

RICK SNYDER
GOVERNOR



CHRISTINE QUINN
DIRECTOR

OFFICIAL

Workforce Development Agency (WDA)

Policy Issuance (PI): 15-04

E-mail: 04/02/15 (pv)

Date: April 2, 2015

To: Michigan Works! Agency (MWA) Directors

From: Stephanie Beckhorn, Director, Office of Talent Policy and Planning
Workforce Development Agency
SIGNED

Subject: Local Workforce Development Board (WDB) Workforce Investment Opportunity Act (WIOA) Membership Certification

Programs Affected: All Programs Administered by the MWAs

Rescissions: WDA PI 13-18

References: Workforce Innovation and Opportunity Act (WIOA)
Talent District Career Council (TDCC), WDA PI 15-01

Background: The WIOA, which supersedes the Workforce Investment Act (WIA) of 1998, presents an extraordinary opportunity to improve job and career options for our nation's workers and jobseekers through an integrated, job-driven public workforce system that links diverse talent to businesses. The WIOA supports the development of strong, vibrant regional economies where businesses thrive and people want to live and work. This revitalized workforce system will be characterized by three critical hallmarks of excellence:

- (1) The needs of business and workers drive workforce solutions;
- (2) One-Stop Centers provide excellent customer service to workers, jobseekers and employers, and focus on continuous improvement;
- (3) The workforce system supports strong regional economies and plays an active role in community, economic and workforce development.



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One of the first steps in implementing WIOA is reestablishing WDBs in all local areas to meet the law's new provisions. The WIOA Section 107(a) prescribes that there shall be established in each local area (certified by the Governor) a local WDB to lead workforce investment and development activities for the area.

Policy:

This policy provides the requirements for the submission of all documentation necessary for initial certification of the membership of each local WDB under the WIOA for Programs Years 2015 and 2016, the time period July 1, 2015 to June 30, 2017.

Current WDB memberships certified in accordance with WDA PI 13-18 for Calendar Years (CYs) 2014 and 2015 will be invalidated effective July 1, 2015. In order for a local WDB to carry out WIOA functions, in accordance with the WIOA Section 107(d), WDB membership certification as described in this policy shall be completed by July 1, 2015.

All required forms and instructions are attached to this policy issuance.

Action:

In order to certify a local WDB, MWAs must submit the required documentation listed below.

Certification Components

A complete WDB certification submission requires the following documents:

- (1) WDB CEO Conflict of Interest Attestation (Attachment A)
- (2) WDB Member Conflict of Interest Attestation (Attachment B)
- (3) WDB Composition Summary (Attachment C)
- (4) WDB Membership Roster (Attachment D)
- (5) WDB Alternates Roster (Attachment E)
- (6) Copy of CY 2015 and 2016 Meeting Schedule

All WDB certification materials must be submitted electronically via e-mail by June 1, 2015, to WDB@michigan.gov.

Adherence to Established Procedures

Until updated policy is issued, all WDBs must continue to comply with established procedures for submission of WDB meeting minutes, WDB Disclosure Report Forms, and roster changes. These items should be submitted to WDB@michigan.gov. Adherence to open meetings and other requirements previously implemented under the WIA and continued under the WIOA must also be followed.

Inquiries:

In accordance with the Americans with Disabilities Act, the information contained in this policy issuance will be made available in alternative format (large type, audio tape, etc.) upon special request received by this office.

Questions regarding this policy should be addressed to Mr. Rick Niedieck at (586) 263-7896, or e-mailed to niedieckr@michigan.gov.

Expiration

Date:

June 30, 2017

SB:RN:pv

Attachments

WDB REQUIREMENTS

I. WORKFORCE DEVELOPMENT BOARDS (WDBs)

Appointment of Board Members

The Workforce Innovation and Opportunity Act (WIOA) Section 107(b) outlines the required composition of local Workforce Development Boards (WDBs) and the process for nominating and appointing members. Until the Governor, in partnership with the State Board, establishes criteria for use by the Chief Elected Official (CEO) for appointment of local WDB members, the following process shall be followed: Member nominations are sent by local entities representing the relevant sector to the CEO who shall make all appointments to the WDB based on nominations received. A majority of the members of each local board shall be representatives of business in the local area, who:

- (1) Are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
AND
- (2) Represent businesses, including small businesses, or 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;
AND
- (3) Are appointed from among individuals nominated by local business organizations and business trade associations.

Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse geographic areas within the local area and represent employers whose employment opportunities reflect existing and emerging employment opportunities in the region. Board members are required to be employed by the sector they represent with exceptions noted in the WDB Composition section.

Members may have alternates attend on their behalf, as long as they are from the same sector and go through the same nomination/appointment process as regular members.

WDB Chairperson

All local WDBs must have a board chair. The WDB chair is elected by the WDB and must be a business sector member of the board (WIOA Section 107(b)(3)). The WDB may also choose to elect a vice-chair who can carry out the chair's functions should the chair be unavailable. The vice-chair must also be elected by the WDB and represent the business sector.

Change in Status, Reappointment, and Terms

Change in Status – Any WDB member who no longer holds the position or status that made them eligible to represent a specific sector on the WDB must resign or be removed by the CEO immediately as a representative of that sector (e.g., they no longer work in the business sector, are no longer affiliated with an educational institution, etc.). A resignation is not effective until it has been accepted by the CEO.

WDB REQUIREMENTS

Reappointments must be initiated through a nomination by the same sector and be reappointed by the CEO. All members serve staggered and fixed terms.

To best allow for comprehensive nominations, review, and appointment, board vacancies must be filled within 120 days from the time the vacancy was created. WDBs with vacancies exceeding 120 calendar days will be considered not in compliance.

WDB Minimum Composition

Sector	Additional Requirements	Comments
<p>Business-Sector</p> <p><i>Majority (51 percent minimum)</i></p>	<p><u>Required Business Sector:</u></p> <p>All business members must be nominated by local business organizations (e.g., Chamber of Commerce) or business trade associations.</p>	<p>Note (2) Page 4</p>
<p>Labor Organizations</p> <p><i>Not less than 20 percent - may include Community Based or Youth Organizations to meet minimum requirement</i></p>	<p><u>Required Labor Organizations:</u></p> <p>(i) shall include representatives of labor organizations (nominated by local labor federations); if there are no labor organizations in the local area, other representatives of employees.</p> <p>(ii) shall include a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, a representative of an apprenticeship program, if such a program exists.</p>	<p>Note (3) Page 4</p>
<p>Community Based & Youth Organizations (Optional)</p>	<p><u>Community Based Organization:</u></p> <p>A private nonprofit organization (which may include a faith-based organization) that has demonstrated expertise and effectiveness in the field of workforce development; addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities.</p> <p><u>Youth:</u></p> <p>Organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.</p>	

WDB REQUIREMENTS

<p>Adult Education/ Literacy</p> <p><i>One (1)</i></p>	<p><u>Required Adult Education/Literacy:</u> Eligible providers administering adult education and literacy activities under Title II. If there are multiple eligible providers serving the local area under Title II, each representative on the local board shall be appointed from among individuals nominated by eligible local providers.</p> <p>The regional TDCC may choose to nominate the Adult Education/ Literacy representative. The CEO should give considerable priority to this nomination when selecting the member.</p>	<p>WDA PI 15-01</p>
<p>Higher Education</p> <p><i>One (1)</i></p>	<p><u>Required Higher Education:</u> Institutions of higher education providing workforce investment activities (including community colleges)</p> <p>If there are multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board shall be appointed from among individuals nominated. The TDCC may choose to nominate the Higher Education individuals. The local providers representing such institutions should give considerable priority to these nominations when selecting the members.</p>	<p>WDA PI 15-01</p>
<p>Economic/ Community Development</p> <p><i>One (1)</i></p>	<p><u>Required Economic Development:</u> A representative of an Economic Development Organization, local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.</p>	
<p>Vocational Rehabilitation</p> <p><i>One (1)</i></p>	<p><u>Required Vocational Rehabilitation:</u> An appropriate representative of the programs carried out under Title I of the Rehabilitation Act of 1973 serving the local area. Examples include, but are not limited to, Michigan Rehabilitation Services (MRS) or the Michigan Bureau of Services for Blind Persons.</p>	
<p>State Employment Service</p> <p><i>Zero (0)</i></p>	<p>An appropriate representative from the State employment service office under the Wagner-Peyser Act serving the local area.</p>	<p>Note (1) Page 4</p>

WDB REQUIREMENTS

Other Members

Per the WIOA Section 107(b)(2)(E), each local board may include such other individuals or representatives of entities as the CEO in the local area may determine to be appropriate. Representatives in this category will be voting members and subsequently will impact the percentage composition requirements for the Business and Labor Organizations sectors.

If the local board chooses to include a WDA member on the board, the member shall be Ex-Officio and non-voting. The local board shall indicate on their roster, under “Other” that they would like the WDA to nominate a WDA member to the local board.

Notes

- (1) In Michigan, services under Wagner-Peyser are delivered at the local level by the WDB staff or contracted staff. Local boards will not be required to appoint a member in this category due to the agreement resulting from the State of Michigan v. U.S. Department of Labor, U.S. District Court No. 5:98-CV-16.
- (2) The CEO should make every effort to appoint business sector members from companies that represent existing and emerging in-demand industry sectors in the local area. Representatives must be from the business sector. Private not-for-profit entities and public entities that operate as businesses and are employers may be considered business sector members on the local WDB. Such entities should align with the key industry sectors for the state and the local area (e.g. a not-for-profit hospital, prison, etc.) as identified in the WDB’s local plan. Organizations whose functions align with other represented sectors must be classified in that sector and cannot be classified as a Business Sector Representative. Examples include:
 - (a) Chambers of Commerce and Visitors and Conventions Bureaus may be appointed to local boards as a representative of a Community-Based Organization or, if they function as the local economic development agency, as an economic development representative.
 - (b) Representatives from proprietary schools cannot be considered a business sector member.
- (3) An organized labor representative can be a member of a labor organization or steward without being employed by a labor organization. Should a representative, as described in paragraph (ii) under Labor Organizations, not be available in the local area and attested to by the CEO, any combination of eligible representatives will be acceptable.

Unless specifically noted in this policy, dual sector representation, a single individual representing more than one WDB membership sector, is prohibited.

Nominations to the WDB are required under the WIOA for the following sectors:

- (a) All Business Sector members.
- (b) Labor Organizations - For a local area in which employees are represented by labor organizations; nominated by local labor federations.

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- (c) Adult Education/Literacy and Higher Education - If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively or by the Talent District Career Council.

Notification of Membership Change

When there is an appointment or resignation of a board member or a new board Chairperson or Vice-Chair (if applicable) is elected, an updated Membership Roster (Attachment D) must be submitted, with the change highlighted, to the WDA within 30 days.

Standing Committees

The WDB may designate and direct the activities of standing committees to provide information and to assist the WDB in carrying out their required responsibilities. Such standing committees shall be chaired by a member of the WDB (Committees should be Business Sector led), may include other members of the WDB, and shall include other individuals appointed by the WDB who are not members of the WDB and who the WDB determines have appropriate experience and expertise. The WDB may designate each of the following standing committees:

- (1) Operations - to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include members representing one-stop partners.
- (2) Youth - to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth which shall include community-based organizations with a demonstrated record of success in serving eligible youth. The TDCC may serve in this capacity, provided they meet the requirements outlined above.
- (3) Disability Concerns - to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

The local board may designate standing committees in addition to the standing committees specified above.

WDB REQUIREMENTS

WDB Meetings

A minimum of one official meeting of the WDB shall be held each quarter (four meetings each year). No official WDB business may be conducted in the absence of a quorum. To constitute a quorum, 50 percent of the total membership must be in attendance at the time of the meeting. Vacancies do not count toward a quorum.

Note: Michigan's Open Meetings Act defines a meeting in section 15.262. "Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.

Additional Requirements

- (1) A yearly meeting schedule must be submitted to the WDA and posted to the MWA's website by January 15th of each year.
- (2) Approved minutes must be made available for public inspection within five days after formal approval. All approved meeting minutes shall be posted not more than five business days after the meeting at which they are approved on the MWA's website and a copy submitted electronically to the WDA at WDB@michigan.gov.
- (3) WDB Disclosure Report Forms noting WDB member abstentions from voting must be submitted to WDB@michigan.gov at the same time as the meeting minutes.

WDB By-Laws

The WDB by-laws must be updated to reflect WDB composition requirements outlined in this policy and any other changes associated with the implementation of the WIOA. The WDBs should use this opportunity to thoroughly review and update their by-laws. The WDBs should pay particular attention to participation options made possible by advancements in electronics and telecommunications and provisions for conflict of interest. Revised by-laws must be submitted to the WDA by September 30, 2015.

**Workforce Development Board (WDB)
Chief Elected Official
Conflict of Interest Attestation Form Instructions**

Chief Elected Officials shall not appoint an individual to serve on a local WDB if he or she has an ownership interest in or is employed by an organization that receives money under the direct control of the board, or if the individual engages in any other activity that creates a conflict of interest or what would appear to a reasonable person to be a conflict of interest.

Exception - An individual who has an interest in or is employed by an entity that receives money under the partial or complete control of the local WDB may be appointed to, or continue to serve, on the board if the individual does not hold a policymaking position with the entity and would not receive other than a remote or incidental benefit from the board's decisions.

The exception applies to allow local WDB representation from entities such as a school that enrolls students with tuition paid from funds under the control of the board, a government agency from which representation is required, and an employer that accepts compensation for the extraordinary costs of providing Employer-Based Training from funds under the board's control.

The Conflict of Interest Attestation Form must be signed by the Chief Elected Official and submitted to the Workforce Development Agency (WDA) to ensure certification of the local board. This form is an attestation that a conflict of interest does not exist in regard to all WDB members.

This form must be completed, signed by the Chief Elected Official, and submitted to the WDA by June 1, 2015, as part of the certification package.

**WORKFORCE DEVELOPMENT BOARD
CHIEF ELECTED OFFICIAL (CEO)
CONFLICT OF INTEREST ATTESTATION FORM**

Calendar Year _____

Michigan Works! Agency Name

I, the undersigned, do attest that a conflict of interest does not exist with any of these Workforce Development Board members.

Chief Elected Official's Name (typed)

Chief Elected Official's Signature

Date

Please submit electronic scanned copies with signature to:

Workforce Development Agency
Office of Talent Policy and Planning
Workforce Development Boards

E-mail: WDB@michigan.gov

**Workforce Development Board (WDB) Member
Conflict of Interest Attestation Form Instructions**

The WDB members must ensure that their individual interests do not conflict or interfere with their duties while serving in their appointed positions. Conflict of interest requirements must be met as soon as board members are appointed. A conflict of interest is a circumstance in which the WDB member's individual interest impairs (or gives the appearance of impairing) their ability to make unbiased decisions or provide unbiased public services. The WDBs and their members must adhere to both federal and state conflict of interest requirements.

For the WDB certification process, all appointed WDB members must complete and sign the WDB Conflict of Interest Attestation Form and the signed forms must be submitted to the Workforce Development Agency as part of the certification packet by June 1, 2015. Initial attestation will cover the period July 1, 2015 through December 31, 2015.

After the WDB is certified, each WDB member shall sign a WDB Conflict of Interest Attestation Form annually. The signed forms shall be kept on file at the MWA.

**WORKFORCE DEVELOPMENT BOARD (WDB) MEMBER
CONFLICT OF INTEREST ATTESTATION FORM**

Michigan Works! Agency Name

I, the undersigned, do attest that a conflict of interest does not exist between my individual interest as (*list position and company name*) _____ and my ability to make unbiased decisions while serving as a member of the WDB.

WDB Member's Name (printed)

WDB Member's Signature

Date

MWA Executive Director (signature)

Please submit electronic scanned copies with signature to:

Workforce Development Agency
Office of Talent Policy and Planning
Workforce Development Boards
E-mail: WDB@michigan.gov

**Workforce Development Board (WDB)
Composition Summary Form Instructions**

The following WDB Composition Summary, indicating the actual number and percentage of representatives by sector, must be completed and submitted as part of the certification package. Minimum composition requirements are noted. A majority shall be Business sector representatives and Labor Organizations shall constitute a minimum 20% of total membership. Community-Based Organizations may be counted towards the 20% requirement if conditions outlined in this policy issuance are met.

In the first column, indicate the number of members in each sector. In the second column, indicate the percentage of the entire membership that this number constitutes. Do not count ex-officio representatives in the percentage calculations, unless the representative is explicitly designated as a voting member.

Labor Organizations /Apprenticeship Check Box – Check this box if the Chief Elected Official (CEO) attests there are no organizations meeting the requirements of this sector in the local area.

Required - a member of a labor organization or a training director, from a joint labor-management apprenticeship program. If no such joint program exists in the area, a representative of an apprenticeship program, if such a program exists. The checkbox allows the CEO designation of the inability to meet the required subdivisions of labor representation.

WORKFORCE DEVELOPMENT BOARD (WDB) COMPOSITION SUMMARY

Michigan Works! Agency Name _____

Sector	Local Membership Composition		Minimum Requirements	
	#	%	#	%
Business Sector			8	51%
Labor Organizations			1 minimum*	3 Combined Minimum 20%
Labor Organizations /Apprenticeship			1 minimum*	
Community-Based/ Youth Organization (Optional)			1 minimum**	
Adult Education/Literacy			1	N/A
Higher Education			1	N/A
Economic/Community Development			1	N/A
Vocational Rehabilitation			1	N/A
Workforce Development Agency Ex-Officio (Optional)		N/A		N/A
Other				N/A
TOTALS		100%	15 minimum	N/A

*Minimum total of three, due to the minimum 20 percent requirement.

** Must be recognized as a voting member to count towards the Labor Organizations percentage.

Labor Organizations /Apprenticeship - Check if the CEO attests there are no organizations fitting this sector in the local area.

Please submit completed form to:

Workforce Development Agency
Office of Talent Policy and Planning
Workforce Development Boards

E-mail: WDB@michigan.gov

**Workforce Development Board (WDB)
Membership Roster Instructions**

This form must be completed for certification and final approval by the Governor in accordance with the following instructions. When duplicating the form for additional member information, ensure the header is on all duplicate pages.

- A. Title, Name, Title of Position and Industry: Starting with the WDB chair, provide the title (Mr., Ms., Mrs., or Dr.), member's name, and his/her title or position in the organization represented (Human Resources Director, etc.). Indicate the type of industry or organization represented, e.g., manufacturing, health care, information technology, agriculture, construction, mining, transportation, communications, utility, finance, insurance, real estate, services, etc. If the board member is an elected official, include their elected position title (e.g., County Commissioner, Luce County).

- B. Name of Organization, Mailing Address, E-mail Address, and Phone Number: Indicate the name of the organization by which the individual is employed. Include the mailing address, e-mail address, and telephone number for each member. Contact information cannot be the local Michigan Works! Agency office.

- C. Board Term and Nominating Organization: Identify each member's board term: Month, Day and Year to Month, Day and Year, (i.e., 07/01/15 – 6/30/17). For Business, Labor Organizations and Education Representatives, indicate the nominating organization, if applicable (required for business and labor sector representatives).

- D. Vacant Positions: If the local board meets minimum composition requirements for certification but has vacancies due to by-law requirements, place the word vacant where the member's name would appear in the appropriate sector.

NOTE: Wrap text as necessary to fit box.

Please submit completed form to:

Workforce Development Agency
Office of Talent Policy and Planning
Workforce Development Boards

E-mail: WDB@michigan.gov

WORKFORCE DEVELOPMENT BOARD (WDB) MEMBERSHIP ROSTER

MWA Name: _____ Date Revised: _____

A. Name & Title	B. Company name, mailing address, email, and phone number	C. Board Term (m/d/yr – m/d/yr) Nominating Organization (See Note)
NOTE: Wrap text as necessary to fit box	NOTE: Wrap text as necessary to fit box	
Business (Minimum 51%) Indicate Board Chair and Vice Chair, if applicable & the Chair's Term as Chairperson		
1.		
2. (Add rows as necessary)		
Labor Organizations/Apprenticeship (Minimum 20%)		
1.		
2. (Add rows as necessary)		
Community-Based /Youth Organization (Optional)		
1. (Add rows as necessary)		
Adult Education/Higher Education		
1.		
2. (Add rows as necessary)		
Economic and Community Development		
1. (Add rows as necessary)		
Vocational Rehabilitation		
1. (Add rows as necessary)		
Other		
1. (Add rows as necessary)		
1. (Add rows as necessary)		
1. (Add rows as necessary)		

- Indicate any vacancies in the appropriate section in column A (See Instructions for Attachment D)

- If any of the board members are elected officials, include their elected position title in column A along with their represented organization's title

Note: The Nominating Organization is required for the Business Sector and may be required for Labor Organizations and Education Representatives.

**Workforce Development Board (WDB)
Alternates Roster Instructions**

1. First column: Indicate the member for whom an alternate is designated.
2. Second column: Provide the name & title of the alternate member.
3. Third column: Provide the data for the alternate member.

Please submit completed form to:

Workforce Development Agency
Office of Talent Policy and Planning
Workforce Development Boards

E-mail: WDB@michigan.gov

WORKFORCE DEVELOPMENT BOARD ALTERNATES ROSTER

WDB Member	Designated Alternate	Designated Alternate Contact Information
Name:	Name:	Organization:
	Title:	Mailing Address:
		Telephone Number:
Name:	Name:	Organization:
	Title:	Mailing Address:
		Telephone Number:
Name:	Name:	Organization:
	Title:	Mailing Address:
		Telephone Number: