

March 27, 2015

Albemarle County  
County Attorney's Office  
401 McIntire Road  
Charlottesville, VA 22902

Dear Sir/Madam,

The Piedmont Workforce Network is the local workforce development board serving ten (10) counties plus the City of Charlottesville, including the counties of Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Louisa, Madison, Nelson, Orange, and Rappahannock. The Piedmont Workforce Network has been implementing the Workforce Investment Act (WIA) since 1998, which was formerly known as the Job Training and Partnership Act (JTPA). In July 2014, the federal government reauthorized the Workforce Investment Act (WIA), creating the Workforce Innovation and Opportunity Act (WIOA).

This new legislation takes effect on July 1, 2015. In that regard, all agreements, policies, and procedures that are currently being followed by the Piedmont Workforce Network have to be amended to reflect the new act. The first agreement that needs to be amended is the Chief Local Elected Officials Agreement, or Interlocal Agreement, as it is titled today for the Piedmont Workforce Network. This agreement forms the local workforce development area and must be signed by all eleven (11) jurisdictions. The agreement spells out the responsibilities of the Chief Local Elected Officials, or the Piedmont Workforce Network Council, which is comprised of eleven (11) members, one from each jurisdiction. It also outlines the process for forming the Workforce Development Board and the process that the Council will use to appoint members.

The current members of the Piedmont Workforce Network Council, which include your representative, have been working diligently to derive the appropriate language for this new Chief Local Elected Officials Agreement. We have used many different sources to draft language which includes state policy, the federal legislation from the Workforce Innovation and Opportunity Act, and input from local county attorneys.

You will find behind this letter two documents:

- A copy of the Chief Local Elected Officials Agreement to go into effect July 1, 2015.
- A draft of the state policy that includes language for Chief Local Elected Official Agreements that will be finalized on April 16, 2015.

Please review the new Chief Local Elected Officials Agreement. If approved, please provide your Council representative with the authority to sign for your Board. Please call Morgan Romeo, Assistant Director for the Piedmont Workforce Network, at 434-979-5610 x 21 should you have any questions or concerns. We look forward to continuing to provide workforce development services to the region's job seekers and employers.

Thanks,



Steve Nixon  
Chair, Piedmont Workforce Network Council



**A Partner of Elevate Virginia**



**Chief Local Elected Officials Agreement**

Piedmont Workforce Network

Local Workforce Development Area 6 (LWDA 6)

Effective Date: July 1, 2015

## **CHIEF LOCAL ELECTED OFFICIALS AGREEMENT**

**AMONG LOCAL GOVERNMENTS IN LWDA 6:**

**ALBEMARLE COUNTY  
CITY OF CHARLOTTESVILLE  
CULPEPER COUNTY  
FAUQUIER COUNTY  
FLUVANNA COUNTY  
GREENE COUNTY  
LOUISA COUNTY  
MADISON COUNTY  
NELSON COUNTY  
ORANGE COUNTY  
RAPPAHANNOCK COUNTY**

### **Area Designation**

The localities named above agree to operate as Local Workforce Development Area 6 (LWDA 6) in the Commonwealth of Virginia, also known as the Piedmont Workforce Network (PWN). Each of the localities named above is a party to this Agreement.

### **Purpose**

The purpose of this agreement is to create a Consortium of Chief Local Elected Officials (CLEOs) of the above-named local governments, and to set forth the process, procedures, and responsibilities for implementing the Workforce Innovation and Opportunity Act (WIOA) for Local Workforce Development Area 6 (LWDA 6). The WIOA requires Chief Local Elected Officials (CLEOs) to take certain responsibilities and actions which are enumerated in this document and to appoint and form a working relationship with a local Workforce Development Board.

### **Consortium of CLEOs formed**

By this agreement, the consortium created by this Agreement shall be known as the Piedmont Workforce Network Council (Council) for the purpose of implementing the tasks and performing the continuous oversight responsibilities set forth in the WIOA. Each party to this Agreement authorizes its CLEO to participate in the consortium and designates its CLEO as its authorized representative for purposes of this Agreement.

### **Grant Recipient**

The City of Charlottesville has been designated by the Council as the Grant Recipient of WIOA funds allocated to LWDA 6.

### **Fiscal and Administrative Agent**

The Council has designated the Central Virginia Partnership for Economic Development as the Fiscal and Administrative Agent (“Agent”) for WIOA funds allocated to LWDA 6. The Council shall require the Agent to make quarterly financial reports to the Council, in writing. An annual financial audit will be conducted in coordination with the Partnership’s audit, according to the requirements of all OMB and federal regulations. Further duties and responsibilities of the Agent will be outlined in the Piedmont Workforce Network Fiscal and Administrative Agent Agreement.

From time to time hereafter, the Council may designate a different agent, by affirmative majority vote of the Council. In the event a different agent is designated, the Council shall enter into a written Fiscal and Administrative Agent Agreement with the new agent. Once approved as set forth in this paragraph, the new designation and new Agreement shall supersede the designation referenced within this document, without the need for an amendment hereof.

### **Responsibility for use of funds and implementation of the Workforce Innovation and Opportunity Act:**

Under the WIOA, the final responsibility for use of the federal funds and for carrying out the tasks set forth in the Workforce Innovation and Opportunity Act rests with the CLEOs. The CLEOs, through the Council, shall enter into a contract with the Agent designated herein above, to perform certain tasks on behalf of the Consortium. Liability insurance will be provided by the Agent, with costs of such insurance to be paid out of the WIOA Administrative funds. The Council shall require that, prior to distribution of any funds under the WIOA, the Agent will obtain liability insurance satisfactory to the Council, providing coverage for each of the local governments and CLEOs forming the Consortium as additional insureds. Coverage shall be no less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

### **Piedmont Workforce Network Council Organization**

- The term “Chief Local Elected Official” means the mayor of a city or the chair of the Board of Supervisors of a county or another elected official from the Board or Council, as designated by the Board or Council. Documentation of the appointment to the PWN Council will be collected from each City Council or Board of Supervisors’ record clerk.
- The Council shall elect a Chair and Vice-Chair from its members. One officer shall be from each Planning District.
- The Chair shall serve on the PWN Board Executive Committee.
- The Vice-Chair shall serve on the PWN Board WIOA Committee.
- The Council will meet as a body, at least quarterly during each fiscal year.
- A quorum of at least 30% will be required for any action to be taken. No action shall be taken by the Council except at a meeting at which a quorum is present.
- Council members shall communicate the activities of the Council and Workforce Development Board to their respective governing bodies.

### **Piedmont Workforce Network Council Responsibilities**

In partnership with the Workforce Development Board, the Council's responsibilities include, but are not limited to the following:

- Developing a vision and goals for the local workforce development system that are aligned with both the economic development mission(s) for the local area and Virginia Board of Workforce Development's goals
- Development of the 4-year local strategic plan;
- Selection of One-Stop Operator(s) and locations;
- Selection of training providers;
- Approval of the local One-Stop Operation(s) budget;
- Program oversight;
- Development of a Memorandum of Understanding for each comprehensive One Stop Center in the region;
- Negotiations with the Governor to reach agreement on local performance accountability measures;
- Any other activities as required by the Workforce Innovation and Opportunity Act, Section 107(d), or by the Governor;
- Designation of an Administrative and Fiscal Agent to act on its behalf relative to the WIOA funds allocated to LWDA 6;
- Any other functions, responsibilities or actions referred to within this Agreement as requiring action by the Council.

### **Establishment of the Workforce Development Board**

The Council hereby establishes the Workforce Development Board for LWDA 6, which will be known as the Piedmont Workforce Network Board (PWN Board). The activities of the WIOA in LWDA 6 shall be carried out by the PWN Board. The membership of the PWN Board shall be determined and appointed by the Council, in accordance with the requirements of WIOA Section 107(b)(2) and in an effort to ensure the most effective, regional participation in the WIOA implementation for LWDA 6 by all participating jurisdictions, partners, and businesses.

#### **1. Composition of the Workforce Development Board**

##### **A. Mandatory Members**

- The PWN Board will be composed of at least 51% private sector business and industry representatives that are located in the local area that represent a broad range of in-demand occupations available in the local labor market. This includes organizations representing businesses that provide employment opportunities, that at a minimum, include high-quality, work relevant training and development in in-demand industry sectors or occupations in the local area.

- Not less than 20% of the members of the PWN Board must be made up of representatives of labor organizations, apprenticeship programs, or community based organizations. At least two (2) representatives must be from labor organizations. This includes representatives that have been nominated by local labor federations and representatives from apprenticeship programs. Community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including veterans, persons with disabilities, and “out of school” youth can be included in this mix, as long as the aforementioned labor organization representatives are appointed to the local Board.
- At least one representative from the Virginia Employment Commission who administers WIOA Title III activities for the local area.
- At least one representative of eligible providers administering WIOA Title II Adult Education and Literacy activities locally. This includes a local representative from a secondary public school’s Career and Technical Education program.
- At least one representative from a local community college providing WIOA training services.
- At least one representative from a local economic and community development entity.
- At least one representative from the Department of Aging and Rehabilitative Services who administers WIOA Title VI activities for the local area.
- The approved composition of the PWN Board shall be as listed on *Attachment A: Piedmont Workforce Network Board Composition*.

B. Executive Committee

- The PWN Board will elect a Chair from among the private sector representatives. The Chair will serve as the Executive Committee Chair and selects the chairs for all standing committees and taskforces of the local Board. If the PWN Board elects Co-Chairs, both Planning Districts must be represented.
- The PWN Board will elect a Vice-Chair from among the private sector representatives. The Vice-Chair will sit on the Executive Committee as well as represent the PWN Board on the WIOA Committee.
- The Executive Committee will consist of the following members:
  - Chair (or Co-Chairs)
  - Vice-Chair
  - Immediate Past Chair
  - PWN Council Chair
  - All committee chairs

- One At-Large Member (can be private sector or non-business representatives)

#### C. Membership Terms

- All PWN Board members will have three (3) year terms, with the exception of Economic Development and Chambers of Commerce representatives, which will have one (1) year terms.
- Members of the PWN Board must be individuals with optimum policy making authority within the organizations, agencies, or entities they represent.
- Members of the PWN Board should be appointed for staggered terms.
- Private sector representatives should be an appropriate mix of small, medium, and large employers that reflect the local labor market, i.e. the business representation should reflect the industry mix in the local labor market.
- Individuals serving on the PWN Board who subsequently retire or no longer hold the position that made them eligible Board members may not continue to serve on the PWN Board. The entity affiliated with the vacating PWN Board member may provide a new representative to the PWN Board.
- Vacancies resulting from resignations or removal of mandatory members must be filled within 90 days.

## 2. Appointments to PWN Board

**The PWN Council shall appoint members to the PWN Board from private sector businesses and industry.**

**Private Sector Business and Industry Representatives:** Private sector representatives can include owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy making or hiring authority (ex. Vice Presidents of Human Resources).

1. On behalf of the PWN Council, PWN staff will send correspondence to business and industry organizations (Chambers of Commerce, Economic Development Representatives, etc.) soliciting nominations to the Board.
2. An advertisement will be placed on the PWN website as well as distributed to local partners. PWN staff will also place a notice in a newspaper of general circulation in LWDA 6. The notice will include information on how to access a nomination form. Persons may nominate themselves.
3. Completed nomination forms will be sent to PWN staff for distribution to the PWN Council. The PWN Council must select from those nominated.
4. The PWN Council will select the number of business and industry appointments and their distribution throughout the member localities based on the composition of the PWN Board as outlined in *Attachment A: Piedmont Workforce Network Board Composition*.

**The PWN Council shall appoint members to the PWN Board from local educational entities.**

**Local educational entity representatives** must be selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities including local school boards, entities providing vocational education, entities providing secondary adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist).

1. On behalf of the PWN Council, PWN staff will send correspondence to the appropriate educational entities soliciting nominations to fill the vacancies on the PWN Board.
2. Completed nomination forms will be sent to PWN staff for distribution to the PWN Council. The PWN Council must select from those nominated.
3. The PWN Council will select the number of local educational entity appointments and their distribution throughout the member localities based on the composition of the PWN Board as outlined in *Attachment A: Piedmont Workforce Network Board Composition*.

**The PWN Council shall appoint members to the PWN Board from local labor organizations, apprenticeships, or community based organizations.**

**Labor representatives** must be selected from among individuals nominated by local labor federations (or in a local area in which no employees are represented by such organizations, other representatives of employees, such as employee organizations and/or the state AFL-CIO).

Apprenticeship Program Representatives must be selected from among individuals nominated by local economic development representatives or the Department of Labor and Industry.

Community Based Organizations must be selected from among individuals nominated for these PWN Board appointments.

1. On behalf of the PWN Council, PWN staff will send correspondence to the appropriate organizations soliciting nominations to fill the vacancies on the PWN Board.
2. Completed nomination forms will be sent to PWN staff for distribution to the PWN Council. The PWN Council must select from those nominated.
3. The PWN Council will select the number of appointments and their distribution throughout the member localities based on the composition of the local Board as outlined in *Attachment A: Piedmont Workforce Network Board Composition*.

**The PWN Council may appoint other members to the PWN Board.**

**For all other members**, individual CLEOs should consult with the appropriate groups in the local area for possible individuals to serve including:

- Representatives of community-based organizations, including organizations representing individuals with disabilities and veterans where such organizations exist in the area.



- Representatives of local economic development agencies, including private sector economic development entities.
1. On behalf of the PWN Council, PWN staff will send correspondence to the appropriate organizations soliciting nominations to fill the vacancies on the PWN Board.
  2. Completed nomination forms will be sent to PWN staff for distribution to the PWN Council. By law, the PWN Council must select from those nominated.
  3. The PWN Council will select the number of appointments and their distribution throughout the member localities based on the composition of the local Board as outlined in *Attachment A: Piedmont Workforce Network Board Composition*.

**Vacancies** will be filled using the same procedure as for original appointments.

#### **Shared Responsibility among Members of LWDA 6**

While the City of Charlottesville is the Grant Recipient for LWDA 6, all of the local governments named in this Agreement hereby agree to share any and all responsibility for administration and implementation of the WIOA. Nothing herein shall be construed as a waiver of sovereign immunity of or by any participating member locality.

#### **Effective Dates of this Agreement**

This agreement shall take effect on July 1, 2015 and shall remain in effect until the WIOA is no longer in effect.

#### **Amendment of the Agreement**

This agreement may be modified by a written amendment approved by a majority vote of all members of the Council, following notice of (i) the specific language of the proposed amendment, and (ii) of the date, time and location of the meeting at which the amendment will be presented to Council for a vote. Notice shall be given in writing to the CLEO of each party to this Agreement.

## **SIGNATURES**

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County of Albemarle

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City of Charlottesville

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County of Culpeper

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County of Fauquier

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County of Fluvanna

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County of Greene

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County of Louisa

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County of Madison

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County of Nelson

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County of Orange

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County of Rappahannock

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Fiscal and Administrative Agent  
Central Virginia Partnership for Economic Development

**ATTACHMENT A: Piedmont Workforce Network Board Composition**  
**Workforce Innovation and Opportunity Act**

<b>Business Representatives</b>		<b>Non-Business Representatives</b>	
Albemarle County	2	VEC	1
City of Charlottesville	2	DARS	1
Culpeper County	2	Adult Education	1
Fauquier County	2	Career and Technical Education (K-12)	1
Fluvanna County	1	Community College	2
Greene County	1	Economic Development	2
Louisa County	1	Labor Organizations	2
Madison County	1	Apprenticeship Program	1
Nelson County	1	Community Based Organizations	2
Orange County	1	Job Corps	1
Rappahannock County	1		
At Large Members	4		
<b>TOTAL</b>	<b>19</b>	<b>TOTAL</b>	<b>14</b>

**Business Representatives:**

Private sector representatives representing a broad range of in-demand occupations available in the local labor market. This includes organizations representing businesses that provide employment opportunities that at a minimum, include high-quality, work relevant training and development in in-demand industry sectors or occupations in the local area. All appointments are three (3) year terms.

**Locality Representatives:**

- Locality representatives are nominated by the local Economic Development Entity in the area and appointed by the Board of Supervisors or City Council in each locality.
- Local Chambers of Commerce
- Representatives must represent employers based on the above definition.

**At Large Members:**

- 2 Representatives must be from PD-9
- 2 Representatives must be from PD-10
- Nominations will be solicited to all local business and industry organizations (including Economic Development representatives and Chambers of Commerce) in the Planning District and approved by the PWN Council.

**Non-Business Representatives:**

Representatives of One Stop Partners, Educational Partners, and Labor Organizations. All appointments are three (3) year terms with the exception of Economic Development and Community Based Organization representatives, which will have one (1) year terms.

Virginia Employment Commission (VEC) – local manager from office of the Virginia Employment Commission.

Department for Aging and Rehabilitative Services (DARS) – local manager from the office of the Department for Aging and Rehabilitative Services. Appointments must rotate between PD-9 and PD-10 local managers.

Adult Education – coordinator or manager or their designee of Adult Education services in LWDA6. Appointments must rotate between PD-9 and PD-10.

Career and Technical Education Representative – representative from a K-12 school system with an established Career and Technical Education Program. Appointments must rotate between PD-9 and PD-10.

Community College – President or VP of Workforce Development or their designee from two (2) of the three (3) community colleges in LWDA6 (Lord Fairfax Community College, Piedmont Virginia Community College, and Germanna Community College). Appointment must rotate between the three colleges.

Economic Development – Two (2) Local Economic Development Representatives from the region, one from PD-9 and one from PD-10. Appointments must rotate between the localities.

Labor Organizations – Two (2) Labor Organization representatives.

Apprenticeship Program – Apprenticeship Program representative from a registered apprenticeship program as designated by the Commonwealth of Virginia.

Community Based Organizations – Two (2) representatives of Community Based Organizations in LWDA6, one from PD-9 and one from PD-10. These are organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including veterans, persons with disabilities, and “out of school” youth. This does include Chambers of Commerce that have demonstrated experience and expertise in addressing the populations listed above.

Job Corps – One (1) representative from the regional Job Corps program.



**COMMONWEALTH OF VIRGINIA  
VIRGINIA BOARD OF WORKFORCE DEVELOPMENT**

**Policy Number \_\_\_\_\_**

**Effective Date: July 1, 2015**

**Title: State Certification of Local Workforce Development Boards**

**PURPOSE**

To describe the purpose of and criteria for establishing and certifying a local Workforce Development Board under the Workforce Innovation and Opportunity Act (WIOA).

**REFERENCES**

P.L. 113-128, Workforce Innovation and Opportunity Act, Section 107

[Place CFR Here When Published]

**POLICY**

Virginia Board of Workforce Development (VBWD) serves as the Governor's WIOA State Workforce Development Board. VBWD's goal is to assist and advise the Governor through recommendation of policies and strategies to increase coordination and thus efficiencies of operation between all workforce development programs.

Each WIOA local workforce area serving the Commonwealth is required to establish and maintain a Workforce Development Board. The chief local elected officials appoint the local Board, which is certified every 2 years by the Governor.

The local Board is part of a statewide workforce system which is business-driven, customer-centric, streamlined, and outcome oriented. The local Board is expected to carry out strategies and policies that support both the economic development mission(s) for the local area and VBWD's goals. The local Board sets policy for the local area, in the context of broader state policy, and is the regional strategic leader, or acts in partnership with a designated regional leader, in addressing workforce development issues, including but not limited to WIOA activities.

The local Board must be led by committed business leaders who can ensure that the local workforce system is responsive to current and projected labor market demand, will contain a broad range of partners needed to develop a comprehensive vision for the local workforce system, and will focus on strategic decisions, not operational management.

The local Board has responsibility for making the following critical decisions:

- How best to organize the regional workforce system to most effectively serve the needs of current and emerging private sector employers and job seekers.
- How best to provide comprehensive services to regional private sector employers;
- How best to deploy available resources to achieve negotiated local performance

- accountability measures and build capacity for continuous improvement;
- How to expand the resource base and service capability through the development of strategic partnerships, an integrated service delivery system, and generation of additional public and private funding.

The local Board carries out their responsibilities in partnership with local chief elected officials. The joint responsibilities include, but are not limited to the following:

- Developing a vision and goals for the local workforce development system that are aligned with both the economic development mission(s) for the local area and VBWD's goals.
- Development of the 4-year local strategic plan;
- In coordination with the Virginia Employment Commission, selection of one-stop operator(s) and locations;
- Selection of training providers;
- Approval of the local one-stop operation(s) budget;
- Program oversight;
- Negotiations with the Governor to reach agreement on local performance accountability measures; and
- Any other activities as required by the Workforce Innovation and Opportunity Act, Section 107 (d), or by the Governor.

A Chief Local Elected Official Agreement to deliver these responsibilities is required where a local area includes more than one unit of local government. The term "Chief Local Elected Official" means the mayor of a city or the chair of the board of supervisors of a county or another elected official from the Board or Council, as designated by the Board or Council. This agreement must specify which jurisdiction will serve as the fiscal and administrative agent, as well as the roles of the individual chief elected officials in regard to local Board nominations and appointments and carrying out all other responsibilities assigned to the Chief Local Elected Officials under WIOA.

An agreement between the Chief Local Elected Officials and the local Board is also required, and must be executed no later than June 30, 2015. This agreement must specify the roles of the Chief Local Elected Officials and the local Board and how each will carry out their partnership responsibilities under WIOA.

The attached guidelines for establishment of the local Board includes the following sections:

1. Composition of the Local Board
2. Local Board Appointment Process
3. Functions of the Local Board
4. Conflict of Interest
5. Certification of the Local Board

For technical assistance, please contact VBWD@VCCS.edu.

**APPROVED** \_\_\_\_\_  
Chair, Virginia Board of Workforce Development

**APPROVED**

Secretary, Commerce and Trade, Office of Governor Terence R. McAuliffe

**DATE: January 6, 2015**

**ATTACHMENT: Guidelines for Establishment of a Local Board**

**1. Composition of the Local Board**

A complete list of mandatory and optional local Workforce Development Board members can be found in Section 107 (b) of the Workforce Innovation and Opportunity Act. Please note there is no limit to the number of members that the local Board may have on its roster, but it must include all mandatory members.

**A. Mandatory Members**

- At least 51% of the members must be made up of private sector representatives located in the local area that represent a broad range of in-demand occupations available in the local labor market. This includes organizations representing businesses that provide employment opportunities, that at a minimum, include high-quality, work relevant training and development in in-demand industry sectors or occupations in the local area.
- Not less than 20% of the members of the local Board must be made up of representatives of labor organizations. This includes representatives who have been nominated by local labor federations and representatives from apprenticeship programs. Community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including veterans, persons with disabilities, and “out of school” youth can be included in this mix, as long as the aforementioned labor organization representatives are appointed to the local Board.
- At least one representative from the Virginia Employment Commission who administers WIOA Title III activities for the local area.
- At least one representative of eligible providers administering WIOA Title II Adult Education and Literacy activities locally. This includes a local representative from a secondary public school’s Career and Technical Education program.
- At least one representative from a local community college providing WIOA training services.
- At least one representative from a local economic and community development entity.
- At least one representative from the Department of Aging and Rehabilitative Services who administers WIOA Title IV activities for the local area.

**B. Optional Members**

- A representative from a regional planning entity.
- A representative of eligible providers administering WIOA Title I Adult and Dislocated Workers Employment and Training activities.
- A representative of eligible providers administering WIOA Title I Youth Workforce Investment activities.
- A representative of eligible providers administering the Social Security Act Title IV (Part A) activities.
- A representative of eligible providers administering employment and training activities carried out through the U.S. Department of Health & Human Services’ Community

Services Block Grant.

- A representative of eligible providers administering employment and training activities carried out through the U.S. Department of Housing and Urban Development's Community Development Block Grant.
- A representative of eligible providers administering Title V of the Older Americans Act programs for engaging low-income senior citizens in community service, employment, and volunteer opportunities.
- A representative of eligible providers administering Section 212 of the Second Chance Act offender reintegration activities.
- A representative of eligible providers administering Supplemental Nutrient Assistance Program Employment and Training activities.
- A representative of eligible providers administering Social Security Ticket to Work, Disability Employment Initiative, and other self-sufficiency programs.
- A representative of eligible providers administering Small Business Association Employment and Training activities.
- A representative of an entity that administers programs serving the local area relating to transportation, housing, and public assistance.
- A superintendent, or designated representative, of a local public school system (other than a representative from a local Career and Technical Education program).
- A representative of higher education providing WIOA activities.
- A representative of a philanthropic organization.
- Any other individual or representative of an entity as the chief elected officials in the local area may determine to be appropriate.

#### C. Chairperson

The members of the local Board will elect a chairperson from among the private sector representatives. The chairperson serves as the Executive Committee Chair and selects the chairs for all standing committees and taskforces of the local Board.

#### D. Membership Terms

- Members of the board must be individuals with optimum policy making authority within the organizations, agencies, or entities they represent.
- Members of the board should be appointed for staggered terms.
- Private sector representatives should be an appropriate mix of small, medium and large employers that reflect the local labor market, i.e., the business representation should reflect the industry mix in the local labor market.
- Individuals serving on the local Board who subsequently retire or no longer hold the position that made them eligible board members may not continue to serve on the local Board. The entity affiliated with the vacating board member may provide a new representative to the local Board.
- Vacancies resulting from resignations or removal of mandatory members must be filled within 90 days.

## **2. Local Board Appointment Process**

### A. Nominations & Selection

The Chief Local Elected Officials must contact the appropriate entities in the local area for nominations to appoint members and/or to fill vacancies on the local Board from business, local



educational entities, and labor representatives. Chief Local Elected Officials may also design a process for nominations of individuals and other types of representation the officials would like to include on the local Board. Vacancies subsequent to the establishment of the local Board must be filled in the same manner as the original appointments.

Private sector representatives are to be selected from among individuals nominated by local business organizations (ex. business trade associations, chamber of commerce, economic development agencies). Individual businesses may also nominate themselves or provide nominations of other businesses to the Chief Local Elected Officials. Private sector representatives can include owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy making or hiring authority (ex. Vice Presidents of Human Resources).

Local educational entity representatives must be selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities including local school boards, entities providing vocational education, entities providing secondary adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist).

Labor representatives must be selected from among individuals nominated by local labor federations (or in a local area in which no employees are represented by such organizations, other representatives of employees, such as employee organizations and/or the state AFL-CIO).

For all other members, local chief elected officials should consult with the appropriate groups in the local area for possible individuals to serve including:

- Representatives of community-based organizations, including organizations representing individuals with disabilities and veterans where such organizations exist in the area.
- Representatives of local economic development agencies, including private sector economic development entities.

#### **B. Public Participation**

Chief Local Elected Officials must provide public notice of the intent to solicit nominations for local Board membership, including the process to be used for nominations and selection.

### **3. Functions of the Local Board**

#### **A. Responsibilities**

- The local Board shall enter into an agreement with the Chief Local Elected Officials clearly detailing the partnership between the two entities for the governance and oversight of activities under the WIOA.
- The local Board shall develop a budget for the purpose of carrying out the duties of the local Board. The Chief Local Elected Officials must approve the budget.
- The local Board may solicit and accept grants and donations from sources other than Federal funds made available under WIOA assuming it has organized itself in a manner to do so.

- The local Board, in partnership with Chief Local Elected Officials, shall develop the vision, goals, objectives, and policies for the local workforce development area. The vision should be aligned with both the economic development mission(s) for the local area and VBWD's goal.
- The local Board, in partnership with the Chief Local Elected Officials, shall develop and submit to the Governor, a local strategic plan that meets the requirements in Section 108 of the Workforce Innovation and Opportunity Act.
- In collaboration with the Virginia Employment Commission, the local Board, with the agreement of the Chief Local Elected Officials, shall designate or certify one-stop operator(s) and may terminate for cause the eligibility of one-stop operators.
- The local Board shall select eligible providers of youth activities by awarding grants or contracts on a competitive basis.
- The local Board shall identify eligible providers of training services for adults and dislocated workers.
- The local Board, in partnership with the Chief Local Elected Officials, shall conduct oversight with respect to local programs of youth, adult, and dislocated worker activities authorized under the WIOA.
- The local Board, in partnership with the Chief Local Elected Officials, will negotiate and reach agreement with the Virginia Board of Workforce Development on behalf of the Governor on local performance accountability measures.
- The local Board shall assist the Governor in developing a statewide employment statistics system.
- The local Board shall coordinate the workforce activities authorized under WIOA with local economic development strategies, and develop employer linkages with those activities.
- The local Board shall promote the participation of local private sector employers through the statewide workforce development system.
- The local Board may employ staff and/or utilize other options for carrying out these responsibilities.
- The local Board is responsible for any other activity as required by the Workforce Innovation and Opportunity Act, Section 107 (d) or by the Governor.

#### B. Restrictions

- The local Board may not provide training services unless granted a waiver by the Governor due to an insufficient number of eligible providers of training services to meet the local area demand. The waiver shall apply for not more than 1 year and may be renewed for not more than 1 additional year.
- The local Board may not mandate curricula for schools.
- The local Board may not be designated or certified as a one-stop operator unless an agreement is reached with the chief elected officials and the Governor.

#### C. Local Board Meetings

- Sunshine Provisions:
  - a. The local Board shall share information regarding its meetings and activities with the public subject to the provisions of the Virginia Freedom of Information Act.
  - b. The local Board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the local Board, including

information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operator(s) consistent with the State plan, and the award of grants or contracts to eligible providers of youth activities, and minutes of formal meetings of the local Board.

- c. In order to comply with the Sunshine Provisions, each local Board and any subcommittee authorized to take official action on behalf of the local Board must do the following:
  - Take official action and engage in deliberations only at meetings open to the public. "Official action" includes making recommendations, establishing policy, making decisions, and/or voting on matters of local Board business. "Deliberations" are discussions of local Board business necessary in order to reach decisions.
  - Ensure that all meetings are held in an accessible location for the disabled and that all information is provided in accessible and alternate formats.
  - Give public notice of meetings in accordance with applicable state code provisions, including public notice in advance of any special meeting or rescheduled regular meeting. No public notice need be given of an emergency meeting called to deal with a real or potential emergency involving a clear and present danger to life or property.
  - Insure that votes of local Board members be publicly cast and, in the case of roll call votes, recorded.
  - Keep written minutes of all public meetings, including date, time and place of the meeting, members present, the substance of all official actions, a record of roll call votes, and the names of any citizens who appeared and gave testimony.
- d. Closed executive sessions may be used according to the provisions of the Virginia Freedom of Information Act. Such session may be held during or after an open meeting, or may be announced for a future time. If closed session is not announced for a specific time, local Board members must be notified 24 hours in advance of the date, time, location and purpose of the session. The reason for holding an executive session must be announced at the open meeting either immediately prior or subsequent to the executive session.
- e. Official action on any matter discussed at an executive session must be taken at an open meeting.

#### **4. Conflict of Interest**

- A. All members of the local Board serve a public interest and trust role and have a clear obligation to conduct all affairs in a manner consistent with this concept. All decisions of the Board are to be based on promoting the best interest of the state and the public good. Accordingly:
  - All members of the Local Board are subject to the provisions of the State and Local Government Conflict of Interest Act.
  - The local Board shall adopt in its bylaws a conflict of interest policy meeting the minimum standards set forth in the State and Local Government Conflict of Interest Act. The conflict of interest standards shall apply to all board members (voting and non-voting).
  - A member of a local Board must neither cast a vote on, nor participate in, any decision-making capacity on the provision of services by such member (or by an organization that such member directly represents); nor on any matter that would provide any direct

benefit to such member or the immediate family of such member. Immediate family means (1) a spouse and (2) any other person residing in the same household as the member, who is a dependent of the member or of whom the member is a dependent. Dependent means any person, whether or not related by blood or marriage, which receives from the member, or provides to the member, more than one-half of his financial support.

- Any Board member (or specific entity represented by that member) who participates in the development of contract specifications or standards is prohibited from receiving any direct financial benefit from any resulting contract.
- Any Board member who participates in a Board decision relating to specific terms of a contract, the determination of specific standards for performance of a contract, the development of Invitations for Bid or Requests for Proposals or other such bid processes leading to a contract, or any similar decisions is prohibited from receiving any direct financial benefit from any resulting contract. In addition, no corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust, foundation or other entity shall receive the contract if it would create a conflict of interest for the Board member who participated in this manner.
- Each local Board member shall file a statement of economic interest with the Local Workforce Development Board, as a condition of assuming membership and then, annually while serving as a Board member. The Chief Local Elected Officials shall determine the composition of the statement of economic interest.
- Any Board member with a potential or actual conflict of interest must disclose that fact to the local Board as soon as the potential conflict is discovered and, to the extent possible, before the agenda for the meeting involving the matter at issue is prepared. If it should be determined during a meeting that a conflict of interest exists, the member must verbally declare such conflict of interest, such declaration must be clearly noted in the minutes, and such member must excuse himself from the remainder of the discussion and voting on that item. Each Board member is responsible for determining whether any potential or actual conflict of interest exists or arises for him or herself during his tenure on the Board.
- If a contract or purchase is made by the local Board involving its own member with a conflict of interest, the local Board shall justify the terms and conditions of the contract or purchase and document that the contract or purchase was adequately bid or negotiated and that the terms of the contract or price of the purchase are fair and reasonable.
- Local Board members who are also one-stop center operators shall not serve on any committees that deal with oversight of the one-stop system or allocation of resources that would potentially be allocated to that member's program.
- All members of the Local Board are subject to all other provisions of the State and Local Government Conflict of Interest Act not outlined above.

## **5. Certification of the Local Board**

### **A. Local Level Responsibilities**

- The Chief Local Elected Officials must submit local Board Membership Nomination Forms for each Board member. Information to be included on the forms include the names of the individuals initially appointed as members of the local Board, their title, company or agency name, address, E-mail address, telephone, and fax numbers,

nominating entity (where applicable), appointment/term expiration date, and sector representation. For private sector representatives, the industry sector, whether the business is small or large, and whether the business is minority or female owned must be identified. The Nomination Forms, which are provided by the staff of the Virginia Board of Workforce Development, must be submitted to LWDB@VCCS.edu by April 30, 2015.

- The Chief Local Elected Officials must submit a local Board Membership Certification Form that lists the names of the individuals appointed as members of the local Board, their title, company or entity name, appointment/term expiration dates, and sector representation. The Certification Form, which is provided by the staff of the Virginia Board of Workforce Development, must be submitted to LWDB@VCCS.edu by April 30, 2015.
- The completed Nomination and Certification Forms must be kept on file at the local level.
- The Local Board must meet within 30 days after the Governor's notification of certification approval to elect a chairperson.
- The name and contact information for the chairperson, as well as any subsequent changes in the chairperson designation, must be submitted to LWDB@VCCS.edu within 10 days of the vote.
- The Chief Local Elected Officials must submit to the Virginia Board of Workforce Development every 2 years its updated local Board membership information.

#### B. Governor's Responsibility

- The Virginia Board of Workforce Development will recommend the certification of the local Board to the Governor upon its determination that the composition of the Board and the appointment of the individuals to the Board are consistent with the criteria established in Section 107 of the Workforce Innovation and Opportunity Act and this policy. The Governor will provide the certification to the local Board by June 30, 2015.
- Subsequent certification of the local Board is required once every 2 years by the Governor with the recommendation from the Virginia Board of Workforce Development.
- The Governor will notify the Chief Local Elected Officials within 30 days after the submission of the listing of the local Board members and supporting documents of the certification or denial of the proposed local Board. The criteria for initial certification or denial of certification will be based on the relevant composition requirements in Workforce Innovation and Opportunity Act, Section 107 and this policy.
- All initial certification requirements for local Boards must be met by July 1, 2015.
- If after a reasonable effort, the Chief Local Elected Officials in a multiple units of local government local area are unable to reach an agreement as described above, the Governor will appoint the members of the local Board from individuals nominated as described above.
- For subsequent certifications of the local Board, in addition to compliance with composition requirements, the Governor will consider 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 the Board's success in carrying out the functions listed in these Guidelines.
- If a local Board fails to achieve certification, the Chief Local Elected Officials will be

required to reappoint and submit a membership listing following the procedures outlined above.