/her term has lapsed due to attendance requirements in the By-laws, with a copy to the CEO and WIB Executive Director. An appeal process must also be included in the By-laws.
- All vacancies must be filed within 90 days from the vacancy in the same manner as the original process.

- WIB Directors will be responsible for maintaining up-to-date files on all vacancies as described above.

Changes to Membership Requirements

- In addition to business and labor representation reflecting local employers, CEOs are now encouraged to expand representation to include employers throughout their region. This is in keeping with the development of regionally-based industry sector strategies.
- Appointment to the Board should include women, minorities and individuals who have disabilities in the business category.
- Removal of the 7-1/2% representation requirement in the organized labor category; instead, indicate that a minimum of two labor representatives must be appointed as required under WIA. However, CEOs should consider making appointments beyond the minimum if needed to adequately reflect the local/regional industry composition.
- Removal of the 7-1/2% representation requirement in the community-based organization (CBO) category; instead indicate a minimum of two CBOs and/or faith-based representatives be appointed. Representatives must include faith-based organizations as well as organizations that represent veterans and individuals who have disabilities. Additional representatives should be appointed if needed to adequately reflect substantial population segments in the local WIB area.