



Region 16 Local Operating Policy

Title:	Board Governance
Effective:	12/08/2022
Revised:	N/A

I. PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to Chief Local Elected Official (CLEOs), Fiscal Agents, Local Workforce Development Boards (LWDBs), LWDB Chairpersons, LWDB Executive Directors, LWDB staff, and workforce system partners on the requirements for local workforce development area (“local area”) and LWDB governance. This policy outlines key roles, responsibilities, and requirements of the entities/individuals that make up the workforce development system within a local area.

This policy also identifies and describes required agreements to ensure the local area serves as a jurisdiction for the administration of workforce development activities and expenditure of Workforce Innovation and Opportunity Act (WIOA) adult, dislocated worker, and youth funds allocated to LWDBs by the state.

Local Workforce Development Board Leadership

The federal Workforce Innovation and Opportunity Act (WIOA) requires the chief local elected official (CLEO) in each local area to play an active role in both the strategic planning and ongoing operation of the local system. The CLEO is authorized to appoint the members of the local workforce development board in accordance with criteria established in Public Law 113-128, Section 107, the Workforce Innovation and Opportunity Act, and Chapter 445.007, Florida Statutes.

Each local workforce development board shall elect a chair to direct the business of the board. Each local workforce development board may designate and direct the activities of standing committees to provide information and to assist the local workforce development board in carrying out activities described in Section, 107, WIOA. Such standing committees shall be chaired by members of the board and shall include other individuals appointed by the local workforce development board as persons determined by the local workforce development board to have appropriate experience and expertise.

To effectively fulfill their responsibilities and expectations, local workforce development boards hire executive directors, presidents and/or chief executive officers to carry out the

board-directed programmatic, financial and operational functions of the local workforce development board and one-stop career centers.

Agreements between the CLEO and the entities responsible for the local workforce development system will address how the local workforce development board functions and how administrative tasks will be carried out within the local area.

Executive directors, presidents, chief executive officers, chief operating officers and chief financial officers who represent a local workforce development board shall not personally contract with or otherwise represent more than one local workforce development board. Under extraordinary circumstances, local workforce development boards may request approval for a temporary exception to this prohibition from the state workforce development board and the Department of Economic Opportunity.

Both local workforce development board members and staff must maintain integrity, accountability and transparency in decisions and actions that earn and protect the public trust in compliance with CareerSource Florida Strategic Policy 2018.09.26.A.1: Ethics and Transparency. This includes taking all necessary steps to avoid the appearance of conflicts of interest.

II. BACKGROUND

WIOA envisions a workforce development system that focuses on the needs of job seekers and businesses; and, anticipates and responds to the needs of local and regional economies.

WIOA requires LWDBs and CLEOs to design and govern the system regionally, align workforce policies and services with regional economies and support service delivery strategies tailored to those needs. The local area serves as a jurisdiction for the administration of workforce development activities which requires the CLEO to play an active role in both the strategic planning and ongoing operation of the local system. Agreements between the CLEO and the entities responsible for the local workforce development system will address how the local area functions and how administrative tasks will be carried out within the local area.

State Workforce Development Board

The Governor of Florida establishes the state workforce development board to guide workforce development for the state of Florida and provide oversight and policy direction for talent development programs administered by CareerSource Florida, the Department of Economic Opportunity, and Florida's 24 local workforce development boards.

State board functions include, but are not limited to, those activities described in WIOA, Section 101(d), and Chapter 445.004, Florida Statutes, and guided by the CareerSource Florida Strategic Policy 2020.06.04.A.2: State Workforce Development Board Roles and Responsibilities.

Local Workforce Development Boards

Authorized by WIOA, local workforce development boards oversee the design and delivery of locally customized job training programs and workforce development initiatives.

Local workforce development board functions include, but are not limited to, those activities described in WIOA, Sections 107 and 108.

Specific roles and responsibilities for CLEOs, fiscal agents, local workforce development boards, the chair of local workforce development boards, and the executive director representing the local workforce development board are described in CareerSource Florida Administrative Policy 110: Local Workforce Development Area and Board Governance.

III. AUTHORITY

Public Law 113-128, Workforce Innovation and Opportunity Act (2014)

Public Law 113-128, Workforce Innovation and Opportunity Act, Sections 106

Public Law 113-128, Workforce Innovation and Opportunity Act, Sections 107

20 Code of Federal Regulations 679

20 Code of Federal Regulations 679.310

20 Code of Federal Regulations 679.320

20 Code of Federal Regulations 679.370

Sections 445.003 and 445.007 Florida Statutes

Chapter 112, Florida Statutes

Chapter 119, Florida Statutes

Chapter 286, Florida Statutes

CSF Strategic Policy 2020.06.04.A.2 – State Workforce Development Board Roles and Responsibilities

CSF Strategic Policy 2020.02.20.A.1 – Board Governance and Leadership

CSF Strategic Policy 2018.09.26.A.1 – Ethics and Transparency Policy

CSF Administrative Policy 110: Local Workforce Development Area and Board Governance

Training and Employment Guidance Letter No. 35-10

IV. POLICIES AND PROCEDURES

A. Roles and Responsibilities

1. Chief Local Elected Official (CLEO)

Pursuant to WIOA sec. 3(9), the CLEO is the chief elected executive officer of a unit of general local government in a local area and, in a case in which a local area includes more than one unit of general local government, the representative(s) under the agreement (interlocal, consortium, and other agreements as described in **Section IV.E.1.** of this policy) that specifies the respective roles.

The CLEOs responsibilities include:

- a) Requesting local area designation (as prescribed in Administrative Policy 94 – Local Workforce Development Area Designation);

- b) Appointing members to the LWDB;
- c) Requesting LWDB certification (as prescribed in Administrative Policy 091 – Local Workforce Development Board Composition and Certification);
- d) In coordination with the local board, establishing bylaws;
- e) Designating a fiscal agent (if not serving as grant recipient);
- f) Remaining liable for any misuse of WIOA grant funds by the local area;
- g) In coordination with the local board and/or staff to the board, negotiating and reaching agreement on LWDB local performance measures with the state;
- h) Negotiating with the LWDB and required partners to maintain the workforce delivery system through the Memorandum of Understanding (as prescribed in Administrative Policy 106 - Memorandums of Understanding and Infrastructure Funding Agreements); and
- i) Partnering with the LWDB and planning region, if appropriate, to develop and submit the WIOA local plan and regional plan.

The CLEO may delegate the listed administrative functions except:

- a) Appointment of members to the LWDB.
- b) Designation of a fiscal agent (designation of a fiscal agent does not relieve the CLEO or Governor of liability for misuse of grant funds – 20 CFR 679.420).

The CLEO may remove a member of the LWDB, the executive director of the LWDB, or the designated person responsible for the operational and administrative function of the LWDB for cause.

2. Fiscal Agent

The fiscal agent is the entity designated by the CLEO to perform accounting and funds management on behalf of the CLEO. The duties of the fiscal agent may include but are not limited to:

- a) Receiving funds;
- b) Ensuring sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget (OMB) circulars, WIOA, corresponding federal regulations, state law, and state policies;
- c) Responding to audit financial findings;
- d) Maintaining proper accounting records and documentation;
- e) Preparing financial reports; and,
- f) Providing technical assistance to sub-recipients regarding fiscal issues.

Although the appropriate role of the fiscal agent should be limited to accounting and funds management functions rather than policy or service delivery, there may be circumstances in which the fiscal agent may be the LWDB, the procured

one- stop operator or the workforce services provider and/or youth service provider.

At the direction of the LWDB, the fiscal agent may have the following additional functions:

- a) Procure contracts or obtain written agreements;
- b) Conduct financial monitoring of service providers; and
- c) Ensure an independent audit is conducted of all employment and training programs.

3. Local Workforce Development Board

The LWDB is appointed by the CLEO in each local area in accordance with state criteria established under WIOA sec. 107(b) and certified by the Governor every two years in accordance with WIOA sec. 107(c)(2). The state's criteria for LWDB certification is found in Administrative Policy 091 – Local Workforce Development Board Composition and Certification.

The LWDB provides strategic and operational oversight, assists in achievement of the state's strategic and operational vision and goals, and maximizes and continues to improve quality of services, customer satisfaction, and effectiveness of services provided. LWDB responsibilities include, but are not limited to:

- a) Developing and submitting local and, if applicable, regional plans;
- b) Conducting workforce research and regional labor market analysis;
- c) Convening local workforce development system stakeholders to assist in the development of the local plan and identify expertise and resources to leverage support for workforce development activities;
- d) Leading efforts to engage a diverse range of employers and other entities in the region;
- e) Leading efforts to develop and implement career pathways;
- f) Leading efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers;
- g) Conducting oversight of the WIOA adult, dislocated worker and youth programs and the entire workforce delivery system, ensure the appropriate use and management of WIOA funds and ensure the appropriate use, management and investment of funds to maximize performance outcomes;
- h) Negotiating and reaching agreement on local performance measures with the CLEO and the state;
- i) In partnership with the CLEO, establishing bylaws and codes of conduct for LWDB members, LWDB executive director and staff to the LWDB; and,
- j) Establishing additional monitoring and reporting requirements if one entity fulfills multiple functions to ensure the entity is compliant with WIOA, final rules and regulations, OMB circulars, and the state's conflict of interest policy.

A full list of LWDB functions can be found in WIOA sec. 107(d) and 20 CFR 679.320.

4. Local Workforce Development Board Chairperson

The LWDB chairperson is elected by the members of the LWDB and must be one of the business representatives on the board. The LWDB chairperson shall serve a term of no more than two years and may not serve more than two terms as chair. At a minimum, the state will review the LWDB chairperson's term requirements during the LWDB's certification process as described in Administrative Policy 091 – Local Workforce Development Board Composition and Certification. Florida Commerce will review each LWDB's composition during its annual programmatic monitoring, which may include a review of the LWDB chairperson's term(s).

The LWDB chairperson's duties may include but are not limited to:

- a) Leading the board to develop a guiding vision that aligns with the state's priorities;
- b) Acting as the lead strategic convener to promote and broker effective relationships between CLEOs and economic development, education, and workforce partners in the local area;
- c) Leading an executive committee to guide the work of the board, and ensure that committees or task forces have necessary leadership and membership to perform the work of the board; and
- d) Leading the agenda setting process for the year and guide meetings to ensure both tactical and strategic work is completed in all meetings.

5. Local Workforce Development Board Executive Director

The LWDB may hire a qualified executive director and staff to assist in ensuring the functions of the local board are achieved. The LWDB must ensure the individual or entity designated as the executive director has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively and ethically carrying out the functions of the LWDB which may include, but is not limited to:

- a) Coordinating with the CLEOs regarding the identification and nomination of members to the LWDB and ensuring membership is compliant with WIOA and Florida Statutes;
- b) Organizing board meetings and ensuring meetings are held according to the LWDB's bylaws and Florida's sunshine laws;
- c) Developing and submitting the local and regional workforce development plan;
- d) Conducting oversight of the WIOA adult, dislocated worker, youth programs and the entire one-stop delivery system, including development of policies and monitoring the administration of the programs;
- e) Negotiating and reaching agreement on local performance measures;

- f) Negotiating with CLEO and required partners for the Memorandum of Understanding (as prescribed in Administrative Policy 106 - Memorandums of Understanding and Infrastructure Funding Agreements);
- g) In compliance with local board procurement policy, provide oversight of the competitive procurement process for procuring or awarding contracts for providers of youth program services, providers of workforce services (if applicable), and the one-stop operator as required in paragraph (I) of 20 CFR 679.370;
- h) Developing a budget for activities of the LWDBs; and
- i) Certifying the one-stop career centers. One-stop certification requirements may be found in Administrative Policy 93 – One-Stop Career Center Certification Requirements.

B. One Entity Performing Multiple Functions

WIOA establishes clear roles and responsibilities for each entity or organization involved in the workforce delivery system. The LWDB should make every effort to ensure that roles and duties of workforce delivery system entities are clearly delineated. This includes efforts to designate or procure the functions of the fiscal agent, staff to the LWDB, one-stop operator, direct provider of workforce services, and provider of youth program services.

One entity may perform multiple functions if appropriate firewalls and internal controls are in place. Local entities or organizations often function simultaneously in a variety of roles, including fiscal agent, board staff, one-stop operator, provider of career services, and provider of youth services. See Section IV.B.3. of this policy for agreement requirements for one entity (not LWDBs) performing multiple functions.

See Section IV. C. 1. for requirements for LWDBs serving multiple functions.

C. Local Workforce Development Boards as Direct Providers of Workforce Services

Ideally, entities providing workforce services are procured through the LWDB, which is responsible for monitoring and overseeing the contracts, as well as services performed through the contract. The LWDB is designed to oversee the workforce delivery system and its services. Chapter 445.007(6), F.S. allows LWDBs to be designated as the one-stop operator and direct provider of services (except training services), with the agreement of the CLEO and governor based on the criteria established by the state workforce development board.

LWDBs seeking to provide workforce services, except training services, will follow the requirements established in Administrative Policy 083 – Direct Provider of Workforce Services.

Before a LWDB may be designated as the one-stop operator, LWDBs must still follow criteria established in Administrative Policy 097 – One-Stop Operator Procurement.

1. Local Workforce Development Boards Serving Multiple Functions

LWDBs serving multiple functions must be able to demonstrate that roles, responsibilities and duties of each function are clearly defined and delineated in locally established processes and procedures that clearly detail:

- a) How functions are sufficiently separated;
- b) Descriptions of the steps the local area has taken to mitigate risks that could lead to impropriety;
- c) Firewalls (physical, technological, policies, etc.) created to ensure such risks are mitigated; and
- d) Oversight and monitoring procedures.

These processes and procedures must be included in the LWDB's WIOA Local Plan.

D. Temporary Assumption of Duties for Procured and Contracted Services

While LWDBs may provide workforce services and assume the role of one-stop operator, many LWDBs procure and contract with providers for these services. In certain critical circumstances, (e.g., sudden termination of contract or failed procurement), the local board may be faced with needing to temporarily assume the role(s) of one-stop operator, direct provider of workforce and/or youth program services. When this happens, LWDBs may request to temporarily assume the responsibilities that were being provided by a contracted vendor or services being sought when the procurement failed. Requests for boards to act as a one-stop operator and provider of workforce and/or youth program services on a time-limited basis must be approved by the CLEO and submitted to Florida Commerce. The request must include the duration for which the board will act as a one-stop operator and provider of services. Florida Commerce will make a recommendation to the state workforce development board.

1. Sudden Termination of Contract

If the circumstance arises that the LWDB or LWDB staff needs to temporarily serve in multiple roles due to sudden (unexpected) termination of a contract, a new competitive solicitation must be reissued timely. A new entity must assume the applicable role on or before the end of the temporary designation.

In the event of a sudden termination of contract, the LWDB must submit a formal request to serve in the capacity of the role in which the contract was terminated.

The LWDB will:

- a) Submit a request to serve in the role in which the contract was terminated;
- b) Provide documentation of the original contract and the termination notification, which should include the reason for termination;
- c) Provide an explanation and an organizational chart showing who will be responsible for assuming the role(s) temporarily. The explanation and organizational chart must clearly illustrate how the following will be enforced to minimize potential risks associated with the temporary designation.

1. Separation of duties; (including but not limited to the temporary removal of duties from certain areas/individuals to allow assumption of the temporary role);
2. Firewalls; (including but not limited to restriction from access to any information that may lead to impropriety); and
3. Conflict of interest requirements.

d) The length of time in which the LWDB seeks to temporarily serve in the role in which the contract was terminated, not to exceed one year from the date of request.

LWDBs will submit formal requests for temporary designation to CareerSource Florida and Florida Commerce via email at LWDBGovernance@FloridaCommerce.myflorida.com.

2. Failed Procurement

- a) If the circumstance arises that the LWDB or LWDB staff needs to serve in multiple roles due to failed procurement, the LWDB will: Submit, in writing, the request to serve in the role sought through the failed procurement and provide the following:
 1. A copy of the competitive solicitation;
 2. Proof of the announcement medium used (e.g., newspaper, social media, website, email notification to potential bidders), including documentation showing how long the announcement was posted; and
 3. The length of time the LWDB seeks to temporarily serve in the role.
- b) An explanation and an organizational chart showing who will temporarily be responsible for assuming the role(s). The explanation and organizational chart will clearly illustrate how the following will be enforced to minimize potential risks associated with the temporary designation.
 1. Separation of duties; (including but not limited to the temporary removal of duties from certain areas/individuals to allow assumption of the temporary role);
 2. Firewalls; (including but not limited to restriction from access to any information that may lead to impropriety); and
 3. Conflict of interest requirements.
- c) The LWDB will review the previously issued competitive solicitation and identify any elements that led to the failed procurement (e.g., unrealistic compensation for requested services, duties outside the scope of the role for which services are being sought);
- d) Update and reissue the competitive solicitation (within one month of being granted temporary authority to serve in the role in which the procurement was not successful);
- e) Once an entity is selected, notify FLORIDA COMMERCE of the selection upon final approval by the LWDB; and

- f) Onboard the selected entity of the new solicitation on or before the end of the temporary designation.

The individual or entity contracted to fulfill the role of the LWDB executive director **must not** be the one-stop operator or the provider of workforce and/or youth program services.

Formal requests for temporary designation will be sent to CareerSource Florida and FLORIDA COMMERCE via email at LWDBGovernance@FloridaCommerce.myflorida.com.

3. Local Workforce Development Area Multi-Function Agreement

For circumstances in which an entity or organization, other than the local workforce development board, has been selected or otherwise designated to perform more than one function, the required contract or written agreement must include a clause to clarify how the entity will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant OMB circulars, and the state's conflict of interest policy. The written clause in the contract or agreement must include, at a minimum, the following requirements:

- a) Definition of roles and responsibilities/duties per function (e.g., fiscal agent, one-stop operator, and/or procured provider of workforce or youth program services);
- b) Description of the separation of staff duties under each role, including deliverables for each separate function;
- c) Description of how budget authority is separated, including separate line item budgets for each function; and
- d) Description of how staff duties will be completed while demonstrating compliance with WIOA and corresponding regulations, OMB circulars, and the state's conflict of interest policy, including how conflict of interest will be minimized;
- e) Description of the roles and responsibilities within the organization, including an organizational chart, and sustainability if a function is removed; and
- f) Description of how fiscal monitoring will occur if the fiscal agent is performing multiple functions.

The written clauses in the agreement are intended to limit conflicts of interest or the appearance of conflicts of interest, minimize fiscal risk, and develop appropriate firewalls within a single entity performing multiple functions.

E. Governance Agreements

Implementation of a local workforce development system pursuant to WIOA requires that the CLEOs play an active role in both strategic planning and ongoing operation of the local system. When a local area includes more than one unit of general local government, the chief elected officials of such units may execute a written agreement that specifies the respective roles and liability of the individual chief

elected officials. Chief local elected officials are liable in their official capacity but not personally liable for the misuse of WIOA funds.

1. Interlocal, Consortium and Other Agreements

The purpose of having interlocal, consortium or other governing agreements is to ensure the decisions that are delegated to CLEO(s), or a consortium, reflect the agreement of all the chief elected officials in all jurisdictions of a local area and consistent with requirements established in s 163.01, F.S. These agreements are between the chief elected officials of each jurisdiction within the local area and must contain signatures of the representative(s) authorized to enter into such agreements.

The interlocal or consortium agreement will clearly state the level of agreement to be reached amongst the governmental entities involved and identify the roles and responsibilities of the CLEOs within the local area. At a minimum, applicable agreements will address:

- a) **Identification of local workforce development area** - The agreement will clearly identify the units of local government which are covered by the agreement and which make up the local area.
- b) **Designation and responsibilities of the CLEO** - The parties to the interlocal agreement should identify the county commissioners and/or mayors to serve as the CLEO(s) of the local area for the purposes of approving local and, if appropriate, regional plans; establishing policy; authorizing WIOA expenditures; establishing contracts; paying for services outside of the local area; or paying costs associated with monitoring or audit findings or sanctions.
- c) **Establishment, appointment, and operation of the LWDB** - The agreement should include an agreed upon process for establishing and appointing the LWDB members, including:
 1. Membership of the LWDB that is consistent with WIOA and state guidance; and
 2. How the needs of all geographical areas in all jurisdictions will be represented within the local area.
- d) **Designation and responsibilities of the fiscal agent** - The fiscal agent is the entity designated to perform accounting and funds management on behalf of the CLEO. The agreement will identify the entity performing these duties.
- e) **Process for CLEOs to provide input** - The agreement will include a process for all CLEOs to provide input for the purposes of reaching a consensus on critical decisions that may impact the local workforce development system.

- f) **Liability** - Under WIOA, CLEOs are liable for misspent funds, disallowed costs, funds spent fraudulently, and potential sanctions for nonperformance. Therefore, it is recommended that CLEOs within a local area agree on how liability will be addressed. The following questions can be used to guide such discussions:
 - 1. How will sanctions related to performance be shared among the jurisdictions within the local area?
 - 2. How will the issue of disallowed costs or misspent funds that cannot be covered by federal grant funds be addressed?
- g) **Performance Accountability** – Generally, performance accountability is addressed in the WIOA local plan. However, CLEOs should agree on an approach to performance accountability. The following questions may be used to guide such discussions:
 - 1. Who will be responsible for negotiating local performance measures with the state (the Executive Director / staff to the board, local board)?
 - 2. Will the local area have any performance criteria in addition to federal and state criteria? How will performance be administratively tracked locally?
 - 3. Will performance-related incentives be shared among the jurisdictions within the local area?
- h) **Dispute Resolution Process** - The governing agreement should include provisions for resolving disputes. Below are possible issues to address in the agreement relative to dispute resolution:
 - 1. What types of disputes arise to the level of needing a dispute resolution process?
 - 2. What type of dispute resolution process should be used (mediation, arbitration, consultation with state, etc.)?
- i) **Other Agreement Provisions (Miscellaneous)**
 - 1. Duration of the agreement; and
 - 2. Process for modification or termination of agreement.

2. Bylaws

Bylaws are the provisions by which the local area is governed and the LWDB and its operations are managed. They provide consistency and clarification on the roles and responsibilities of the various representatives governing the local workforce development system. The LWDB must ensure that its bylaws are up-to-date and in alignment with requirements of WIOA and state policy. At a minimum, the following should be reflected in the local area's bylaws.

- a) **Purpose and Responsibilities (Functions)** – Describe the purpose of the LWDB (e.g. to set policy and establish oversight of the workforce development system). Describe the functions or the responsibilities of the LWDB (e.g. the local board has the responsibility to provide strategic and operational oversight, assists in achievement of the State's strategic and operational vision and goals, and maximizes and continues to improve quality of services, customer satisfaction, and effectiveness of services provided). A list of the board's responsibilities can be found in Section IV.A.3. of this policy.

b) **Membership** – Include the processes and procedures for the following:

1. Recruiting, nominating, vetting and appointing board members;
2. Filling LWDB member vacancies; and
3. Resignation, reasons for disqualification, removal, and reappointment of board members.

Board membership and composition requirements can be found in Administrative Policy 091 - Local Workforce Development Board Composition and Certification.

c) **Authority of LWBD** – Include the power and authorities of the LWDB, including authority to recommend, select, and hire an Executive Director to perform operational and administrative functions of the board.

d) **Duties and Terms of the Members** – Describe the duties and term limits of the board members. Board member term limit requirements can be found in Administrative Policy 091 - Local Workforce Development Board Composition and Certification.

e) **Officers** – Describe the authority of its officers, including terms of office, and board officer duties.

f) **Committees** – Describe the types of committees (e.g. executive committee, finance committee, nominating committee, etc.) as well as their authorities, responsibilities, terms of committee members and chairpersons, who has the authority to appoint committee members, and who may sit on the committee. The LWDB will prohibit any LWDB staff from serving as members of a committee or subcommittee.

g) **Meetings and Minutes** - Describe frequency of meetings and describe how regular board and committee meetings are planned and conducted. The LWDB will also describe the process and requirements for calling special and emergency meetings, what constitutes an emergency meeting or special meeting, and who is authorized to call such meetings. This includes but is not limited to the requirement to provide the schedule to the board members and the public.

1. **Record Keeping** – The LWDB will describe how meeting minutes will be scribed/recorded, retain records of board members who are present/absent, and record official acts of the board including the number of votes of members (yeas, nays, and abstentions). Meeting minutes must be made available publicly on the LWDB's website.
2. **Voting, Board Actions, and Conflict of Interest** – Include voting and quorum requirements, record official acts of the board including the number of votes of members (yeas, nays, and abstentions). Abstentions due to conflict of interest must be recorded, include the name of the abstaining member, and the reason for abstention.
Strategic Policy 2012.05.24.A.2 - State and Local Workforce Development Board Contracting Conflict of Interest Policy provides guidelines for approving contracts in which a conflict of interest may exist.

LWDBs must adhere to requirements in the Grantee-Subgrantee Agreement for board member conflicts of interest disclosures and applicable requirements. This

includes but is not limited to the requirement to adopt and abide by a conflict of interest policy that ensures compliance with state and federal law, regulations and policies.

While it is preferable that the elements outlined in Section IV. E. of this policy be contained in comprehensive documents as described, it is acceptable that the items identified in this section be contained in separate agreements (memoranda of understanding, governing policies and procedures, etc.), as long as the requirements of this section are clearly met.

F. WIOA Sunshine Provision, Public Disclosures and Transparency

The WIOA “sunshine provision” requires LWDBs to conduct business in an open manner and make available, on a regular basis through electronic means and open meetings, information about the activities of the LWDB.

In addition to the sunshine provision under WIOA, LWDBs must comply with and adhere to the transparency and public disclosure requirements in 445.007, F.S. as well as requirements detailed in the Grantee-Subgrantee Agreement. In accordance with federal and state requirements, the following items must be posted to each LWDB's website:

- a) Local Plans – information about the local plan or modification of the local plan before submission.
- b) Board Members – list of current board members, company, entity that the board member is employed by or owns, and their terms of service.
- c) Selection of One-Stop Operators
- d) Minutes of formal meetings
- e) Bylaws
- f) All the requirements found in the Board Governance, Responsibilities and Transparency section of the Grantee-Subgrantee Agreement.
- g) All public disclosure requirements found in 445.007, F.S. which include:

1. **Compensation disclosures** – the amount and nature of compensation paid to all executives, officers, directors, trustees, key employees, and the highest compensated employees as defined for purposes of the Internal Revenue Service (IRS) Form 990 (Return of Organization Exempt from Income Tax). Compensation includes but is not limited to salary, bonuses, present value of vested benefits, including but not limited to, retirement, accrued leave and paid time off, cashed-in leave, cash equivalents, severance pay, pension plan accruals and contributions, deferred compensation, real property gifts, and any other liability owed to such persons.

Each LWDB will, within 30 days after the end of the fiscal year, provide compensation disclosures to FLORIDA COMMERCE using Exhibit E - Total Compensation for Executive Leadership form found in the Grantee-Subgrantee Agreement.

2. **Written declaration from the Chief Financial Officer (CFO)** – The CFO or his or her designee must provide a written declaration that he or she has read

the compensation disclosure documents and that the facts stated in it are true. The written declaration must accompany the applicable document(s).

3. **LWDB's IRS Form 990** – Annually, each LWDB must publish its most recent IRS form 990 within 60 calendar days after it is filed with the IRS and remain posted for three years after it is filed.
4. **Statements of Financial Interest** – The LWDB's website must inform the public that disclosures or statements of financial interest (consistent with requirements in s. 112.3144 or s. 112.3145, whichever is appropriate) for each LWDB member and executive director or designated person responsible for the operational and administrative functions of the LWDB, have been filed with the Commission on Ethics and provide information on how each disclosure or statement may be reviewed. The notice to the public must remain on the website throughout the term of office or employment of the filer and until one year after the term on the LWDB or employment ends.
5. **Contracts** – All contracts between a local board and a member of the local board, relative of a local board member, an organization or individual represented on the local board or an employee of the local board approved on or after July 1, 2021 must be published on the local board's website within 10 days after approval by the local board or the department, whichever is later. Such contracts must remain on the website for at least one year after termination of the contract.

LWDB members and staff must maintain integrity, accountability and transparency in decisions and actions that earn and protect the public trust in compliance with Strategic Policy 2018.09.26.A.1 - Ethics and Transparency Policy. This includes taking all necessary steps to avoid the appearance of conflicts of interest.

The LWDB is subject to open government and confidentiality requirements in Chapters 119 and 286, Florida Statutes (F.S.).

G. New Board Member Orientation and Annual Training

Members appointed to the LWDB are required to participate in orientation and annual training to ensure they understand the purpose of their participation on the LWDB. The purpose of orientation and training is to provide LWDB members with information that empowers them to effectively serve as a board member. The LWDB is expected to take all reasonable steps necessary to encourage attendance by the CLEO at board member orientation and training.

1. New LWDB Member Orientation

All new board members, within six months of appointment, will complete a new board member orientation. The board shall develop board member orientation for board members, which will cover at a minimum:

- a) Overview of WIOA;
- b) Overview of the workforce development system and structure;
- c) Overview of the workforce development system goals and strategies;
- d) The purpose of the LWDB;

- e) LWDB composition, including required members and areas of representation;
- f) Roles and responsibilities of the CLEO, fiscal agent, LWDB, LWDB chairperson, and LWDB executive director and staff;
- g) Required partners and programs;
- h) How the workforce system is funded;
- i) Performance requirements;
- j) Sunshine law requirements; and
- k) Conflict of interest policy and disclosure of potential conflicts of interest.

2. Annual Training Requirements

Board members will complete an annual refresher training to remind them of the purpose of their appointment as a member to the LWDB. The annual training will include at a minimum:

- a) The state's workforce development system goals and strategies;
- b) The purpose of the LWDB.
- c) Roles and responsibilities of the CLEO, fiscal agent, LWDB, LWDB chairperson, and LWDB executive director and staff;
- d) How the workforce system is funded;
- e) Performance requirements;
- f) Sunshine law requirements; and
- g) Conflict of interest policy.

New member orientation and refresher training may be offered in-person and/or virtually at the local area's discretion. The LWDB must retain and, provide to FLORIDA COMMERCE upon request, attendance records of participants and the dates of completion. New board members completing the board member orientation are not required to complete the annual refresher training in the same year they become a new member.

H. State and Local Monitoring

At the local level, the LWDB must conduct oversight of the procurement process and resulting contracts and agreements to ensure all aspects of written agreements and contracts are compliant with federal and state laws and regulations. Additionally, the LWDB must also ensure that governing agreements are upheld. In instances where the LWDB is also the one-stop operator, the LWDB must follow the monitoring requirements outlined in Administrative Policy 097 – One-Stop Operator Procurement. The LWDB must monitor compliance with this policy.

FLORIDA COMMERCE will perform programmatic and fiscal monitoring and will review the local area's agreements and contracts during the annual monitoring review for compliance with federal and state laws and regulations. Findings and other noncompliance issues will be handled through the state's monitoring resolution process.

V. DEFINITIONS

1. **Board Chairperson** is a business representative among the board members who is elected by the board.
2. **Chief Local Elected Official (CLEO) (CEO in WIOA sec. 3(9)) –**
 - a) A chief elected executive officer of a unit of general local government in a local area; and
 - b) In a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in Section 107(c)(1)(B).
3. **Executive Director** is an individual hired or designated by the LWDB to perform the operational and administrative functions of the board.
4. **Fiscal Agent** is the entity designated to perform accounting and funds management on behalf of the CLEO.
5. **For cause** includes but is not limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, official incompetence or irresponsibility, misfeasance, malfeasance, nonfeasance, gross mismanagement, waste, or lack of performance.
6. **Governance Agreements (i.e. Interlocal, Consortium, and other governing agreements)** are written agreements designed to ensure that decisions to CLEO(s), or a consortium, reflect the agreement of all the chief elected officials in all jurisdictions of a local area. Including, how the local board is governed, roles and responsibilities of members, liabilities, etc.
7. **Local Workforce Development Area (LWDA)** is a geographical area that serves as the jurisdiction for the administration of workforce development activities and has been granted such designation by meeting criteria as prescribed in Administrative Policy 94 – Local Workforce Development Designation.
8. **Local Workforce Development Board (LWDB)** is a board established under WIOA sec. 107, to set policy for the local workforce development system.

VI. REVISION HISTORY

Date	Description
12/13/2022	Issued by CareerSource Pasco Hernando.
12/08/2022	Approved by CareerSource Pasco Hernando Board of Directors.

VII. RESOURCES

WIOA Fact Sheet: Governance and Leadership