



Policy

SECTION: CSTB	POLICY#020-C0066	PAGE: 1 of 5
TITLE: CSTB Board Composition and Certification		EFFECTIVE DATE: 5.21.20
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DISTRIBUTION: CAREERSOURCE TAMPA BAY STAFF

PURPOSE: To provide guidance to CareerSource Tampa Bay (CSTB) Local Workforce Development Board (LWDB) about the requirements for membership composition under the Workforce Innovation and Opportunity Act (WIOA) and Chapter 445, Florida Statutes (F.S.), as well as the process for certification.

BACKGROUND: The CareerSource Florida Board of Director’s, *in consultation with the Department of Economic Opportunity (DEO), will ensure LWDBs (Local Workforce Development Boards)* have membership consistent with the requirements of federal and state law and have developed a plan consistent with the state’s workforce development plan. Each local workforce development area in the state is required to establish a local workforce development board to carry out the function specified for the local board under WIOA Sec. 107(d). CSTB’s LWDB is part of a statewide workforce system, which is business driven, customer centric, streamlined, and outcome orientated. CSTB’s LWDB sets policy for the local area (Hillsborough County) in compliance with broader state policies addressing workforce development issues, including but not limited to WIOA activities.

CSTB Board members are identified and routinely updated on CSTB’s website, which is located at <https://www.careersourcetampabay.com/board-of-directors-2/>.

POLICY:

CSTB’s LWDB consists of decision-making individuals that are reflective of the business demographics in Hillsborough County and leaders from the workforce system, education, and economic development, as identified below. The composition of CSTB’s LWDB must meet the following criteria:

A. LWDB Membership and Composition:

Categories	Descriptions
Business	A majority of the board members must represent business in the local area as individuals who:

	<ul style="list-style-type: none"> a. Are owners of a business, chief executive or operating officers of business, or other business executives with optimum policymaking or hiring authority; b. 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 Hillsborough County (at least two (2) representatives of small businesses must be included); and c. Are appointed from among individuals nominated by local business organizations and business trade associations.
<p>Labor/ Apprenticeships</p>	<p>No fewer than 20 percent of the members must be representatives of the workforce within local area who:</p> <ul style="list-style-type: none"> a. Include at least two (2) representatives of labor organizations nominated by local labor federations. In the event no employees are represented by such organizations, at least two (2) other representatives of employees will be included. b. Include at least one representative of a labor organization or a training director from a joint labor-management apprenticeship program. If no such joint program exists in the area, at least one representative of an apprenticeship program in the area, if such a program exists. c. May include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or provide/support competitive integrated employment for individuals with disabilities. d. May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives or organizations that serve out-of-school youth.
<p>Education</p>	<p>Each local board must include representatives of entities administering education and training activities in the local area who:</p> <ul style="list-style-type: none"> a. Include a representative of eligible providers administering adult education and literacy activities under Title II of WIOA. b. Include a representative of institutions of higher education providing workforce investment activities (including community colleges). c. Include a private education provider, a public education or training provider is represented on the LWDB. CareerSource Florida Board of Directors may waive this requirement if

	<p>requested by a LWDB if it is demonstrated that such representative does not exist in the local area.</p> <p>d. May include representatives of local educational agencies and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.</p> <p>When there is more than one institution in each of the types of educational entities listed above, nominations are solicited from representatives of each of these entities.</p> <p>In the event the LWDB is requesting to waive the requirement for private education provider representation, the board must demonstrate that such a provider does not exist in the local area. If through CSTB's LWDBs local process, as defined in CSTB's By-Laws , finds that a private education provider representative of an entity administering education and training activities in Hillsborough County does not exist, the LWDB will submit a request to waive the requirement to DEO at LWDBGovernance@deo.myflorida.com. The request must include a copy of CSTB's process and the results of the LWDB's efforts to appoint such provider.</p>
<p>Government/ Economic/ Community Development</p>	<p>CSTB's Board must include representatives of governmental, economic and community development entities serving the local area who:</p> <ol style="list-style-type: none"> Represent economic and community development entities serving the local area. Represent Vocational Rehabilitation serving the local area. May represent agencies or entities serving the local area relating to transportation, housing, and public assistance. May represent philanthropic organizations serving the local area.
<p>Other Entity Representation</p>	<p>CSTB's Board may include other individuals or representatives of entities determined by the Chief Elected Official in local area to be appropriate.</p>

CSTB LWDB members may be appointed as representative of more than one entity if the individual meets all the criteria for representation.

- B. LWDB Chairperson:** The members of CSTB local board must elect a current board member to serve as a CSTB Chairperson. The Chairperson of CSTB's local board must be from the business community and serve for a term of no more than two (2) years and no more than two (2) terms.

- C. **Standing Committees:** CSTB’s LWDB may designate and direct the activities of standing committees to provide information and to assist the local board in carrying out its required activities, as further prescribed in WIOA Sec. 107(b)(4).
- D. **Authority of Board Members:** Members of the board who represent organizations, agencies, or other entities must be individuals with optimum policymaking authority within the organizations, agencies or entities.
- E. **Board Member Recruiting, Vetting and Nominations:** CSTBs By-Laws outlines the LWDBs recruiting, vetting, and nominating process for LWDB members. The members of the board shall represent diverse geographic areas within Hillsborough County; the importance of minority and gender representation must be considered when making appointment to the LWDB.

The qualifications of LWDB members must be documented, align with the requirements of WIOA, and be compliant with all federal and state laws, rules and regulations, and applicable state policies. Documentation supporting the nomination/selection process, including names of nominating organizations and names of all candidates and their qualifications, must be retained for not less than five (5) years.

- F. **Appointment of Board Members:** CSTB’s CEO is authorized to appoint the members of the local board who meet the criteria outlined in Section A of this policy. The Chief Local Elected Official may not delegate the responsibility of appointing members to the LWDB, to the executive director or to the staff. When a local area includes more than one unit of local government, the Chief Local Elected Officials of such units may execute an agreement that specifies the respective roles of the individual Chief Local Elected Officials regarding:
 - a. The selection, appointment, removal, or reappointment of the members of the local board from the individuals nominated or recommended to be such members; and
 - b. Carrying out any other responsibilities assigned to such officials in accordance with WIOA.

If after a reasonable effort the Chief Local Elected Officials are unable to reach agreement, the Governor may appoint the members of the local board from individuals so nominated or recommended.

Upon appointment to the local board, members must be educated about and acknowledge state and local conflict-of-interest policies.

- G. **Board Member Vacancies and Removal of a Board Member:** CSTB Board members who no longer hold the position or status that made them eligible appointees must resign or be removed by the Chief Local Elected Officials. CSTB local board vacancies must be filled within a reasonable amount of time, but no more than 12 months from the vacancy occurrence.

In accordance with Chapter 445.007(2)(b), F.S., the Governor and CLEO may remove a member of a LWDB, as well as its Executive Director or the designated person responsible for operational and administrative functions for the board, for cause. Cause includes, but is not

limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, documented violation of conflict of interest, failure to meet local workforce development board representation requirements, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, or lack of performance.

H. Certification of Local Workforce Development Boards

1. **Certification:** Every two years, CSTB must be certified for the local area Region 15 in the state, based on the criteria described in WIOA Sec. 107(b). For a second or subsequent certification, certification must also be based on the extent to which the local area has ensured that workforce investment activities carried out in the local area have enabled a local area to meet the corresponding performance accountability measures and achieve fiscal integrity as defined in WIOA Sec. 106(e)(2).

The CareerSource Florida Board of Directors shall recertify CSTB LWDB every two years. DEO, in consultation with CareerSource Florida Board of Directors, will issue instructions to CSTB for certification. CSTB's LWDB will submit certification documents to DEO. Upon satisfactory review of CSTB certification documents, DEO will provide a recommendation regarding certification to the CareerSource Florida Board of Directors. At the appropriate time intervals, instructions will be issued to CSTB regarding the certification process, to include documentation requirements.

2. **Failure to Achieve Certification:** Failure to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to WIOA Sec. 107 (c)(1). *CareerSource Florida Administrative Policy 104- Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards details the actions the CareerSource Florida Board of Directors and DEO may take if an LWDB fails to meet this standard.*

I. Decertification of Local Workforce Development Boards

The Governor may decertify CSTB LWDB in accordance with WIOA Sec. 107(c)(3), as further prescribed in CareerSource Florida Administrative Policy #1040 - *Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards*.

REFERENCES

- CareerSource Florida Administrative Policy #091 Local Workforce Development Board Composition and Certification: https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2021-guidance-papers/adminpolicy091_wioa-lwdb-composition-and-certification---final-01072021.pdf?sfvrsn=adb94db0_2
- Workforce Innovation and Opportunity Act (WIOA), Sections 106 and 107: www.govinfo.gov/content/pkg/PLAW-113publ128.pdf
- 20 Code of Federal Regulations 679.320: <https://www.govinfo.gov/app/details/CFR-2017-title20-vol4/CFR-2017-title20-vol4-sec679-320>
- Florida Statutes, Sections 445.004 and 445.007: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0445/Sections/0445.004.html

INQUIRIES: Any questions about this policy should be directed to the Chief Executive Officer, and his/her designee.