



INDIANA
WORKFORCE
DEVELOPMENT
AND ITS **WorkOne** CENTERS

TO: Indiana's Workforce Investment System

FROM: Gina DelSanto, Ph.D. *GD*
Senior Deputy Commissioner for Policy, Education, and Training

DATE: June 22, 2011

SUBJECT: DWD Policy 2010-09, **Change 2**
Establishment and Certification of Indiana's Workforce Investment Boards
and Regional Workforce Boards

Purpose

To provide policy concerning the establishment and certification of boards overseeing workforce investment programs, activities, and services

Rescission

DWD Policy 2007-32, Change 1, Establishment and Certification of Indiana's Workforce Investment Boards and Regional Workforce Boards, issued May 16, 2008
DWD Policy 2007-32, Establishment and Certification of Indiana's Workforce Investment Boards and Regional Workforce Boards, issued April 4, 2008

Content

The Workforce Investment Act provides certain authorities for workforce investment boards. Each workforce investment board sets policy and guidelines for its workforce service area and conducts oversight of its WorkOne system, adhering to requirements of the Workforce Investment Act, federal regulations, and state law and policy.

Indiana state law established a balance of state workforce service area, divided into regional workforce areas, governed by regional workforce boards. Regional workforce boards were established to perform certain functions on behalf of the Balance of State Workforce Investment Board. The specific duties and functions of regional workforce boards are established in I.C. 22-4.5-7.

The State Workforce Innovation Council (SWIC) is charged with certifying the membership of workforce investment boards; and the Balance of State Workforce Investment Board (BOS WIB) is charged with certifying the membership of regional workforce boards. All certifications will be completed, minimally, on an annual basis. Information required for membership certification of each workforce investment board, including the BOS WIB, is due August 31 of each year, and periodically upon request by Department of Workforce Development staff.

This policy provides the requirements to establish and certify both workforce investment boards and regional workforce boards.

Effective Date: Immediately

End Date: Upon rescission

Ownership: Indiana Department of Workforce Development, DWD Policy

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Action

Indiana's workforce investment system will follow the guidance contained in this policy.

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Attachment A **Workforce Investment Boards**

Section 1 **Appointment of Workforce Investment Boards**

General

The chief elected official in each workforce service area is authorized to appoint the members to the workforce investment board for the area, in accordance with the state criteria established under the Workforce Investment Act. The chief elected official is responsible for the solicitations of nominations and appointments. The workforce investment board shall include sector representatives from business, labor, education, community-based and faith-based organizations, economic development, WorkOne partners, and other workforce investment board members as the chief elected officials determine appropriate. This section lists general requirements for all workforce investment board members and specific requirements for each workforce investment board membership category.

The following general requirements apply regarding workforce investment board composition:

- Workforce investment board members shall be individuals with optimum policymaking authority within the organizations, agencies, or entities they represent.
- A majority of the workforce investment board members shall be representatives of businesses in the workforce service area. “Majority” is defined as over fifty (50) percent of the membership.
- The workforce investment board shall elect a chairperson from the workforce investment board business representatives.
- The workforce investment board shall not have more than one member from the same organization, agency, or entity unless the organization, agency, or entity fulfills more than one of the required WorkOne partners, and the separation of job responsibilities make it necessary for the partner to have more than one representative on the workforce investment board.
- In order to meet all membership requirements, a single workforce investment board member may fulfill more than one required seat.
- When calculating minimum membership requirements, such as required percentages, non-voting members are not included.
- Membership vacancies shall be filled within ninety (90) days.
- The State Workforce Innovation Council and the Indiana Department of Workforce Development shall be notified when a membership vacancy occurs and is filled.
- Nomination documents shall be retained by the workforce investment board for compliance purposes.
- DWD strongly encourages workforce service areas to maintain the membership of workforce investment boards at a minimal number, while ensuring statutory compliance.
- The maximum size of the workforce investment board shall be 47 members, unless an increased size is approved by the State Workforce Innovation Council.

Business

The following criteria apply:

- The majority of the workforce investment board members shall be representatives of businesses in the workforce service area;
 - Business representatives must be owners of businesses, chief executives, or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;
 - All business representatives shall come from businesses that employ at least five full-time employees, **with one exception:**
 - **Exception: Because approximately 5 percent of the employment opportunities throughout the State are located at businesses with fewer than five full-time employees, one (1) business representative on each WIB may come from a business that employs at least one full-time employee other than the owner of the business.**
 - At least fifty (50) percent of the business representatives on the workforce investment board shall come from businesses that employ at least fifty (50) workers;
 - Business representatives shall come from employers that reflect the employment opportunities of the workforce service area;
 - Membership of the workforce investment board must reflect the primary industries within the workforce service area and should be a mixture of small, medium, and large size businesses that reflects the composition of employment within the area.
 - Business members shall be appointed from among individuals nominated by local business organizations and business trade associations.

Labor

The following criteria apply:

- The workforce investment board members shall include representatives of labor organizations, nominated by the local labor federations that have jurisdiction in that area. (Local labor federations are called “Central Labor Councils” in Indiana);
- The workforce investment board must have a minimum of two labor organizations represented.

Education

The following criteria apply:

- Education members of the workforce investment board shall be selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing local educational entities such as the following:
 - Local educational agencies;
 - School boards;
 - Entities providing adult education and literacy activities; and
 - Postsecondary educational institutions (including representatives of community colleges, where such entities exist).
- Other nominations can be solicited from:
 - Other post-secondary educational institutions;

- Local school boards;
- Public or private adult education and/or literacy providers; and
- Other.
- The workforce investment board must have a minimum of two educational entities represented.
 - One representative must come from a community college (Ivy Tech or Vincennes University), nominated by the chancellor within the workforce service area or president or provost of the university. Ideally, the chancellor would be the representative.
 - The representative must be an individual with maximum policy-making authority for the entity represented.

Community-Based or Faith-Based Organizations

The Workforce Investment Act defines a community-based organization as "a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment." The following apply:

- Nominations shall be solicited from community-based or faith-based organizations that deal with workforce development or human services, such as veterans' organizations or organizations that represent individuals with disabilities.
- The board shall have a minimum of two individuals representing community-based or faith-based organizations.

Economic Development

The following criteria apply:

- The members of the workforce investment board shall include representatives of economic development agencies, including private sector economic development entities.
- The board must have a minimum of two individuals, and at least one of the two workforce investment board members shall be appointed from a public economic development entity.

Youth Service Organization

Each WIB shall have at least one member that represents a youth service organization.

Nominations must be solicited from a community-based or faith-based organization that provides services to underprivileged youth or youth with employment barriers within the local area.

WorkOne Partners

Mandatory WorkOne Partners

The members on the local workforce investment board shall include one representative of each mandatory WorkOne partner, as defined in Section 121 of the Workforce Investment Act of 1998, located in the workforce service area. The following criteria apply to the nomination process:

- The "entity" that serves as the WorkOne partner is the grant recipient, administrative entity or organization responsible for administering the funds of the specified program in the local area. The term "entity" does not include the service providers that contract with or are subrecipients of the local administrative entity. For programs that do not include local administrative entities, the

responsible state agency should be the partner. The intent of the Workforce Investment Act is to have the person at the highest policy level per entity on the workforce investment board.

Programs authorized under Workforce Investment Act Title I - Adult, Youth and Dislocated Worker

The recipient of Workforce Investment Act Title I funds is considered as the representative of Workforce Investment Act Adult, Youth and Dislocated Worker programs.

In each workforce service area, the chief elected official is considered as the recipient; however, he or she may designate a representative from the entity that carries out the Workforce Investment Act programs (i.e., workforce investment board staff, the one-stop operator, fiscal agent). Workforce Investment Act service providers cannot be representatives.

Workforce Investment Act Title I - Job Corps

Nominations shall be solicited from Job Corps when there is a Job Corps training facility located in the workforce service area.

Workforce Investment Act Title I - Indian and Native American Programs

Nominations shall be solicited from WIA Title I Native American Program grantees within the workforce service area.

Workforce Investment Act Title I - Migrant and Seasonal Farm Worker Programs

Nominations shall be solicited from the WIA Title I migrant and seasonal farm worker grantee within the workforce service area.

Programs authorized under the Wagner-Peyser Act, activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (Trade Adjustment Assistance); veterans' workforce programs and activities authorized under Chapter 41 of Title 38, U.S.C. (local veterans' employment representatives and disabled veterans' outreach program); and programs authorized under state unemployment compensation laws (in accordance with applicable federal law)

The Indiana Department of Workforce Development (DWD) represents all programs.

Nominations shall be solicited from the DWD Commissioner or his or her designee.

Adult education and literacy activities authorized under Title II of the Workforce Investment Act

Nominations for a representative of a comprehensive adult basic education provider shall be solicited from the state director of the division of adult education at the Indiana Department of Education.

Programs authorized under Title I of the Rehabilitation Act of 1973

Nominations shall be solicited from the executive director of vocational rehabilitation services who receives national funds for vocational rehabilitation or from the secretary, Indiana Family and Social Services Administration.

Senior Community Service Employment Activities, authorized under Title V of the Older Americans Act of 1965

Nominations shall be solicited from organizations with interests in older worker workforce development issues.

Nominations should be solicited from the State Director of Senior Community Service Employment Activities, Indiana Family Social Services Administration or the Executive Director of Experience Works.

Post-secondary Vocational Education Activities under Carl D. Perkins Vocational and Applied Technology Education Act

Nominations shall be solicited from entities that receive Carl Perkins post-secondary funds within the local workforce service area.

The post-secondary representative may also serve as one of the educational representatives if all requirements for the educational representative and post-secondary vocational educational representative are met.

Employment and training activities carried out under the Community Services Block Grant Act. (42 U.S.C. 9901 et seq)

Nominations shall be solicited from organizations within the local area that receive Community Services Block Grant funds to provide employment and training activities.

Employment and training activities administered by the U.S. Department of Housing and Urban Development

The workforce investment board should work with the Indiana Housing & Community Development Authority to identify Housing and Urban Development grantees in the workforce service area, if any exist.

Only Housing and Urban Development grantees that offer employment and training activities must be represented.

Optional Board Members

The chief elected official may include other individuals determined appropriate.

The rationale for how the “Optional Board Member” is appropriate must be included in the request for workforce investment board certification.

Attachment A
Workforce Investment Boards

Section 2
Appointment of Youth Councils

The Workforce Investment Act requires the establishment of a youth council by the workforce investment board in cooperation with the chief elected official.

Policy for Establishing Local Youth Councils

The following criteria apply:

- Each workforce investment board in cooperation with the chief elected officials shall establish a youth council, which will be a subgroup of the workforce investment board.
- The youth council shall include at least two members from each of the following categories, except as noted under local public housing authorities and Job Corps categories:
 - Local board members with special interest or expertise in youth policies.
 - Representatives of youth service agencies. Representatives from juvenile justice and local law enforcement agencies may meet the requirements under this category.
 - Representatives from local public housing authorities. In areas where only one public housing authority provides employment and training services, one representative will meet the requirement under this category.
 - Parents of eligible youth seeking assistance under this subtitle.
 - Individuals who have experience related to youth activities. Former participants and representatives of organizations who have experience related to youth activities may meet the requirements under this category.
 - Representatives of the Job Corps, if located in the workforce service area. One representative will meet the membership requirement for each affected workforce investment board under this category
 - Other individuals, if deemed appropriate by the workforce investment board chair, in cooperation with the chief elected official.
- The chair for the youth council shall be a voting member of the workforce investment board.
- Youth council members who are not workforce investment board members will be voting members of the youth council, but will not have voting rights on the workforce investment board.
- Youth council vacancies must be filled within 90 days.

Attachment A
Workforce Investment Boards

Section 3
Submittal of Documents for Certification

The State Workforce Innovation Council (SWIC) requires each local board to be certified, minimally, once a year, and may certify board membership more frequently.

Materials for certification are due no later than August 31 of each year.

Upon request by the SWIC, the chief elected officials must submit the required documents to the Indiana Department of Workforce Development. The letter should be submitted to the Director of Policy; Indiana Department of Workforce Development; 10 North Senate Avenue, SE304; Indianapolis, IN 46204. The documents must include the following:

- Assurance that the workforce investment board has adopted bylaws for its governance which are on file at the workforce investment board's or chief elected official's office. The bylaws must establish quorum guidelines for the workforce investment board and all permanent subcommittees;
- Assurance that each member of the workforce investment board and youth council will comply with the requirements set forth in DWD's financial interest and conflict of interest policy, DWD Policy 2010-03, dated September 22, 2010;
- The workforce investment board membership listing template included in this policy; and
- The youth council member listing template included in this policy.

Electronic versions of the templates will be made available online.

Attachment B
Regional Workforce Boards

Section 1
Appointment of Regional Workforce Boards

The local elected officials in each region are authorized to appoint the members to the regional workforce board, in accordance with state policy. The local elected officials are responsible for solicitations for nominations and appointments. The regional workforce board shall include sector representation from business, labor, education, economic development and community-based and faith-based organizations.

The following general requirements apply regarding regional workforce board composition:

- Each region within the balance of the state workforce service area will have a regional workforce board.
- The regional workforce board shall consist of at least nine (9), but no more than sixteen (16) members. All members but four will represent business. The non-business sector members include labor, education, economic development and community-based and faith-based organizations.
- Members of the regional workforce board shall be individuals with optimum policymaking authority within the organizations, agencies, or entities they represent.
- The regional workforce board shall select a chairperson from the regional workforce board business representatives and such chair may not serve more than two consecutive years.
- The regional workforce board may have councils, but such councils are not mandatory.
 - The composition of all councils will be at the discretion of the regional workforce board. The purpose, composition, selection process, and responsibilities will be included in the regional workforce board bylaws.
 - A membership roster will be sent electronically to the Indiana Department of Workforce Development.
 - Council members will be non-voting members of the regional workforce board, unless they are also board members.
- The four non-business members of the regional workforce board will be selected in this manner:
 - The mayor of the largest city in the regional workforce area shall select and appoint one member from any one of the four non-business sector categories.
 - If the second largest city in the regional workforce area has a population greater than 8,000, the mayor of the second largest city shall select and appoint one member from any of the three remaining non-business sector categories.
 - If the third largest city in the regional workforce area has a population greater than 8,000, the mayor of the third largest city shall select and appoint one member from either of two remaining non-business sector categories.
 - If the fourth largest city in the regional workforce area has a population greater than 8,000, the mayor of the fourth largest city shall select and appoint one member from the remaining non-business sector category.
 - If a regional workforce area contains fewer than four cities having a population greater than 8,000, the selection and appointment of the non-business representatives as members to a regional workforce board process will start over with the mayors of the cities having a population greater than 8,000 alternately selecting and appointing the members.

- The business representatives should be selected from diverse businesses in the region and shall be selected in the following manner:
 - Business representatives in the regional workforce areas shall be individuals who are business owners; chief executives or operating officers; or business executives or employers with optimum policymaking or hiring authority.
 - It is recommended that business representatives on regional workforce boards reflect the primary industries located within the region, and that the members represent an appropriate mix of small, medium, and large businesses.
 - Each county in the regional workforce area shall appoint, by majority agreement of all the local elected officials in that county, one business representative who meets the requirements of being a business representative.
 - The mayor of each city having a population greater than 100,000 in the regional workforce area shall appoint one additional business representative who meets the requirements of being a business representative.
 - The mayor of each city having a population greater than 500,000 in the regional workforce areas shall appoint one additional business representative who meets the requirements of being a business representative.
 - If after this process, including the selection of the non-business members, the total number of regional workforce board members is less than 16, the local elected officials in the entire regional workforce area may, by majority agreement, appoint additional business representatives with the same criteria named above for business representatives until the 16 member limit is reached.

Attachment B
Regional Workforce Boards

Section 2
Submittal of Documents for Certification

The Balance of State Workforce Investment Board (BOS WIB) requires each regional workforce board to be certified, minimally, once a year, and may certify board membership more frequently. Also, these RWB certifications may be reviewed by the State Workforce Innovation Council (SWIC)

Materials for certification must be submitted no later than August 31 of each year.

Upon request by the BOS WIB, the local elected officials must submit the required documents to the Indiana Department of Workforce Development. The letter should be submitted to the Director of Policy; Indiana Department of Workforce Development; 10 North Senate Avenue, SE304; Indianapolis, IN 46204. The documents must include the following:

- Copies of the agreements signed by the local elected officials.
- A template of the regional workforce board membership template. An electronic copy of the templates will be made available online.
- Assurance that each member of the regional workforce board will comply with the requirements set forth in DWD's financial interest and conflict of interest policy, DWD Policy 2010-03, dated September 22, 2010.
- A copy of the bylaws adopted by the regional workforce board for its governance. The bylaws must:
 - Establish quorum guidelines for the regional workforce board and all permanent councils
 - Purpose, composition, selection process, and responsibilities for all voluntary councils.

Workforce Investment Board: _____

Membership Template

| | | | | | |
|--------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|
| Education Representatives (2 Seats, at minimum) | | | | | |
| Seat 1 | | | | | |
| Seat 2 | | | | | |
| Community-Based/Faith-Based Organization Representatives (2 Seats, at minimum) | | | | | |
| Seat 1 | | | | | |
| Seat 2 | | | | | |
| Economic Development Representatives (2 Seats, at minimum) | | | | | |
| Seat 1 | | | | | |
| Seat 2 | | | | | |
| WIA Adult, Dislocated Worker, and Youth Grant Recipient (1 Seat) | | | | | |
| Seat 1 | | | | | |
| Job Corps Representative (1 Seat, if Job Corps training facility in local area) | | | | | |
| Seat 1 | | | | | |
| Indian and Native American Program Representative (1 Seat) | | | | | |
| Seat 1 | | | | | |
| Migrant and Seasonal Farmworkers Program Representative (1 Seat, if MSF program in local area) | | | | | |
| Seat 1 | | | | | |
| Wagner-Peyser, Veterans, Trade Programs, Unemployment Insurance Program Representative (1 Seat, at minimum) | | | | | |
| Seat 1 | | | | | |
| Adult Education and Literacy Activities Representative (1 Seat, at minimum) | | | | | |
| Seat 1 | | | | | |
| Vocational Rehabilitation Representative (1 Seat, at minimum) | | | | | |
| Seat 1 | | | | | |
| Title V Older Workers Program Representative (1 Seat, at minimum) | | | | | |
| Seat 1 | | | | | |
| Postsecondary Vocational Education Representative (1 Seat, at minimum) | | | | | |
| Seat 1 | | | | | |
| Community Services Block Grants Program Representative (1 Seat, at minimum) | | | | | |
| Seat 1 | | | | | |

Workforce Investment Board: _____

Membership Template

| | | | | | |
|--------------------------------------------------------------------------------------------|--|--|--|--|--|
| Housing and Urban Development/Employment Program Representative (1 Seat at minimum) | | | | | |
| Seat 1 | | | | | |
| Youth Service Organization Representative (1 Seat at minimum) | | | | | |
| Seat 1 | | | | | |
| Other Members (as determined necessary by Chief Elected Official) | | | | | |
| Seat 1 | | | | | |
| Seat 2 | | | | | |
| Seat 3 | | | | | |

Members
 (maximum board size limited to 47 members)
Total Business Members

| |
|--|
| |
| |

Attachment D
Youth Council for Workforce Investment Board Membership Template

Youth Council for Workforce Investment Board: _____

Membership Template

| Member Name | Title, Organization | Location (County) | Appointment Term (MM/YY - MM/YY) |
|------------------------------------------------------------------------------------------------------------|---------------------|-------------------|-------------------------------------|
| MIB Members with special interest or expertise in youth policies (2 seats, a minimum) | | | |
| Seat 1 | | | |
| Seat 2 | | | |
| Seat 3 | | | |
| Seat 4 | | | |
| Representatives of Youth Service Agencies (2 seats, a minimum) | | | |
| Seat 1 | | | |
| Seat 2 | | | |
| Representatives from local public housing authorities (2 seats, a minimum) | | | |
| Seat 1 | | | |
| Seat 2 | | | |
| Parents of eligible youth seeking assistance under WIA Title (2 seats, a minimum) | | | |
| Seat 1 | | | |
| Seat 2 | | | |
| Individuals who have experience related to youth activities (2 seats, a minimum) | | | |
| Seat 1 | | | |
| Seat 2 | | | |
| Representative of the Job Corps, located within local workforce service area (1 seat) | | | |
| Seat 1 | | | |
| Other individuals as the MIB Chair or Chief Elected Official determine appropriate (Optional Seats) | | | |
| Seat 1 | | | |
| Seat 2 | | | |
| Seat 3 | | | |
| Seat 4 | | | |

Total Number of Youth Council Members

Regional Workforce Board: _____

Membership Template

Members
(maximum board size limited to 16 members)
Total Business Members

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|--|
| |
| |