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ATTACHMENTS

Attachment A: Letter of Baltimore County Initial Designation under WIOA, Gov. Larry Hogan – dated May 11, 2015

Attachment B: Baltimore County Workforce Development Board Conflict of Interest Policy Statement

Attachment C: Maryland Governor’s Workforce Investment Board (GWIB) Policy Issuance 2015-01 titled “Maryland’s Local Workforce Development Boards Under WIOA” – July 1, 2015

Online References:

Baltimore County Code, 2003, as amended.
Baltimore County Code 2003, Article 3, Title 3, Boards, Commissions, Committees, Panels and Foundations and Article 7, Titles 1 and 2, Public Ethics and Open Government
Baltimore County Charter
State of Maryland Open Meetings Act
U.S. Department of Labor Employment & Training Administration – The Workforce and Innovation Opportunity Act
ARTICLE I: AUTHORIZATION AND JURISDICTION

The Governor’s Workforce Investment Board (GWIB) Policy Issuance 2015-01, titled “Maryland’s Local Workforce Development Boards Under WIOA” – July 1, 2015, states that Chief Local Elected Officials (CLEOs) are authorized to appoint the members of the local Workforce Development Board in accordance with the criteria established in Public Law 113-128, the Workforce Innovation and Opportunity Act of 2014, Section 107(c) (the “Act”). Under this authority, the Baltimore County Executive appoints the members of the Baltimore County Workforce Development Board (formerly Workforce Development Council). The WDB must be certified by the Governor of Maryland every two years. The WDB is further subject to Baltimore County law, including, but not limited to the Baltimore County Charter, the Baltimore County Code 2003, Article 3, Title 3, and Article 7, as they relate to boards, public ethics and open government. The WDB’s area of jurisdiction shall be the Workforce Investment Area designated by the Governor of the State of Maryland known as Baltimore County, Maryland.

ARTICLE II: PURPOSE AND OBJECTIVES

SECTION A: GENERAL PURPOSE

The general purpose of the Board is to:

i. Increase the involvement of business in Workforce development activities
ii. Advise the County Executive and other agencies of the need for workforce development services as they relate to business
iii. Provide general overall advice and guidance to the Baltimore County Department of Economic and Workforce Development regarding workforce development initiatives
iv. Provide assistance and ideas for planning and developing policies for the service delivery system, coordination efforts, and achievement of performance goals
v. Assist the Baltimore County Department of Economic and Workforce Development with marketing the County’s Workforce Investment System
vi. Serve as the business contact point for the Workforce Investment System to present the private sector’s view and policies in a variety of employment-related areas

SECTION B: SPECIFIC PURPOSE

The specific purpose of the Board is to:

i. Submit a workforce investment plan to the State
ii. Oversee the activities and performance of the one-stop career centers
iii. Oversee the expenditure of training funds
iv. Establish a Youth Committee and other ad hoc working committees
v. Certify American Job Center operators and develop Memoranda of Understanding with American Job Center partners
vi. Select providers of youth services
vii. Identify eligible providers of adult training programs and monitor performance and cost information
viii. Such other purposes and objectives as determined necessary by the Board in reviewing the needs of Baltimore County and future requirements arising from legislation, policy and funding changes

ARTICLE III: BOARD STRUCTURE AND OFFICERS

SECTION A: MEMBERSHIP

The Workforce Development Board (WDB) shall be composed of a minimum of twenty-one (21) members, of which a minimum of fifty-one percent (51%) shall be from the private business sector ("Business Members"), and the balance from local educational entities, labor organizations, community-based organizations, economic development agencies, representatives of each of the American Job Center partners and other members as desired, with all appointed by the County Executive of Baltimore County. Workforce entities to include Organized Labor and Community-Based Organizations shall comprise twenty-percent (20%) of the WDB membership.

WDB Membership shall comply with the GWIB Policy Issuance 2015-01 titled “Maryland’s Local Workforce Development Boards Under WIOA” – July 1, 2015 (Attachment C) effective July 1, 2015 concerning appointment of local Workforce Investment Board members, until rescinded.

SECTION B: OFFICERS

The Chairperson pro-tem shall be appointed by the County Executive and will be selected from among the private, non-governmental business sector membership of the WDB. The Vice-Chair pro-tem may be appointed by the Chair as deemed necessary, and will be selected from among the private, non-governmental business sector membership of the WDB. The WDB will confirm its permanent Chairperson (and Vice Chairperson as appropriate). The appointment of officers shall take place within three months of the effective term, assuming the duties of the office with the new fiscal year.

The Chair will perform all duties incident to his or her office and such other duties as may be required by law, including but not limited to, the Federal Workforce Innovation and Opportunity Act, state law, County law and the Baltimore County Policies and Procedures for Boards and Commissions as described herein. The Chair will preside at all meetings of the Board. In the absence of the Chair, or in the event of his or her inability or refusal to act, the Vice Chair or other designated Business Member of the Board will perform all the duties of the Chair, and when so acting will have all the powers of, and be subject to all the restrictions on the Chair.
SECTION C: COMMITTEES

i. Generally: The Chair is free to appoint ad hoc committees, standing committees and work groups to address special areas of interest, to insure a broad spectrum of representation and sources of information and any other cause deemed necessary.

ii. Executive Committee: The Board may establish an executive committee. The Executive Committee will consist of the Chair, Vice Chair (if one has been appointed), and Chairs of all standing Committees. The Executive Committee will meet as a committee as determined by Chair. Regular minutes of these proceedings will be kept and filed with the Board’s record, and reported to the Board from time to time as the Board may require. The Executive Committee has the authority to represent the full Board as needed when conducting Board business.

iii. Youth Committee: The Workforce Innovation and Opportunity Act does not require that the Board establish a Youth Council; however, Baltimore County will establish a working committee to develop and coordinate policies and guidance for youth employment and job-training initiatives in the community. The Board Chair will appoint a Youth Committee Chair from among the Board membership, who will determine its meeting schedule. Youth Committee membership will be composed of youth advocates and youth program representatives according to the recommendations of the Act.

iv. Other Committees: The Board will have such other committees as may from time to time be designated by resolution of the Board or the Executive Committee. These committees and the standing committees, with the exception of the Executive Committee, may consist of persons who are not members of the Board and will act in an advisory capacity to the Board. All committees will have an appointed Chair, who determines the meeting schedule and reports committee activity to the Board. Each committee of the Board will serve at the pleasure of the Board. The recommendations of committees will be presented at the next Executive Committee or Board meeting in a form as determined appropriate by the Chairperson.

ARTICLE IV: POLICIES AND PROCEDURES

SECTION A: ELECTION AND APPOINTMENT

Board members are appointed by the County Executive. The Board Executive Committee may propose nominations to the Baltimore County Executive.

SECTION B: REMOVAL AND RESIGNATION

Any member may be removed, with or without cause, by the Board at any time.

Any member may be deemed to have resigned from the Board if he or she is absent from more than 50 percent of scheduled meetings during any twelve-month period. Any member may resign effective
thirty (30) days after notification to the County Executive and the Director of the Department of Economic and Workforce Development.

SECTION C: VACANCIES

Vacancies on the Board will exist on the death, resignation, or removal of any member, whenever the number of authorized members is increased, or whenever a Board member’s term has expired.

Any vacancy will be filled in accordance with Article III, Section A of these bylaws. In the event of a vacancy in any office other than that of Chair, such vacancy may be filled temporarily by appointment by the Chair until such time as the County Executive fills the vacancy.

SECTION D: TERM OF SERVICE

Each Board member will be appointed for a term of two (2) years and may be asked to serve for one or more consecutive two-year terms beyond the end date of their original appointment. Representatives of local agencies and educational entities will serve for so long as they hold the local agency position. Board officers (Chair, Vice-Chair, and Committee Chairs) may also be asked to continue to serve in their capacity for multiple two-year terms, or until a successor has been appointed. If an individual is appointed to fill an unexpired term, that individual may also then be appointed for subsequent two-year terms. Term exceptions will be made as required; at the end of a term, a member continues to serve until a successor is identified.

The terms of the members will be staggered, so that, except for the representatives of local agencies described in Article III, Section A.

SECTION E: POWERS

Subject to the provisions of the Policies and Procedures of Baltimore County Boards, Commissions, Committees, Panels and Foundations (Baltimore County Code 2003, Article 3, Title 3), the Board will conduct all activities in accordance with the Workforce Innovation and Opportunity Act of 2014, GWIB Policy Issuance 2015-01, Governor’s Letter of Initial Designation of Baltimore County under WIOA - May 11, 2015, and the Baltimore County Code, Title 7 regarding Ethics. All actions shall be exercised by or under the direction of the Board, unless such action must take place between scheduled Board meetings, when such powers are delegated to the Executive Committee. Board members are prohibited from using funds received under WIOA to assist, promote, or deter union organizing.

SECTION F: COMPENSATION

Subject to the provisions of the Policies and Procedures of Baltimore County Boards, Commissions, Committees, Panels and Foundations (Baltimore County Code 2003, Article 3, Title 3: 3-3-304), the Board will conduct all activities in accordance with Baltimore County Policy regarding compensation. A
member of the Workforce Development Board: (1) May not receive compensation as a member of the Board; but, (2) Is entitled to reimbursement for expenses necessarily incurred, if approved by the Board and provided for in the county operating budget.

SECTION G: CONFLICT OF INTEREST

Every Board member must sign the Conflict of Interest Agreement (Attachment B) upon appointment to the Board, and annually throughout the duration of their term of service. The laws, rules and regulations of the Workforce Innovation and Opportunity Act of 2014, Maryland law and Baltimore County law, as appropriate, will govern all actions taken by the WDB members.

ARTICLE V: MEETINGS

SECTION A: REGULAR MEETINGS

The WDB will meet, at a minimum, four (4) times per year on a day to be specified in advance of each meeting.

SECTION B: SPECIAL MEETINGS

Special meetings of the Board may be called by the Chair, the Vice Chair or upon the specific request of four (4) members of the Board. Such meetings will be held at the principal office of the Board or, if different, at a public place designated by the person or persons calling the special meeting.

SECTION C: PUBLIC NOTICE

The Board will comply fully with local, state and federal codes and regulations regarding the provision of public notice of meetings and access to recorded minutes.

SECTION D: QUORUM

The presence of a simple majority of the members will constitute a quorum. No official action may be taken at a meeting unless a quorum is in attendance. Board discussion and voting may be conducted in an online platform or by conference call as warranted.

SECTION E: PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert’s Rules of Order shall govern the Board in such cases in which they are not inconsistent with these By-laws and any other special rules of order the Board may adopt.
ARTICLE VI: STAFFING

SECTION A: ADMINISTRATIVE ENTITY

In accordance with the Governor’s Letter of Initial Designation of Baltimore County under WIOA dated May 11, 2015, and under the authority of the Chief Local Elected Official, the Baltimore County Department of Economic and Workforce Development serves as staff to the Workforce Development Board and is the administrative entity for Baltimore County’s Workforce Investment System.

SECTION B: STAFF DUTIES

The staff will provide each member of the WDB copies of meeting minutes, staff reports and other relevant information on all agenda items requiring the Board’s action prior to all regularly scheduled meetings, preferably one week in advance. Records will be retained for five years in accordance with local and state record retention policies for the Board.
May 11, 2015

The Honorable Kevin Kamenetz  
County Executive 
Baltimore County 
Historic Courthouse, mezzanine 
400 Washington Avenue, Suite 100 
Towson, Maryland 21204

Mr. Will Anderson  
Director 
Department of Economic and Workforce Development 
Historic Courthouse 
400 Washington Avenue, Suite 100 
Towson, Maryland 21204

RE: Initial Designation of Baltimore County under WIOA

Dear County Executive Kamenetz and Mr. Anderson:

I am in receipt of your petition for request of Initial Designation as a local workforce area pursuant to the Workforce Innovation and Opportunity Act of 2014 (WIOA)(PL 113-128). Your petition has been reviewed and recommended to me for approval by the Governor’s Workforce Investment Board.

Pursuant to WIOA Section 106(b)(2), I approve your Initial Designation as a local area under WIOA effective July 1, 2015. I look forward to working with your local area and all the other areas around the State to develop regional strategies to fully engage the Maryland workforce by providing access to education and training to supply employers with skilled workers needed to compete in a global economy.

Thank you for your continued support of State initiatives as we embrace this new perspective of innovation and opportunity in the workforce development system.

Sincerely,

Larry Hogan  
Governor
The Honorable Kevin Kamenetz and Mr. Will Anderson
May 11, 2015
Page Two

cc: Laurens “Mac” MacLure, LWIB Chair
    Sharon Klots, LWIB Chief, Workforce Development
    Kelly M. Schulz, Secretary, DLLR
    James Rzepkowski, Assistant Secretary, DLLR/DWDAL
    Martin Knott, GWIB Chair
    Diane Pabich, Acting Executive Director, GWIB
CONFlict of INTEREST POLICY FOR
BALTIMORE COUNTY WORKFORCE DEVELOPMENT BOARD

The following policy is intended to assist members of this Workforce Development Board in avoiding conflicts of interest or the appearance of such conflicts in the exercise of their responsibilities, particularly those related to the awarding of contracts.

No Board member may participate in a matter under consideration by the Board regarding the provision of services by the Board member or the entity the board member represents. Similarly, no Board member may participate in any matter in which the Board member, a qualifying relative or a business associated with the Board member or qualifying relative has a direct financial interest. Further, a member's employer may not participate in any way in a future bid or procurement where the member helped to draft specifications. In order to avoid potential conflicts as circumstances changes, members whose employers may wish to participate in a future procurement shall refrain from involvement in specification development. If a member participates in developing procurement specifications, the board member and his/her employer may be precluded from submitting a bid or proposal for that procurement.

No Board member may intentionally use the prestige of his or her public position for that Board member's private gain or that of another. Except in the discharge of an official duty, no Board member may disclose or use confidential information acquired by reason of the Board member's public position and not available to the public for personal economic benefit or for the economic benefit of another. Board members may not use their status in marketing their private businesses.

Any Board member with a potential or actual conflict of interest must disclose that fact in writing to the Board Chair as soon as the potential conflict is discovered and, to the extent possible, before the agenda for a meeting involving the matter at issue is prepared. If it should be determined during a meeting that a conflict of interest exists, the Board member must verbally declare such conflict of interest, his or her declaration must be clearly noted in the minutes, and the Board member must excuse him/herself from the remainder of the discussion and the voting.

No Board member may solicit or accept any gratuity, gift or item of monetary value from suppliers, contractors or subcontractors of the Board. Gifts of nominal value (under $25.00) are permissible.
The Board shall adopt procedures that serve to minimize the appearance of conflicts of interest. Board members who represent American Job Center partners and who serve on committees that oversee the American Job Center system or the allocation of resources that would potentially be allocated to their programs shall refrain from discussing or voting on any matter that would impact the programs they represent.

The Board shall adopt appropriate penalties, sanctions or other disciplinary actions, including termination, on a case-by-case basis, for Board members who violate any portion of this policy.

Each Board member shall annually sign a statement that he or she has reviewed this policy and is aware of his or her responsibilities under it.

Definitions:

"Direct Financial interest" means ownership of an interest as the result of which the owner has received within the past 3 years, is currently receiving, or in the future is entitled to receive, more than $1000.00 per year; or ownership of more than 3% of a business entity; or ownership of securities of any kind that represent, or are convertible into, ownership of more than 3% of a business entity.

"Procurement contract" has the meaning provided in Section 11-101 of the State Finance and Procurement Article.

"Qualifying relative" means a spouse, parent, child, brother or sister.

**Acceptance Statement**

I have read and accept the terms of the Conflict of Interest Policy detailed above.

_________________________________  ___________________________________  __________
Print Name     Signature     Date
TO: Governor’s Workforce Investment Board Members
Local Workforce Development Board Chairs
Local Workforce Development Board Directors
Local Workforce Development Area Directors
Chief Local Elected Officials

CC: Workforce Innovation and Opportunity Act (WIOA) Partners

FROM: Governor’s Workforce Investment Board (GWIB)
Maryland Department of Labor, Licensing and Regulation (DLLR)

SUBJECT: Maryland’s Local Workforce Development Boards (LWDB)

PURPOSE: This policy provides guidance and clarification to Local Workforce Development Boards (LWDB) regarding the responsibilities, appointment and establishment of a WIOA Compliant Board.

ACTION: The Governor’s Workforce Investment Board and Local Workforce Development Area Directors will ensure all relevant stakeholders are aware of and receive copies of this policy.
GWIB policies are available: http://www.gwib.maryland.gov/pub/

EXPIRATION: N/A

QUESTIONS: Michael “Mike” DiGiacomo  
Executive Director, GWIB  
(T) (410) 767.2131  
michael.digiacomo@maryland.gov

Diane Pabich  
Deputy Director, GWIB  
(T) (410) 767.3271  
diane.pabich@maryland.gov

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CANCELLATIONS

The following are hereby cancelled, replaced, and archived by this policy issuance:

- Workforce Investment Field Instructions (WIFI) 07-99, “Responsibilities of the Local Workforce Investment Boards for the One Stop Service Delivery System,” dated December 6, 1999;
- WIFI 08-99, “Local Workforce Investment Board (LWIB) – Chief Local Elected Official (CLEO) Working Agreements,” dated December 6, 1999;
- WIFI 09-99, “Local Board Staffing,” dated December 6, 1999;
- WIFI 14-06, “Recertification of Local Workforce Investment Boards (LWIB),” dated June 22, 2007;
- WIFI 09-08, “Recertification of Local Workforce Investment Boards (LWIB),” dated May 15, 2009;
- WIFI 11-12, “Recertification of Local Workforce Investment Boards (LWIB),” dated March 1, 2013;

Archived policies are available at: http://www.dllr.state.md.us/employment/mpi/.
GENERAL INFORMATION

WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. WIOA is designed to help both job seekers and businesses. WIOA addresses the needs of job seekers through establishing a workforce system that helps them access employment, education, training and support services to succeed in the labor market. WIOA addresses employer needs by matching them to the skilled workers they need to compete in the global economy.

WIOA takes effect on July 1, 2015, which is the first full program year after enactment, apart from a few select provisions. Provisions related to State and local governance of the workforce system take effect July 1, 2015.

LOCAL BOARD CERTIFICATION

As the State workforce board, the Governor’s Workforce Investment Board (GWIB), with the Governor, is charged with certifying WIOA-compliant Local Workforce Development Boards (Local Boards) in Maryland.

Local Boards shall represent a wide variety of individuals, businesses, and organizations throughout the Local Workforce Development Area (Local Area). Each Local Board shall serve as a strategic convener to promote and broker effective relationships between the Chief Local Elected Officials (CLEOs), the business community, and economic, education, and workforce partners throughout the Local Area.

LOCAL BOARD RESPONSIBILITIES

The Local Board is responsible for developing a strategy to continuously improve and strengthen the workforce development system. The Local Board’s role is to develop a comprehensive high quality workforce system through collaboration with its workforce and education partners that supports continuous improvement in the area of employment, training, and education programs and promotes economic growth that is aligned with achieving the goals of the State Strategic Plan.

Details for each function listed below are in (WIOA Sec. 107(d)). Local Board functions shall include the following:

1. Local Plan
2. Workforce Research and Regional Labor Market (LMI) Analysis
3. Convening Stakeholders and Leveraging Resources and Expertise in the Local Area
4. Implementation of Career Pathways Strategy
5. Employer Engagement
6. Technology to Maximize the Accessibility and Effectiveness of the Local Workforce System
7. Program Oversight
8. Negotiation of Local Performance Accountability Measures
9. Selection of Operators and Providers
10. Coordination with Education Providers
11. Accessibility for Individuals with Disabilities (acquiring or modifying equipment, providing qualified readers or interpreters and changing tests or policies)
12. Leveraging Resources and Capacity
13. Establishing Qualifications for the Position of Director
14. Proven and Best Practices
15. Budget and Administration

Each Local Board shall develop its local strategy every two years, at a minimum. Local Board members provide strategic and operational oversight in collaboration with key partners of the workforce development system including: Department of Housing and Community Development (DHCD), Maryland State Department of Education (MSDE), Division of Career and College Success (CTE), Department of Disabilities (DoD), Maryland Department of Aging (MDoA), Maryland Higher Education Commission (MHEC), Department of Human Resources (DHR), Maryland State Department of Education (MSDE), Division of Rehabilitation Services (DORS), DLLR-Division of Workforce Development and Adult Learning (DWDAL), Department of Juvenile Services (DJS), Department of Business and Economic Development (DBED) and the Chief Elected Officials and other public and private organizations. These partnerships are crucial to the Local Board’s role in the achievement of the State’s strategic and operational vision towards an integrated, aligned, and more effective job driven workforce development system.

Each Local Board may hire a director and other staff to assist in carrying out Local Board responsibilities. The Local Board shall establish and apply a set of objective qualifications for the position of director, which ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively carrying out the functions of the Local Board. Local Board staff shall be subject to the limitations on the payment of salaries and bonuses described in WIOA Section 194(15).

SUNSHINE PROVISION (WIOA Sec. 107(e))

The Local Boards 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 the development of the local plan prior to submission of the plan, membership, the designation and certification of One-Stop Operators, and the award of grants or contracts to eligible providers of youth workforce investment activities. On request, minutes of formal meetings should be provided.
In order to provide effective and consistent guidance to implement the Sunshine Provision, Maryland elects to subject the Local Boards to the State Open Meeting Act and the Public Information Act.

**OPEN MEETING ACT**

Local Boards shall comply with the Open Meeting Act (OMA), found in General Provisions Article of the Maryland Code at §3-101 et seq. The Act generally requires local public bodies to hold their meetings in public, give the public adequate notice of those meetings, and allow the public to inspect meetings minutes and certain other records. Although the Act permits public bodies to discuss certain topics behind closed doors, public bodies must make certain disclosures both before and after they meet in closed session. The Act applies only to the public bodies that fall within its definition of that term, and some activities are excluded from the Act. It is required that there be minutes taken of the public meeting unless there is live and archived video or audio streaming of the meeting that is preserved for at least 1 year for public view (GP § 3-306). There are enforcement and penalty provisions in the law.

**PUBLIC INFORMATION ACT**

The Local Boards shall be subject to the Public Information Act (PIA) found in General Provisions Article of the Maryland Code at §4-101 et seq. As the Local Board functions as a unit or an instrumentality of the State or of a political subdivision (i.e. a county or municipal corporation) or a similar unit, they must be held accountable to perform their duties with transparency and openness.

**STANDING COMMITTEES (WIOA Sec 107)**

The Local Board may establish Standing Committees to assist in carrying out its responsibilities. The Standing Committees shall be chaired by a member of the Local Board and 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 have demonstrated experience and expertise in accordance with WIOA Section 107(b)(5).

The GWIB encourages Local Boards to designate committees for each of the following:

1. Planning and Operational issues related to provision of the One-Stop Delivery System;

2. Issues related to the provision of services to youth, which shall include membership of community-based organizations with a demonstrated record of success in serving eligible youth; and

3. Issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with WIOA section 188 and applicable provisions of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.).
The Local Board may designate additional standing committees, as appropriate.

**LOCAL PLANS**

The Local Board, in partnership with the CLEO(s) for the Local Area involved, shall develop and submit a 4-year comprehensive local plan to the Governor that is consistent with the State Plan and meet the requirements in WIOA Section 108. If the Local Area is part of a planning region that includes other Local Areas, the GWIB shall collaborate with the other relevant Local Boards and CLEOs in the preparation and submission of a Regional Plan under WIOA Section 106(b). Prior to submission, the Local Board must provide an opportunity for public comment on the development of the local plan before submitting the plan to the GWIB (WIOA Section 107).

**LABOR MARKET RESEARCH & ANALYSIS**

To assist with the development and implementation of the Local Plan, the Local Board shall:

- Regularly carry out analysis of the region’s economic conditions, knowledge and skill gaps, workforce, and workforce development activities, including education and training;
- Assist the Governor in developing, analyzing, collecting, and using Labor Market Information (LMI); and
- Conduct relevant research, data collection, and analysis related to the workforce needs of the regional economy after receiving input from a wide array of stakeholders.

**CONVENING & EMPLOYER ENGAGEMENT**

The Local Board shall convene a meeting of local workforce development system stakeholders to assist in developing the business services provided through the One-Stop delivery system local plan and identifying expertise and resources to leverage support for workforce development activities in cooperation with the State. The Local Board, including standing committees, may engage with stakeholders in carrying out their functions.

The Local Board shall lead efforts to engage with a diverse range of employers and entities in the respective local regions to:

- Promote business representation (particularly representatives with optimal policymaking or hiring authority from employer whose employment opportunities reflect emerging employment opportunities in the region);
- Develop effective linkages with employers and business intermediaries in the region to support employer utilization of the local workforce development system and to support business activities;
• Ensure the workforce investment activities meet employer needs and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers;
• Develop and implement proven or promising strategies, strategies for meeting the Business and skill needs of employers, that provide the skilled workforce needed in the region and that expand employment and career advancement opportunities for workforce develop participants in indemand industry sectors or occupations; and
• Ensure business services and strategies are reflected in the local plan that meet local business needs and demand pursuant to WIOA Section 106.

**CAREER PATHWAYS DEVELOPMENT & COORDINATION WITH EDUCATION PROVIDERS**

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.

The Local Board shall coordinate activities with the business community, education and training providers in the Local Area, including providers of workforce investment activities, providers of WIOA Title II adult education and literacy activities, providers of career and technical education, and local agencies administering plans under the Rehabilitation Act of 1973 Title I, other than section 112 or part C of that title. Coordination shall include:

• Reviewing applications to provide adult education and literacy activities under Title II for the local area to determine whether such applications are consistent with the local plan;
• Making recommendations to the eligible agency to promote alignment with such plan; and
• Replicating the required cooperative agreements outlined under Title of the Rehabilitation Act of 1973 with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other appropriate cooperative coordinating efforts.

**PROVEN & PROMISING PRACTICES**

The Local Board shall lead efforts in the Local Area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers in the local workforce development system.
As part of these efforts, the Local Board shall identify and disseminate information on proven and promising practices carried out in other Local Areas, other states, and other countries.

**TECHNOLOGY**

The Local Board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and jobseekers by:

- Facilitating connections among the intake and case management information systems of the One-Stop partner programs, to support a comprehensive workforce development system in the Local Area;
- Facilitating access to services provided through the One-Stop delivery system involved, including facilitating the access in remote areas;
- Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the One-Stop delivery system, such as improving digital literacy skills;
- Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment

**PROGRAM OVERSIGHT**

The Local Board, in partnership with the CLEO(s) for the Local Area, shall conduct oversight for local youth workforce investment activities, local employment and training activities, and the One-Stop delivery system in the Local Area to ensure the appropriate use and management of funds provided for the WIOA activities.

**NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY**

The Local Board, CLEO(s), and the Governor shall negotiate and reach agreement on local levels of performance based on the State adjusted levels of performance as described in WIOA Section 116(c).

- The provision identifies establishing targets based on an objective statistical model taking into account numerous factors, example (regional economic conditions, existing and in-demand industry sectors/occupations, employment needs of employers and the regional economy) just to name a few. The State Plan will include a description of the requirements.
- The local areas will be required to bi-annually report a broad array of information about programs and services of the workforce development system.
- The Local Board injunction with the CLEO may negotiate the performance accountability based on characteristics, employment barriers, and services of their local regions.
SELECTION OF OPERATORS & PROVIDERS

The Local Board, Chief Elected Officials, and Local Area, shall designate, certify, or terminate for cause:

- One-Stop operators as described in WIOA Section 121(d)(2)(A);
- Youth providers, based on the results of the youth standing committee; and,
- Eligible providers of career services (if the One-Stop operator does not provide career services described in WIOA Section 134(c)(2) in a Local Area).

The Local Board shall work with GWIB, DLLR-DWDAL, and other relevant State agencies to ensure there are sufficient numbers and types of providers of career services and training services for the Local Area. For example, the Board shall ensure that there are sufficient eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literary activities.

MEMBERSHIP COMPOSITION OF LOCAL BOARD

The Local Board represents a wide variety of individuals, businesses, and organizations throughout the Local Area. In establishing the Local Board, CLEOs may select individual members of the Board serving the Local Area within the requirements of WIOA Section 107(b)(2). CLEOs must select the individual Local Board members who most fully represent the Local Area in a manner consistent with the requirements established by the GWIB in this policy.

In Local Areas consisting of more than one county, the CLEOs must jointly agree on the appointments or establish a written procedure to nominate members from a cross-section of the Local Area. If, after a reasonable effort, the CLEOs are unable to reach agreement, then the Governor may appoint the members of the local board from individuals so nominated or recommended.

Pursuant to WIOA Section 107(b)(2), at a minimum, Local Board membership appointments must include the following members as defined in this policy:

1. Majority representation from representatives of Business;
2. At least 20% representation from representatives of Workforce;
3. Representatives of Education and Training, including government and economic and community development entities.

The members of the Local Board shall elect a chairperson from among the appointed Business representatives. Local areas will be responsible for maintaining the accuracy of the local board roster by communicating any
changes to the Governor’s Workforce Investment Board (GWIB) within 30 days of the change by submitting updated board membership information.

**REPRESENTATIVES OF BUSINESS**

A majority (51%) of the members of the Local Board must be business representatives (WIOA Section 107(b)(2)(A)), including small businesses, or organizations representing business, that provide employment opportunities in the local area within in-demand industry sectors or occupations. These representatives are uniquely suited to communicate the emerging workforce needs of employers in high-growth, in-demand sectors to the Local Board.

At a minimum, two members must represent small business as defined by the U.S. Small Business Administration: [https://www.sba.gov/content/am-i-small-business-concern](https://www.sba.gov/content/am-i-small-business-concern).

Each business representative must meet all of the following four criteria:

1. Be an owner, chief executive officer, chief operating officer, or other business executives or individual with optimum policymaking or hiring authority;
2. Provide employment opportunities in in-demand industry sectors or occupations, as determined by State and regional business and labor market projections. As defined in WIOA Section 3(23), an in-demand industry sector or occupation is:
   - An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or
   - An occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate;
3. Provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others; and
4. Are appointed from among individuals nominated by local business organizations and business trade associations.

The CLEO must establish a formal policy to facilitate the nominations of business members by local business organizations and business trade associations.

Business representatives serving on Local Boards may also serve on the Maryland GWIB.
REPRESENTATIVES OF WORKFORCE

Pursuant to WIOA Section 107(b)(2)(B), “not less than (20%)” of the members of the Local Board must be workforce representatives.

These representatives must include:

- At least two representatives of labor organizations, where such organizations exist in the Local Area. Where labor organizations do not exist, representatives must be selected from other employee representatives; and,
- At least one training director or member of a labor organization that represents either joint labor management or a union affiliated registered apprenticeship program within the area. If no union affiliated registered apprenticeship programs exist in the Local Area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.

These representatives may include at least one representative of:

- A community-based organization that has demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or individuals with disabilities; and,
- An organization that demonstrated experience and expertise in addressing the employment, training, or education needs of WIOA eligible youth, including representatives of organizations that serve out-of-school youth.

REPRESENTATIVES OF EDUCATION & TRAINING

Pursuant to WIOA Section 107(b)(2)(C), the balance of the Local Board must include at least one representative of:

- An eligible provider administering adult education and literacy activities under WIOA Title II;
- An institution of higher education that provides workforce investment activities, including community colleges;
- An economic and community development entity;
- DLLR-Division of Workforce Development and Adult Learning (DWDAL) who offers Wagner Peyser services to a local area; or
• A vocational program carried out under Title I of the Rehabilitation Act of 1973, (other than sec. 112 or Part C of that title Maryland State Department of Education, Division of Rehabilitation Services) serving the local area.

The CLEO(s) may determine other appropriate individuals for the balance of the Local Board. These provisions allow the CLEO(s) the flexibility to assemble a Local Board that connects all key resources and stakeholders. It is suggested that the CLEO(s) include representatives from:

• local educational agencies or community-based organizations that administer education and training activities with demonstrated expertise in addressing education or training needs for individuals with barriers to employment;
• Entities serving the local area relating to transportation, housing and/or public assistance governmental; or
• Philanthropic organizations serving the local area

LOCAL BOARD APPOINTMENT AND CERTIFICATION

APPOINTMENT OF BOARD MEMBERS AND ASSIGNMENT OF DUTIES

The CLEO(s) are authorized to appoint the members of the Board in accordance with the criteria established in WIOA Section 107(c).

In the event of multiple units of local government, the CLEO(s) may execute an agreement that specifies the respective roles of the individual CLEO(s) as it relates to the appointment of the members of the local board. If after a reasonable effort the chief officials are unable to reach agreement under WIOA subsection (b) in carrying out responsibilities assigned to such officials, the Governor may appoint the members of the local board from individuals nominated or recommended by local stakeholders.

A WIOA-compliant Local Board must be established within the first quarter of Program Year 2015, i.e. by September 30, 2015.

CERTIFICATION & DECERTIFICATION

Certification- The Governor shall, once every 2 years, certify 1 Local Board for each area in the State. Such certification shall be based on criteria established under subsection WIOA Section 107(b), and for a second or subsequent certification, the extent to which the Local Board as ensured that workforce investment activities carried out in the Local Area have enabled the Local Area to meet the corresponding performance
accountability measures and achieve sustained fiscal integrity, as defined in WIOA Section 106(2). Failure of a Local Board to achieve certification shall result in the appointment and certification of a new Local Board for the Local Area pursuant to the process described in Section 107.

**Decertification** - The Governor shall have the authority to decertify a local board at any time after providing notice and an opportunity for comment for:

1) Fraud, Abuse, and Failure to Carryout Functions; or
2) Non-performance (2 consecutive years).

If the Governor decertifies a Local Board for a Local Area, the Governor may require that a new Local Board be appointed and certified for the Local Area. In this case, the Governor shall establish a reorganization plan in consultation with the Chief Elected Official in the Local Area in accordance with WIOA Section 107(b).

**APPEALS PROCESS**

A unit of local government (or combination of units) which has requested and been denied initial designation as a Local Area under WIOA may appeal the denial to the GWIB, in accordance with WIOA Section 106.

An entity, which has been denied initial designation, may appeal the decision and request a hearing. An appeal and request for hearing must be mailed to the GWIB within 20 calendar days from the mailing date of the notice of denial of initial designation.

The appeal must:

1) be in writing and state the grounds for the appeal, and
2) state the reasons why the appellant should be initially designated.

The GWIB will contact the appellant to schedule a hearing date within five calendar days of the receipt of the appeal. The GWIB will conduct the appeal hearing process and provide a written decision to the appellant no later than five calendar days after the hearing.

Appeal of the GWIB Decision - A unit or combination of units of general government whose appeal has not resulted in designation as a local area may also appeal the denial to the Secretary of the Department of Labor.
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 if it:

- Is regarding a service provided by that member (or by an entity that the member represents);
- Would provide direct financial benefit to the member or the immediate family of the member;
- Would constitute a conflict of interest as specified in Maryland State Law at State Government §15-501 et seq., §15-803 et seq. and the Code of Maryland Regulations (COMAR) 23.02.01; or
- Would violate the Conflict of Interest policy established by the Local Area.
REFERENCES

LAW

- Workforce Innovation and Opportunity Act (WIOA) (Pub. L 113-128) Title 1: Sections 101, 106, and 107;
- State Government Article §15-803, et seq, Annotated Code of Maryland;
- General Provisions Article §3-101, et seq, Annotated Code of Maryland;

REGULATION

- Maryland Code of Maryland Regulations (COMAR) 23.02.01.

USDOL GUIDANCE