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LOCAL WORKFORCE DEVELOPMENT BOARD (LWDB)

MEMBER ORIENTATION

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THE WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)

WIOA

- Federal workforce legislation signed into law on July 22, 2014 by President Obama
- Replaced the Workforce Investment Act (WIA) of 1998
- Designed to increase coordination among federal workforce development and related programs
- Increased services to individuals with barriers to employment
- Larger focus on both job seekers and businesses as customers

WIOA

- Title I: Adult, Dislocated Worker (DW), and Youth
- Title II: Adult Education and Family Literacy
- Title III: Wagner-Peyser
- Title IV: Vocational Rehabilitation (VR)

WIOA

- Trade Adjustment Assistance (TAA)
- Unemployment Compensation;
- Job Corps;
- YouthBuild;
- Migrant and Seasonal Farmworker (MSFW)
- Indian and Native American Programs (INAP)

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WIOA

- Jobs for Veterans
- Strengthening Career and Technical Education (CTE) for the 21st Century Act (Perkins V)
- Temporary Assistance for Needy Families (TANF)
- Senior Community Service Employment Program (SCSEP)
- Community Services Block Grant (CSBG) Employment & Training (E&T)
- Housing and Urban Development (HUD) E&T
- Second Chance Act of 2007

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PUBLIC WORKFORCE DEVELOPMENT SYSTEM

PUBLIC WORKFORCE DEVELOPMENT SYSTEM

- United States Department of Labor (USDOL)
- NYSDOL
- State Workforce Investment Board (SWIB)
- Local Workforce Development Boards (LWDBs)
- One-Stop Career Centers
- Service Providers

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WIOA IMPLEMENTATION ACTIVITIES

WIOA IMPLEMENTATION ACTIVITIES

- LWDB Recertification
- Memorandum of Understanding (MOU)
- One-Stop Career Center Certification
- Local and Regional Plans
- One-Stop System Operator Selection

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LOCAL WORKFORCE DEVELOPMENT BOARDS (LWDBs)

LWDBs

- Responsible for implementing and overseeing the local workforce delivery system
- 33 LWDAs/LWDBs in NYS
- LWDBs ensure the local workforce system provides solutions driven by the needs of job seekers and businesses
- The LWDB must develop a strategy to continuously improve and strengthen the local workforce development system

LWDBs

Capital Region

- Albany-Schenectady-Rensselaer (Capital Region)
- Columbia-Greene
- Saratoga-Warren-Washington (SWW)

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LWDBs

Central Region

- Cayuga-Cortland
- Onondaga
- Oswego

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LWDBs

Finger Lakes Region

- Genesee-Livingston-Orleans-Wyoming (GLOW)
- Monroe
- Ontario-Seneca-Wayne-Yates (Finger Lakes)

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LWDBs

Long Island Region

- Hempstead-City of Long Beach
- Oyster Bay-North Hempstead-Glen Cove
- Suffolk

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LWDBs

Mid-Hudson Region

- Dutchess
- Orange
- Rockland
- Sullivan
- Ulster
- Westchester-Putnam
- Yonkers

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LWDBs

Mohawk Valley Region

- Fulton-Montgomery-Schoharie (FMS)
- Herkimer-Madison-Oneida (HMO)

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LWDBs

New York City Region

- New York City

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LWDBs

North Country Region

- Clinton-Essex-Franklin-Hamilton (North Country)
- Jefferson-Lewis
- St. Lawrence

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LWDBs

Southern Tier Region

- Broome-Tioga
- Chemung-Schuyler-Steuben (CSS)
- Chenango-Delaware-Otsego (CDO)
- Tompkins

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LWDBs

Western Region

- Cattaraugus-Allegany
- Chautauqua
- Erie-Buffalo
- Niagara

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LWDB MEMBERSHIP

LWDB MEMBERSHIP

- LWDB members are appointed by the Chief Elected Official(s) (CEOs)
- Must have a business majority (51% or more)
- Must have at least 20% workforce membership
- Additional required members
- 19 is the minimum number of LWDB members required for compliance (without any members representing multiple categories)

LWDB MEMBERSHIP

- Optimum policymaking or hiring authority
- High quality, work relevant training and development in in-demand industry sectors or occupations
- Two (2) small business representatives
- Businesses must be nominated
- Two (2) employees required other than owner or partners
- Only one (1) representative from each business on the LWDB

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LWDB MEMBERSHIP

- Labor Organizations (two (2) required)

- Apprenticeship Programs (required if one exists in the local area)

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LWDB MEMBERSHIP

- Community-Based Organizations (CBOs) - Optional

- Youth Organizations - Optional

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LWDB MEMBERSHIP

- WIOA Title II Adult Education and Literacy
- Higher Education
- Economic and Community Development
- WIOA Title III Wagner-Peyser Program
- WIOA Title IV Vocational Rehabilitation (VR) Program

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LWDB MEMBERSHIP

- Local Education Agencies and CBOs
- Other Programs/Organizations
- Discretionary Appointments

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LWDB MEMBERSHIP

- Optimum policymaking authority
- Represent diverse geographic areas
- Staggered term durations
- Members may represent more than one membership category
- LWDB Chair selected from business representation
- Voting Privilege

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LWDB MEMBERSHIP

Standing Committees:

- May be established to assist the LWDB
- Members must include individuals who are not members of the LWDB but may include stakeholders with specific expertise in the local area

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LWDB FUNCTIONS AND RESPONSIBILITIES

LWDB FUNCTIONS AND RESPONSIBILITIES

Strategic Functions:

- Local and regional Plans
- Workforce research and regional labor market information (LMI) analysis
- Convening, brokering, leveraging
- Employer engagement
- Career pathways

LWDB FUNCTIONS AND RESPONSIBILITIES

Operational Functions:

- Proven and promising practices
- Technology
- Program oversight
- Negotiation of local performance measures
- Selection of One-Stop System Operators and service providers

LWDB FUNCTIONS AND RESPONSIBILITIES

Operational Functions:

- Ensure sufficient service and training providers
- Coordination with education providers
- Budget and administration
- Approving training providers for the ETPL
- Assess the physical and programmatic accessibility of all One-Stop Career Centers
- Certify One-Stop Career Centers

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LWDB FUNCTIONS AND RESPONSIBILITIES

Additional LWDB Responsibilities:

- Set local policy
- Disclose conflict(s) of interest
- Ensure practices are not established creating disincentives to individuals with barriers to employment
- Ensure workforce development activities meet business needs and support economic growth
- Lead efforts to identify and promote proven strategies and initiatives

LWDB FUNCTIONS AND RESPONSIBILITIES

LWDBs may also:

- Impose limits on Individual Training Accounts (ITAs)
- Increase the reimbursement rate for On-the-Job Training (OJT) contracts
- Establish additional criteria or set higher standards for service coordination than those set by the State

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LWDB BY-LAWS

LWDB BY-LAWS

The CEO must establish by-laws that at a minimum address:

- Nomination process
- Term limitations
- Proxy process
- Use of technology
- System convening

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LWDB MEETINGS

LWDB MEETINGS

Open Meetings Law:

- Every meeting of a public body must be open to the general public, except for executive sessions
- Provide opportunity for the public to attend, listen, and observe meetings in at least one physical location
- Ensure meetings are held in facilities that permit barrier-free physical access
- A public body is any entity in which a quorum is required in order to conduct public business, and which consists of two (2) or more members

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LWDB WEBSITE REQUIREMENTS

LWDB WEBSITE REQUIREMENTS

- List of LWDB members
- Local Plan
- Selection of One-Stop System Operator
- Awards of grants or contracts
- LWDB by-laws
- Minutes of formal meetings of the LWDB

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LWDB ROLES

LWDB ROLES

LWDB Director/Staff:

- The LWDB may hire an Executive Director and other staff to assist in carrying out the functions of the LWDB

- The LWDB must establish and apply a set of qualifications for the position of LWDB Director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and carry out the functions of the LWDB

- The LWDB Director and staff must be subject to the limitations on the payment of salary and bonuses

LWDB ROLES

One-Stop System Operator:

- LWDBs must select the One-Stop System Operator through a competitive process at least once every four (4) years
- LWDBs may compete for and be selected as the One-Stop System Operator
- Entities must prepare written documentation explaining the determination concerning the nature of the competitive process to be followed in selecting a One-Stop System Operator

LWDB ROLES

One-Stop System Operator Functions:

- Coordinate the service delivery of required One-Stop Career Center partners
- LWDBs may establish additional functions for the System Operator including:
  - Coordinating service providers across the One-Stop delivery system
  - Being the primary provider of services within the Career Center
  - Providing some of the services within the Career Center
  - Coordinating service delivery in a multi-Center area, which may include affiliate sites

LWDB ROLES

Prohibited One-Stop System Operator Functions:

- Convene system stakeholders to assist in the development of the Local Plan
- Prepare and submit Local Plans
- Be responsible for oversight of itself
- Manage or significantly participate in the competitive selection process for One-Stop Operators
- Select or terminate One-Stop System Operators, Adult/DW or Youth service providers
- Negotiate local performance measures
- Develop and submit the budget for activities of the LWDB

LWDB ROLES

Grant Recipient/Fiscal Agent:

- The CEO is the local grant recipient
- In order to assist in the administration of the grant funds, the CEO(s) or Governor, may designate an entity to serve as a local grant subrecipient or as a local fiscal agent
- The grant recipient/subrecipient must distribute the grant funds for workforce investment activities at the direction of the LWDB

LWDB ROLES

Grant Recipient/Fiscal Agent Functions:

- Receive funds
- Ensure sustained fiscal integrity and accountability for expenditures of funds
- Respond to audit financial findings
- Maintain proper accounting records and adequate documentation
- Prepare financial reports
- Provide technical assistance to subrecipients regarding fiscal issues

LWDB ROLES

Service Delivery Provider:

- The LWDB must identify eligible providers of career and training services in the local area
- LWDBs may procure Adult/DW career services and Youth services or can designate the grant recipient/fiscal agent to provide some or all such services
- Local area training providers, ETPL, and ITAs
- Consumer choice

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FIREWALLS AND CONFLICT OF INTEREST

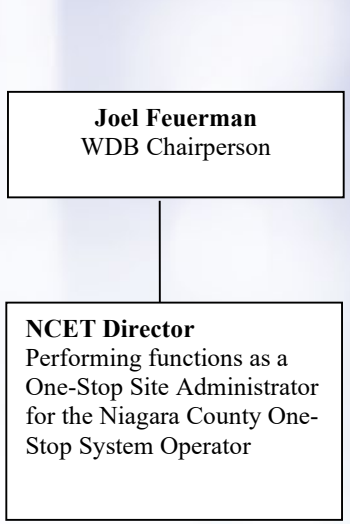
FIREWALLS AND CONFLICT OF INTEREST

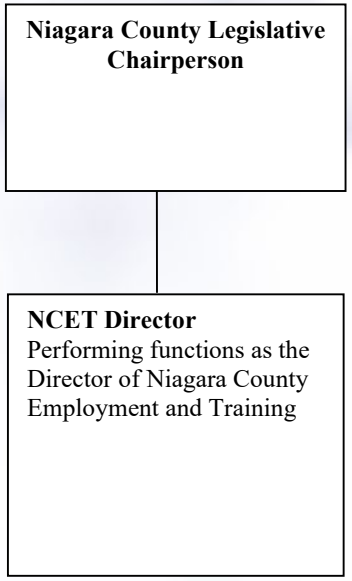
The WIOA regulations at §679.430 advise that local organizations selected for two (2) or more of the following roles must have a written firewall agreement in place:

- LWDB staff
- One-Stop System Operator
- Local grant recipient/fiscal agent
- Direct provider of services

FIREWALLS AND CONFLICT OF INTEREST

NCET Director as **One-Stop System Operator**	**Employment and Training Director**
When fulfilling the role of One-Stop System Operator, the Director will direct all questions regarding functions to the Niagara County WDB. They will report directly to the WDB. The Director will allocate time on their time sheet to reflect the hours spent performing One-Stop System Operator duties. There will be a separate category for them to track the time spent performing System Operator functions. Please see Item 5 for a full list of One-Stop System Operator duties.	When fulfilling the traditional role of Employment & Training Director, all questions regarding NCET functions will be directed to the sitting Niagara County Legislative Chairperson. The Director will continue to allocate time on their time sheet to reflect the hours spent performing their duties as the Employment & Training Director.





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RESOURCES

RESOURCES

- WIOA: BILLS-113hr803enr.pdf (congress.gov)
- Federal Regulations: https://www.govinfo.gov/content/pkg/FR-2016-08-19/pdf/2016-15975.pdf
- USDOL ETA Advisories: https://wdr.doleta.gov/directives/
- NYSDOL's Technical Advisories (TAs): https://dol.ny.gov/policy-directives
- LWDB Mailbox: LWDB@labor.ny.gov
- LWDB Membership Rosters: https://dol.ny.gov/lwdbs

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QUESTIONS:

LWDB@labor.ny.gov