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Henry McMaster
Governor

G. Daniel Ellzey
Executive Director

STATE INSTRUCTION NUMBER 14-03, Change 1

To: Chief Elected Officials
Local Workforce Area Signatory Officials
Local Workforce Area Board Chairs
Local Workforce Area Administrators

Subject: State Criteria for WIOA Local Workforce Development Boards

Issuance Date: September 30, 2020

Effective Date: Immediately

Purpose: Pursuant to the provisions of the Workforce Innovation and Opportunity Act (WIOA), a Local Workforce Development Board (LWDB) must be established in each workforce development area within the state and must be certified by the Governor. The purpose of this instruction is to issue additional state criteria regarding LWDB composition requirements. These criteria will assist chief elected officials in appointing appropriate representatives with optimum policymaking authority within the organizations, agencies, or entities represented and ensure that LWDBs create required standing committees. **This policy guidance replaces State Instruction 14-03.**

References:

- Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §§ 107
- State Instruction Number 14-03

Policy: Section 107 (b)(1) of WIOA requires the Governor, in partnership with the State Workforce Development Board (SWDB), to establish criteria for use by chief elected officials in local areas for appointment of members of the local boards. The chief elected officials in each local workforce development area must comply with the following criteria:

- The chief elected official(s) in a local area are authorized to appoint the members of the local board for such area in accordance with this policy. The LWDB must meet WIOA composition requirements as outlined in Section 107(b)(2) of Public Law 113-128.
- LWDB composition requirements under WIOA and the SWDB's criteria supersede those of local government entities, including by-laws, ordinances, regulations, etc.
- Members of the local board shall be individuals with optimum policymaking authority within the organization, agency, or entity represented.

- Core program representatives pursuant to Section 107 (b)(2), (C) and (D) under Board Composition, must be nominated by the organization, agency or entity represented to ensure appropriate representation. The selected representative’s county of residence shall not be a prerequisite for board appointment, as the individual serving on the local board represents the entity or program rather than the county of residence.

Core Programs Representing:	Nominating Entity:
Eligible providers administering adult education and literacy activities under title II	SC Department of Education, Office of Adult Education
State employment service office under the Wagner-Peyser Act serving the local area	SC Department of Employment and Workforce
Programs carried out under title I of the Rehabilitation Act of 1973, other than section 112 or part C of that title	SC Department of Vocational Rehabilitation or SC Commission for the Blind

- Standing committees of the local board must consist of the three committees identified in Section 107(b)(4)(A) of Public Law 113-128, as specified below. The local board may designate additional standing committees.
- A local board will not be certified unless it is in compliance with the composition requirements in the statute and this policy.

Board Composition

WIOA specifies the following criteria for the local workforce development board:

(2) COMPOSITION.—Such criteria shall require that, at a minimum—

(A) a majority of the members of each local board shall be representatives of business in the local area, who—

(i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

(ii) represent businesses, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area, and

(iii) are appointed from among individuals nominated by local business organizations and business trade associations;

(B) not less than 20 percent of the members of each local board shall be representatives of the workforce within the local area, who –

(i) shall include representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;

(ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;

(iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and

(iv) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth;

(C) each local board shall include representatives of entities administering education and training activities in the local area, who—

(i) shall include a representative of eligible providers administering adult education and literacy activities under title II;

(ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);

(iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;

(D) each local board shall include representatives of governmental and economic and community development entities serving the local area, who—

(i) shall include a representative of economic and community development entities;

(ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;

(iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;

(iv) may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and

(v) may include representatives of philanthropic organizations serving the local area; and

(E) each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

Standing Committees

The following committees must be included in the standing committees of the local board:

(i) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include as members representatives of the one-stop partners;

(ii) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth; and

(iii) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

Action: Please ensure that local chief elected officials, board members, and appropriate staff receive and understand this policy.

Inquiries: Questions may be directed to polnpro@dew.sc.gov.



Kevin Cummings, Director
Technical Services, Policies and Reporting

Attachment

Attachment A

Appointment of WIOA §107(b)(2)(C), (D) LWDB Representatives Required Nomination Form

SC Department of Education, Office of Adult Education	
Representative Name:	Title:
Local Area Served or Local Board	Phone:
	Email:
Nomination Approval:	
_____ Michael R. King, State Director of Adult Education 1429 Senate Street, Columbia, SC 29201	_____ Date

SC Department of Employment and Workforce	
Representative Name:	Title:
Local Area Served or Local Board	Phone:
	Email:
Nomination Approval:	
_____ G. Daniel Ellzey, Executive Director of DEW 1550 Gadsden Street, Columbia, SC 29204	_____ Date

SC Vocational Rehabilitation Department	
Representative Name:	Title:
Local Area Served or Local Board	Phone:
	Email:
Nomination Approval:	
_____ Felicia W. Johnson, Commissioner of VR 1410 Boston Avenue, West Columbia, SC 29171	_____ Date

SC Commission for the Blind	
Representative Name:	Title:
Local Area Served or Local Board	Phone:
	Email:
Nomination Approval:	
_____ Darlene Graham, Commissioner of SCCB 1430 Confederate Avenue, Columbia, SC 29201	_____ Date