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<b>Subject of Policy</b>	<b>Criteria to be used by Chief Elected Officials for Appointing Local Board Members under WIOA</b>	<b>Policy No:</b>	<b>PY15-02</b>
<b>To:</b>	<ul style="list-style-type: none"><li>Local Workforce Development Boards</li><li>CEOs</li></ul>	<b>From:</b>	Garret Oswald, Director State Workforce Investment Board
<b>Issued On:</b>	<ul style="list-style-type: none"><li>July 1, 2015</li></ul>	<b>Status</b>	Active
<b>Authority:</b>	<ul style="list-style-type: none"><li>WIOA Section 107</li><li>20 CFR 679.300-350 <i>proposed</i></li></ul>		

**Purpose:**

This policy provides the criteria to be used by Chief Elected Officials (CEOs) in appointing members to Local Workforce Development Boards. Per WIOA Section 107(b)(1), the Governor, in partnership with the State board, shall establish criteria to be used by Chief Elected Officials (CEOs) of each local area in the appointment of members to the local boards in such local areas.

**POLICY**

**Nomination Requirements:**

Chief Elected Officials (CEOs) must establish a formal nomination process for the appointment of local board members that ensures:

- Business (employer) members to be appointed to the local board have been nominated by local or business organizations such as a Chambers of Commerce or business trade associations;
- Representatives of labor organizations to be appointed to the local board have been nominated by local labor federations (or, for an area in which no employees are represented by such organizations, other representatives of employees); and
- When there is more than one local area provider of adult education and literacy activities as defined under WIOA Title II, or multiple institutions of higher education providing workforce investment activities described in WIOA 107(b)(2)(C)(i) or (ii), nominations of these members to the board are solicited from among those particular entities; in accordance with WIOA 107(b)(6).

**By-Laws Requirement:**

The Chief Elected Official(s) in each local area must establish by-laws that identify:

1. The nomination process used to select and appoint members;
2. The term limits and how the term appointments will be staggered to ensure only a portion of board membership expires within any given year;
3. The process the local board will use to notify the chief elected official(s) of a board member vacancy to ensure prompt nomination and appointment of a replacement;
4. The proxy and alternative designee process that will be used when a board member is unable to attend a meeting and assigns a designee; the process must include a provision that confirms that the proxy designee is one with demonstrated experience and expertise and that has optimum policy-making authority.

5. The process used to elect a Chair for the board from among the members representing businesses;
6. The use of technology, such as phone and Web-based meetings, that will be used to promote board member participation;
7. The process to ensure board members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities; and
8. A description of any other conditions governing appointment or membership on the board as deemed appropriate by the CEO(s).

#### **Local Board Membership Requirements:**

CEOs must appoint members to each local board as follows:

- A. A majority of members **must** be representatives **in the local area**, who:
  - a. Are owners of businesses, chief executives or operating officers of businesses or other business executives or employees with **optimum policymaking or hiring authority**; and
  - b. Represent businesses, including at least two (2) who represent small businesses as defined by the U.S. Small Business Administration (SBA), that provide employment opportunities in in-demand industry sectors or occupations, as these terms are defined in WIOA Section 3 (23);
- B. Twenty Percent (20%) of members must be representatives of workforce, that:
  - a. Must include at least two (2) or more representatives of labor organizations, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives;
  - b. Must include at least one (1) or more representatives of a joint labor-management, or union-affiliated registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union-affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists;
  - c. May include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or educational needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and
  - d. May include one or more representatives of organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of eligible youth, including organizations that serve out-of-school youth.
- C. Local Board membership must include at least one eligible provider administering adult education and literacy activities as defined by WIOA title II in the local area; and
- D. At least one representative from an institution of higher education providing workforce investment activities, including community colleges from the local area; and
- E. At least one representative from each of the following governmental and economic and community development entities:
  - a. Economic and community development;
  - b. State labor exchange office under Wagner Peyser Act (29 USC 49 et sq.) serving the local area; and
  - c. The programs carried out under title I of the Rehabilitation Act of 1973, other than sect 112 or part C of that title.;
- F. The membership of local boards may include individuals or representatives of other appropriate entities, with optimum policy-making authority within the organizations they represent, including:

- a. Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
- b. Governmental and economic and community development entities who represent transportation, housing and public assistance programs;
- c. Philanthropic organizations serving the local area;
- d. Other appropriate individuals as determined by the chief elected official;

**Additionally:**

- An individual may be appointed as a representative of more than one entity, if the individual meets all the criteria for representation including the criteria in sections B through E above, for each entity.
- All required board members must have voting privilege; the CEO may convey voting privileges to non-required members.
- Local board membership will be certified every two years in accordance with this policy.
- Board membership information, including the required categories each member represents must be kept up-to-date and posted on the Local Board Website.

This policy goes into effect on **July 1, 2015**, local boards that do not have the required membership or CEO By-Laws in place on July 1, 2015, have until **September 30, 2015** to do so.

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