

## **Workforce Development Board Member Requirements and Term Limits**

### **Workforce Development Board Requirements for Certification**

Issue Date: December 6, 2018

Rescissions: n/a

Change Effective Date: January 1, 2019

**Background:** While the Workforce Innovations and Opportunities Act (WIOA) is very prescriptive about the membership of a local Workforce Development Board, the federal Department of Labor Employment and Training Division has seen the need for additional regulation on the make-up of the Board, with an eye toward diversity, and the function of the Board, with a need to identify term limits to its membership. Much of the policy stated herein is also referenced in our Corporate By-Laws, but needs to be expanded in light of new federal regulation and State of Minnesota policy.

**Membership:** The Workforce Development Board (WDB) of Southeastern Minnesota, dba Workforce Development, Inc. is a 33 member board; 18 of the seats are to be representatives of private business, who are either an owner, chief executive officer, chief operating officer, or other individuals with optimum policymaking or hiring authority. Such private business WDB members must also provide employment in in-demand industry sectors that are identified in the regional or local WIOA plan, and are geographically representative of the area. Labor representatives are appointed from among individuals who are nominated by local labor federations. When there is more than one Local Area provider of adult education and literacy activities under Title II, or multiple institutions of higher education providing workforce investment activities, nominations are solicited from those particular entities. The remaining seats are to be made up from the public and non-profit sector, as outlined in WIOA and the WDI Corporate By-Laws. The officer positions of President, 1<sup>st</sup> Vice-President, and 2<sup>nd</sup> Vice President within the WDB must be representatives of Private Business.

**Vacancies:** The seat on the WDB resides with the organization represented; should a vacancy occur, the first option to refill would be to contact the organization represented and ask if they would like to offer another replacement representative for nomination. Vacancies must be filled within 90 days of the date the vacancy occurs. In the event a vacancy cannot be filled within 90 days, a waiver must be requested in writing to DEED with an explanation of why a vacancy was not filled and a description of the process underway to fill the vacancy.

**Nomination Process:** Should a private vacancy occur on the WDB, staff of the WDB will reach out to local business organizations or business trade associations, as well local elected officials for nominations. Nominations will then be submitted to the SE MN Workforce Development Joint Powers Board of County Commissioners (JPB) for their approval. Public sector vacancies will be filled in a similar manner, with nominations coming from an expanded list of community partners.

**Diversity:** Any time a vacancy occurs, first priority in the nomination process is to select individuals that reflect the race, ethnicity, gender, disability, and geographic diversity of southeastern Minnesota. Similarly, no existing member of the WDB will be dismissed from the Board because of their race, ethnicity, gender, disability. Vacant seats on the Board shall not remain open for any extended period of time due to a lack of diverse applicants. A deliberate and intentional effort will be made to recruit diverse and under-represented populations to be members of the subcommittees and taskforces of the Board.

**Attendance:** WDB members must notify staff of their intended attendance at upcoming Board meetings at their earliest convenience, and if an emergency has arisen that prevents them from attending. Board members who have 3 consecutive unexcused absences will be brought to the attention of the JPB for their consideration of termination.

**Terms and Term Limits:** A full term for members on the WDB shall be for three (3) years, and a full term as an officer on the WDB shall be for two (2) years. No WDB member shall occupy a seat on the Board for more than five (5) full consecutive terms or eighteen (18) years total; officers of the WDB shall not hold the same Board officer title for more than three (3) consecutive terms or eight (8) years total.

**Voting Rights:** All members of the WDB will have voting privileges at the regular WDB meetings. Voting privileges may be extended to non-members in attendance at sub-committee and taskforce meetings, as approved by the local elected officials and at the discretion of the sub-committee or taskforce Chair.

**Conflict of Interest:** No member of the WDB or of a standing committee or taskforce of the WDB may vote on a matter under consideration by the WDB if the subject is regarding the provision of services by such a member (or by an entity that such a member represents); or if the subject would provide direct financial benefit to such member or to the immediate family of such a member. Every year the WDB members must swear out a statement that they have had no conflicts of interest with the WDB, as part of the audit process.

**Sunshine Provision:** All WDB meetings and sub-committees or taskforces of the WDB are subject to the provisions of the open meeting law – MN Statutes 13D.01.

## **Reference Section**

Cites/References: Workforce Innovations and Opportunity Act regulation, 20 CFR Part 679, Subpart C WIOA Rules and Regulations

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