NORTHWEST OREGON WORKS	**POLICY B01: NOMINATION AND APPOINTMENT PROCESS FOR MEMBERSHIP ON NORTHWEST OREGON WORKS BOARD OF DIRECTORS**
	EFFECTIVE DATE: 4/22/22
	☐**NEW** ☒**REVISED**

PURPOSE

Section 107(b)(1) of the Workforce Innovation and Opportunity Act (WIOA) requires the Governor, in partnership with the State Workforce Development Board, to establish criteria for use by local Chief Elected Officials to appoint members of local boards in their areas. The U.S. Department of Labor (DOL), through Training and Employment Guidance Letter (TEGL) 27-14, further requires state policy outlining the criteria and process for local board member appointment. The Northwest Oregon Workforce Consortium intends to establish a policy and process to accept nominations and make appointments to the Oregon Northwest Workforce Investment Board doing business as Northwest Oregon Works (NOW), based on the criteria established by the Act and the Oregon state policy.

POLICY

Local Board Membership

All local board members must be individuals with optimum policy-making authority within the entities they represent and demonstrated experience and expertise for the positions they fill.

Business Representatives

The majority of local board members must be representatives of businesses or business organizations in the local area.

Each business representative must meet the following criteria:

- Be an owner, chief executive officer, chief operating officer, or other individual with optimum policy-making or hiring authority;
- Provide employment opportunities that, at a minimum, include high-quality, work-relevant training in in-demand industry sectors or occupations as those terms are defined in WIOA Section 3 (23) in the local area;

Workforce Representatives

At least 20 percent of local board members must be workforce representatives who meet the following criteria:

- Three or more members in this category must be representatives of labor organizations;
- One or more members in this category must represent a joint labor-management or union affiliated registered apprenticeship program within the local area who must be a

training director or a member of a labor organization. If no union-affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists;

In addition to the workforce representatives cited above, the local board may include the following to contribute to the 20 percent requirement:

- 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
- 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.

<u>Balance of Representatives</u>

- At least one eligible provider administering adult education and literacy activities under WIOA Title II;
- At least one representative from an institution of higher education providing workforce investment activities, including community colleges; and
- At least one representative from each of the following governmental and economic and community development entities:
    - Economic and community development entities;
    - The state employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and
    - The programs carried out under Title I of the Rehabilitation Act of 1973, other than Section 112 or part C of that title;

Local boards may include representatives of other appropriate entities in the local area, including:

- Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
- Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
- Philanthropic organizations serving the local area; and
- Other appropriate individuals as determined by the chief elected official.

Board Member Nominations

- Business representatives are appointed from among individuals who are nominated by local business organizations and business trade associations.
- Labor representatives must be selected from among individuals nominated by local or state labor federations.

- When there is more than one local area provider of adult education and literacy activities under title II, or multiple institutions of higher education providing workforce investment activities as described in WIOA 107(b)(2)(C)(i) or (ii), nominations are solicited from those particular entities. [WIOA Section 107(b)(6))]
- All other representatives are appointed from among individuals who are nominated by locally recognized organizations or entities, such as chambers of commerce, non-profit networks, or coalitions, etc.

Vacancies, Change In Status, and Related Issues

Vacancies

Vacancies must be filled within a reasonable amount of time of the vacancy, but no later than ninety (90)-days. Vacancies must be filled in the same manner as the original nomination and appointment process. Reappointments of current members can be authorized by the Chief Local Elected Official (CLEO). **Actions taken by NOW after a ninety (90)-day period of vacancies will be null and void, unless a waiver has been granted by the HECC OWI prior to the meeting. Waivers must include an explanation of why a vacancy was not filled in the defined timeframe and a description of the process underway to fill the vacancy.**
Waiver requests are to be submitted in writing to:

Director
Office of Workforce Investments
3225 25th Street SE
Salem, OR 97302

Change in Status

Board members who no longer hold the position or status that made them eligible to be a board member must resign or be removed immediately by the Chief Local Elected Official (CLEO) as a member of NOW (E.g. no longer work in the private sector, or no longer with an educational institution, etc.).

Mid-Term Appointment

Board members replacing out-going member's mid-term, will serve the remainder of the out-going member's term.

Quorum

A quorum is defined as a majority of 51%, excluding vacancies, provided that the majority (25%) of members in attendance are business representatives.

Removal

A board member must be immediately removed by the Chief Local Elected Official (CLEO) if any of the following occurs:

- A documented violation of conflict of interest
- Failure to meet the requirements of member representation as described in Change in Status.
- Documented proof of fraud and/or abuse

Board members may be removed for other reasons outlined in the bylaws of NOW. The Northwest Oregon Workforce Consortium strongly encourages NOW to establish and enforce strong attendance requirements for its members. The bylaws must contain specific criteria to establish just cause for removal of a member, as well as the process for removal, and the process for appeal and arbitration.

REFERENCES

- WIOA Section 107(b)
- WIOA Section 107(i)
- 20 CFR 679.310, 679.320, 679.330, 679.340, 679.350, and 679.360
- Training and Employment Guidance Letter (TEGL) 27-14