



Local Governance Policy

Published June 10, 2024

Effective January 1, 2025



Discussion Points

Touchpoint Agenda Items

- 2024 Local Governance policy evolution
- Non-substantial edits
- Content variation between the 2015 and 2024 policy versions



2024 Local Governance policy evolution

How did we get here?

- Public comment period: 4/4/2023-5/4/2023
- Workgroup created due to public comments received
 - Bureau of Workforce Development Administration (BWDA)
 - Local Workforce Development Board (LWDB) executive directors
 - PA Workforce Development Board
 - Various other statewide workforce system stakeholders



Non-Substantial Edits

Revisions NOT affecting scope/intent of policy

- Formatting/Layout
- Grammar/Spelling
- Policy proper versus attachments
 - Attachments currently embedded in 2024 policy include:
 - **Attachment A: Local Governance Policy Provisions, Procedures and Guidance**
 - Attachment B: Chief Elected Official Agreement Guidance
 - Attachment C: Chief Elected Official and Fiscal Agent Agreement Guidance
 - Attachment D: Chief Elected Official and Local Workforce Development Board Partnership Agreement Guidance



PA CareerLink[®] definition

Change from the 2015 version

- **PA CareerLink[®]** is the registered trademark for Pennsylvania's online job matching system for jobseekers and employers **as well as Pennsylvania's one-stop centers.** **Additional identifiers at the local level are not prohibited in accordance with 20 CFR 678.900(d).**



LWDB, Membership Composition

Change from the 2015 version

- The LWDB must include representatives from all required categories *as detailed in Attachment 2: Local Workforce Development Board Membership List* and may include additional representatives as deemed appropriate by the CEO.



LWDB, Membership Composition

Change from the 2015 version

- Not less than 20 percent of the members of the local board must be workforce representatives. Such representatives must include:
 - Two or more representatives of labor organizations (or other employee representatives if there are no labor organizations operating in the local area); and,
 - One or more representatives of a joint-labor management registered apprenticeship program (or other registered apprenticeship program if there is no joint labor- management program in the local area). In areas with joint apprenticeship programs, the apprenticeship representative must be a member of a labor organization or a training director.



LWDB, Membership Composition

Change from the 2015 version

- The LWDB must include one (1) representative from each of the following training providers:
 - An eligible training provider administering literacy and adult education activities under Title II of WIOA; and,
 - An institution of higher education, including community colleges, providing workforce development activities.
- The LWDB must also include one (1) representative from each of the following governmental and economic and community development entities:
 - Governmental and economic and community development entities;
 - State Employment Service Office under Wagner-Peyser serving the local area; and,
 - Programs carried out under Title I of the Rehabilitation Act of 1973.



LWDB, Membership Composition

Change from the 2015 version

- Per 20 CFR §679.320, the LWDB may include individuals or representatives of workforce and other appropriate entities in the local area including:
 - Community-based organizations (CBOs) with demonstrated experience and expertise in 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); and
 - Organizations with demonstrated experience and expertise in addressing the employment, training or education needs of WIOA-eligible youth, including organizations serving out-of-school youth (OSY). "Demonstrated experience and expertise" means an individual who is a workplace learning advisor as defined in WIOA Section 3(70); contributes to the field of workforce development, human resources, training and development or a core program function; or who the LWDB recognizes for valuable contributions in education or workforce development related fields;



LWDB, Membership Composition

Change from the 2015 version

- Per 20 CFR §679.320, the LWDB may include individuals or representatives of workforce and other appropriate entities in the local area including:
 - Entities administering education and training activities who represent local education agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
 - Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
 - Philanthropic organizations serving the local area; and
 - Other appropriate individuals as determined by the chief elected official.



LWDB, Membership Composition

Change from the 2015 version

- Although these members are not required under the Act, the commonwealth encourages CEOs to confer voting privileges on these members and that they carry the same rights and responsibilities as required members. If a CEO elects to not confer voting privileges to an LWDB member serving in a non-required category, the CEO must articulate the decision in the appointment letter. Regardless of voting privileges, all LWDB members will be calculated toward the required categorical membership for business and workforce percentages.
- The LWDB must elect a chairperson from among the business representatives on the local board as required by WIOA Section 107(b)(5), and members must represent diverse geographic areas within the local area.



Multiple Entity Representation

Change from the 2015 version

- A single individual may be appointed to represent more than one membership category, including business, if the individual and the entity they represent meets all the criteria for representation for each category. For example, individuals representing more than one required category must have optimum policymaking or hiring authority within each of the categories they are representing. Individuals will count towards category percentages and minimums for each category they represent. Individuals representing more than one category will only have one vote.



Membership Provisions Nominations

Change from the 2015 version

- Representatives of business; labor organizations; adult education and literacy; and higher education are required to be nominated prior to appointment to the LWDB. Nominating organizations must submit a written communication directly to the CEO(s) with a copy provided to the local board, which:
 - Local boards may use *Attachment 4: Local Workforce Development Board Individual Nomination Form*, or
 - If a written letter is submitted, it must be on the appropriate nominating agency's letterhead, or if the written communication is an email, it must contain the signature block of the nominating entity and the email address domain name must match the nominating entity's name.



Appointments

Change from the 2015 version

- Proof of the appointment (e.g., appointment letter signed by the CEO or a copy of meeting minutes) and proof of appointment details (i.e., appointee's name, defined term, and appointment category) must be maintained at the LWDB office in accordance with record retention requirements and be made available upon request by federal and state agencies. Appointment details must be sent by the CEO, or designee, to the appointed member.



Terms

Change from the 2015 version

- **All terms, except interim appointments, must be no less than two (2) years and no more than four (4) years.** All terms, including interim appointments, must have a defined start date and end date. The start date, term's duration and end date are agreed upon with appointees before appointment. A LWDB member's term begins on the pre-determined start date. **Appointments cannot be retroactive or backdated. A member's appointment expires on the pre-determined end date, the effective date of a member's resignation or the date the member is removed for cause.**



Interim Appointments

Change from the 2015 version

- If a member is unable to complete an agreed-upon term appointment, a CEO may make an interim appointment of another individual to complete the incomplete term. All interim appointees must satisfy the same nomination and appointment membership provisions as full-term candidates. An interim appointment may be for the remainder of an incomplete term; or, the CEO may establish, in agreement with the intended appointee, a new term. Whichever is decided, the appointment must be made before reaching 120 days after a term's pre-determined end date or before reaching 120 days after a term becomes an incomplete term.



Subsequent Appointments/Reappointments

Change from the 2015 version

- If the LWDB's bylaws allow, the CEO can appoint a member for additional terms, which is called a reappointment. Reappointments should follow the same procedure as initial appointments, including submitting nomination documentation. The original nomination remains valid for the reappointment unless there are changes. The local board must confirm the accuracy of the original nomination details; if any changes are found, a new nomination is required. Reappointments should be arranged before a member's current term ends, necessitating advance planning by the CEO. Members whose terms end before the reappointment process is completed cannot carry out any official board duties, such as voting or deliberating, until the start of their subsequent term.



Authority of LWDB Members

Change from the 2015 version

- **LWDB members who represent organizations, agencies or other entities shall be individuals with** optimum policymaking authority within the organizations, agencies or entities they represent.



Category Realignment

Change from the 2015 version

- If, during a member's term, an individual's membership category changes, including assignment to a secondary or tertiary membership category in addition to the initial category to which a member was appointed, the individual must be renominated, if the change or additional category representation requires nomination, and appointed/reappointed.



Vacancies

Change from the 2015 version

- A vacancy impacting LWDB membership compliance must be filled within **120** days. If a vacancy goes beyond the **120**-day deadline and results in the LWDB being out of compliance with statutory or regulatory guidance for required membership composition, the LWDB must request and receive an approved, written waiver from the director of BWDA or the director's designee before the next LWDB meeting.



Waiving the 120-day appointment requirement

Change from the 2015 version

- Requests to waive the **120**-day requirement identified in this policy must be submitted via email to L&I at least one (1) week before the expiration of the **120** days. Each request must provide an explanation of why a vacancy will not be filled in the required timeframe. **Waivers must be requested by the LWDB chairperson and/or LWDB staff executive director.**
- **All requests should be addressed to the following resource account: RA-LI-BWDA-Policy@pa.gov. If approved, the waiver will extend the period an additional 30 days or as negotiated with BWDA. Failure to fill the vacancy may result in sanctions to the LWDB. See *Pennsylvania's Workforce System Sanctions Policy* for more information.**



Conflict of Interest

Change from the 2015 version

- Local board members must complete the *Attachment 1: Conflict of Interest Code Form LWDB Member* prior to performing any official action. *Attachment 1: Conflict of Interest Code Form LWDB Member* must be completed at the beginning of a member's initial term and at the beginning of any subsequent terms. LWDBs must maintain an updated copy of each board member's Conflict of Interest Code form for monitoring purposes.



Pennsylvania Department of State, or DOS, Registration

Change from the 2015 version

- Entities wishing to nominate a proposed individual for LWDB membership consideration, and to maintain the LWDB appointment, must ensure compliance pursuant to Pennsylvania's Title 15 PA Consolidated Statute or other appropriate Commonwealth statute that regulates and/or acknowledges an entity's legal status. Entities that nominate an individual(s) for LWDB membership and desire to maintain a LWDB membership must be registered with the Pennsylvania Department of State's Bureau of Corporations and Charitable Organizations.



Functions of the LWDB

Change from the 2015 version

- The LWDB **must perform the roles and responsibilities outlined in WIOA Section 107(d).**



LWDB Staff

Change from the 2015 version

- This agreement is to further define administrative board entity/CEO which activities will be administered by the board and which will not. The agreement may include but is not limited to which funding streams will follow the processes governed by the board and which will not; which staff will support the board and which will not; which activities are completed by the administrative entity and will not be managed by the LWDB processes; and any other activities that are deemed necessary.



Restrictions

Change from the 2015 version

- If career services and training services are offered by the organization that employs LWDB staff and/or fiscal agent staff, **the organization designated to perform these functions must describe in the CEO & LWDB partnership agreement how the organization will carry out its responsibilities while demonstrating compliance with WIOA and ensuring no conflict of interest.**



Procedures

Change from the 2015 version

- To facilitate the initial certification of a LWDB, the CEO(s) or a designee must submit a current LWDB membership list to L&I within **90** days following full local board appointment. **Thereafter, LWDBs shall provide membership lists to L&I on a quarterly basis.**



Approval

Change from the 2015 version

- Certification by L&I will be evidenced by notification of approval from L&I, in writing, to the LWDB.



Denial

Change from the 2015 version

- Failure to carry out responsibilities articulated in law, published regulation, policy, or grant agreement.
- Failure to achieve certification within 120 days of the date of the re-certification report from BWDA may result in an interruption of workforce development activities and funding in an LWDA. A LWDB unable to achieve certification by June 30 of the certification year is at risk of an elevated funding risk status and may be subject to sanctions up to and including decertification. BWDA Oversight & Monitoring will provide technical assistance to help navigate the certification process as necessary and requested.



Sunshine Provisions

Change from the 2015 version

- Sunshine Provisions, as required by WIOA Section 101(g), state and LWDBs must conduct business in an open manner. Therefore, the LWDB must make available to the public, through electronic means and open meetings, information about LWDB activities such as the WIOA local plan development, modifications to the WIOA local plan, LWDB membership, LWDB bylaws and minutes of LWDB's meetings.



Standing Committees

Change from the 2015 version

- Pennsylvania does not require the establishment of standing committees; however, if established, standing committees must abide by the following requirements. The use of standing committees expands opportunities for stakeholders to participate in LWDB decision-making, particularly for representatives of organizations that may no longer sit on the LWDB but continue to have a stake in the success of LWDB decisions. Such committees also expand the capacity of the LWDB in meeting required functions. Standing committee membership should be representative of the local area and include individuals with diverse background and ethnicities.



Standing Committees continued...

Change from the 2015 version

- According to WIOA Sec. 107(b)(4)(A), the role of a standing committee is to assist LWDBs and gather information on behalf of the LWDB. This is to mean the role of a committee is to discuss and recommend items to the LWDB for deliberation and official action, defined in Sec. 703 of the PA Sunshine Act. Committees cannot take official action on agency business on behalf of the LWDB.



Standing Committees continued...

Change from the 2015 version

- According to WIOA Sec. 107(b)(4)(A), all standing committees shall be chaired by a member of the LWDB and may be partially comprised of other members of the LWDB. Additionally, standing committees must include other appointed individuals that are not members of the LWDB that have appropriate experience and expertise to advise on issues that support the LWDB's ability to attain the goals of the WIOA state, local and regional plans and the objective of providing customer focused services to individuals and businesses.



Standing Committees continued...

Change from the 2015 version

- All standing committee meetings must generate meeting minutes outlining the date, time, location, members present, members absent, whether a quorum of the committee is achieved, and a comprehensive narrative of the content of discussion or recommendation to the LWDB.



Youth Standing Committee

Change from the 2015 version

- **If established**, a youth standing committee represents a mechanism for a LWDB to coordinate area-wide youth services, assist with planning and oversee operational youth programs.



Youth Standing Committee

Change from the 2015 version continued...

- If established, Youth committee membership:
 - must include a committee chair that is a member of the LWDB;
 - may include other members from the LWDB, such as: educators (e.g., teachers, including special education, school counselors, administrators and school board members); employers (e.g., representing high priority or in-demand occupations); and representatives of human service agencies, who have special interest or expertise in youth policy; and
 - shall include non-members of the LWDB who have appropriate experience and expertise (e.g., juvenile court judges, local law enforcement agencies, and disability advocates).



Fiscal Standing Committee

Change from the 2015 version

- Fiscal Standing Committee Pennsylvania encourages, but does not require, the establishment of a Fiscal Standing Committee.
- If established, this committee may:
- Membership –
 - The fiscal standing committee should include members of the LWDB who have the appropriate experience and expertise needed to review and approve complex financial, fiscal and budgetary matters. The committee shall include other individuals with appropriate expertise and experience who are not members of the LWDB.



Other Standing Committees

Change from the 2015 version

- Additional standing committees may include:
 - A standing committee 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 WIOA Section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 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
 - Industry-specific standing committees; and
 - A standing committee which addresses service delivery.



Executive Committees

Change from the 2015 version

- While WIOA is silent on the establishment and use of executive committees, Pennsylvania law permits their establishment and use by the PA WDB. Pennsylvania law is silent on the establishment and use of executive committees by local workforce development areas; however, Pennsylvania workforce system policy permits their establishment and use by LWDBs if specific conditions are met.
- The LWDB, in consultation with the CEO(s), must determine if the LWDB will have an executive committee. Executive committees shall act in accordance with the LWDB bylaws.



Executive Committees continued...

Change from the 2015 version

- If the LWDB, in consultation with the CEO(s), has determined that an executive committee will be a part of the local board's structure, the bylaws must:
 - Establish an executive committee;
 - Recognize that executive committee membership is limited to current LWDB members
 - Note: Local boards may have additional individuals participate in executive committee meetings, but those individuals do not have voting privileges.
 - Detail the specific scope of responsibilities for the executive committee and frequency of meetings;
 - Outline the composition of the executive committee (e.g., quantity and categorical representation);
 - State the authority of the executive committee (i.e., can vote on behalf of the board, provide recommendations to the board, or can provide preliminary decision with full board approval)
 - Clearly identify what the executive committee should not do;
 - Articulate the process in place for full LWDB review of executive committee minutes, discussions, and recommendations to the full LWDB; and
 - Take into consideration federal and state laws, regulations, policies and guidance which may limit the decisions that can be delegated to committees



Bylaws, Meetings, sub bullet 5

Change from the 2015 version

- While not required, demonstration of ability for public attendance by phone or web-based technology is encouraged.



Bylaws, Committees

Change from the 2015 version

- A list of **all** committees, including the description and composition of each and a description of the process **for their formation. If an executive committee is established, the full LWDB must vote to ratify the sections of the bylaws that detail the composition and the authority of the executive committee.**



Bylaws, Conflict of Interest

Change from the 2015 version

- A LWDB member must avoid even the appearance of a conflict of interest. Prior to **servicing**, members must sign **Attachment 1: Conflict of Interest Code Form LWDB Member** and complete a statement of financial interest form. The LWDB must appoint an individual to timely review the disclosure information and advise the chair and appropriate members of potential conflicts.
Attachment 1: Conflict of Interest Code Form LWDB Member must also be completed prior to any reappointment.



Bylaws, Conflict of Interest

Change from the 2015 version

- Any non-board members participating in an LWDB subcommittee, including standing or ad-hoc committees, supporting a procurement in any function (e.g., reviewer, drafter, etc.), must complete *Attachment 1a: Conflict of Interest Code Form Non-Board Member*. Individuals serving on subcommittees must avoid even the appearance of a conflict of interest. Prior to serving, members must sign *Attachment 1a: Conflict of Interest Code Form Non-Board Member*. LWDBs must maintain an updated copy of each non-board member's Conflict of Interest Code form for monitoring purposes.



Bylaws, Conflict of Interest

Change from the 2015 version

- A conflict of interest includes, but is not limited to:
 - A direct or indirect financial interest in the award of the contract to any entity;
 - The member or an immediate family member is currently employed by, or is a consultant to or under contract to, the entity seeking the award;
 - Negotiating or has an arrangement regarding future employment or contracting with any entity seeking the award; or
 - Has an ownership interest in, or is an officer or director of, any entity seeking the award.
 - It is the responsibility of the LWDB members and staff to monitor potential conflicts of interest and bring it to the LWDB's attention in the event a member does not make a self-declaration.
 - A LWDB must ensure that its members, staff, the fiscal agent (if one exists) and fiscal agent staff do not direct, and are not involved in, the daily activities of its PA CareerLink[®] Operator, workforce service providers, workforce system partners or contractors.
 - Local board members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner.



Agreements, CEO agreement

Change from the 2015 version

- This agreement is only required where there is more than one unit of general local government (i.e., more than one county) that make up the LWDA. In such cases, the CEOs must execute a written agreement that specifies the respective roles and liability of the CEOs. L&I provides guidance for this agreement at *Attachment B: Chief Elected Official Agreement Guidance*



Agreements, CEO & fiscal agent agreement

Change from the 2015 version

- The CEO(s) of an LWDA opting to designate an entity to serve as the fiscal agent for workforce funds that are allocated to the local area must enter into an agreement with the fiscal agent. Guidelines detailing the minimum requirements for the agreement can be found at *Attachment C: Chief Elected Official and Fiscal Agent Agreement Guidance*.



Agreements, CEO & LWDB partnership agreement

Change from the 2015 version

- In accordance with WIOA Section 107(b) the state must establish criteria for the appointment of LWDB members by the CEO(s). To ensure the criteria established by the state is acknowledged by both the CEO(s) and the members of the LWDB, a partnership agreement is required. L&I, as the designated representative of the governor, provides the guidance for this agreement at *Attachment D: Chief Elected Official and Local Workforce Development Board Partnership Agreement Guidance*.



**Please email our
resource account with
any questions:
RA-LI-BWDA-Policy@pa.gov**



Cassandra Grilli-Clark



717.346.1579



cgrillicla@pa.gov



Workforce Development Supervisor