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COLORADO WORKFORCE DEVELOPMENT COUNCIL

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Category: Workforce Investment Act
Subject#: Local Workforce Investment Board Policies
Source: Federal/State
Revise/Replace: N/A
Contact: Stephanie Steffens, Director, Colorado Workforce Development Council
Distribution: Managers, Workforce Development Programs Staff, Workforce Region Directors and Staff
Colorado One-Stop System Policy Guidance Letter#: 12-13-WIA
Date: December 14, 2012

I. REFERENCE(S):

Title I of the Workforce Investment Act (WIA) of 1998, WIA Sections 111(g), 112(b)(9), 117(e) 20 CFR 661.207; Colorado Open Meetings Law, C.R.S. §§ 24-6-401 *et seq*

II. PURPOSE:

To provide guidance and policy direction to Local Workforce Investment Boards (LWIB) and Workforce Regions on Workforce Investment Act (WIA) mandated LWIB operations.

III. BACKGROUND:

The following policies and procedures are mandated under WIA:

- Ensure public access (including to individuals with disabilities) to board meetings and information regarding board activities, such as board membership and meeting minutes.
- Identify circumstances that might present a conflict of interest for any state or local Workforce Investment Board member or the entity that s/he represents, and provide for the resolution of conflicts.
- Establish criteria to be used by chief elected officials for the appointment of Local Workforce Investment Board members.

- Establish certification requirements of Local Workforce Investment Boards by the Governor every two years.

IV. PUBLIC ACCESS POLICY:

Local Workforce Investment Board meetings shall be held at the times and in the places designated by the LWIB chairperson, and all meetings shall be conducted in accordance with the Colorado Open Meetings Law, C.R.S. §§ 24-6-401 *et seq.*

V. CONFLICT OF INTEREST POLICY:

A member of a board shall avoid the appearance of conflict of interest by not voting in, or participating in, any decision by the board regarding the provision of services by such member, or any organization or business which that member directly represents, or on any matter which would provide direct financial benefit to that member, the member's immediate family, or any organization which that member directly represents.

Business conflict of interest is defined as any ownership of the business, receiving any gross income during the previous or current year from the business, or ownership in real property relating to the business valued at \$10,000 or more.

Organization conflict of interest is defined as (i) being employed by the organization; and/or (ii) being a member of the board of directors, commission, council, or other direct governing body of the organization; and/or (iii) being a creditor of the organization in an amount in excess of \$10,000; and/or (iv) being an equity owner of any portion of the organization.

For purposes of this provision, an “immediate family member” is defined as (i) father, mother, brother, sister, daughter, or son of the member; and/or (ii) the spouse of the member; and/or (iii) father, mother, brother, sister, daughter, or son of the member’s spouse.

VI. LOCAL WORKFORCE INVESTMENT BOARD APPOINTMENT POLICY:

The LWIB shall consist of decision-making individuals reflective of the business demographics in the region and leaders from the workforce system, education and economic development.

LWIB membership, at a minimum, shall include:

1. Representatives of business in the local area, who:
 - Are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy-making or hiring authority;
 - Represent businesses with employment opportunities that reflect the employment opportunities of the local area; and
 - Are appointed from among individuals nominated by local business organizations and business trade associations;

2. Representatives of local educational entities, as selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities including:
 - Representatives of local educational agencies
 - Local school boards
 - Entities providing adult education and literacy activities
 - Post-secondary educational institutions (including representatives of community colleges, where such entities exist)
3. Representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees
4. Representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present)
5. Representatives of economic development agencies, including private sector economic development entities; and
6. Representatives of each of the one-stop partners

Membership may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

Local Regions may want to consider the following when:

1. Appointing business members
 - Businesses that represent the key industries in the region
 - Large businesses
 - Small Businesses
 - Geographical representation
2. Appointing partners (ex: economic development, one-stop partners, etc.)
 - Job Corps, Native American programs, migrant and seasonal farmworker programs, and veterans workforce programs
 - Programs authorized under the Wagner-Peyser Act (Employment Services)
 - Adult education and literacy
 - Vocational rehabilitation programs
 - Welfare To Work programs
 - Senior Community Service Employment Program
 - Post-secondary vocational education activities such as Career & Technical Education
 - Trade Adjustment Assistance programs
 - Department of Housing and Urban Development
 - Temporary Assistance for Needy Families programs
 - Small Business Development Centers
 - Local Chambers of Commerce

VII. LOCAL WORKFORCE INVESTMENT BOARD CERTIFICATION POLICY:

The Governor, as required under WIA, shall certify LWIBs every two (2) years beginning July 1, 2012. Submittal of required materials shall be due to the State as required by the Local Plan guidelines. It is not necessary for the Governor to certify sub-regional WIBs, although the regional WIB must present documentation that it has done so. The Colorado Workforce Development Council (CWDC) shall issue a schedule and instructions for submission of materials needed for certification as part of the annual Local Plans.

The recertification will, at a minimum, be based on:

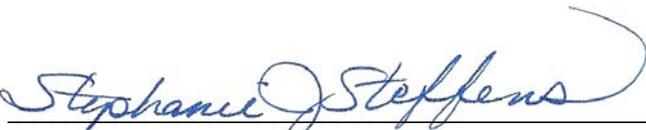
1. Compliance of local board composition which shall be consistent with Title I, sec. 117(b) or (I) of WIA, and with ORS 285A.452-461 (SB 117). LWIBs will submit a statement of compliance that includes the name, title and organization of individuals appointed.
2. The LWIBs' ability to meet their fiduciary responsibility during the previous two years. (Fiscal Monitors will review recent audit results and financial activity for any material issues that the region demonstrated in meeting their fiduciary responsibilities, and provide this information to the Council.)
3. The LWIBs' ability to meet the current negotiated state WIA performance standards. (Program Monitors will review the WIA performance outcomes for each region and provide this information to the Council.) Any LWIB that fails to meet a performance measure for two (2) consecutive program years will not be approved for recertification.

V. IMPLEMENTATION DATE:

Immediately upon receipt.

VI. INQUIRIES:

Please direct all inquiries to Colorado Workforce Development Council staff:
cwdc@state.co.us.

	12/14/2012
Stephanie Steffens, Director	_____
Colorado Workforce Development Council	Date