



GUIDANCE:

Membership Requirements for Local Workforce Development Boards

May 24, 2018

1. Background.

- 1.1. In September of 2017, the U.S. Department of Labor (USDOL) conducted a review of Iowa's workforce development system under the federal Workforce Innovation and Opportunity Act (WIOA) that focused on Regions 5, 10, and 12.
- 1.2. The USDOL Monitoring Report, dated November 8, 2017, included a finding that Iowa's Local Workforce Development Boards (WDBs) had membership structures that did not comply with WIOA § 107(b) and 20 CFR § 679.320.
- 1.3. During the 2018 legislative session, the Iowa General Assembly enacted Senate File 2353 (2018), which amends Iowa Code § 84A.4 to:
 - 1) Make the requirements for Local WDB membership under Iowa law the same as those in WIOA § 107(b); and
 - 2) Alter how the gender balance requirement and political affiliation limitation in Iowa Code chapter 69 applies to Local WDBs.
- 1.4. The changes to Iowa Code § 84A.4 are now in effect.
- 1.5. This memo contains the membership requirements for Local WDBs under WIOA § 107(b), 20 CFR § 679.320, and Iowa Code § 84A.4(2), as amended by Senate File 2353 (2018).

2. References.

- 2.1. Federal Workforce Innovation and Opportunity Act, Public Law No. 113-128 (WIOA).
- 2.2. 20 CFR Part 679, Subpart C (2018).
- 2.3. Iowa Code § 84A.4, as amended by Senate File 2353 (2018).
- 2.4. Federal Adult Education and Family Literacy Act, as amended by WIOA Title II (AEFLA).
- 2.5. Federal Wagner-Peyser Act, Public Law No. 73-30, as amended by WIOA Title III.

- 2.6. Federal Rehabilitation Act of 1973, Public Law No. 93-112, as amended by WIOA Title IV and Public Law No. 114-95 (Rehab Act).

3. The Vision for Local WDBs Under WIOA.

The vision for Local WDBs under WIOA is to serve as a strategic leader and convener of local workforce development system stakeholders. Local WDBs partner with employers and the workforce development system to develop policies and investments that support:

- 1) Public workforce system strategies that support regional economies;
- 2) The development of effective approaches including local and regional sector partnerships and career pathways, and
- 3) High quality, customer centered service delivery and service delivery approaches.

4. The Purpose of Local WDBs Under WIOA.

The purpose of Local WDBs under WIOA is to:

- 1) Provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to help develop a comprehensive and high-quality workforce development system in the local area and region;
- 2) Assist in the achievement of the State’s strategic and operational vision and goals as outlined in the Unified State Plan or Combined State Plan; and
- 3) Maximize and continue to improve the quality of services, customer satisfaction, and effectiveness of the services provided in the local area and region.

5. Authority Within Represented Entities.

- 5.1. Representatives of business may have optimum policy-making authority or hiring authority for the business they represent. All other members of the Local WDB must be individuals with optimum policy-making authority within the entities they represent.
- 5.2. A representative with “optimum policy-making authority” is an individual who can reasonably be expected to speak affirmatively on behalf of the entity that the individual represents and to commit that entity to a chosen course of action.

6. Alternative Entity.

Because of the changes to Iowa Code § 84A.4, no Local WDB can comply with Iowa law and qualify as an “alternative entity” under WIOA § 107(i).

7. Chairperson.

The Local WDB must select a chairperson from among its representatives of business.

8. Voting Status.

- 8.1. The members described in Sections 9, 10, 11, and 12 must be voting members.
- 8.2. The optional members described in Section 13 may be voting or nonvoting members.

9. Representatives of Business.

- 9.1. A majority of the Local WDB's voting members must be representatives of business.
- 9.2. At least two of the Local WDB's business representatives must represent a "small business" as that term is defined by the Small Business Administration (SBA). The SBA's Table of Small Business Size Standards must be used to determine when a business representative qualifies to serve as a small business representative on the Local WDB. The SBA Table is available on the agency's website [here](#).
- 9.3. Each business representative must be an owner, chief executive officer, chief operating officer, or other individual with optimum policy-making authority or ultimate hiring authority.
- 9.4. Each business representative must provide employment opportunities in in-demand industry sectors or occupations.
 - 9.4.1. An "in-demand industry sector" is an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.
 - 9.4.2. An "in-demand occupation" is an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector as to have a significant impact on the State, regional, or local economy.
 - 9.4.3. The determination of whether an industry sector or occupation is in-demand shall be made by the State WDB or Local WDB, as appropriate, using State and regional business and labor market projections, including the use of labor market information.
- 9.5. Each business representative must be appointed from among individuals who are nominated by local business organizations and business trade associations such as a local Employers' Council of Iowa (ECI), Chamber of Commerce, etc.

10. Representatives of the Workforce.

At least 20 percent of the Local WDB's voting membership must be representatives of the workforce who meet the requirements in this Section.

10.1. Labor Organizations.

- 10.1.1. At least two of the Local WDB's workforce representatives must be representatives of labor organizations, where such labor organizations exist in the region.
- 10.1.2. The Local WDB's representatives of labor organizations must be appointed from among individuals who are nominated by local labor organizations.
- 10.1.3. If no labor organizations exist in the region, representatives of labor must be selected from the other workforce representative groups described in Sections 10.2 through 10.4.

10.2. Registered Apprenticeship Program(s).

- 10.2.1. A Registered Apprenticeship program is an apprenticeship program registered with the U.S. Department of Labor, Employment and Training Agency, Office of Apprenticeship.
- 10.2.2. At least one of the Local WDB's workforce representatives must be a representative of a joint labor-management, or union-affiliated, Registered Apprenticeship program within the region.
- 10.2.3. Each Registered Apprenticeship program representative must be a training director or member of a labor organization.
- 10.2.4. If no union-affiliated Registered Apprenticeship programs exist in the region, the training director of a Registered Apprenticeship program with no union affiliation must be appointed, if one exists.

10.3. Community-Based Organization(s).

- 10.3.1. The Local WDB's workforce representatives may include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities.
- 10.3.2. A "community-based organization" is 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 that has demonstrated expertise and effectiveness in the field of workforce development.
- 10.3.3. An individual or entity with "demonstrated experience and expertise" is an individual or entity who:

- 1) Is an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency;
- 2) Contributes to the field of workforce development, human resources, training and development, or a core program function; or
- 3) The Local WDB recognizes for valuable contributions in education or workforce development related fields.

10.3.4. An individual with a barrier to employment is a member of one or more of the following populations:

- 1) Displaced homemakers.
- 2) Low-income individuals.
- 3) Indians, Alaska Natives, and native Hawaiians, as such terms are defined in WIOA section 166.
- 4) Individuals with disabilities, including youth who are individuals with disabilities.
- 5) Older individuals.
- 6) Ex-offenders.
- 7) Homeless individuals.
- 8) Youth who are in or have aged out of the foster care system.
- 9) Individuals are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- 10) Eligible migrant and seasonal farmworkers, as defined in WIOA section 167(i).
- 11) Individuals within two years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. § 601 *et seq.*).
- 12) Single parents (including single pregnant women).
- 13) Long-term unemployed individuals.
- 14) Such other groups as the Governor determines to have barriers to employment.

10.4. Organization(s) Serving Youth.

The Local WDB's workforce representatives 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 in-school and out-of-school youth.

11. Representatives of the One-Stop Delivery System.

The Local WDB must include members who are representatives of the local one-stop delivery system.

11.1. State Employment Services Office.

11.1.1. Each Local WDB must have at least one representative of the State Employment Service office under the Wagner-Peyser Act.

11.1.2. An IWD Operations Manager will satisfy this membership requirement.

11.2. Vocational Rehabilitation.

11.2.1. Each Local WDB must have at least one representative of the State programs carried out under Title I of the Rehab Act (other than section 112 or part C of that Title).

11.2.2. Iowa has two such programs: one administered by Iowa Vocational Rehabilitation Services (IVRS) and one administered by the Iowa Department for the Blind (IDB).

11.2.3. Where possible, a Local WDB may have a representative of both IVRS and IDB.

11.2.4. Where having representatives of both IVRS and IDB is not possible, the Vocational Rehabilitation representative for a Local WDB must be chosen from among those nominated by IVRS and IDB. IVRS and IDB may elect to submit a joint nomination.

11.3. Eligible Provider of Adult Education and Literacy Activities.

11.3.1. Each Local WDB must have at least one representative of an entity that is an eligible provider administering of adult education and literacy activities under WIOA Title II.

11.3.2. If there is more than one entity that qualifies as an eligible provider administering adult education and literacy activities under WIOA Title II within a region or local area, nominations must be solicited from those particular entities.

12. Higher Education and Economic Development.

12.1. Institution of Higher Education.

- 12.1.1. Each Local WDB must have at least one representative from an institution of higher education providing workforce investment activities, including but not limited to community colleges.
- 12.1.2. When there is more than one institution of higher education providing workforce investment activities in a region or local area, nominations must be solicited from those particular entities.

12.2. Economic and Community Development.

- 12.2.1. Each Local WDB must have at least one representative of an economic and community development entity.
- 12.2.2. When there is more than one economic and community development entity in a region or local area, nominations must be solicited from those particular entities.

13. Optional Members.

The membership of each Local WDB may include representatives of other appropriate entities in the region, including:

- 13.1. 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.
- 13.2. Governmental and economic and community development entities that represent transportation, housing, and public assistance programs.
- 13.3. Philanthropic organizations that service the region.
- 13.4. Other appropriate representatives as determined by the Chief Elected Official (CEO) Board.

14. Gender Balance.

Some members of the Local WDB are excluded when determining whether the Local WDB's membership meets the gender balance requirement in Iowa Code § 69.16A.

14.1. Excluded Members.

The gender balance requirement in Iowa Code § 69.16A does not apply to the following representatives of the one-stop delivery system:

- The representative of the Wagner-Peyser Employment Service program under WIOA Title III described in Section 11.1.
- The representative(s) of the Vocational Rehabilitation program under the Rehab Act, as amended by WIOA Title IV described in Section 11.2.

14.2. Covered Members.

The gender balance requirement in Iowa Code § 69.16A applies to all other members of the Local WDB, including:

- The representatives of business described in Section 9.
- The representatives of the workforce described in Section 10.
- The representative of an eligible provider administering adult education and family literacy activities under WIOA Title II described in Section 11.3.
- The representatives of higher education and economic development described in Section 12.
- The optional members described in Section 13.

14.3. Requirement for Local WDBs.

No more than one-half plus one of the members of the Local WDB listed in Section 14.2 may be of one gender.

15. Political Affiliation Limitation.

Some members are excluded when determining whether the Local WDB's membership meets the political affiliation limitation in Iowa Code § 69.16.

15.1. Excluded Members.

The political affiliation limitation in Iowa Code § 69.16 does not apply to the following representatives of the one-stop delivery system:

- The representative of the Wagner-Peyser Employment Service program under WIOA Title III.
- The representative(s) of the Vocational Rehabilitation program under the Rehab Act, as amended by WIOA Title IV.

15.2. Covered Members.

The political affiliation limitation in Iowa Code § 69.16 applies to all other members of the Local WDB, including:

- The representatives of business described in Section 9.
- The representatives of the workforce described in Section 10.
- The representative of an eligible provider administering adult education and family literacy activities under WIOA Title II described in Section 11.3.
- The representatives of higher education and economic development described in Section 12.
- The optional members described in Section 13.

15.3. Requirement for Local WDBs.

No more than one-half plus one of the members of the Local WDB listed in Section 15.2 may be members of one political party.

16. Nomination Requirements.

- 16.1. Each business representative must be appointed from among individuals who are nominated by local business organizations and business trade associations such as the Employers' Council of Iowa (ECI) or a Chamber of Commerce.
- 16.2. Each representative of a labor organization must be appointed from among individuals who are nominated by local labor organizations.
- 16.3. If there is more than one entity that qualifies as an eligible training provider administering adult education and literacy activities under WIOA Title II within a region or local area, nominations must be solicited from those particular entities.
- 16.4. If the Local WDB has only one representative of a Vocational Rehabilitation program authorized under Title I of the Rehab Act, nominations must be solicited from IVRS and IDB. IVRS and IDB may elect to make a joint nomination.

17. Appointment Process.

- 17.1. All candidates for appointment or re-appointment must complete an application to serve on the Local WDB and submit the completed application to the CEO Board for consideration.
- 17.2. The CEO Board must review the application and vote on whether to appoint the applicant to serve on the Local WDB.

- 17.3. If the CEO Boards to appoint an applicant to the Local WDB, the CEO Board must send to Iowa Workforce Development (IWD) within ten (10) days of the appointment all of the following:
 - 17.3.1. The application for the appointee that is completed as required respectively by both the appointee and the chairperson of the CEO Board;
 - 17.3.2. The completed Oath of Office for the new appointee; and
 - 17.3.3. An updated roster matrix for the Local WDB reflecting the new appointment. Note: If the CEO Board makes more than one appointment at a time, the CEO Board may include one updated roster matrix that reflects all new appointments.
- 17.4. Please send the above documents to IWD to the individual designated by the agency.
- 17.5. IWD will file the completed Oath of Office with the Secretary of State.
- 17.6. Once the Oath of Office has been filed, a Certificate of Appointment will be issued by IWD reflecting the appointment and showing the term dates. The Certificate will be sent to the new member of the Local WDB.

TABLE A: LOCAL WDB MEMBERSHIP REQUIREMENTS

Business: Majority
<ul style="list-style-type: none"> ▪ At least two representatives must be from small businesses ▪ Business must be in an in-demand industry sector and/or have in-demand occupations ▪ Representative must have optimum policy-making or ultimate hiring authority for the business ▪ Representatives must be appointed from a list of individuals nominated by local business groups such as the ECI or Chamber of Commerce ▪ See Section 9 of the Guidance for the full details
Workforce: At Least 20%
<ul style="list-style-type: none"> ▪ At least two must be representatives of labor organizations, who are appointed from a list of individuals nominated by local labor organizations ▪ At least one must be a representative of a joint labor-management Registered Apprenticeship program ▪ Others may be representatives from community-based organizations with experience and expertise in the field of workforce development ▪ See Section 10 of the Guidance for the full details
One-Stop Delivery System
<ul style="list-style-type: none"> ▪ One IWD operations manager at the local IowaWORKS field office, representing the Wagner-Peyser Employment Service Program under WIOA Title III ▪ One representative of an entity that is an eligible provider of Adult Education and Family Literacy Act activities under WIOA Title II ▪ At least one representative of a Vocational Rehabilitation program under WIOA Title IV, nominated by IVRS and IDB ▪ These members are excluded from the gender balance requirement and political affiliation limitation under Iowa Code chapter 69 ▪ See Section 11 of the Guidance for the full details
Higher Education and Economic Development
<ul style="list-style-type: none"> ▪ At least one representative of an institution of higher education providing workforce investment activities, including community colleges ▪ At least one representative of an economic and community development entity ▪ See Section 12 of the Guidance for the full details
Optional
<p>A Local WDB may include other members such as representatives of:</p> <ul style="list-style-type: none"> ▪ 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 ▪ Governmental and economic and community development entities that represent transportation, housing, and public assistance programs ▪ Philanthropic organizations service the region ▪ Other appropriate representatives as determined by the Chief Elected Official Board ▪ See Section 13 of the Guidance for the full details