I. GENERAL REQUIREMENTS FOR LWIBS

A. The local workforce board is appointed by the chief elected officials in each local area, is certified by the Governor, and is re-certified every two years.

Comment: Board certification is delegated to the Colorado Workforce Development Council. In general certification relates to the board meeting the membership requirements of WIA (see Part II), local performance outcomes, and any additional criteria set by the Council.

B. Local boards and their chief elected officials may enter into an agreement that describes the roles and responsibilities of the respective parties.

Comment: An agreement is not required, but is often desirable because of the mandated working relationship with the local elected officials (see Part III below).

C. If a local area includes more than one unit of local government, the chief elected officials of such units may execute an agreement among them to describe their respective responsibilities.

Comment: Such interagency agreements may include the responsibilities of the local entity who has taken on the legal and financial liability for all WIA programs, as well as who is responsible for appointing the local board.

D. WIA is silent regarding the general operating rules of a local board. This means that a local board may determine its own general operating procedures through development and passage of by-laws.

Comment: By-laws should be developed and be up-to-date. They need to include voting procedures, the definition of a quorum, replacement of members that resign, etc.

E. The local board must conduct its business in an open manner by making available to the public, on a regular basis through open meetings, information about the activities of the board. This includes information regarding the local plan, board membership, the development of significant policies, and minutes of formal meetings.

F. Conflict of Interest: A local board member must neither cast a vote on, nor participate in any decision-making capacity, regarding the provision of services by such member (or any organization which that member directly represents), nor on any matter that would provide any direct financial benefit to that member or a member of his immediate family.
II. MEMBERSHIP REQUIREMENTS FOR LWIBS

A. The required members are:

1. **Representatives of businesses** in the local area, who are nominated by local business organizations and business trade associations. In addition, business representatives must be owners, chief executive officers, chief operating officers, or other individuals with optimum policymaking or hiring authority.

   **Comment:** Economic development entities and chambers of commerce may be considered business sector members, count toward the business majority and are eligible to serve as the chair of an LWIB, when they are a private entity (for profit or non-profit) or a public-private partnership, but are not a governmental entity.

   **Comment:** Business representatives should not typically include non-profits unless they are set up as a business cooperative. The exception would be a non-profit economic development or chamber of commerce organization.

   **Comment:** As a general principle, USDOL prefers that regions minimize the number of sole proprietors serving as business representatives on the LWIB. In line with this, the state would not support a sole proprietor as the LWIB chair. Instances where sole proprietor business representatives on the LWIB would be appropriate include, but are not limited to:
   • Local areas with thriving entrepreneurial economies that have one or more large or demand industries in which many of the jobs are as sole proprietors
   • An entrepreneur selected to be a business member of the LWIB is a well-known and respected community leader, and is actively engaged in economic and community development related activities relevant to growing and preparing the local area’s workforce

   **Comment:** The State does not support the LWIB counting a public sector employer as part of the business majority, even if it is a major employer in the local economy.

2. Two or more representatives of each of the following categories:
   a. Local educational entities;
   b. Local labor organizations;
   c. Community-based organizations (including those representing the disabled and veterans); and
   d. Economic development agencies.

3. At least one representative with “expertise relating to the program, service or activity” for each required One-Stop partner:
   a. WIA programs;
   b. Wagner-Peyser programs;
   c. Adult education and literacy programs;
   d. Rehabilitation Act programs;
   f. Title V of the Older Americans Act programs;
   g. Postsecondary education programs under the Carl Perkins Act;
   h. Trade Act programs;
   i. Title 38 Veterans programs;
j. Community Services Block Grant programs;
k. Housing and Urban Development employment and training programs; and
l. Unemployment insurance programs.

Comment: Welfare-to-work programs authorized under sec. 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5) et seq.) are listed as a required One-Stop partner in WIA. The program is no longer in operation and therefore is no longer required. A representative of Temporary Assistance for Needy Families (TANF) programs may be considered as a substitute, but is not required.

Comment: A required One-Stop partner is an administrative entity or an organization responsible for administration of funds for that partner program in the local area. (For example, AARP operates the Title V Older Worker program in parts of Colorado, and therefore can serve as the Title V representative on the LWIBs in those regions of the State.) An appropriate representative with “expertise related to the program, service or activity” is an official of a One-Stop partner program who has documented expertise related to that particular partner program. If the organization does not operate or provide services in the local region, they are not required to have a representative on the LWIB.

Comment: One individual could represent more than one of the required partners, such as the CDLE member representing the WIA, Wagner-Peyser, Trade Act, UI, and Veterans programs.

B. The chief elected official may decide to include additional members representing individuals with multiple barriers to employment or other special populations.

C. Additional rules regarding membership are:
1. A majority of board members must be representatives of local business. The Chair of the board must come from the business sector.

   Comment: There is no rule that the vice-chairperson of the board must represent business. However it is recommended, because the vice-chair will act in the chairperson's role when s/he is absent or if the chairperson resigns.

2. An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation of each of the entities involved.

   Comment: Typically, appointing authorities have worked to identify individuals who can represent more than one sector, so that the board is kept to a manageable size.

3. Members must be individuals with optimum policy making authority within the entities they represent.

   Comment: A representative with “optimum policy making authority” is 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.
III. RESPONSIBILITIES OF LWIBs

A. Develop the local plan and conduct oversight of the One-Stop system in partnership with the local elected officials:

Comment: The local plan is updated on an annual basis. Staff writes the plan with input from the board. The board reviews the plan and votes to approve it before it is submitted to the State. The board must approve and the board chairperson must sign off on the plan and any plan modifications.

Comment: A “report card” or “dashboard” of performance that is prepared by staff is one method to assist the board with its oversight responsibilities. There are many other possibilities for oversight that can be determined between the board and the operator.

B. Designate and certify One-Stop operators with the agreement of the local elected officials:

Comment: One-Stop operators have been designated in each federally recognized workforce region. Boards can opt to look at redesignation if an operator is failing to meet its performance or fiduciary responsibilities.

C. Select eligible youth service providers, based on the recommendations of the youth council, to receive grants or contracts:

Comment: Some of the WIA youth services must be competitively procured through the entity's purchasing department and rules. The youth council is involved reviewing any grants or contracts that come out of the procurement process. They will need to take their recommendations to the board for approval unless the board delegates this responsibility to the youth council.

D. Identify eligible providers of intensive services (for adults) to receive grants or contracts:

Comment: This relates to the ability of the board to recommend sub-contracting of WIA services. Two workforce regions have implemented this option (Denver and Rural). The board would be involved in any contract or grant approval (along with the chief elected officials) if subcontracting were considered a viable alternative for providing these services.

E. Identify and approve eligible providers of training services for final approval by the State:

Comment: This is an ongoing process required by WIA for the WIA Adult and Dislocated Worker programs that can be delegated by the board to the One-Stop operator staff.

F. Develop agreements (memorandum of understanding - MOU) with mandated local partners (and jointly with local elected officials):

Comment: Copies of MOUs with the required partners are submitted to the State by staff in each region after review by the board and local elected officials. These may be set up to automatically renew each year (or any other period of time) unless the One-Stop operator or the partner has a reason to modify or terminate them. MOU’s with additional partners are at the discretion of the One-Stop operator and board.
G. Develop a budget for the board subject to the approval of the local elected officials:

**Comment:** This is handled differently in each region. Most Colorado boards do not have separate budgets. Rather the One-Stop operator provides staffing and other resources from WIA and other program dollars.

H. Negotiate and reach agreement on local performance measures with the local elected officials and the Governor:

**Comment:** In past years One-Stop directors have requested to negotiate annual local performance measures with the State. In these instances, the board and the local elected officials may be asked to approve the results of the negotiations. In future years these negotiations may be replaced by the use of a regression model methodology. Additionally, the local board or the Colorado Workforce Development Council may decide to impose performance measures in addition to those required by WIA and Wagner-Peyser. To date, neither has chosen to do this.

I. Set policy for the local workforce system in partnership with the local elected officials:

**Comment:** There are many examples of this, such as the requirement for a priority of service policy for the WIA Adult program. This involves identifying which target groups of clients are served first when WIA intensive and training services funds are limited. Typically staff would develop a draft policy with input from the board. Then the board would need to approve the policy.

J. Assist the Governor in developing statewide employment statistics systems under the Wagner-Peyser Act:

**Comment:** Such requests for assistance may come from the Colorado Department of Labor and Employment’s Labor Market Information Section or the Colorado Workforce Development Council. This has happened very infrequently since the inception of WIA.

K. Coordinate WIA activities with economic development strategies and developing employer linkages:

**Comment:** This relates to the board plan of work (or strategic plan) and takes different forms in each region. Ideas for coordination objectives will surface as the board increases its involvement in local workforce issues and initiatives.

L. Promote employer involvement in the workforce system:

**Comment:** Once again this relates to the board plan of work (or strategic plan) per the Comment for part K.

M. Appoint the youth council in cooperation with the local elected officials and coordinate workforce activities with the youth council:

**Comment:** All workforce regions currently have active youth councils in place. As new members are needed, the board approves the appointments, often in cooperation with local elected officials. Youth councils develop the youth portion of the local plan, recommend providers of youth services, and conduct oversight of youth programs – all with the
approval of the board. The youth council may have other duties that are not subject to the approval of the board.

**Comment:** WIA states that the youth council is a subgroup of the board, with some of the members of the youth council that are not necessarily members of the board. Boards may opt to create the youth council as a completely separate entity or as a subcommittee of the board.

**N.** May be a provider of WIA services if the local elected officials and the Governor agree:

**Comment:** Some boards in other states have incorporated as non-profits and are operating their own WIA programs or providing some type of WIA services. This has not occurred in Colorado. However, at least two Colorado LWIBs have incorporated as non-profits to apply for grant funds that will be used by the One-Stop operator.

**O.** May employ staff:

**Comment:** As with part N, a board can incorporate and hire staff as support to the board or to operate a WIA program.

**P.** Conduct regional planning if the State mandates this effort:

**Comment:** The State has encouraged regional planning, particularly through industry sector-based grants, but has not required it. A requirement would mean that local plans or a joint plan would need to be developed, reviewed, and/or approved by the boards and local elected officials of more than one region.

**Q.** Coordinate Rapid Response (layoff assistance) activities in conjunction with the State:

**Comment:** The local plan contains a commitment on the part of each region to coordinate rapid response activities with the State. This coordination occurs at the One-Stop operator level with input and approval from the board.