



New Jersey State Employment and Training Commission

Dennis M. Bone, *Chairman*

Chris Christie, *Governor*

POLICY RESOLUTION: SETC #2015-01

SUBJECT: Local Workforce Development Board Member Appointments and Process

Purpose

This policy provides the membership requirements for Local Workforce Development Boards (LWDBs), as well as the process for appointing members to the local boards, under the Workforce Innovation and Opportunity Act (WIOA).

Note: WIOA renames two local entities established under the Workforce Investment Act (WIA) and relevant to this policy as follows:

- Local Workforce Investment Area is renamed Local Workforce Development Area (LWDA); and
- Local Workforce Investment Board (LWIB) is renamed Local Workforce Development Board (LWDB)

Background

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

The state-led WIOA Governance and Planning Workgroup, comprised of LWDB directors and State Employment and Training Commission (SETC) members, examined the requirements of WIOA and the current structure of local boards, and considered the potential opportunities and challenges involved in re-aligning board membership. The SETC Governance Committee reviewed the workgroup recommendations, the existing SETC policy and WIOA requirements and is proposing the attached "Policy on LWDB Member Appointments and Process". The purpose of the new policy is to create a process that supports the roles and work of the local Workforce Development Boards and is in alignment with WIOA.

Upon formal resolution by the SETC, the policy will be posted on the SETC website and the policy document distributed to the Local Chief Elected Officials, local Workforce Development Board Chairs, and Executive Directors. Subsequently, the policy will be submitted to the U.S. Department of Labor as part of the New Jersey Combined State Plan, and be available for public comment as part of the State Plan.

Resolution:

It is hereby resolved that the State Employment and Training Commission formally adopts the "Policy on Local Workforce Development Board (LWDB) Member Appointments and Process". This policy takes immediate effect and will be included in the New Jersey Combined State Plan and SETC local board member handbook.

Commission Approved: October 9, 2015

Replaces SETC #2010-01 (9/17/2013)

Updated with Commission Approval: November 17, 2020

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Policy on Local Workforce Development Board (LWDB) Member Appointments and Process

Board Member Requirements

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

<p>Business Representatives (51%)</p>	<p>Local WDB membership must have a majority (minimum 51%) of business representatives who reflect the composition of the local and regional pool of employers. [WIOA Section 107 (b)(2)(A)(i)]</p> <p>The Chair of the Board must be a private sector representative elected by the Board. [WIOA Section 107 (b)(3)]</p> <p>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. [Labor Final Rule 81 FR 56071 - § 686.810 (b)] [20 CFR 661.315(d)] “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. [Joint WIOA Final Rule 81 FR 55791 - § 679.120(a)] [20 CFR 661.203(a)]</p> <p>Business members should represent the local area’s key industry sectors as defined in the LWDB regional and local plans; 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. Local WDBs may not have multiple business members from the same entity; the intent of WIOA is to have a wide representation of businesses across all industries and of all sizes.</p> <p>Representatives from private not-for-profit entities that operate as businesses and are employers may be considered business sector members on the local WDB. The not-for-profit entities should align with the key industry sectors for the local area, as identified in the WDB regional and local plans. Membership should include representatives from small businesses.</p> <p>Representatives from proprietary schools cannot be considered a business sector member.</p>
<p><i>Process for securing nominations for business representatives</i></p>	<ul style="list-style-type: none"> ▪ Business representatives on the Board are selected from individuals nominated by local business organizations and trade organizations. [WIOA Section 107(b)(2)(A) (iii)] ▪ 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 the local WDB Chair and Executive Director.

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Economic Development	Local WDB membership must have, <u>at a minimum</u> , one (1) representative 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. Economic development representatives may be considered business sector members.
Organized Labor and Community Based Organization Representatives (20%)	Local WDB membership must have not less than 20% of its members be representatives from organized labor and community-based organizations. WIOA Section 107(b)(2)(B)(i-ii).
	Local WDB membership must include representatives of labor organizations, who should reflect the various types of industries that have substantial employment in the local or regional area.
	Local WDB membership must include one (1) joint labor-management apprenticeship program representative. If no such joint program exists in the area, then an apprenticeship program representative shall be a member, if such program exists in the area. The representative must be a member of a labor organization or a training director.
	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. [Labor Final Rule 81 FR 56071 - § 675.300] [20 CFR 661.203(a)] [[20 CFR 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 WDB Chair and local WDB Executive Director.
Community-Based Organizations (CBO) (Included in 20% above)	Local WDB membership may include representatives from CBOs that have demonstrated experience and expertise in serving those with barriers to employment (including individuals with disabilities and veterans) and organizations with experience and expertise addressing the employment, training or education needs of youth. WIOA Section 107(b)(2)(B)(iii-iv).
	The term CBO refers to a private nonprofit organization (which may include a faith-based organization) that is representative of a community or a significant segment of a community and has demonstrated expertise and effectiveness in the field of workforce development. WIOA Section 3(10). 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 WDB.

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	<p>Representatives of CBOs must be individuals with optimum policy-making authority within their own organization.</p> <p>Members appointed to the local WDB must be actively engaged with a CBO as a board member, employee, or active member.</p>
<i>Process for securing nominations for CBO representatives</i>	Community leaders may submit nominations to the CEO. Copies of the nominations must be provided to both the local WDB Chair and Executive Director.
Education Representatives	<p>Local WDB membership must have, <u>at a minimum</u></p> <ul style="list-style-type: none"> • one (1) member from a Title II Adult Education and Literacy provider** • one (1) member from a higher education entity, including Community Colleges, that provides workforce training • one (1) member representing a County Vocational-Technical School in the local area (SETC Requirement) <p>Other members may include:</p> <ul style="list-style-type: none"> • Superintendent from a K-12 system • Representatives of local educational agencies or CBOs with demonstrated experience and expertise in addressing the training and education needs of individuals with barriers to employment.
	<p>**If there are multiple eligible providers of Title II serving the local area, or multiple institutions of higher education serving the local area by providing workforce development activities, each representative on the local board shall be appointed from among individuals nominated by the local providers or institutions. WIOA Section 107(b)(6)</p>
<i>Process for securing nominations for Education Representatives</i>	Education leaders may submit nominations to the Chief Elected Official with a copy to the local WDB Chair and local WDB Executive Director except in those instances where a specific individual is required to be appointed to the local WDB. WIOA Section 107(b)(2)(C)
Government Partners	<p>Local WDB membership must have, <u>at a minimum</u></p> <ul style="list-style-type: none"> • one (1) member representing the State Employment Service (Wagner-Peyser) Office, with optimal policy-making authority • one (1) member representing the Division of Vocational Rehabilitation Services, with optimal policy-making authority <p>Other members may include representatives from agencies providing local area programs related to transportation, housing and public assistance, such as:</p> <ul style="list-style-type: none"> • Housing and Urban Development or local Housing Authority • Local Community Services Block Grant http://www.nj.gov/dca/divisions/dhcr/offices/caalist.html • Carl D. Perkins programs • County Board of Social Services • Human Services Advisory Council Director/Coordinator/Chair

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Other Individuals	Local Elected Officials may appoint other individuals to the Board. These appointments should be consistent with the required membership of the board and should primarily reflect a business majority on the board.
Multiple Entity Representation	An individual may be appointed as a representative of more than one entity, except business representatives, if the individual meets all the criteria for representation, for each entity. [Labor Final Rule 81 FR 56071 - § 679.320(h)]
Multi County/City jurisdictions	In local Workforce Development 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 WDB Nominations and Appointments

The Chief Elected Official (CEO) is responsible for the process of appointing members to the local WDB. 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 107 of the Workforce Innovation and Opportunity Act (WIOA) 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’s seat is established. Local WDB 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 WDB Chair and WDB Executive Director.

In many jurisdictions, the local Board of Chosen Freeholders and/or the local Municipal Authority formally approve appointments to the local WDB. 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 WDB Chair and WDB 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 WDB Chair and WDB 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 WDB Executive Director. WDB 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 WDB is required to notify the CEO in writing within 30 days of receiving the notice. In addition, the local WDB must notify the CEO of terms expiring 120 days prior to the expiration, or sooner.

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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 should 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 WDB office.

Local WDB Attendance Policy

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