

MISSISSIPPI DEPARTMENT of EMPLOYMENT SECURITY
State Policy Number 3
LOCAL WORKFORCE DEVELOPMENT BOARD FUNCTIONS
Workforce Innovation and Opportunity Act (WIOA)

I. SCOPE AND PURPOSE

Section 107(d) of the Workforce Innovation and Opportunity Act (WIOA) outlines the required functions of a local workforce development board. The purpose of this policy is to provide guidance on the required and allowable functions of the local workforce development boards in Mississippi. Local boards and their staffs should consult the full text of WIOA Section 107(d) for more guidance and nothing in this policy should be construed as superseding the Act.

II. FUNCTIONS AND RESPONSIBILITIES OF THE LOCAL BOARD

A. Local Workforce Development Board Chairperson:

The local board shall elect a chairperson from the members representing the business community.

B. Committees:

1. The local board *may designate* and direct the activities of standing committees to provide information and to assist the local board in carrying out activities of the board. If standing committees are designated they shall be chaired by a member of the local board, may include other members of the local board, and shall include other individuals appointed by the local board who are not members of the local board and who the local board determines have appropriate experience and expertise. The local board may designate the following:
 - a. A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system.
 - b. A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth.
 - c. A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities.
2. The local board may designate other standing committees in addition to the standing committees specified above.

3. An existing entity (as of the date of enactment of WIOA), such as an effective youth council, may serve as a standing committee as long as the entity meets the requirements of Section 107 (b)(4).
4. If a local board does not designate any standing committees, the board must provide a written plan to the governor detailing how the board will conduct the business normally done in committees.

C. Local Plan:

The Workforce Innovation and Opportunity Act requires the local board, in partnership with the chief elected official(s) for the local area to develop and submit a local plan to the Governor of the State that meets the requirements in WIOA Section 108.

If the local area is part of a planning region that includes other local areas, the local boards and chief elected officials of the local areas represented shall collaborate to prepare and submit a regional plan as described in Section 106(c)(2).

D. Workforce Research and Regional Labor Market Analysis:

In order to assist in the development and implementation of the local plan, the local board shall engage in workforce research and regional labor market analysis as specified in Section 107(d)(2), at a minimum it should:

1. Carry out analyses of the economic conditions in the region;
2. Assist the Governor in developing the statewide workforce and labor market information system; and
3. Conduct additional research, data collection, and analysis related to the workforce needs of the regional economy.

E. Convening, Brokering, Leveraging:

The local board shall convene local workforce development system stakeholders to assist in the development of the local plan under section 108 and in identifying non-Federal expertise and resources to leverage support for workforce development activities in the local area.

F. Employer Engagement:

The local board shall lead efforts to engage with a diverse range of employers and with other entities in the region:

1. To promote business representation on the local board;

2. To develop effective linkages with businesses to promote the workforce development system;
3. To ensure that workforce investment activities meet the needs of businesses and support regional economic growth; and
4. To develop and implement proven or promising strategies that meet the employment and skill needs of businesses and workers.

G. Career Pathways Development:

The local board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

H. Proven and Promising Practices:

The local board shall lead efforts in the local area to:

5. Identify and promote strategies for meeting the needs of businesses, workers, and jobseekers in the local workforce development system; and
6. Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.

I. Technology:

The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers. Strategies should include:

1. Improving connections among the intake and case management information systems of the one-stop partners to support a comprehensive workforce development system;
2. Increasing access to the one-stop system, particularly in remote areas;
3. Identifying and implementing strategies to better meet the needs of individuals with barriers to employment;
4. Leveraging resources and capacity within the workforce development system.

J. Program Oversight:

The local board, in partnership with the chief elected official(s) for the local area, shall conduct oversight of:

1. Workforce investment activities that provide employment and training services for Youth, Adults, and Dislocated Workers;
2. Appropriate use and management of funds provided to operate these activities; and
3. Appropriate use, management, and investment of these funds to maximize performance outcomes against the measures outlined in Section 116.

K. Negotiation of Local Performance Accountability Measures:

The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in Section 116(c).

L. Selection of Operators and Providers:

1. Selection of One-Stop Operators: The local board, with the agreement of the chief elected official(s) for the local area, in accordance with Section 121(d):
 - a. *shall* designate or certify one-stop operators; and
 - b. *may* terminate for cause the eligibility of such operators.
2. Selection of Youth Providers: Consistent with section 123, the local board
 - a. shall award grants or contracts to eligible providers of youth workforce investment activities on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee; and
 - b. may terminate for cause the eligibility of such providers.
3. In accordance with section 122, the local board shall identify eligible providers of training services in the local area.

M. Coordination with Education Providers:

The local board shall coordinate activities with education and training providers in the local area, including reviewing the applications submitted by eligible providers to provide adult education and literacy activities, and replicating cooperative agreements in accordance with the Rehabilitation Act of 1973.

N. Budget and Administration:

The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board, subject to the approval of the chief elected officials. The local board, in coordination with the chief elected officials, shall provide for the administration of WIOA funds, as described in Section 107(d)(12)(B).

O. Accessibility for Individuals with Disabilities:

The local board shall annually assess the physical and programmatic accessibility of all one stop centers in the local area, in accordance with section 188 of the Americans with Disabilities Act of 1990.

P. Sunshine Provision:

The local board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the local board.

III. LIMITATIONS OF THE LOCAL BOARD**A. Training Services:**

No local board may provide training services unless granted a waiver to do so by the Governor, as described at Section 107(G)(1)(b).

B. Designation as One-Stop Operator to Provide Career Services:

A local board *may* provide career services as described in Section 134(c)(2) through a one-stop delivery system or may be designated as a one-stop operator *only with the agreement* of the governor and the chief elected officials in the local area.

C. Limitation on Authority:

The WIOA does *not* provide local boards the authority to mandate curricula for the public schools.

D. Conflict of Interest:

A member of a local board, or a member of a standing committee, may not vote on a matter under consideration by the local board regarding the provision of

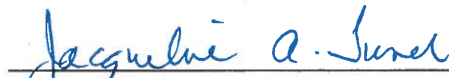
services by the member (or by an entity that the member represents) or that would provide direct financial benefit to the member or the member's immediate family. Members also may not engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

Further restriction under Mississippi law is provided by the Mississippi Ethics Commission:

1. No Workforce Development Board (WDB) member shall have an interest in funds subject to WDB oversight. A prohibited interest includes, but is not limited to 1) a WDB member whose business receives a contract or subcontract funded in whole or in part by WDB, 2) a WIB member whose business offers training on the Statewide Eligible Training Provider List, and 3) a WDB member who is employed by or who is a director of a nonprofit organization receiving a contract or subcontract subject to WDB oversight. The prohibition lasts for one year after the interested WDB member's term ends.
2. The above listed prohibition is further explained in Mississippi Ethics Commission Advisory Opinion 04-076-E, which states that the ethics violation may not be cured by declaring an interest and declining to vote ("recusal"). The opinion does not extend to WIB members representing the public sector, such as community college and state agency representatives, since these agencies and their representatives do not have a "pecuniary interest" in contracts as determined by Advisory Opinion 85-18-E issued on August 26, 1985.
3. All WDB members having an interest prohibited by Advisory Opinion 04-076-E shall no longer be considered members and shall be replaced forthwith. All WDB certifications shall be contingent upon compliance with this section and with all other Federal, State and local conflict of interest requirements.

IV. EFFECTIVE DATE

This policy shall be effective as of July 1, 2015.



Jacqueline A. Turner
Deputy Executive Director, CFO