

RICK SNYDER
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OFFICIAL

Workforce Development Agency (WDA)

Policy Issuance (PI): 13-18

E-mail: 01/08/14 (pv)

Date: January 8, 2014

To: Michigan Works! Agency (MWA) Directors

From: Gary Clark, Director, Office of Talent Development Services
Workforce Development Agency
SIGNED

Subject: Local Workforce Development Board (WDB) Membership Recertification for Calendar Years (CYs) 2014 and 2015

Programs Affected: All Programs Administered by MWAs

Rescissions: None

References: Workforce Investment Act (WIA) of 1998
Job Training Partnership Act (JTPA) of 1982
One-Stop Service Center System Act (2006 PA 491)

Background: WIA, Section 116, prescribes that the Governor working with the State Board and local officials designate “Local Workforce Investment Areas” based on criteria provided in statute. WIA, Section 117, prescribes that there shall be established in each local area (certified by the Governor) a local WDB to set policy for the local workforce investment system. Subsequently, the Governor shall, once every 2 years, recertify the local board based on Sec. 117 (b) Membership and “the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures.”

WIA, Section 117(i), allows an “alternative entity” to serve each local area as the WDB. In Michigan, this provision allowed for the “grandfathering” of the Jobs Training Partnership Act (JTPA), Private Industry Councils (PICs) into this role. Michigan’s WDBs must comply with Section 102



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and 103 of the JTPA, and meet certain additional requirements prescribed under the WIA and Michigan Law, i.e., 2006 PA 491. Certain criteria of JTPA, WIA and Michigan Law must be met by WDBs in order to be in compliance.

Policy: This policy provides the requirements for the submission of all documentation necessary for recertification of the membership of each local WDB for CYs 2014 and 2015.

All required forms and instructions are attached.

Action: In order to recertify a local WDB, MWAs must execute the following activities:

Recertification Action

A complete WDB recertification submission requires the following documents:

- WDB Conflict of Interest Attestation (Attachment B)
- WDB Composition Summary (Attachment C)
- WDB Membership Roster (Attachment D)
- WDB Alternate Roster (Attachment E)
- CY 2014 and 2015 meeting schedules for the WDB.
- Copy of Current WDB Bylaws

All WDB recertification materials must be submitted electronically via e-mail within 45 days from the issuance of this policy to WDB@michigan.gov.

Comprehensive Review

In addition to biennial membership recertification, all WDBs must continuously comply with the WIA, Sec. 117(d) Functions of the Local Board, Sec. 117(e) Sunshine Provision, Sec. 117(f) Limitations, and all other pertinent administrative requirements detailed in WDA PI 11-13, and any subsequent changes. The WDA maintains the right to conduct a comprehensive review of each WDB to ensure continual compliance with administrative regulatory requirements. The comprehensive review may include evaluation of WDB composition, fiscal oversight, strategic planning, performance, and conflict of interests. Policy regarding the administrative

functions of a local WDB is currently under development and will be issued in the near future.

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 Ms. Tammy Flynn, TAA Manager, Office of Talent Development Services, WDA at 517-335-4267, or e-mailed to flynnt@michigan.gov.

Expiration

Date:

December 31, 2015

GC:NR:pv
Attachments

I. WORKFORCE DEVELOPMENT BOARDS (WDBs)

Appointment of Board Members

WIA, Section 117, prescribes the process for nominating and appointing WDB members. Generally, member nominations shall be sent by local entities representing the relevant sector. The Chief Elected Official (CEO) makes all appointments to the WDB based on nominations received. The *majority* of all members on a WDB shall be private sector representatives. For private sector representation, members must “reasonably represent” the industrial/demographic composition of the business community in a given area, they are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority and represent businesses with employment opportunities that reflect the employment opportunities of the local area. Also, the chair of the local WDB shall be from the private sector.

Board members are required to be employed by the sector they represent, with the following exceptions:

- An Employment Service (ES) representative can be designated as the entire board or work for the private sector.
- An educational representative can be a member of a school board and not an employee of a school district.
- An organized labor representative can be a member of a labor organization or steward without being employed by a labor organization.

Local Elected Officials (LEOs) may be appointed but must fit one of the required sectors. There may be no more than two elected officials serving on a local WDB. Generally, LEOs are positions, such as county commissioners and/or city council members.

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 Chair

All local WDBs must have a board chair. The WDB chair is elected by the WDB and must be a private sector member of the board (WIA Section 117(b)(5)). 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 a private sector member.

One-Stop Partners

As implemented, grandfathering provisions remove the requirement of representation from each of the one-stop partners on the local WDB, as prescribed in WIA Section 117 (b)(2)(vi)). This allows local discretion in maintaining a smaller WDB.

Reappointment and Terms

Reappointments must be initiated through a nomination by the same sector and be reappointed by the CEO. All members serve staggered and fixed terms of up to *3 years*.

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.

Board Representation

The local WDB must have the following composition:

Sector	Members	Additional Unique Requirements	Additional Citations
Private Sector	Majority (51 percent minimum) must be private sector	Two members must be from the 15 largest businesses in the area. All private sector members must be nominated by general purpose business organization (e.g., Chamber of Commerce).	
Educational	Two	EAG may nominate one educational representative. Educational Agency (WIA Section 117(b)(2)(A)(ii)) Must be nominated by local educational entity.	Also, see JTPA, Section 102 and MCL 408.121.
Employment Service (ES)	One	Can be: 1) ES State staff person, 2) Private Sector user, or 3) “entire WDB.”	
Community Based Organization (CBO)	One (15 percent) - CBO & Labor Combined)	CBO: (WIA, Section 101(7)) – a non-profit that demonstrates expertise in workforce investment, including organizations that represent the disabled and veterans (WIA Section 117(b)(2)(A)(iv)).	Also, see JTPA, Section 102 and MCL 408.121.

Labor Organizations	One (15 percent) - CBO & Labor Combined)	Labor: (WIA Section 117(b)(2)(A)(iii)) – nominated by local labor federations.	Also, see JTPA, Section 102 and MCL 408.121.
Economic Development	One	Economic Development Agency: (WIA Section 117(b)(2)(A)(v)) – local planning, zoning boards, community development agencies, etc., defined under WIA Section 101(11).	Also, see JTPA, Section 102 and MCL 408.121.
Vocational Rehabilitation	One	Vocational Rehabilitation Agency, Michigan Rehabilitation Services (MRS) or Michigan Commission for Blind – prescribed under JTPA, Section 102 and MCL 408.121.	
Public Assistance	One	Local Department of Human Services (DHS) - as prescribed under JTPA, Section 102 and MCL 408.121.	
Workforce Development Agency (WDA)	One Non-Voting	A current employee of the WDA. MCL 408.121 mandates this requirement and Executive Order 2011-4 created the WDA within the MSF (transferring the state’s workforce investment authority, functions, etc., into the WDA).	

Non-voting members designation are not considered as a significant change to the WDB and subsequently does not require designating additional private/business sector members to maintain the required private/business sector majority or additional labor/CBO members to maintain the 15 percent requirement for that sector.

Individuals representing local Chambers of Commerce may be appointed to local boards as a representative of a Community-Based Organization or, if the local Chamber functions as the local economic development agency, as an Economic Development representative. Individuals representing local Chambers of Commerce may be appointed to local boards as a representative of the Private Sector if the CEO determines the representative meets the requirements of WIA Sec. 117(b)(2)(A). A Chamber of Commerce representative cannot serve as a WDB Chairperson.

Notification of Membership Change

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

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 at the time of the meeting must be in attendance. Vacancies do not count toward a quorum.

Additional Requirements

- Yearly meeting schedule must be submitted to the WDA and posted to the MWA's Web site by January 15th of each year.

Required Forms and Instructions attached

**Workforce Development Board
Conflict of Interest Attestation Form Instructions**

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

This form must be completed, signed by the Chief Elected Official and submitted to the Workforce Development Agency by January 15, 2014.

**WORKFORCE DEVELOPMENT BOARD
CONFLICT OF INTEREST ATTESTATION FORM**

Calendar Years 2014 - 2015

Michigan Works! Agency

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
Talent Development Services
Workforce Development Boards

E-mail: WDB@michigan.gov

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

The following WDB Composition Summary Form, 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 private sector representatives and the combined representation of Community-Based Organizations/organized labor shall constitute a minimum 15 percent of total membership.

In the first column indicate the number of current members in each sector. In the second column, indicate the percentage of the entire membership that this number constitutes. Do not count the WDA representative in the percentage calculation.

WORKFORCE DEVELOPMENT BOARD COMPOSITION SUMMARY

Michigan Works! Agency _____

	Local Membership Composition		Minimum Requirements	
	#	%	#	%
Private Sector			N/A	51%
Education			2	N/A
Employment Service			1	N/A
Community-Based Organization			1 minimum*	Combined 15%
Organized Labor			1 minimum*	
Economic Development			1	N/A
Rehabilitation			1	N/A
Public Assistance Agencies (DHS)			1	N/A
Workforce Development Agency			1	
Other				
TOTALS		100%	19 minimum	N/A

*Minimum total of three, due to the minimum 15 percent requirement.

Please submit completed form to:

Workforce Development Agency
Talent Development Services
Workforce Development Boards

E-mail: WDB@michigan.gov

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

This form must be completed for recertification 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. Highlight all membership changes.

- A. Title, Name and Title of Position: Starting with the WDB chair, provide the title (Mr., Ms., Mrs., or Dr.), name of each member, and his/her title or position in the organization represented (Human Resources Director, etc.).
- B. Name and Type of Organization: Indicate the name of the organization by which the individual is employed and the type of industry or organization represented, i.e., manufacturing, construction, mining, transportation, communications, utility, wholesale, retail, finance, insurance, real estate, services, etc.
- C. Mailing Address, E-mail Address, and Phone/Fax Numbers: Include the mailing address, E-mail address, telephone and facsimile numbers for each member, if available. Mailing addresses cannot be the address of the local Michigan Works! Agency office.
- D. Chair: Indicate by placing an X in Column D.
- E. Employee: Indicate by placing an X in Column E for each member employed by the organization noted in Column B.
- F. Sector: Indicate the sector represented:

Private Sector: The majority of the WDB must be from the private sector.

Top 15: Two of the private sector representatives must be employed by two of the largest businesses in the area.

Education: The education representative may be a salaried employee of an educational organization, or an elected or appointed member of an educational board.

Employment Service (ES): An ES state staff person, an employer who is currently utilizing and has extensive background in utilizing ES services, or the WDB itself.

Community-Based Organization (CBO)

Economic Development: Economic Development Agency.

Organized Labor: Recognized state and local labor organizations or appropriate building trades councils.

Vocational Rehabilitation: (such as Michigan Rehabilitation Service).

Public Assistance Agencies: Federal, state, or local agencies that provide government cash payments for which eligibility is determined by a need or income test (Department of Human Services).

A current employee of the Workforce Development Agency.

Other: For other sectors represented, specify: local government, or Bureau of Apprenticeship and Training, Michigan Department of Corrections, etc.

- G. Term Timeframe: Identify each member's term time frame: Month, Year to Month, Year, (01/12 – 12/14).
- H. Elected Official: Indicate if member is an elected official (county commissioner, mayor, or city council member).
- I. Vacant Position: If a position is vacant and became vacant within the last 120 days, the vacancy may count as a regular member for recertification purposes. If this situation applies, place the word vacancy where the member's name would appear, provide the sector information, and place the vacancy posting date (Month/Day/Year), in the term timeframe box.
- J. Board in Compliance: Does your board meet all compliance requirements? If not, please provide boards plan to become compliant include steps with dates.

Contact Name:
Telephone #

A. TITLE, NAME, AND TITLE OF POSITION	B. NAME AND TYPE OF ORGANIZATION	C. MAILING ADDRESS, E-MAIL ADDRESS, PHONE AND FAX NUMBER	D. CHAIR	E. EMPLOYER	F. SECTOR								G. TERM TIME FRAME	H. ELECTED OFFICIAL	I. VACANCY	
					PRIVATE	EDUCATION	EMPLOYMENT SERVICE	CBO	ECONOMIC DEVELOPMENT	ORGANIZED LABOR	VOCATIONAL REHAB	PUBLIC ASSISTANCE				WDA
													Top 15			

E-mail: WDB@michigan.gov

**Workforce Development Board (WDB)
Alternates Roster for WDBs 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.

WORKFORCE DEVELOPMENT BOARD ALTERNATES ROSTER

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

Please submit completed form to:

Workforce Development Agency
Office of Talent Development Services
Workforce Development Boards

E-mail: WDB@michigan.gov