



## KWIB Executive Committee Meeting

**DRAFT MINUTES**

**May 13, 2022; 2:00pm – 3:30pm EST**

**(Rescheduled from May 11, 2022 due to lack of quorum)**

**In person (no one chose) or Via zoom** - Join from PC, Mac, Linux, iOS or Android: Join from PC, Mac, Linux, iOS or Android:

<https://us06web.zoom.us/j/88413032827?pwd=ZE1lY3l5YndVSzRMSGpYUWwNlRnQT09>

Password: v6QA4W

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**MEMBERS PRESENT:** Kim Menke, Lori Ulrich, Kevin Smith, Heidi Margulis, Scott Pierce, Beth Davisson, Amy Luttrell; **OTHERS PRESENT:** Sam Flynn, Dondra Meredith, Adrian Jacobs, Shelby Lewis, Stefanie Ebbens Kingsley, Debbie Dennison

### **2:02PM CALL TO ORDER**

**Kim Menke, new KWIB Chair** called the meeting to order and welcomed everyone.

Minutes from previous meeting provided in pre-read packet; Kim asked if there were any changes. no changes requested and motion to approve lifted by Amy Luttrell and seconded Scott Pierce. *Motion carried* unanimously.

Mr. Menke mentioned that obviously the leadership structure had changed and thanked Kevin Smith for his service to the KWIB. The other members shared their appreciation. Kevin Smith will serve as past-Chair now, as a member of the board and the Executive Committee. He will not have voting privileges within the Executive committee will serve in an advisory capacity.

Kim lifted that the new Vice-Chair was chosen because of their service on a local board and shared the importance of understanding the local structure within the state governing position. He shared that Ms. Lori Ulrich would serve as Vice-Chair. The committee congratulated her and welcomed her to the position.

Kim lifted that they would be putting into place policies that would more clearly define future changes in leadership. Discussion was had as to the number of members that might be considered for the Executive committee. Continued discussion with thought of quorum needs. Additionally, discussion of terms of Executive committee members was discussed and should be thought through and solidified.

Discussion was also had around adding a chair for Diversity and Inclusion within the KWIB. **Stefanie Ebbens Kingsley**, Executive Director of the KWIB, and **Sam Flynn**, General Counsel & Chief of Staff for the Education & Labor Cabinet, will work on a draft policy and share for review and discussion with this committee.

Sam Flynn shared administrative goals and legislative updates. A thorough review of the KWIB's roles and responsibilities has been held. Discussions have been had with the Department of Labor around best practices within state boards. Only real rules are around open meetings and open records for these meetings. Once adopted, the rules will be published to the KWIB site.

Anticipate an upcoming leadership meeting for review. Would like to have an in-person meeting scheduled to discuss these topics.

Discussion was also had, and will continue, around the roll of the cabinet and the KWIB to the local workforce development areas. Partnership agreements are being drafted and will be brought before this committee soon. **Stefanie Ebbens Kingsley** identified that seven (7) of ten (10) Memorandum's of Understanding (MOU) have been received. She invited the Executive committee members to participate in discussion and negotiations with the local boards that will be coming. **Kim Menke** asked for the KWIB to share the MOU template for review and discussion.

**Kim Menke** posed the question as to who, at the state, determines compliance for the local area workforce development areas with respect to WIOA policies. The memorandums of understanding will more clearly define the responsibilities within state and local partners.

**Stefanie Ebbens Kingsley** broadly walked through the upcoming KWIB Quarterly Board meeting agenda which will include discussion around KWIB's roles and responsibilities.

**ADJOURNMENT 3:00PM**

Kim asked for any other business and as there was none, moved to adjourn.



**KWIB  
Executive Committee  
Meeting**

**AGENDA  
May 11, 2022  
11am – 12:30pm EST**

**In person – 500 Mero Street, 4<sup>th</sup> floor Frankfort; or via zoom**

<https://us06web.zoom.us/j/88413032827?pwd=ZE1lY3l5YndVSDRMSGJpYUwNlRnQT09>

Password: v6QA4W

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- Call Meeting to Order / Welcome *Kim Menke, Chair, TMMK*
  
  - Review / Approval of Minutes from last meeting 03/10/22 *Kim Menke, Chair, TMMK*
  
  - Changes to Board *Kim Menke, Chair, TMMK*
  
  - Administrative Regulation & Legislative Update *Sam Flynn, Gen. Counsel/Chief of Staff*
  
  - SB207 Review / Discussion *Sam Flynn, Gen. Counsel/COS*
  
  - Updates & Reports from Program Staff in KCC *Dr. Kish Cumi Price, Commissioner*
  
  - KWIB Quarterly meeting walk through *Stefanie Ebbens Kingsley, KWIB*
  
  - Adjournment *Kim Menke, Chair*



# KWIB Executive Committee Meeting

**DRAFT MINUTES**

**March 10, 2022; 11am – 12:30pm EST**

**Via zoom** - Join from PC, Mac, Linux, iOS or Android:

<https://us06web.zoom.us/j/81992727513?pwd=Zk1kNk9qYlJHcHY5dkJqQlFKOEZXdz09>

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**MEMBERS PRESENT:** Kevin Smith, Kim Menke, Lori Ulrich, Heidi Margulis, Scott Pierce, Beth Davisson; **OTHERS PRESENT:** Scott Secamiglio, Adrian Jacobs, Jacob McAndrews, Debbie Dennison, Sara Jagers

## **11:03 AM**      **CALL TO ORDER**

**Kevin Smith, KWIB Chair** called the meeting to order and welcomed everyone.

Minutes from previous meeting provided in pre-read packet; Kevin asked if there were any changes; no changes requested and motion to approve lifted by Heidi Margulis and seconded Scott Pierce.

*Motion carried unanimously.*

**Debbie Dennison, KWIB** shared the KWIB Quarterly board meeting agenda for discussion and review. Kevin walked through the Consent agenda format and asked that pre-read items for consent agenda voting be included in packet. Discussion was had around the items and the order on the agenda with the one-stop certifications, the state plan modification and the Perkins Leadership recommendations.

The agenda is a tight one for time and **Heidi Margulis** suggested putting time frames into sections so that we can stay on time and task. **Kevin Smith** asked KWIB staff to follow up with Amy Luttrell and Goodwill about their presentation to make them aware of the tight time frame. Committee chairs shared their brief updates that will be shared at the KWIB quarterly. **ACTION** - ***KWIB staff should follow up with KY Stats*** about the sector data review, to identify if recommendations for change need to be made through committee and on to the full board. **KWIB staff** will assist in a communication to WIB directors regarding the *CTE Certification* form and process located on the [KWIB site](#).

**Adrian Jacobs**, staff attorney to the Education and Workforce Development Cabinet suggested that any formal discussion of the state plan should fall before the consent agenda voting. **KWIB staff** will be updating the agenda and sending to the Executive Committee along with the Family Resource Simulator video completed by the marketing department last week.

**Kevin Smith** asked if there was *New Business* and Beth Davisson asked if we could again hold in-person board meetings. Discussion was had and consensus that a hybrid model would be ideal. Voting on motions is difficult virtually and polling options within zoom were lifted for KWIB staff to review.

## **ADJOURNMENT**      **11:54 AM**

Kevin asked for any other business and as there was none, Heidi Margulis moved to adjourn. Kim Menke seconded; *motion carried* to adjourn.



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**


**Secretary of State**

Frankfort  
Kentucky

2022 – 225  
April 25, 2022

By virtue of the authority vested in me pursuant to Executive Order 2020-857 and the Constitution and laws of the Commonwealth of Kentucky, I, Andy Beshear, Governor of the Commonwealth of Kentucky, do hereby appoint Kim Menke, Georgetown, to serve as Chair of the Kentucky Workforce Innovation Board, replacing Kevin Smith, Bardstown, who has resigned as Chair of the Board.

Please issue a commission to him.

  
ANDY BESHEAR, GOVERNOR  
Commonwealth of Kentucky

  
MICHAEL G. ADAMS  
Secretary of State

RECEIVED AND FILED  
DATE 4/26/2022

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MICHAEL G. ADAMS  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY *Janet M. Gungor*



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-857**  
**October 7, 2020**

**RELATING TO THE**  
**KENTUCKY WORKFORCE INNOVATION BOARD**

**WHEREAS**, the Commonwealth of Kentucky is committed to continuous improvement in the effectiveness and efficiency of its workforce development system in support of a world class workforce; and

**WHEREAS**, the Workforce Innovation and Opportunity Act, codified at 29 USCA § 3101 et seq., and known as WIOA, was enacted by the United States Congress and signed by the President on July 22, 2014, to reauthorize the Workforce Investment Act of 1998 to eliminate some programs and streamline reporting requirements and administration; and

**WHEREAS**, the WIOA was enacted to provide an alignment of workforce activities through state and local workforce development systems and integration of service delivery systems, which are aimed at increasing the employment, training, education, and support for jobseekers and workers, while simultaneously improving the quality and productivity of the workforce which directly matches the needs of employers; and

**WHEREAS**, the principles of the WIOA include significantly increasing the linkages between education, economic development, and workforce development to maximize success in improving opportunities for jobseekers, workers, and employers; and

**WHEREAS**, successfully implementing Kentucky's workforce development system will require the alliance of the leadership, vision, and resources of the Commonwealth's workforce, economic and educational systems, business and labor entities, and elected officials in a strategic effort built on public/private partnerships; and

**WHEREAS**, WIOA requires the Governor to establish a state workforce development board to initiate and oversee critical transition activities, to assist in the development, implementation, and modification of a state plan, to ensure a customer driven workforce delivery system for both jobseekers and employers is present, to increase



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-857**  
**October 7, 2020**

accountability and transparency of the system, and to provide leadership and guidance in ensuring alignment of federal and state investments as related to workforce development activities to accomplish those purposes:

**NOW, THEREFORE**, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Sections 69 and 81 of the Kentucky Constitution and KRS 12.028, and otherwise, do hereby Order and Direct the following:

1. The Kentucky Workforce Innovation Board is hereby created and established for the purpose of assisting the Governor in creating an integrated statewide strategic plan for the workforce development system of Kentucky which will link workforce policies, education and training programs, and funding with the economic development needs of the Commonwealth and its areas and regions. The Board shall be attached to the Education and Workforce Development Cabinet for administrative and staff purposes.
2. The Kentucky Workforce Innovation Board created under Executive Orders 2017-650 and 2017-0643 is hereby abolished. All records, duties, functions and responsibilities of the Kentucky Workforce Innovation Board created under Executive Orders 2017-650 and 2017-0643 is hereby transferred to the Kentucky Workforce Innovation Board created and established in paragraph 1. of this Order.
3. The duties and functions of the Kentucky Workforce Innovation Board (the "Board") created and established in paragraph 1. of this Order shall include assisting the Governor in complying with the provisions and requirements of the WIOA, and performing any and all other duties and functions pursuant to 29 U.S.C.A. § 3111 and pursuant to KRS 156.802(6)(b) to conduct state leadership activities referred to in 20 U.S.C.A. § 2344 in accordance with the required and permissible uses of funds specified in the Carl D. Perkins Career and Technical Education Act of 2006 and subsequent amendments thereto.
4. The membership of the Board shall include 31 voting members and nine (9) non-voting members, as follows:
  - a. Governor or designee;
  - b. One (1) member of each state legislative chamber;
  - c. Sixteen (16) representatives of businesses constituting not less than 51-percent (51%) percent of the Board and reflective of state and local industry sectors, who satisfy the following criteria:





**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-857**  
**October 7, 2020**

- i. Are owners of businesses, chief executives, or operating officers of businesses, or other business executives or employers with optimum policy-making or hiring authority, and who, in addition, may be members of a local board described in section 29 U.S.C.A. § 3122(b)(2)(A)(i);
  - ii. Represent businesses (including at least one representative of small business) or organizations representing businesses and provide employment opportunities that, at a minimum, including high-quality, work-relevant training and development in in-demand industry sectors or occupations in the state; and
  - iii. Are appointed from among individuals nominated by state business organizations and business trade associations;
- d. Seven (7) representatives of the workplace within the state, constituting not less than 20-percent (20%) of the Board, who shall include:
- i. A minimum of two (2) representatives of labor organizations, who have been nominated by state labor federations; and
  - ii. A minimum of one (1) representative who must be a member of a labor organization or a training director from a joint labor-management registered apprenticeship program, or, if no such joint program exists in the state, such a representative of a registered apprenticeship program in the state.
  - iii. In addition to the representatives enumerated above, the Governor may appoint one (1) or more representatives of the following organizations to contribute to the 20-percent (20%) of workforce representation: community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education 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 training, or education needs of eligible youth, including representatives or organizations that serve out-of-school youth; and
- e. Two (2) chief elected officials as defined in 29 U.S.C.A. § 3102(9) (collectively representing both cities and counties, where appropriate).
- f. The balance of the Board shall include the lead state officials with primary responsibility for the core programs.
- g. Additionally, the Secretaries of the Cabinet for Economic Development and the Labor Cabinet, and the Commissioner of the Kentucky



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-857**  
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Department of Education shall serve as ex-officio non-voting members of the Board.

5. As a general condition of Board membership, each member appointed or any authorized designee must have optimum policy-making authority. A member cannot represent an entity in more than one (1) of the following three (3) categories: business representatives, workforce representatives, or government representatives. Except where a single government agency is responsible for multiple required programs, a member shall not represent more than one (1) entity within a category.
6. The Board membership shall reflect statewide geographic and diverse population representation.
7. Members of the Board shall be initially appointed to serve staggered terms and thereafter shall serve terms of three (3) years. Board members representing the business and workforce categories shall not serve more than two (2) full, consecutive three-year terms. Any vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members of the Board may continue to serve beyond the expiration of their terms until their successors are appointed.
8. The Governor shall appoint the Chairperson of the Board from the business representative membership to serve at the pleasure of the Governor. The chairperson shall appoint a Vice-Chair and an Executive Committee.
9. The Board may invite non-members, to be approved by the Chair, to serve on committees and workgroups created by the Board.
10. Members of the Board, and non-members serving on committees or workgroups, shall serve without compensation, but may be reimbursed for their expenses in accordance with state travel expense and reimbursement administrative regulations.
11. The Governor hereby exercises the authority designated by the WIOA to reserve up to 15-percent (15%) of the state allocation for statewide workforce investment activities within the parameters set forth in 29 U.S.C.A. § 3163.
12. The Board members and the non-members serving on committees and workgroups of the Kentucky Workforce Innovation Board are hereby subject to the provisions of Executive Orders 2008-454 and 2009-882 as well as the gift and conflict of interest rules for Executive Branch public servants set forth in KRS Chapter 11A. Any conflict of interest issue shall be submitted to the Executive Branch Ethics Commission for resolution.
13. The Education and Workforce Development Cabinet and all relevant state agencies of the Commonwealth of Kentucky shall take any and all necessary actions to effectuate the provisions of this Order.



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-857**  
**October 7, 2020**

14. I hereby appoint the following to serve as members of the Board until such time as they no longer hold their respective positions:

Lieutenant Governor Jacqueline Coleman (non-voting)  
Secretary Larry Hayes, Economic Development Cabinet (non-voting)  
Secretary Larry Roberts, Labor Cabinet (non-voting)  
Jason Glass, Kentucky Department of Education (non-voting)  
J. Michael Brown, Secretary of the Executive Cabinet (non-voting)

15. I hereby appoint the following to serve as members of the Board for terms expiring October 7, 2021:

Heidi Margulis, Humana  
Jaqueline Korengal, Office of Adult Education  
Lori Ulrich, Fleming-Mason Energy  
Sadiqa Reynolds, Louisville Urban League  
Beau Matthews, Superintendent of Barren County School District (non-voting)  
Terry Sexton, Boilermakers  
Ryan Holmes, EHI Consultants  
Scott Pierce, Operating Engineers  
Cora McNabb, Office of Vocational Rehabilitation  
Kurtis Mishler, AxiomOne  
President of Kentucky Community and Technical College System (non-voting)  
Michael Buckentin, Logan Aluminum

16. I hereby appoint the following to serve as members of the Board for terms expiring October 7, 2022:

Beth Davisson, Kentucky Chamber of Commerce  
Senator Jimmy Higdon  
Representative Bobby McCool  
Kim Menke, Toyota  
Michael Hale, Barren County Judge Executive  
Sharon Price, Community Action  
Todd Dunn, UAW  
Rob Southard, Southern Star Central Gas Pipeline  
Kevin Smith, Beam Suntory  
Lynn Parrish, BitSource  
Deputy Secretary Mary Pat Regan, Education and Workforce Development Cabinet

17. I hereby appoint the following to serve as members of the Board for terms expiring October 7, 2023:

Aaron Thompson, Council on Post-Secondary Education (non-voting)  
Tony Georges, UPS  
Karen Trial, Hitachi



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

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Julie Whitis, Ignite Institute (non-voting)  
Amy Luttrell, Goodwill  
Carla Webster, Xerox  
Suhas Kulkarni, Indus, Inc.  
Jonathan Webb, AppHarvest  
Robert Blythe, Mayor of City of Richmond  
Dianne Owen, Four Rivers Scholarship Foundation  
Keith Sparks, Enerfab

18. I hereby appoint Kevin Smith to serve as Chair of the Board.

This Order is effective immediately upon filing with the Secretary of State.

A handwritten signature in black ink, appearing to read "Andy B", written over a horizontal line.

ANDY BESHEAR, Governor  
Commonwealth of Kentucky

A handwritten signature in black ink, appearing to read "Michael G. Adams", written over a horizontal line.

MICHAEL G. ADAMS  
Secretary of State



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
**Frankfort**  
**Kentucky**

**2020-857**  
**October 7, 2020**

**REORGANIZATION PLAN**

On September 27, 2017, by Executive Orders 2017-650 and 2017-0643, former Governor Matt Bevin reorganized and established the Kentucky Workforce Innovation Board (KWIB). In September 2018, the U.S. Department of Labor issued a Targeted Program Compliance and Assistance Comprehensive Review, which determined, among other findings, that the KWIB failed to comply with 20 CFR § 679.110.

On June 29, 2020, a letter, subject to condition, was sent approving Kentucky's four-year WIOA Unified State Plan, pursuant to section 102(c)(3)(A) of WIOA. However, the letter reiterated that the KWIB failed to comply with 20 CFR § 679.110. Subsequent communication with the U.S. Department of Labor and the U.S. Department of Education resulted in those federal agencies granting an extension to comply with 20 CFR § 679.110 by October 7, 2020.

Reorganization of the Kentucky Workforce Innovation Board (the "Board") is necessary in order to bring Board membership into compliance with 20 CFR § 679.110, prior to October 7, 2020.

**Fiscal Impact:**

This Executive Order will have minimal, if any, fiscal impact.

**Delivery of Services:**

It is expected that the newly-created and established Board will improve delivery of workforce development services throughout the state by improving coordination among stakeholders in education, economic development, and workforce development.

**Personnel Impact:**

This reorganization is for administrative purposes with no resulting personnel or fiscal impact.

RECEIVED AND FILED

DATE

10/7/2020

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MICHAEL G. ADAMS

SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY

BY

*Samuel M. Burgh*

## 20 CFR 679.110 BOARD BYLAWS REQUIRED ELEMENTS

### **(d) The Governor must establish by-laws that at a minimum address:**

- (1) The nomination process used by the Governor to select the State WDB chair and members;
  - (2) The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;
  - (3) The process to notify the Governor of a WDB member vacancy to ensure a prompt nominee;
  - (4) The proxy and alternative designee process that will be used when a WDB member is unable to attend a meeting and assigns a designee as per the following requirements:
    - (i) If the alternative designee is a business representative, he or she must have optimum policy-making hiring authority.
    - (ii) Other alternative designees must have demonstrated experience and expertise and optimum policy-making authority.
  - (5) The use of technology, such as phone and Web-based meetings, that must be used to promote WDB member participation;
  - (6) The process to ensure members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities;
- and
- (7) Other conditions governing appointment or membership on the State WDB as deemed appropriate by the Governor.

# **THE KENTUCKY WORKFORCE INNOVATION BOARD**

## **BY-LAWS**

### **ARTICLE I**

#### **NAME AND AUTHORITY**

The Kentucky Workforce Innovation Board (“Board”) has been established in accordance with the Workforce Innovation and Opportunity Act and is the State Workforce Development Board for Kentucky. The principal office of the Board shall be located at 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601. The Board serves as the Governor’s advisory board for the Kentucky workforce development system. The Board was reestablished through Executive Order 2020-857, dated October 7, 2020, which is attached and hereby incorporated by reference. The following By-Laws contain the requirements specified in 20 C.F.R. § 679.110(d).

### **ARTICLE II**

#### **GOALS AND PURPOSE**

**SECTION 1.** The primary goals of Kentucky’s workforce development system are to create and retain jobs in the Commonwealth by enabling Kentucky residents to acquire the competencies, skills, supportive services, and education necessary to support themselves and their families, and to provide Kentucky employers with a skilled and educated workforce to remain competitive in a dynamic global economy.

**SECTION 2.** The Board’s purpose is to assist the Governor in creating an integrated statewide strategic plan for the workforce development system of Kentucky which will link workforce policies, education and training programs, and funding with the economic development needs of the Commonwealth and its areas and regions. Specifically, in accordance with 20 C.F.R. § 679.130, the Board will assist the Governor with:

- (1) Development, implementation, and modification of the 4-year State Plan;
- (2) Review of statewide policies, programs, and recommendations on actions that must be taken by the State to align workforce;
- (3) Development and continuous improvement of the workforce development system;



- (4) Development and updating of comprehensive State performance and accountability measures to assess core program effectiveness under WIOA sec. 116(b);
- (5) Identification and dissemination of information on best practices, including best practices for operation of the one-stop centers, development of effective Local Workforce Development Boards, and effective training programs;
- (6) Development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in WIOA sec. 121(e);
- (7) Development of strategies for technological improvements to facilitate access to, and improve the quality of services and activities provided through the one-stop delivery system;
- (8) Development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures;
- (9) Development of allocation formulas for the distribution of funds for employment and training activities for adults and youth workforce investment activities, to local areas as permitted under WIOA secs. 128(b)(3) and 133(b)(3);
- (10) Preparation of the annual reports described in paragraphs (1) and (2) of WIOA sec. 116(d);
- (11) Development of the statewide workforce and labor market information system described in sec. 15(e) of the Wagner–Peysner Act; and
- (12) Development of other policies as may promote statewide objectives for and enhance the performance of the workforce development system in the State.

**SECTION 3.** The Board shall develop and issue policies, guidance, and manuals in coordination with the Governor and the Department of Workforce Investment.

### **ARTICLE III GENERAL MEMBERSHIP**

**SECTION 1.** The composition of the Board and length of members' staggered terms is specified in Executive Order 2020-857 and aligns with the requirements of the Workforce Innovation and Opportunity Act. Members of the Board were initially appointed

by the Governor to serve staggered terms and thereafter shall serve terms of three (3) years. Board members representing the business and workforce categories shall not serve more than two (2) full, consecutive three-year terms. Any vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members of the Board may continue to serve beyond the expiration of their terms until their successors are appointed.

**SECTION 2.** The membership of the Board shall include 31 voting members and nine (9) non-voting members appointed by the Governor. The Board membership shall reflect statewide geographic and diverse population representation. Members of the Board, and non-members serving on committees or workgroups, shall serve without compensation, but may be reimbursed for all actual and necessary expenses incurred in connection with their duties in accordance with state travel expense and reimbursement administrative regulation.

**SECTION 3.** Board Member nominations shall be directed to the Governor’s Office of Boards and Commissions, who shall bring forth eligible candidates for consideration by the Governor. The Governor shall appoint the Chairperson of the Board (“Board Chair”) from the business representative membership to serve at the pleasure of the Governor. The Board Chair shall appoint a Vice-Chair and an Executive Committee.

**SECTION 4.** As a general condition of Board membership, each member appointed or any authorized designee must have optimum policy-making authority as defined in 20 C.F.R. § 679.120. A member cannot represent an entity in more than one (1) of the following three (3) categories: business representatives, workforce representatives, or government representatives. Except where a single government agency is responsible for multiple required programs, a member shall not represent more than one (1) entity within a category.

**SECTION 5.** A Board member may resign at any time by filing a written resignation with the Board Chair, the Executive Director of the Office of the Kentucky Workforce Innovation Board (“Executive Director”), and the Governor’s Office of Boards and Commissions. All vacancies shall be immediately reported, in writing, to the Executive Director, who shall promptly notify the Secretary, Kentucky Education and Labor Cabinet, and the Governor’s Office of Boards and Commissions.

## **ARTICLE IV ETHICS AND CONFLICTS OF INTEREST**

**SECTION 1.** Board members and the non-members serving on committees and workgroups of the Board are subject to the provisions of Executive Orders 2008-454 and 2009-882 as well as the gift and conflict of interest rules for Executive Branch public servants set forth in KRS Chapter 11A. Any unresolved conflict of interest issue

shall be submitted to the Ethics Officer for the Kentucky Education and Labor Cabinet for review and recommendation.

**SECTION 2.** A member of the Board may not vote on a matter under consideration regarding the provision of services by such member (or by an entity that such member represents) or that would provide direct financial benefit to such member or the immediate family of such member.

**SECTION 3.** If a matter before the Board presents a conflict of interest for a Board member, she or he shall bring the conflict of interest to the attention of the Board Chair and shall recuse himself or herself from participating in discussion and/or voting on the matter by leaving the meeting. The member's recusal shall be reflected in the meeting minutes. The member may return to the meeting once the discussion and voting on the matter has concluded.

**SECTION 4.** It shall not be a conflict of interest for a Board member to serve on a Local Workforce Development Board, as defined by section 107 of Workforce Innovation and Opportunity Act. Members are required to adhere to Article IV, Section 3 of these By-Laws if a matter before the Board presents a conflict of interest with members' membership on a Local Workforce Development Board.

## **ARTICLE V BOARD MEETINGS**

**SECTION 1.** The Board shall meet at least four times each calendar year at such time and place as designated by the Board Chair in coordination with the Executive Director. In order to promote Board member participation at the meetings, members may attend in-person or through web-based video conferencing software (e.g., Zoom).

**SECTION 2.** The Executive Director shall provide members with a written schedule of all regular meetings for the upcoming year. Special meetings of the Board may be called by the Board Chair as circumstances require.

**SECTION 3.** Meeting information, including the dates, times, locations, video conference links, and agendas, for all Board meetings, Board committees and task forces, shall be posted on the Kentucky Workforce Innovation Board website.

**SECTION 4.** The Board Chair shall approve an agenda for each meeting. Members shall submit a written request for consideration of an agenda item to the Board Chair and Executive Director no less than five business days in advance of the meeting. The agenda item may be placed on the meeting's agenda at the discretion of the Board Chair in consultation with the Executive Director.

- SECTION 5.** If a Board member is unable to attend a meeting, he/she may assign a designee to attend the meeting on his/her behalf if the designee meets the requirements of 20 C.F.R. § 679.110(d)(4) and 20 C.F.R. § 679.120. If a member assigns a designee to attend a meeting, that member must notify the Board’s Chair and Executive Director in writing at least 24 hours prior to the meeting date of the name of the designee and attest that the designee meets the applicable requirements of 20 C.F.R. § 679.110(d)(4) and 20 C.F.R. § 679.120.
- SECTION 6.** The Executive Director shall keep proper records of all meetings in typewritten form. The written minutes approved by the Board, Committee or Task Force shall be the official record. A copy of the official minutes shall be posted on the Kentucky Workforce Innovation Board website.
- SECTION 7.** In addition to attending Board meetings, Board members are invited and encouraged to participate in all workforce activities across the Commonwealth and in their respective areas, such as employer-focused meetings, hiring functions, and employer round table meetings. These activities aim to engage members in convening the workforce development system’s stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities.

## **ARTICLE VI QUORUM AND ATTENDANCE**

At all Board meetings, a quorum shall be a majority of the members appointed to the Board. Attendance is required at all meetings. Board members who miss more than two meetings in a 12-month period may be subject to replacement at the discretion of the Governor upon the advice of the Board Chair and Executive Director as appropriate.

## **ARTICLE VII VOTING & NEW BUSINESS/MOTIONS**

- SECTION 1.** New business orders or motions must be filed in writing with the Executive Director and Board Chair at least five business days before a regularly scheduled meeting of the Board in order to be included on the agenda for that meeting. Orders or motions so filed with the Executive Director and Board Chair will be placed on the agenda and copies will be supplied to Board members in advance of the meeting. Requests for new business orders or motions filed later than five business days before the regularly scheduled meeting shall be placed on the agenda at the discretion of the Board Chair in consultation with the Executive Director.
- SECTION 2.** Votes of the Board shall be taken by voice vote. A vote shall be taken by yeas and nays when at least one member of the Board so requests.
- SECTION 3.** Any member may request immediate consideration of any matter on the agenda. If any member objects, the matter must be referred to the Chair for action at its next

meeting. This rule may not be suspended unless two-thirds of the membership present agrees.

## **ARTICLE VIII OPEN MEETINGS**

**SECTION 1.** The Board shall adhere to Open Meeting requirements as specified in the Kentucky Open Meetings Act, KRS 61.800 *et seq.*

**SECTION 2.** All meetings of the Board shall be open to the general public. Those members of the public in attendance at any meeting of the Board may address the Board only with the prior approval or at the request of the Board Chair.

## **ARTICLE IX COMMITTEES AND TASK FORCES**

**SECTION 1.** The Board shall establish an Executive Committee. The Executive Committee shall be made up of the Board Chair (who shall also be chair of the Executive Committee), the Vice Chair and include private industry and workforce representatives appointed by the Board Chair to ensure representation of the major groups identified in the Workforce Innovation and Opportunity Act. The Executive Committee is empowered to meet on an interim basis between regular full Board meetings and make emergency or time-sensitive decisions when necessary. The Executive Committee shall monitor the work of other Board committees, task forces, and the Board staff and make policy recommendations to the Board. Specifically, the Executive Committee may provide guidance and recommendations to the Board in the areas of strategic planning, legislation, operations, and other areas. The Executive Committee may also assist in the development of board meeting agendas.

**SECTION 2.** Issues that are of importance to the Board may be referred to a committee or task force. The Board Chair may appoint, authorize, or abolish committees, task forces or other bodies to serve the Board. The Board may invite non-members, to be approved by the Board Chair, to serve on committees and task forces created by the Board.

**SECTION 3.** The Board Chair will appoint chairs to Board committees and task forces. Each committee or task force will have a specific mandate with clear timelines for addressing the questions put to them by the membership or the appointing authority. Board staff shall provide a resource person for each committee upon consultation with the committee chairperson.

**SECTION 4.** Meetings of committees may be called by the committee chairperson. Committees may hold meetings concurrently with other committees. All committee members shall be notified in writing as to the date and time of the committee meeting

**SECTION 5.** All recommendations of these committees and task forces will be referred to the full Board membership.

**ARTICLE X  
CONDUCT OF MEMBERS**

**SECTION 1.** When a member speaks, he or she shall address the Board Chair and confine his or her remarks to the question under debate.

**SECTION 2.** No member shall be interrupted while speaking except by their consent or by a point of order; nor shall there be any conversation among the members while a question is being stated, while a member is speaking, or while there is a presentation before the Board.

**SECTION 3.** Board members shall strive to make their remarks succinct and productive to the discussion while speaking on any question where debate is unlimited. The Board Chair shall control Board discussions and may limit the amount of time a member may speak on a topic.

**ARTICLE XI  
PARLIAMENTARY PROCEDURE**

The Board shall be governed by Robert’s Rules of Order, Newly Revised Edition, in all questions of parliamentary procedure not provided for by these By-Laws.

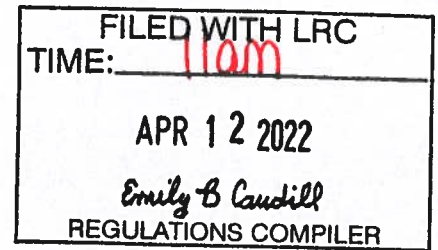
**ARTICLE XII  
ADOPTION AND AMENDMENT OF BY-LAWS**

**SECTION 1.** These By-Laws were discussed and voted on at the \_\_\_\_\_ meeting of the Board and became effective on \_\_\_\_\_. The By-Laws became effective with the approval of a majority of members present and voting.

**SECTION 2.** The membership shall have the power and authority to alter, amend, or repeal these By-Laws at a subsequent regularly scheduled Board meeting by the majority vote of the Board members present. Advance notice of intent to alter, amend or repeal the By-Laws must be given in writing to the members at the Board meeting preceding the meeting at which the vote will be taken. Advance notice of intent to alter, amend, or repeal these by-laws or any policies, procedures, or guidance shall be provided by the Board Chair to the Executive Director and the Secretary of the Kentucky Education and Labor Cabinet.

\_\_\_\_\_  
Stefanie Ebbens-Kingsley  
Exec. Director of the Office of the Board

\_\_\_\_\_  
Kim Menke, Board Chair



1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Department of Workforce Investment

3 (Amendment)

4 787 KAR 2:040. Local workforce development area governance.

5 RELATES TO: KRS 151B.020(6), 29 U.S.C. 3101 et seq.

6 STATUTORY AUTHORITY: KRS 151B.020(6)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.020(6) requires the  
8 secretary of the Education and Workforce Development Cabinet to promulgate administrative  
9 regulations that are necessary to implement programs mandated by federal law, or to qualify for  
10 the receipt of federal funds, and that are necessary to cooperate with other state and federal  
11 agencies for the proper administration of the cabinet and its programs. This administrative  
12 regulation establishes the membership criteria and operating guidelines for local workforce  
13 development boards, requires interlocal and partnership agreements for local workforce  
14 development areas, establishes the process for the identification of regions and designation of  
15 local workforce development areas, establishes the guidelines for the hiring of staff by local  
16 workforce development boards, [~~and~~]requires a written agreement for entities that perform  
17 multiple functions in a local work-force development area under the Workforce Innovation and  
18 Opportunity Act, 29 U.S.C. 3101 et seq., and addresses dissemination and implementation of  
19 policies and guidance issued by the Kentucky Workforce Innovation Board. In addition to the  
20 minimum federal requirements set forth in 29 U.S.C. 3122, this administrative regulation

1 provides further guidance and clarification necessary for effective local implementation  
2 activities.

3 Section 1. Local workforce development board membership criteria and operating  
4 guidelines. Each chief local elected official in a local workforce development area shall appoint  
5 members to the local workforce development board and each local workforce development board  
6 shall operate in compliance with the Workforce Innovation and Opportunity Act (WIOA).

7 Section 2. Interlocal agreement. Each local elected official of a unit of general local  
8 government within a local workforce development area shall jointly execute a written interlocal  
9 agreement that, at a minimum, complies with the Workforce Innovation and Opportunity Act.

10 Section 3. Partnership agreement. Each chief local elected official, representing the local  
11 elected officials in a local workforce development area, and each designated chair, representing  
12 the local workforce development board, shall jointly execute a written partnership agreement  
13 that, at a minimum, complies with the Workforce Innovation and Opportunity Act.

14 Section 4. Identification of regions and designation of local workforce development  
15 areas. The process and procedures for the identification of regions and the designation of local  
16 workforce development areas within the Commonwealth of Kentucky shall be in compliance  
17 with WIOA.

18 Section 5. Hiring of staff for local workforce development boards. Local workforce  
19 development boards may hire a director and other staff in accordance with WIOA.

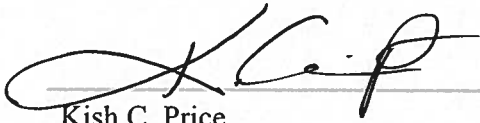
20 Section 6. Entities performing multiple functions in a local workforce development area.  
21 Entities that have been selected or otherwise designated to perform more than one (1) function in  
22 a local workforce development area shall develop a written agreement that, at a minimum,  
23 complies with WIOA.



1           Section 7. Dissemination and Implementation of Policies and Guidance issued by the  
2 Kentucky Workforce Innovation Board. The local workforce development boards shall  
3 implement and disseminate policies, guidance, and manuals issued by the Kentucky Workforce  
4 Innovation Board, in coordination with the Governor and the Department of Workforce  
5 Investment, pursuant to the Workforce Innovation and Opportunity Act and accompanying Code  
6 of Federal Regulations.

787 KAR 2:040

READ AND APPROVED:



Kish C. Price  
Commissioner  
Department of Workforce Investment  
Education and Workforce Development Cabinet

4/18/2022  
Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this amended administrative regulation shall be held on June 21, 2022, at 1:00 p.m. Eastern Time at the Mayo-Underwood Building Hearing Room, 500 Mero Street, 1st Floor, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on June 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

Contact Person: Honor Barker, Deputy Commissioner, Department of Workforce Investment, 500 Mero Street, 4<sup>th</sup> Floor, Frankfort, Kentucky, 40601, phone (502) 782-3746, email [honor.barker@ky.gov](mailto:honor.barker@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

787 KAR 2:040

Contact person: Honor Barker, Deputy Commissioner, Phone: 502-782-3746, Email honor.barker@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does:

The regulation directs how local Workforce Development Areas are to be governed, and adopts and implements the related provisions of the Workforce Innovation & Opportunity Act for the Commonwealth.

(b) The necessity of this administrative regulation:

This amended administrative regulation is necessary to assist the Secretary and Deputy Secretary of the Cabinet for Education and Workforce Development, Commissioner of the Department for Workforce Investment, and the Kentucky Workforce Innovation Board in carrying out their statutory duties of oversight and compliance of the local workforce development areas, as set forth in the Workforce Innovation and Opportunity Act.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

20 C.F.R. § 679.300 *et seq* sets forth the governing regulations for how local workforce development boards are to be organized, lead and staffed. The Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(d), discusses the responsibility of the state to identify and disseminate information on best practices to the local workforce development areas as well as develop and review statewide policies affecting the coordinated provision of services through the state's one-stop delivery system. These requirements are also found in 20 CFR 679.130.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effective and efficient administration for the Department of Workforce Investment and the Kentucky Workforce Innovation Board in implementing the related provisions of the Workforce Innovation and Opportunity Act.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

Adds an additional section to address dissemination and implementation of policies and guidance issued by the Kentucky Workforce Innovation Board.

(b) The necessity of the amendment to this administrative regulation:

The amendment addresses the need for local workforce development areas to implement and disseminate the state's policies and guidance developed and issued pursuant to the Workforce Innovation and Opportunity Act.

(c) How the amendment conforms to the content of the authorizing statutes:

The Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(d), discusses the responsibility of the state to identify and disseminate information on best practices to the local workforce development areas as well as develop and review statewide policies affecting the coordinated provision of services through the state's one-stop delivery system. These requirements are also found in 20 CFR 679.130.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment addresses the need for local workforce development areas to implement the policies and guidance issued at the state level to ensure continuity of workforce services across the state and appropriate administration of various workforce programs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This amended administrative regulation affects the Education and Workforce Development Cabinet, Department of Workforce Development; Labor Cabinet, Career Development Office; the Kentucky Workforce Innovation Board; and local Workforce Development Areas, the local Workforce Development Boards and staff.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment:

The Local Workforce Development Boards are expressly tasked with implementing and disseminating policies developed, reviewed, and issued by the Kentucky workforce Innovation Board, in cooperation with the Governor and the Department of Workforce Investment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There are no anticipated costs to any party with the proposed amendment.

- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The amendment ensures that the state and local level will be operating under a defined set of policies and guidance, which will assist with continuity of workforce services across the state and appropriate administration of various workforce programs..

- (5) Provide an estimate of how much it will cost to implement this administrative regulation:

- (a) Initially:

There will be no cost to implement the modification as the state has previously issued policies and guidance to the local workforce development areas in accordance with the Workforce Innovation and Opportunity Act.

- (b) On a continuing basis:

There will be no substantive changes, and thus no costs to implement.

- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Workforce Innovation and Opportunity Act provides the funds to the Department of Workforce Investment, Division of Technical Assistance to perform all compliance and monitoring of the local workforce development areas.

- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There will no increase in fees or funding.

- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No fees impacted.

- (9) TIERING: Is tiering applied? Explain why or why not.

Tiering is not applied because all local areas will be subject to administrative regulation equally.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

787 KAR 2:040

Contact person: Honor Barker, Deputy Commissioner, Phone: 502-782-3746, Email honor.barker@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Department for Workforce Investment and all local workforce development area boards and staff.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

This amended administrative regulation is authorized by 20 C.F.R. § 679.300 *et seq.* and provisions of the Workforce Innovation and Opportunity Act that specifically govern local workforce development boards. 29 U.S.C. 3111(d) discusses the responsibility of the state to identify and disseminate information on best practices to the local workforce development areas as well as develop and review statewide policies affecting the coordinated provision of services through the state's one-stop delivery system

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No revenue will be generated for the state for the first year.

- (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

No revenue will be generated for the state for subsequent years.

- (c) How much will it cost to administer this program for the first year?

There will be no change in program administration based upon the amendment.

- (d) How much will it cost to administer this program for subsequent years?

The cost of administration of the Workforce Innovation and Opportunity Act varies year to year based upon the formula of funds received from the United States Department of Labor, but any additional costs brought on by this regulation will be negligible and can be absorbed through current staffing levels.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: There is no fiscal impact associated with this amendment.



Code of Federal Regulations

Title 20. Employees' Benefits

Chapter V. Employment and Training Administration, Department of Labor

Part 679. Statewide and Local Governance of the Workforce Development System Under Title I of the Workforce Innovation and Opportunity Act (Refs & Annos)

Subpart A. State Workforce Development Board

20 C.F.R. § 679.100

### § 679.100 What is the purpose of the State Workforce Development Board?

Effective: October 18, 2016

Currentness

The purpose of the State Workforce Development Board (WDB) is to convene State, regional, and local workforce system and partners, to—

- (a) Enhance the capacity and performance of the workforce development system;
- (b) Align and improve the outcomes and effectiveness of Federally-funded and other workforce programs and investments; and
- (c) Through these efforts, promote economic growth.
- (d) Engage public workforce system representatives, including businesses, education providers, economic development, labor representatives, and other stakeholders to help the workforce development system achieve the purpose of the Workforce Innovation and Opportunity Act (WIOA); and
- (e) Assist to achieve the State's strategic and operational vision and goals as outlined in the State Plan.

SOURCE: 81 FR 56371, Aug. 19, 2016, unless otherwise noted.

AUTHORITY: Secs. 101, 106, 107, 108, 189, 503, Public Law 113–128, 128 Stat. 1425 (Jul. 22, 2014).

**§ 679.100 What is the purpose of the State Workforce..., 20 C.F.R. § 679.100**

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Current through April 29, 2022, 87 FR 25430, except for Title 36, which is current through April 14, 2022; 87 FR 22428, and Title 40, which is current through April 21, 2022; 87 FR 23768.

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Title 20. Employees' Benefits

Chapter V. Employment and Training Administration, Department of Labor

Part 679. Statewide and Local Governance of the Workforce Development System Under Title I of the Workforce Innovation and Opportunity Act (Refs & Annos)

Subpart A. State Workforce Development Board

20 C.F.R. § 679.110

## § 679.110 What is the State Workforce Development Board?

Effective: October 18, 2016

Currentness

(a) The State WDB is a board established by the Governor in accordance with the requirements of WIOA [sec. 101](#) and this section.

(b) The membership of the State WDB must meet the requirements of WIOA [sec. 101\(b\)](#) and must represent diverse geographic areas of the State, including urban, rural, and suburban areas. The WDB membership must include:

(1) The Governor;

(2) A member of each chamber of the State legislature, appointed by the appropriate presiding officers of such chamber, as appropriate under State law; and

(3) Members appointed by the Governor, which must include:

(i) A majority of representatives of businesses or organizations in the State who:

(A) Are the owner or chief executive officer for the business or organization, or is an executive with the business or organization with optimum policy-making or hiring authority, and also may be members of a Local WDB as described in WIOA [sec. 107\(b\)\(2\)\(A\)\(i\)](#);

(B) Represent businesses, or organizations that represent businesses described in paragraph (b)(3)(i) of this section,

that, at a minimum, provide employment and training opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and

(C) Are appointed from a list of potential members nominated by State business organizations and business trade associations; and

(D) At a minimum, one member representing small businesses as defined by the U.S. Small Business Administration.

(ii) Not less than 20 percent who are representatives of the workforce within the State, which:

(A) Must include two or more representatives of labor organizations nominated by State labor federations;

(B) Must include one representative who must be a member of a labor organization or training director from a joint labor-management registered apprenticeship program, or, if no such joint program exists in the State, a member of a labor organization or training director who is a representative of an registered apprenticeship program;

(C) May include one or more representatives of community-based organizations that have 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 support competitive, integrated employment for individuals with disabilities; and

(D) May include one or more 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.

(iii) The balance of the members:

(A) Must include representatives of the Government including:

(1) The lead State officials with primary responsibility for the following core programs—

(i) The adult, dislocated worker, and youth programs authorized under title I of WIOA and the Wagner–Peysner Act;

(ii) The Adult Education and Family Literacy Act (AEFLA) program authorized under title II of WIOA; and

(iii) The State Vocational Rehabilitation (VR) program authorized under the Rehabilitation Act of 1973, as amended by title IV of WIOA.

(iv) Where the lead official represents more than one core program, that official must ensure adequate representation of the needs of all core programs under his or her jurisdiction.

(2) Two or more chief elected officials (collectively representing both cities and counties, where appropriate).

(B) May include other appropriate representatives and officials designated by the Governor, such as, but not limited to, State agency officials responsible for one-stop partner programs, economic development or juvenile justice programs in the State, individuals who represent an Indian tribe or tribal organization as defined in WIOA [sec. 166\(b\)](#), and State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

(c) The Governor must select a chairperson for the State WDB from the business representatives on the WDB described in paragraph (b)(3)(i) of this section).

(d) The Governor must establish by-laws that at a minimum address:

(1) The nomination process used by the Governor to select the State WDB chair and members;

(2) The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;

(3) The process to notify the Governor of a WDB member vacancy to ensure a prompt nominee;

(4) The proxy and alternative designee process that will be used when a WDB member is unable to attend a meeting and assigns a designee as per the following requirements:

(i) If the alternative designee is a business representative, he or she must have optimum policy-making hiring authority.

(ii) Other alternative designees must have demonstrated experience and expertise and optimum policy-making authority.

(5) The use of technology, such as phone and Web-based meetings, that must be used to promote WDB member participation;

(6) The process to ensure members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities; and

(7) Other conditions governing appointment or membership on the State WDB as deemed appropriate by the Governor.

(e) Members who represent organizations, agencies or other entities described in paragraphs (b)(3)(ii) through (iii) of this section must be individuals who have optimum policy-making authority in the organization or for the core program that they represent.

(f)(1) A State WDB member may not represent more than one of the categories described in:

(i) Paragraph (b)(3)(i) of this section (business representatives);

(ii) Paragraph (b)(3)(ii) of this section (workforce representatives); or

(iii) Paragraph (b)(3)(iii) of this section (government representatives).

(2) A State WDB member may not serve as a representative of more than one subcategory under paragraph (b)(3)(ii) of this section.

(3) A State WDB member may not serve as a representative of more than one subcategory under paragraph (b)(3)(iii) of this section, except that where a single government agency is responsible for multiple required programs, the head of the agency may represent each of the required programs.

(g) All required WDB members must have voting privileges. The Governor also may convey voting privileges to non-required members.

SOURCE: [81 FR 56371](#), Aug. 19, 2016, unless otherwise noted.

AUTHORITY: Secs. 101, 106, 107, 108, 189, 503, [Public Law 113–128](#), [128 Stat. 1425](#) (Jul. 22, 2014).

Current through April 29, 2022, [87 FR 25430](#), except for Title 36, which is current through April 14, 2022; [87 FR 22428](#), and Title 40, which is current through April 21, 2022; [87 FR 23768](#).

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Title 20. Employees' Benefits

Chapter V. Employment and Training Administration, Department of Labor

Part 679. Statewide and Local Governance of the Workforce Development System Under Title I of the Workforce Innovation and Opportunity Act (Refs & Annos)

Subpart A. State Workforce Development Board

20 C.F.R. § 679.120

§ 679.120 What is meant by the terms “optimum policy-making authority” and “demonstrated experience and expertise”?

Effective: October 18, 2016

Currentness

For purposes of § 679.110:

(a) A representative with “optimum policy-making authority” is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.

(b) A representative with “demonstrated experience and expertise” means an individual with documented leadership in developing or implementing workforce development, human resources, training and development, or a core program function. Demonstrated experience and expertise may include individuals with experience in education or training of job seekers with barriers to employment as described in § 679.110(b)(3)(ii)(C) and (D).

SOURCE: 81 FR 56371, Aug. 19, 2016, unless otherwise noted.

AUTHORITY: Secs. 101, 106, 107, 108, 189, 503, Public Law 113–128, 128 Stat. 1425 (Jul. 22, 2014).

Current through April 29, 2022, 87 FR 25430, except for Title 36, which is current through April 14, 2022; 87 FR 22428, and Title 40, which is current through April 21, 2022; 87 FR 23768.

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Title 20. Employees' Benefits

Chapter V. Employment and Training Administration, Department of Labor

Part 679. Statewide and Local Governance of the Workforce Development System Under Title I of the Workforce Innovation and Opportunity Act (Refs & Annos)

Subpart A. State Workforce Development Board

20 C.F.R. § 679.130

## § 679.130 What are the functions of the State Workforce Development Board?

Effective: October 18, 2016

Currentness

Under WIOA [sec. 101\(d\)](#), the State WDB must assist the Governor in the:

- (a) Development, implementation, and modification of the 4-year State Plan;
  
- (b) Review of statewide policies, programs, and recommendations on actions that must be taken by the State to align workforce development programs to support a comprehensive and streamlined workforce development system. Such review of policies, programs, and recommendations must include a review and provision of comments on the State Plans, if any, for programs and activities of one-stop partners that are not core programs;
  
- (c) Development and continuous improvement of the workforce development system, including—
  - (1) Identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among programs and activities;
  
  - (2) Development of strategies to support career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment, including individuals with disabilities, with workforce investment activities, education, and supportive services to enter or retain employment;
  
  - (3) Development of strategies to provide effective outreach to and improved access for individuals and employers who could benefit from workforce development system;

- (4) Development and expansion of strategies to meet the needs of employers, workers, and job seekers particularly through industry or sector partnerships related to in-demand industry sectors and occupations;
  - (5) Identification of regions, including planning regions for the purposes of WIOA [sec. 106\(a\)](#), and the designation of local areas under WIOA [sec. 106](#), after consultation with Local WDBs and chief elected officials;
  - (6) Development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to Local WDBs, one-stop operators, one-stop partners, and providers. Such assistance includes assistance with planning and delivering services, including training and supportive services, to support effective delivery of services to workers, job seekers, and employers; and
  - (7) Development of strategies to support staff training and awareness across the workforce development system and its programs;
- (d) Development and updating of comprehensive State performance and accountability measures to assess core program effectiveness under WIOA [sec. 116\(b\)](#);
- (e) Identification and dissemination of information on best practices, including best practices for—
- (1) The effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;
  - (2) The development of effective Local WDBs, which may include information on factors that contribute to enabling Local WDBs to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and
  - (3) Effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences for adaptability, to support efficient placement into employment or career pathways;
- (f) Development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in WIOA [sec. 121\(e\)](#), including the development of—
- (1) Objective criteria and procedures for use by Local WDBs in assessing the effectiveness, physical and programmatic accessibility and continuous improvement of one-stop centers. Where a Local WDB serves as the one-stop operator, the State WDB must use such criteria to assess and certify the one-stop center;

(2) Guidance for the allocation of one-stop center infrastructure funds under WIOA [sec. 121\(h\)](#); and

(3) Policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system;

(g) Development of strategies for technological improvements to facilitate access to, and improve the quality of services and activities provided through the one-stop delivery system, including such improvements to—

(1) Enhance digital literacy skills (as defined in [sec. 202](#) of the Museum and Library Service Act, [20 U.S.C. 9101](#));

(2) Accelerate acquisition of skills and recognized postsecondary credentials by participants;

(3) Strengthen professional development of providers and workforce professionals; and

(4) Ensure technology is accessible to individuals with disabilities and individuals residing in remote areas;

(h) Development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including design implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation to improve coordination of services across one-stop partner programs;

(i) Development of allocation formulas for the distribution of funds for employment and training activities for adults and youth workforce investment activities, to local areas as permitted under WIOA [secs. 128\(b\)\(3\)](#) and [133\(b\)\(3\)](#);

(j) Preparation of the annual reports described in paragraphs (1) and (2) of WIOA [sec. 116\(d\)](#);

(k) Development of the statewide workforce and labor market information system described in [sec. 15\(e\)](#) of the Wagner–Peyser Act; and

(l) Development of other policies as may promote statewide objectives for and enhance the performance of the workforce

development system in the State.

SOURCE: [81 FR 56371](#), Aug. 19, 2016, unless otherwise noted.

AUTHORITY: Secs. 101, 106, 107, 108, 189, 503, [Public Law 113–128](#), [128 Stat. 1425](#) (Jul. 22, 2014).

Current through April 29, 2022, [87 FR 25430](#), except for Title 36, which is current through April 14, 2022; [87 FR 22428](#), and Title 40, which is current through April 21, 2022; [87 FR 23768](#).

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Code of Federal Regulations
Title 20. Employees' Benefits
Chapter V. Employment and Training Administration, Department of Labor
Part 679. Statewide and Local Governance of the Workforce Development System Under Title I of the Workforce Innovation and Opportunity Act (Refs & Annos)
Subpart A. State Workforce Development Board

20 C.F.R. § 679.140

§ 679.140 How does the State Workforce Development Board meet its requirement to conduct business in an open manner under the “sunshine provision” of the Workforce Innovation and Opportunity Act?

Effective: October 18, 2016

Currentness

- (a) The State WDB must conduct business in an open manner as required by WIOA [sec. 101\(g\)](#).
- (b) The State WDB must make available to the public, on a regular basis through electronic means and open meetings, information about the activities and functions of the State WDB, including:
- (1) The State Plan, or modification to the State Plan, prior to submission of the State Plan or modification of the State Plan;
  - (2) Information regarding membership;
  - (3) Minutes of formal meetings of the State WDB upon request;
  - (4) State WDB by-laws as described at [§ 679.110\(d\)](#).

SOURCE: [81 FR 56371](#), Aug. 19, 2016, unless otherwise noted.

AUTHORITY: Secs. 101, 106, 107, 108, 189, 503, [Public Law 113–128](#), [128 Stat. 1425](#) (Jul. 22, 2014).

**§ 679.140 How does the State Workforce Development Board..., 20 C.F.R. § 679.140**

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Subpart A. State Workforce Development Board

20 C.F.R. § 679.150

§ 679.150 Under what circumstances may the Governor select an alternative entity in place of the State Workforce Development Board?

Effective: October 18, 2016

Currentness

(a) The State may use any State entity that meets the requirements of WIOA [sec. 101\(e\)](#) to perform the functions of the State WDB. This may include:

(1) A State council;

(2) A State WDB within the meaning of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of WIOA; or

(3) A combination of regional WDBs or similar entity.

(b) If the State uses an alternative entity, the State Plan must demonstrate that the alternative entity meets all three of the requirements of WIOA [sec. 101\(e\)\(1\)](#):

(1) Was in existence on the day before the date of enactment of the Workforce Investment Act of 1998 (WIA);

(2) Is substantially similar to the State WDB described in WIOA [secs. 101\(a\)-\(c\)](#) and [§ 679.110](#); and

(3) Includes representatives of business and labor organizations in the State.

(c) If the alternative entity does not provide representatives for each of the categories required under WIOA [sec. 101\(b\)](#), the State Plan must explain the manner in which the State will ensure an ongoing role for any unrepresented membership group in the workforce development system. The State WDB must maintain an ongoing and meaningful role for an unrepresented membership group, including entities carrying out the core programs, by such methods as:

- (1) Regularly scheduled consultations with entities within the unrepresented membership groups;
- (2) Providing an opportunity for input into the State Plan or other policy development by unrepresented membership groups; and
- (3) Establishing an advisory committee of unrepresented membership groups.

(d) In parts 675 through 687 of this chapter, all references to the State WDB also apply to an alternative entity used by a State.

SOURCE: [81 FR 56371](#), Aug. 19, 2016, unless otherwise noted.

AUTHORITY: Secs. 101, 106, 107, 108, 189, 503, [Public Law 113–128](#), [128 Stat. 1425](#) (Jul. 22, 2014).

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Title 20. Employees' Benefits

Chapter V. Employment and Training Administration, Department of Labor

Part 679. Statewide and Local Governance of the Workforce Development System Under Title I of the Workforce Innovation and Opportunity Act (Refs & Annos)

Subpart A. State Workforce Development Board

20 C.F.R. § 679.160

§ 679.160 Under what circumstances may the State Workforce Development Board hire staff?

Effective: October 18, 2016

Currentness

(a) The State WDB may hire a director and other staff to assist in carrying out the functions described in WIOA [sec. 101\(d\)](#) and [§ 679.130](#) using funds described in WIOA [sec. 129\(b\)\(3\)](#) or [sec. 134\(a\)\(3\)\(B\)\(i\)](#).

(b) The State WDB must establish and apply a set of objective qualifications for the position of director that 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 State WDB.

(c) The director and staff must be subject to the limitations on the payment of salary and bonuses described in WIOA [sec. 194\(15\)](#).

SOURCE: [81 FR 56371](#), Aug. 19, 2016, unless otherwise noted.

AUTHORITY: Secs. 101, 106, 107, 108, 189, 503, [Public Law 113–128](#), [128 Stat. 1425](#) (Jul. 22, 2014).

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