CHIEF ELECTED OFFICIAL'S

MEMBERSHIP GUIDE

FOR
LOCAL WORKFORCE DEVELOPMENT BOARDS

Provided by the Texas Workforce Commission for
Chief Elected Officials

CHIEF ELECTED OFFICIAL'S

MEMBERSHIP

GUIDE

FOR

LOCAL WORKFORCE DEVELOPMENT BOARDS

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MEMBERSHIP GUIDE

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PART A — BOARD MEMBERSHIP

Part A-100: Introduction

A-100.1: Overview of Membership

Local Workforce Development Boards (Boards) play an extremely important role in building a quality workforce to meet the skill demands of employers and assist Texans in their pursuit of good paying, productive jobs. The appointment of Board members to Boards is a significant responsibility and should be undertaken with great care and thought.

The success of a Board is closely tied to the quality of its leadership. In their initial decisions to form Boards in the mid-1990s, the Chief Elected Officials (CEOs) accepted the transfer of authority to their local communities for workforce services under the following federal programs and funds:

- Temporary Assistance for Needy Families (TANF)
- Child Care and Development Fund (CCDF)
- Supplemental Nutrition Assistance Program (SNAP)
- Workforce Investment Act (WIA)

Since that time, Boards have also assumed responsibility for many other programs. The Boards collectively oversee approximately $746, million dollars in state and federal employment and training funds.

The broad responsibilities overseen by the Board emphasize the importance of the CEOs' appointments. With each year, the workforce system grows in complexity and responsibility, relying on CEOs to appoint individuals who represent the highest standards of leadership and depth of expertise in their respective Board categories.

To help prepare CEOs to work with Boards in the Texas workforce system, the Texas Workforce Commission (TWC) offers training (both on-site and online) and educational programs and forums. TWC also collaborates with associations that work with CEOs, such as the Texas Association of Counties and Texas Municipal League. In addition, staff is available to work with CEOs and their staffs individually, in small group regional settings, in larger groups in Austin, and at TWC's annual statewide conference. TWC will provide any help or guidance you may need to develop your capacity as a CEO in the Texas workforce system.

A-100.1: Overview of Membership (continued)

Through your appointments, you can create a legacy of success for your Board and the Texas workforce system, ensuring that employers and job seekers in your area are able to access the services they need in a convenient one-stop setting.

A-100.2: Meeting State and Federal Laws and Regulations

Board members "shall be actively engaged in the organization, enterprise, or field for which they are" appointed to represent. A Board member "shall have an existing relationship with the local workforce development area (workforce area) through residence or employment within the workforce area." [40 TAC 801.1(g)(2)(C)(v)]

Members who represent organizations, agencies, or other entities must be individuals with optimum policy-making authority within the entities they represent. [20 C.F.R. §661.315(c)]

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. [20 C.F.R. §661.203(a)]

A-100.2: Meeting State and Federal Laws and Regulations (continued)

Board members are the "trustees" or guardians of the state's workforce development system. They are entrusted with significant fiduciary and policy responsibilities, including oversight of millions of state and federal tax dollars allocated to their area for workforce training and services. The strength of a Board lies in the quality of its membership. Appointments should be made carefully and deliberately.

All CEOs in a workforce area must enter into an agreement that determines how the CEOs will select nominees for appointment as Board members. The process may be documented in one or both of the Board's governing documents: the Interlocal Agreement and the Partnership Agreement. The CEOs in your area initially entered into their Interlocal Agreement as a requirement to form the Board. By law, the Interlocal Agreement has several required elements:

- Purpose of the agreement
- Process to select the lead CEO
- Process to keep the CEOs informed regarding Board activities
- Initial size of the Board
- Process for sharing workforce funding among the parties
- Process for selecting and appointing Board members
- Terms of office for Board members

The second governing document, the Partnership Agreement, is between the CEOs and the Board. Its purpose is to define their operating relationship. While it is not a required element of the Partnership Agreement, the Partnership Agreement may detail the Board's composition and how Board members are selected and appointed. If it is included, however, the two governing documents must be consistent. The requirement for consistency applies to any item that is addressed in both governing documents. Both agreements are dynamic documents that can, and should, be amended when a need or desire arises and the respective signatories agree.

Board appointments do not require the signature of all the CEOs, only the signature of the designated lead CEO(s) as stated in the Interlocal Agreement or Partnership Agreement.

Part A-200: Membership Process

A-200.1: Categories of Policies and Procedures

The Chief Elected Official's Membership Guide presents the state's policy and procedures in the following areas:

- Appointing individuals to serve on the Boards
- Filling vacancies on Boards
- Reviewing Board appointments and reappointments
- Certifying those appointments

The Governor certifies that all Boards are composed according to state law and meeting other requirements. This process is conducted every two years. The Commission certifies all subsequent Board appointments and reappointments.

A-200.2: Grandfathering Provision

WIA incorporated many of the great strides made in the development of Texas' workforce system as designed in the mid-1990s by the Texas Legislature. WIA also specifically provides for exemptions that authorize the state to maintain many features of its reform efforts in state law. WIA included specific exemptions recognizing the states that already had laws in place that were consistent with the purpose of WIA prior to its enactment. The provisions that list the specific exemptions are commonly referred to as WIA "grandfather" provisions. For purposes of understanding how Texas applies the grandfather provisions, the phrase "prior consistent state law" generally refers to the provisions found in Texas Government Code §2308, and to state rules and procedures that implemented Texas' workforce reform. [WIA of 1998, Chapters 111, 117, 189, and 194]

A-200.3: Diversity

The CEOs of a workforce area have the power to select and appoint Board members. CEOs must make these appointments in accordance with applicable laws. Under Texas' workforce reform law, the Board membership must reflect the ethnic and geographic diversity of the workforce area [Texas Government Code §2308.255(b)(2)]. The CEOs bear the responsibility of ensuring that the overall composition of the Board fulfills this diversity requirement.

A-200.3: Diversity (continued)

The Commission believes that a strong and effective Board will be representative of the gender and ethnic diversity found in the local community, and the Commission encourages CEOs to consider these issues before making appointments.

A-200.4: Board Development

The Commission cannot overemphasize the importance of the Board appointment process. The effectiveness of a Board correlates to the quality of its leadership and members. The appointment of Board members is a significant responsibility and must be undertaken with great care and thought. It must never be interpreted or used as an arbitrary political process.

Every workforce area must have a Board. The minimum size of a Board is 25 members. (See Board Membership Chart B, Page 37)

A-200.5: Required Categories

No individual member shall be a representative of more than one sector or category described in this section. *See Section 200.5.1 for special Board requirements.* Each Board must have member representatives from:

1. the private sector;
2. organized labor and community-based organizations (CBOs);
3. education;
4. public employment service [TWC];
5. vocational rehabilitation;
6. public assistance;
7. economic development;
8. local literacy councils; and
9. adult basic and continuing education.

A-200.5.1: **Special Board Requirements**

At least one of the Board members representing any of the categories listed above must also meet the requirements in the following list.

- **Child Care Requirement** — At least one of the members of a Board appointed under Texas Government Code §2308.256(a) must, in addition to the qualifications required for the members under that subsection, have expertise in child care or early childhood education [40 TAC 801.1(g)(2)(C)(vi)]. To meet this requirement, the nominee's ***expertise must be below the pre-kindergarten level.***

- **Veteran Requirement** — At least one of the members of a Board appointed under Texas Government Code §2308.256(h) must, in addition to the qualifications required for the members under that subsection, ***be a veteran.***

  A veteran means a person who served in: the army, navy, air force, coast guard, or marine corps of the United States or the United States Public Health Service under 42 U.S.C. Section 201 et seq., as amended; the state military forces as defined by Texas Government Code §431.001; or an auxiliary service of one of those branches of the armed forces; and was honorably discharged from the branch of the service in which the person served.

  CEOs are responsible for ensuring that Boards have a member who is a veteran. If the Board does not currently include a member who is a veteran, CEOs shall appoint a new member who reflects these requirements as vacancies occur or as terms end.

  A veteran who otherwise meets the requirements of a member category in Texas Government Code §2308.256(a) must also meet the statutory definition of a veteran [Texas Government Code §2308.251(2)] and ***must be actively engaged*** in the field of veterans affairs or services. This would include, but is not limited to, veterans who are members or employees of organizations such as Veterans of Foreign Wars of the United States, the American Legion, the Military Service Coalition, Disabled American Veterans, etc.

A-200.5.2
Private Sector Representatives

Private sector representatives must represent the workforce needs and interests of the local business community.

- The Chairman of the Board must be a private sector representative. [Texas Government Code §2308.258]

- Private sector members shall be owners of business concerns, chief executives, or chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility.

- If an individual is being nominated by an appropriate organization as a private sector representative and is not the business owner, chief executive, or chief operating officer, the nomination must also include detailed documentation supporting the nominee's qualifications as an "executive with substantial management or policy responsibility."

  Factors the Commission may consider when reviewing nominations include, but are not limited to, the number of employees the nominee supervises; whether the nominee has authority to hire, fire, and promote; and whether the nominee has substantial authority in relation to the management or general business operations of the organization as a whole.

- To be eligible to represent the private sector, at least 51 percent of an individual's annual income must be from private sector sources. [40 TAC 801.1 (g)(2)(C)(i)]

  This provision was originally adopted to prevent situations in which individuals working full-time for a *governmental* entity were appointed as private sector representatives because these individuals also worked part-time for a private business, or were self-employed part of the time. Documentation of an individual's annual income is required ***only*** in situations such as these. An affidavit or IRS tax return is an example of documentation that could be provided. ***Affidavit must be notarized***.

- Private sector membership should represent the composition of the local pool of employers. The private sector membership should include representatives of the region's larger employers and emerging growth industries. Primary consideration should be given to private sector employers who do not directly provide employment and workforce training services to the general public.

A-200.5.2
Private Sector Representatives (continued)

- CEOs may refer to any relevant labor market information, locally obtained information and state-published data, analysis that identifies employment trends, emerging and growth industries, the size of local employers, or other data that TWC provides through its Web site and resources. Additionally, each year in March, TWC will provide lead CEOs with their Board's industry sector profile, based on the Board's current private sector representation. The profile is provided as a reference to assist CEOs as they consider Board appointments for vacancies that may occur throughout the coming year.

- Private sector representatives must constitute a majority of the membership of the Board. Texas Government Code §2308.256(a)(1)(A) outlines the number of private sector seats compared to the total number of Board seats for any workforce area (see Minimum Requirement Chart A, Page 36).

- Private sector representatives on the Board are selected from individuals nominated by general-purpose business organizations that consulted with and received recommendations from other business organizations in the workforce area. The nominations and the individuals selected for Board appointment must reasonably represent the industrial and demographic composition of the business community.

- Not less than one-half of the business and industry representatives must, if possible, be representatives of small business, including minority businesses. [Texas Government Code §2308.256(b)]

  The term "general purpose business organizations" means organizations that admit for membership any for-profit business operating within the workforce area. [Texas Government Code §2308.256(f)(1)]

  The term "small business" means a private, for-profit enterprise that employs not more than 500 employees. [Texas Government Code §2308.256(f)(2)]

***A-200.5.3:* Community-Based Organization (CBO) and Organized Labor Representatives**

CBO and labor representatives together must constitute not less than 15 percent of the membership of the Board. (See Board Membership Chart B, Page 37)

CBO Representatives

- The term CBO refers to a private nonprofit organization that is representative of a community, or a significant segment of a community, and that has demonstrated expertise and effectiveness in the field of workforce investment.

- The term includes organizations representing veterans and individuals with disabilities, as well as faith-based organizations (FBOs).

- CBO representatives must be actively engaged with the CBO as a board member, employee, or active member.

Organized Labor Representatives

- Representatives of local organized labor organizations shall be nominated by local labor federations unless no employees in the workforce area are represented by such organizations, in which case nominations may be made by other representatives of employees. A labor federation is defined as an alliance of two or more organized labor unions for the purpose of mutual support and action. [20 C.F.R. §660.300] [40 TAC 801.1(g)(2)(C)(iv)]

- Labor representatives on the Board are selected from individuals recommended by recognized state and local labor federations. If a state or local labor federation does not nominate a number of individuals sufficient to meet the labor representation requirements of Subsection (a)(2), individual workers may be included on the council to complete the labor representation. [Texas Government Code §2308.256(d)]

- Labor representatives must be affiliated with organized labor by being a union member, labor union staff, or other individual participating in labor union activities.

A-200.5.4: **Education Representatives**

A Board must have at least two education representatives, one at the secondary level and one at the postsecondary level.

- **Secondary Education** - Education representatives on the Board are selected from individuals nominated by regional or local educational agencies, vocational education institutions, institutions of higher education, including entities offering adult education, and general organizations of the institutions within the workforce area. [Texas Government Code §2308.256(c)]

- **Post-Secondary Education** - Educational agencies include community colleges and secondary and postsecondary practitioners representing vocational education that are representative of all educational agencies in the workforce area. [Texas Government Code §2308.256(a)(3)(A)]

Education representatives must be selected from school board members, teachers, administrators, counselors, or others actively engaged in the education field.

NOTE: Congressional proposals for reauthorization of WIA focus on senior-level individuals in education organizations as Board members.

A-200.5.5: **Public Employment Service Representatives (Texas Workforce Commission)**

A Board must have at least one public employment service representative.

- Texas' workforce reform law placed a representative of the public employment service on each Board [Texas Government Code §2308.256]. TWC will recommend a current employee to serve as the public employment service representative on the Board.

- When notified of a public employment vacancy on a Board, the Workforce Development Division at TWC will identify a nominee to serve on the Board as the public employment service representative.

A-200.5.6: **Vocational Rehabilitation Representatives**

Each Board must have at least one vocational rehabilitation representative.

- Vocational rehabilitation organizations are those that provide services to individuals with disabilities to help them prepare for, secure, retain, or regain employment.

- Representatives must be active board members or employees of the vocational rehabilitation organizations. Examples of vocational rehabilitation organizations are the Texas Health and Human Services Commission's Department of Assistive and Rehabilitative Services, Goodwill Industries, and other vocational rehabilitation organizations.

A-200.5.7: **Public Assistance Representatives**

Each Board must have at least one public assistance representative.

- Public assistance means federal, state, or local government cash payments for which eligibility is determined by a needs or income test. Public assistance organizations could include the Texas Health and Human Services Commission, local housing authorities, Social Security Administration, Community Action Agencies, etc.

- Representatives must be active board members or employees of the public assistance organization.

A-200.5.8: **Economic Development Representatives**

Each Board must have at least one economic development representative.

- Economic development organizations may include local planning and zoning commissions or boards, community development agencies, and other local organizations and institutions responsible for regulating, promoting, or assisting in local economic growth, and includes private sector economic development entities.

- Representatives must be board members or employees of an economic development organization.

***A-200.5.9:* Local Literacy Council Representatives**

Each Board must have at least one local literacy council representative.

- This member must be selected from individuals recommended by the local literacy council. [Texas Government Code §2308.256(1)(f)]
- Representatives must be board members, employees, or active volunteers of a local literacy council or of a literacy provider funded by a local literacy council.

***A-200.5.10:* Adult Basic and Continuing Education Representatives**

Each Board must have at least one adult basic and continuing education representative.

- Adult basic and continuing education organizations may be local public education or private nonprofit organizations that provide educational instruction (e.g., ABE, GED, ESL) or other education services to adults who have not obtained a high school diploma or its equivalent. (Public education organizations include community colleges.)
- Representatives must be board members, employees, or volunteers and ***shall be actively engaged*** in the provision of or field of adult basic and continuing education.

Part A-300: Nominations

A-300.1: Submitting Nominations for Appointment

When nominating an individual to serve on the Board, all nominating organizations must complete and submit the Nomination Slate provided by TWC to the CEO(s) for Board member selection and appointment. CEOs will review the Nomination Slate and accompanying documentation to select and appoint a Board member(s). TWC will accept only Board appointments made using TWC's Nomination Slate, included in this guide on Page 39-40). An electronic version of the form is on the TWC Web site at http://www.twc.state.tx.us/boards/guides/guides.html.

A-300.2: Required Documentation

Documentation supporting the qualifications of the nominee(s) **must** accompany the Nomination Slate. Such documentation may be in the form of a curriculum vita, résumé, or work history. Documentation must contain detailed information that clearly explains how the nominee is qualified to represent the respective category on the Board.

Nominations for all Board categories must include:

- name, address, and TWC tax number(s) of the organization or business the nominee represents;
- nominee's position in the organization or business; and
- size of the organization or business by total number of employees.

Additionally, a Conflict of Interest Statement for Local Workforce Development Board Members must be submitted for each nominee appointed by the CEO. Form **requires the signature** of the Board Executive Director. (See Page 38 of this guide).

The Conflict of Interest Statement for Local Workforce Development Board Members is available electronically on the TWC Web site at: http://www.twc.state.tx.us/boards/guides/guides.html.

A-300.3: Submitting Board Appointments

After nominating organizations submit their nomination(s) and the CEO(s) makes the Board appointments, the CEO must forward the following documents to the Workforce Development Division of TWC:

- Board Appointments Form
- Nomination Slate for each appointment
- Supporting documentation for each appointment (resume/bio)
- Conflict of Interest Statement for Local Workforce Development Board Members, completed by Executive Director

The Workforce Development Division is responsible for administrative oversight of Board appointments.

Submit all documentation required for Board appointments to:

Texas Workforce Commission
Workforce Development Division
Workforce Network Support
101 E. 15th Street, Rm. 252-T
Austin, Texas 78778

Part A-400: Appointments

A-400.1: Texas Government Code Requirements

The Texas Government Code requires that Board members be selected and appointed by the CEOs in a workforce area.

- The workforce area CEO(s) must submit Board appointments and supporting documentation to TWC for review to ensure compliance with statutory requirements.

- TWC will only accept appointments that include a Board Appointments Form signed by the CEO. The CEO must indicate the official beginning date of the new appointment and the official expiration date on the Board Appointments Form, included in this guide on Page 42).

A-400.1: Texas Government Code Requirements (continued)

Board members serve fixed and staggered terms as provided by the Partnership Agreement or applicable federal or state law, and members may continue to serve until their successors are appointed [Texas Government Code §2308.255(d)]. The Board has 90 days to have a successor or reappointment certified by the Commission.

- The CEO(s) must identify each Board member's category at the time of the appointment, and the member may represent only that one category during the term of the appointment.

To change a member's representation category, the member must be nominated in the new category by an appropriate entity or organization, appointed to that new category by the CEO, and resubmitted through the appointment process.

A Vacancy Form (Page 43) is not required when a CEO nominates a Board member for a new categorical position on the Board. Such an appointment must comply fully with the requirements of the law and this guide.

A-400.2: Prohibition of Dual Office Holding

CEOs may not serve as Board members of Local Workforce Development Boards. This determination is based on the prohibition against dual office holding and the common law doctrine of incompatibility. A brief explanation follows.

> Texas courts hold that the common law doctrine of incompatibility prohibits one person from occupying two offices when one office may impose its policies on the other or subject it to control in some other way. The common law doctrine of incompatibility has been recognized to prohibit self-appointment and conflicting loyalties.

CEOs of local workforce areas, as elected officials, are public officers.

Local Workforce Development Boards are statutorily created public entities, often recognized by state statute as governmental entities. As such, a Board member is also considered a public officer.

A-400.3: Prohibition of Self-Appointment

The common law doctrine of incompatibility disqualifies all officers who have the appointing power from appointing themselves to another public office. Consequently, CEOs may not appoint themselves as Local Workforce Development Board members.

A-400.4: Prohibition of Conflicting Loyalties

The common law doctrine of incompatibility also prevents one person from holding two positions if the duties are inconsistent or in conflict. It is the relationship between the two positions that creates the potential for conflict. Incompatibility arises when one governmental body has authority to impose its will on the other in any manner whatsoever.

Because CEOs appoint the local workforce Board members, enter into a partnership agreement with the Board, oversee the formation of the Board, and may contract with the Board, the two positions are "potentially in conflict, and therefore, incompatible," given their conflicting duties. Consequently, CEOs may not serve on a local workforce Board in their workforce area.

NOTE: CEOs of a workforce area may serve as ex-officio, nonvoting members of a Local Workforce Development Board.

Public officeholders who are not designated CEOs for a Local Workforce Development Board would probably not be prohibited from serving on the Board under the doctrine of incompatibility. However, another prohibition against their serving in dual offices could be based on either a constitutional prohibition or another common law doctrine. As with all appointments, a review of individual circumstances is necessary before the Commission certifies the appointment.

Part A-500: Reappointments

A-500.1: Responsibility for Reappointment

CEOs are responsible for all reappointments. New Nomination Slates are required for all reappointments from appropriate nominating organizations, along with the current curriculum vitae, résumé, or work history, and the Conflict of Interest Statement for Local Workforce Development Board Members (see Page 38 of this guide).

A-500.2: Reappointment Process

The CEO(s) shall process reappointments within 90 calendar days from the effective date of the term expiration. During the 90 calendar-day period, the Board will be able to legally act as a Board and conduct business. If the CEO(s) fails to reappoint a Board member in a required category within 90 calendar days, the Board will be out of compliance with its membership composition, and any business conducted may not be considered legal. (See Part A-600.2 and A-600.3 for an explanation of the negative impact on conduct of the Board's business if the process is not completed timely.)

The CEO(s) must indicate the official beginning date of the reappointment and the official term expiration date, using the Board Appointments Form (see Page 42).

After the CEO(s) submits all necessary documentation, and TWC deems it in accordance with the above process and consistent with state law, the Board's organizational plan and bylaws, and other applicable policies, TWC will notify the CEO(s) of appointment certification(s).

Part A-600: Vacancies

A-600.1: Required Notice

If a Board member vacancy occurs because of resignation, termination, or any other reason, the Board Chair shall provide notice to the CEO(s) of the workforce area and to TWC within 20 calendar days of such event. [40 TAC §801.12(a)] (Page 43).

Such notice shall include:

- the name of the Board member;
- the category represented; and
- the effective date of the resignation, termination, or other event causing the vacancy.

The original resignation letter or documentation of other official action **must** be maintained at the Board level. [40 TAC §801.12(b)]

A-600.2: Filling a Vacancy

The CEO(s) shall fill a vacancy in a required category in the same manner as the original appointment, within 90 calendar days from the effective date of the resignation, termination, or other event causing a vacancy. During the 90-day period, the Board will be able to act as a body and conduct business. Any action taken by the Board with a vacancy in a required category beyond such 90-day period shall be void. [40 TAC §801.12(c)]

A-600.3: Failure to Fill Vacancies within the 90-Day Requirement

If the CEO(s) fails to fill a vacancy in a required category within 90 calendar days of the effective date of the vacancy, and remains in noncompliance with this section beyond that time, the Commission may impose sanctions under Chapter 802, including the withholding of administrative funds from the Board, until the Board achieves compliance. The Commission may recommend that the Governor decertify the Board. [40 TAC §801.12(d)]

Following is the process TWC will conduct if the vacancy or term expiration exceeds the 90-day requirement:

1. The CEO(s), Board Chair, and Board Executive Director will receive a notice of noncompliance and will be informed that corrective action must be taken by the CEO(s) within 30 calendar days from receipt of the notice.

2. If corrective action is not taken, the CEO(s), Board Chair, and Board Executive Director will receive a second notice of noncompliance requiring them to take corrective action within 30 calendar days from receipt of the notice. They will be informed that failure to take the required action stipulated in the second notice could result in a referral for possible sanctions.

3. If corrective action still is not taken, the CEO(s), Board Chair, and Board Executive Director will receive a third notice informing them that the matter has been referred to the Workforce Development Division Director with a recommendation to withhold the Board's administrative funds.

4. If sanctions are imposed on the Board, TWC will notify the CEO(s), Board Chair, and Executive Director of such action(s).

Part A-700: Training for Board Members

A-700.1: Importance of Training

TWC must provide management and Board development training for all Board members. The training must include:

- information regarding the importance of a high-quality workforce to the economic prosperity of their communities; and
- encouragement for Board members to be advocates in their communities for effective and efficient workforce development programs.

A-700.2: Time Requirements for Training

If a Board member does not receive training before the ninety-first day after the date on which the member begins service on the Board, the person is ineligible to continue serving on the Board unless the training required was requested by the member, but not provided by TWC. Training may be provided directly by TWC or by a third party that has demonstrated experience in providing training to local workforce development or similar Boards. [Texas Labor Code §302.043]

A-700.3: Training Options

Upon certification, TWC sends a new member letter to the Board member, with copies to the Board Chair and Executive Director, notifying them of the training requirements and the two options for completing the training.

Board members may select one of the following training options:

1. Self-paced, using a TWC handbook
2. Classroom, provided by TWC upon request

TWC sends a notice to Board Chairs and Board Executive Directors to inform them of new Board members nearing the ninety-first day training requirement.

If a Board member does not receive the training before the ninety-first day, TWC sends a letter to the CEO(s), Board Chair, and Executive Director informing them that the member has exceeded the ninety-first day requirement and is ineligible to continue serving on the Board.

A-700.4: Proxies or Alternates

The use of proxies or alternates by Boards is prohibited. [40 TAC §801.16(e)]

A-700.5: Additional Training Requirement

Effective January 1, 2006, all elected and appointed public officials are required to receive training on the Open Meetings Act and the Public Information Act. [Texas Government Code §551.005 and §552.012]

Board members are subject to the open government training requirement, which consists of one course on the Texas Open Meetings Act and one course on the Public Information Act.

As of January 2006, TWC includes the Office of the Attorney General's (OAG) open government training when delivering classroom training for Board members (see Part A-700.3) to assist members who are appointed after January 2006 in complying with the open government training requirement.

Part D-100.4 of this Guide contains detailed information about the open government training requirement and how Board members can obtain the training online or through a free DVD from OAG.

PART B — PARTNERSHIP AGREEMENT

Part B-100: 40 TEXAS ADMINISTRATIVE CODE §801.16

B-100.1: 40 Texas Administrative Code (TAC) §801.16

(a) The CEOs in a workforce area shall enter into a Partnership Agreement with the Board as required by Texas Government Code §2308.253(g) and by §801.1(g)(2)(A)(i)(I) - (VII) of this subchapter.

(b) The Partnership Agreement shall be signed by the current CEOs and the Board Chair.

(c) Any amendment to a Partnership Agreement, change to a Board's organizational plan or bylaws, or notice of an election of a new CEO or Board Chair shall be submitted to the Agency within 15 calendar days of the adoption of such amendment, change, or election.

(d) If a CEO or Board Chair is newly elected during the then-current, two-year program planning cycle, such newly elected individual shall submit to the Agency a written statement acknowledging that he or she:

(1) has read, understands, and will comply with the current Partnership Agreement; and

(2) reserves the option to request negotiations to amend the Partnership Agreement at any time during the official's tenure as CEO or Board Chair.

(e) All Partnership Agreements and Board organizational plans or bylaws shall state that Board members will not be permitted to delegate any Board duties to proxies or alternates.

NOTE: The Board shall use the Statement of Understanding Form (Page 41) to notify the Commission of the election of a new lead CEO or Board Chair. Form shall be submitted to the Agency within 15 calendar days from election of new Lead CEO or Board Chair.

PART C — BOARD CERTIFICATION REQUIREMENTS

Part C-100: Role of the Governor

C-100.1: Texas Government Code §2308.261

Texas Government Code §2308.261 prescribes the official role of the Governor in the Board certification process. It states that the Governor shall certify a Board on determining that the Board's composition is consistent with applicable federal and state requirements and meets established state criteria. Such certification must be made or denied within 30 days after the date on which a list of members and necessary supporting documentation are submitted to the Governor. If the Governor certifies a Board, it must be convened within 30 days by the official or officials who made the appointments to such Board.

The Governor shall, once every two years, certify one Board for each workforce area in the state. Certification is to ensure that all Boards are composed according to state and federal law and are meeting all other requirements. Requirements TWC will use to conduct the Board review are:

1. The Board composition must be consistent with Texas Government Code §2308.256 and 40 TAC §801.1(g).
2. Diversity requirements
3. Industry representation
4. Bylaws
5. Board-CEO Partnership Agreement
6. The Board must show whether it has ensured services will be delivered in order for the Board to meet local measures.
7. The Board must show whether it has developed fiscal policies and procedures to ensure financial controls are in place.

The Subsequent Certification Form (Page 44-46) is used to ensure that all of the items listed above are reviewed and are current and in compliance with statutory requirements for a Board's subsequent certification.

PART D — TEXAS OPEN MEETINGS ACT

D-100.1: Summary of Open Meetings Act

Boards are subject to the requirements of the Texas Open Meetings Act, Texas Government Code, Chapter 551. In general, a Board must give written notice to the public of the date, hour, place, and subject matter of all meetings. The Board must post notice of a meeting in a place that is readily accessible to the general public for at least 72 hours before the scheduled time of the meeting.

D-100.2: Number of Counties Board Serves

Under Texas Government Code §551.053, a Board that extends into four or more counties shall:

1. post notice of each meeting in the Board's administrative office at a place convenient to the public;
2. provide notice of each meeting to the Texas Secretary of State; and
3. provide notice of each meeting to the county clerk of the county in which the Board's administrative office is located.

Under Texas Government Code §551.054, a Board that extends into fewer than four counties shall:

1. post notice of each meeting in the Board's administrative office at a place convenient to the public; and
2. provide notice of each meeting to the county clerk of each county located in the workforce area.

D-100.3: Open Meetings Handbook and Resources

Thomas Jefferson stated that "a public office is a public trust." Actions taken by public officials must be open to scrutiny by the people they serve. In support of that philosophy, the Office of the Attorney General (OAG) for the State of Texas, which is responsible for ensuring the public's business is conducted openly, has prepared the *Open Meetings Handbook.*

The Open Meetings Handbook is available online at *www.oag.state.tx.us*. *The* publication serves as a reference tool for attorneys, government officials, and laypersons. *It is not* protected by copyright, and may be reproduced as needed.

D-100.3: Open Meetings Handbook and Resources (continued)

The OAG provides important information about open government through online training, conferences, legal opinions, frequently asked questions, and other open government resources on the Web site.

D-100.4: Open Government Training Requirement for All Public Officials

Effective January 1, 2006, elected and appointed public officials are required by a new state law to receive training on the Open Meetings Act and the Public Information Act. [Texas Government Code §551.005 and §552.012]

The 79th Texas Legislature, Regular Session (2005) directed the Attorney General to establish formal training to ensure that all elected and appointed government officials have a good command of both open records and open meetings laws. The intent of the training is to prevent unintentional violations of open government laws and to strengthen the public's confidence in governing bodies.

Board members are subject to the open government training requirement, which consists of a course on the Open Meetings Act and a course on the Public Information Act. Under provisions of the law, only training approved by OAG meets the requirement. It is a one-time only requirement; no refresher courses are required. In addition, no grandfather provisions exist for public officials who may have attended open government training in the past.

Board members in office before January 1, 2006, are required to complete the training before January 1, 2007. Board members appointed after January 1, 2006, have 90 days from the date the Commission certifies their appointment to complete the training. Boards must keep the training completion certificates on file in the local office and make them available for public inspection upon request.

To assist public officials in complying with the training requirement and the Texas open government laws, OAG makes the training, completion certificates, open government handbooks, and ordering information for a free open government training DVD available through its Web site, at: http://www.oag.state.tx.us/opinopen/og_training.shtml.

Additional information is listed on the OAG Web site in ***Frequently Asked Questions about Open Government Training.***

PART E — BOARD MEMBER CONFLICTS OF INTEREST

E-100.1: Texas Administrative Code §802.41

(a) Pursuant to WIA §117(g) (29 U.S.C.A. §2832(g)), this section sets forth the state's Board conflict of interest requirements for disclosure and declaration of a conflict of interest by a Board member.

(b) A Board member may not vote on any matter that would provide direct financial benefit to the member or the member's immediate family, or on matters of the provision of services by the member or the entity the member represents. No Board member may participate in a decision in which the member has a direct or indirect interest, particularly a financial interest, which is in substantial conflict with the discharge of the duties of the Board.

(c) A Board member shall avoid even the appearance of a conflict of interest. Prior to taking office, Board members must provide to the Board Chair a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the Board. Such declarations shall be updated within 30 days to reflect any changes in such business interests or relationships. The Board shall appoint an individual to timely review the disclosure information and advise the Board Chair and appropriate members of potential conflicts.

(d) Prior to a discussion, vote, or decision on any matter before a Board, if a member, or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization, or property that would be pecuniarily affected by any official Board action, that member shall disclose the nature and extent of the interest or relationship and shall abstain from voting on or in any other way participating in the decision on the matter. All such abstentions shall be recorded in the minutes of the Board meeting.

(e) Each Board must include in its organizational plan or bylaws, or in a separate code of conduct, provisions for penalties, sanctions, or other disciplinary actions for any direct violations of the Board conflict of interest policy. The following definitions must be incorporated into those provisions.

(1) Immediate family--Any person related within the first degree of affinity (marriage) or consanguinity (blood) to the person involved.

(2) Substantial interest--A person has a substantial interest:

(A) in a business entity if:

(i) the person owns 10 percent or more of the voting stock or shares of the business, owns 10 percent or more, or owns $5,000 or more, of the fair market value of a business; or

(ii) funds received by the person from the business exceed 10 percent of the person's gross income for the previous year;

(B) in real property if the interest is an equitable or legal ownership with a fair market value of $2,500 or more; or

(C) if the Board member is related to a person in the first degree of affinity or consanguinity who has a substantial interest as defined in subparagraph (A) or (B) of this paragraph.

E-100.2: Code of Federal Regulations (C.F.R.) §667.200(a)(4)

20 C.F.R. §667.200(a)(4)

(4) In addition to the requirements at 29 CFR §95.42 or 29 CFR §97.36(b)(3), as appropriate, which address codes of conduct and conflict of interest issues related to employees:

(i) A State Board member or a Local Board member or Youth Council member must neither cast a vote on, nor participate in, any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or a member of his immediate family.

(ii) Neither membership on the State Board, the Local Board, or the Youth Council nor the receipt of WIA funds to provide training and related services, by itself, violates these conflicts of interest provisions.

E-100.3: Legislative Authority

Texas Government Code §2308.257 states that a member of a board shall avoid the appearance of conflict of interest by not voting in a vote of the board that directly affects the funding of the member's organization or of any organization the member represents. By abstaining, a Board member can minimize the perception of potential conflict of interest in a specific Board action.

PART F — APPOINTMENT PROCESS

F-100.1: Steps in the Appointing Process

Steps to take when a Board member resigns:

- Notify TWC: Submit a Vacancy Form (Page 43), signed by the Board Chair, to TWC within 20 calendar days from the date of resignation, termination, or other event causing a vacancy.

- Notify CEO(s): Either Board staff or the Board Chair shall inform the CEO(s) that a vacancy exists on the Board and a replacement is required.

- Recruit nominee(s): CEO(s) will need to recruit nominee(s) to fill the vacancy. A required vacancy must be filled within 90 calendar days from the effective date of resignation, termination, or other event causing the vacancy.

- Ensure the current résumé, curriculum vita, or work history contains sufficient information to clearly explain the appointee's relationship to and qualifications for the category for which he or she is appointed to represent.

- Submit the Board Appointments Form (Page 42), to TWC with the following documentation for each appointee or reappointee. Do not alter or localize required TWC forms.

  - Nomination Slate (Page 39-40)
  - Conflict of Interest Statement (Page 38)
  - résumé, curriculum vita, or work history

- Ensure that the new appointee **does not** participate in any votes by the Board until the Board member has been notified by TWC that the Commission has certified the appointment.

Suggested business practice when a Board member's term is expiring:

- Board staff needs to inform the Board member and CEO(s) several months in advance that the member's term will be expiring. The CEO(s) needs to decide whether to reappoint the current Board member or recruit nominee(s) for the designated position.

F-100.1: Steps in the Appointing Process (continued)

- Reappointments must be completed within 90 calendar days from the effective date of the term expiration.

- For all reappointments, submit the Board Appointments Form (Page 42); a new Nomination Slate (Page39-40); a current résumé, curriculum vita, or work history; and a completed Conflict of Interest Statement for Local Workforce Development Board Members (Page 38) to TWC.

F-100.2: Checklist

CHECKLIST FOR SUBMITTING BOARD APPOINTMENTS

For local use only. Do not submit to the Texas Workforce Commission.

FOR ALL CATEGORIES

☐Yes ☐No Résumé/curriculum vita is current and includes information that supports the category the appointee will be representing.

☐Yes ☐No Appointee can represent only one of the required categories.

☐Yes ☐No Conflict of Interest Statement signed by Board Executive Director is included (Page 38).

☐Yes ☐No Tax Account number(s) for the Organization Representing is included in the nomination slate. Tax Account numbers are nine-digits long.

☐Yes ☐No Nomination Slate includes the **total** number of employees.

Private Sector Representative

☐Yes ☐No Appointee is a business owner, chief executive, or chief operating officer of a nongovernmental employer, or nominee has substantial management or policy responsibility. This information must be included in the résumé/curriculum vitae.

☐Yes ☐No At least 51 percent of appointee's annual income is from private sector sources.

☐Yes ☐No Appointee's title on Nomination Slate and on résumé/curriculum vita are the same.

☐Yes ☐No Appointee was nominated by a general-purpose business organization (i.e., an organization that admits for membership any for-profit business operating within the workforce area [Chamber of Commerce or Economic Development Organization]).

Community-Based Organization Representative

☐Yes ☐No CBO making the nomination is a private, nonprofit organization.

☐Yes ☐No Appointee is affiliated with the CBO as a Board member, employee, or active member.

☐Yes ☐No Appointee's title and organization listed on Nomination Slate corresponds to the CBO making the nomination.

☐Yes ☐No Résumé/curriculum vita includes appointee's relation to the CBO, and demonstrates experience in the field of workforce investment.

☐Yes ☐No Résumé/curriculum vita contains statement of how CBO demonstrates expertise and effectiveness in the field of workforce investment.

Organized-Labor Representative

☐Yes ☐No Nomination was submitted by local labor federation (e.g., AFL-CIO and Local Central Labor Councils).

☐Yes ☐No If local labor federation does not exist in the workforce area, nomination was made by local union.

☐Yes ☐No Appointee's title and organization listed on Nomination Slate corresponds to the labor federation/local union making the nomination.

☐Yes ☐No Résumé/curriculum vita includes appointee's relation to the labor federation.

Education Representative

☐Yes ☐No Appointee is a school board member, teacher, administrator, counselor, or an individual actively engaged in the education field.

☐Yes ☐No Board has at least two education representatives, one representing secondary education and one representing postsecondary education.

☐Yes ☐No Appointee's title and organization listed on Nomination Slate corresponds to the education agency making the nomination.

☐Yes ☐No Résumé/curriculum vita includes appointee's relation to the education agency.

Public Employment Representative

☐Yes No Appointee is an employee of TWC.

☐Yes No Workforce Development Division staff prepared nominee's Nomination Slate.

☐Yes No Appointee is nominated by Director of TWC's Workforce Development Division.

Vocational Rehabilitation Representative

☐Yes ☐No Appointee is nominated by an agency that provides services to individuals with disabilities to assist them in preparing for, securing, retaining, or regaining employment.

☐Yes ☐No Appointee is active board member or employee of the vocational rehabilitation organization.

☐Yes ☐No Résumé/curriculum vita includes appointee's relation to the vocational rehabilitation organization.

Public Assistance Representative

☐Yes ☐No Appointee is nominated by a public assistance agency. Public assistance means federal, state, or local government cash payments for which eligibility is determined by a needs or income test.

☐Yes ☐No Appointee is an active board member or employee of the public assistance organization.

Economic Development Representative

☐Yes ☐No Appointee is a board member or employee of the economic development agency making the nomination.

☐Yes ☐No Appointee is nominated by a local planning and zoning commission or board, community development organization, or local organization or institution responsible for regulating, promoting, or assisting in local economic growth, or a private sector economic development entity.

Literacy Council Representative

☐Yes No Appointee was nominated by the local literacy council. If a local literacy council does not exist in the workforce area, appointee was nominated by a literacy provider funded by a local literacy council.

☐Yes ☐No Appointee is a board member, employee, or active volunteer of the literacy organization.

☐Yes No Résumé/curriculum vita includes appointee's relation to the literacy organization.

Adult Basic and Continuing Education Representative

☐Yes ☐No Appointee was nominated by a local public education agency, or a private nonprofit organization that provides educational instruction or other education services to adults who have not obtained a high school diploma or its equivalent.

☐Yes ☐No Appointee is a board member, employee, or volunteers and shall be actively engaged in the provision of or field of adult basic and continuing education.

☐Yes ☐No Résumé/curriculum vita includes appointee's relation to the adult basic and continuing education organization.

SPECIAL BOARD REQUIREMENTS

Child Care Representative

☐Yes ☐No One of the Board members has expertise in child care, **or** early childhood education (***below pre-kindergarten***).

☐Yes ☐No Expertise and/or education is included in the résumé/vita.

Veteran Representative

☐Yes ☐No One of the Board members is a veteran actively engaged in the field of veterans affairs or services. Involvement must be included in the résumé/curriculum vita.

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PART G — APPENDIX

Board Membership Charts

Part G-100: Minimum Requirement Chart A

TABLE I
PRIVATE SECTOR (51%) RATIO

Total Membership	25*	26	27	28	29	30	31	32	33	34	35	36	37
Private Sector Seats	13	14	14	15	15	16	16	17	17	18	18	19	19

38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53
20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27

54	55	56	57	58	59	60	61	62	63	64	65	66	67	68
28	28	29	29	30	30	31	31	32	32	33	33	34	34	35

TABLE II
CBO AND LABOR REPRESENTATIVES (15%) REQUIREMENT

Number of Members	25-26	27-33	34-39	40-46	47-53	54-59	60-66	67-73
Number of CBO and Labor Representatives	4	5	6	7	8	9	10	11

* Minimum Board membership is 25. (See Board Membership Chart B.)

Part G-200: Board Membership Chart B

Local Workforce Development Board Membership		
CATEGORIES	**STATUTORY REQUIREMENTS**	**MINIMUM # OF REPRESENTATIVES**
PRIVATE SECTOR	**Must Constitute a Majority**	**13**
ORGANIZED LABOR AND COMMUNITY-BASED ORGANIZATIONS	**Must Constitute Not Less Than 15%**	**4**
EDUCATION, INCLUDING: Secondary Practitioners Representing Vocational Education	**One or More Representatives**	**1**
and Postsecondary Practitioners Representing Vocational Education	**One or More Representatives**	**1**
VOCATIONAL REHABILITATION	**One or More Representatives**	**1**
PUBLIC ASSISTANCE	**One or More Representatives**	**1**
ECONOMIC DEVELOPMENT	**One or More Representatives**	**1**
PUBLIC EMPLOYMENT SERVICE	**One or More Representatives**	**1**
LOCAL LITERACY COUNCILS	**One or More Representatives**	**1**
ADULT BASIC AND CONTINUING EDUCATION	**One or More Representatives**	**1**
CHILD CARE REPRESENTATIVE	**One of the above members must have child care expertise**	
VETERAN REPRESENTATIVE	**One of the above members must be actively engaged in veteran services**	
	MINIMUM TOTAL:	**25**

PART H: FORMS

PART H-100: CONFLICT OF INTEREST STATEMENT FOR LOCAL WORKFORCE DEVELOPMENT BOARD MEMBERS

Board Nominee: _____

Category Representing: _____

1. Does board nominee, any entity or business he/she is involved with, or the organization for which he/she is being nominated to represent have a contract with the Board?
   Yes☐ No☐ If yes, please explain.

   If yes, nominee will need to make appropriate disclosures to the Board.

_____ _____

Executive Director Date

H-200: Nomination Slate

Local Workforce Development Board Nomination Slate

PLEASE TYPE OR PRINT

1. Workforce Area: _____
2. Name of Nominee: _____
3. Organization Representing _____
4. Position/Title: _____
5. Address: _____ City/Zip Code: _____
6. Telephone Number _____ Fax: _____ Home: _____
7. E-mail: _____
8. Gender: ☐ Male ☐ Female

9. Race: What is the nominee's race? Mark one or more races to indicate what the nominee considers himself/herself to be.

☐ White ☐ Black/African American/Negro ☐ Chinese ☐ Korean

☐ Asian Indian ☐ American Indian/Alaska Native ☐ Samoan ☐ Japanese

☐ Vietnamese ☐ Guamanian or Chamorro ☐ Filipino

☐ Native Hawaiian ☐ Some Other Race _____

10. Hispanic Origin: Is the nominee Spanish/Hispanic/Latino?

☐ No, not Spanish/Hispanic/Latino

☐ Yes, Mexican, Mexican American, Chicano ☐ Yes, Puerto Rican

☐ Yes, other Spanish/Hispanic/Latino, specify: _____ ☐ Yes, Cuban

11. Reference Item 3. Please list any applicable **Employer TWC Tax Account Number(s)**:

1.) _____ 2.) _____ 3.) _____

12. **Total Number of Employees** associated with Employer TWC Tax Account Numbers listed in Item 11: _____

13. Please indicate the Workforce Board category the nominee represents **(Check Only One):**

Private Sector Large/For-Profit Business (large 500 employees or more) ..... ☐
Private Sector Small/For-Profit Business (fewer than 500 employees) ..... ☐
Other Private Sector ..... ☐
Education ..... ☐
Literacy Council ..... ☐
Economic Development ..... ☐
Vocational Rehabilitation ..... ☐
Public Employment Service (TWC) ..... ☐
Adult Basic and Continuing Education ..... ☐
Organized Labor [20 C.F.R. §628.410(a)(3)] ..... ☐
Community-Based Organization (CBO) ☐
Public Assistance ..... ☐

Special Board Requirements - Indicate, if applicable:

14. Nominee has **expertise in child care or early childhood education** ..... ☐
15. Nominee is a **veteran AND is actively engaged** in the field of veterans affairs or services ..... ☐

16. _____
Name of Nominating Organization

17. _____
Street Address or P.O. Box of Nominating Organization City State Zip

18. _____ _____
Telephone Number Fax

19. _____ _____
Signature, Nominating Organization - President, Director, or other official Date of Signature

20. _____ _____
Print or Type Name Print or Type Title

Individuals may receive, review and correct information that TWC collects about the individual by emailing to open.records@twc.state.tx.us or writing to TWC Open Records, Rm 266, 101 East 15th St., Austin, TX 78778-0001.

H-300: CEO/Board Partnership Agreement

CHIEF ELECTED OFFICIAL (CEO)/LOCAL WORKFORCE DEVELOPMENT BOARD PARTNERSHIP AGREEMENT

STATEMENT OF UNDERSTANDING

This is to acknowledge and certify that I, the undersigned, have read, understand, and agree to the terms of the current and legally binding Partnership Agreement. Furthermore, I reserve the option to request negotiations to amend and/or modify the agreement at any time during my individual tenure as Lead CEO or Board Chair Representative.

_____ _____

Signature Print Name

Title: _____
(Board Chair or Lead CEO)

Address: _____

_____

Phone: _____

Fax: _____

E-mail: _____

Workforce Area: _____

Effective Date: _____

Individuals may receive, review and correct information that TWC collects about the individual by emailing to open.records@twc.state.tx.us or writing to TWC Open Records, Rm 266, 101 East 15th St., Austin, TX 78778-0001.

H-400: Board Appointments

LOCAL WORKFORCE DEVELOPMENT BOARD APPOINTMENTS

NAME	CATEGORY REPRESENTED	TERM MONTH/DAY/YEAR THRU MONTH/DAY/YEAR
Appointments (New)		
Reappointments		

AUTHORIZATION

Print/Type CEO Name Print/Type CEO Title

Print/Type name of Workforce Area CEO Signature Date

Individuals may receive, review and correct information that TWC collects about the individual by emailing to open.records@twc.state.tx.us or writing to TWC Open Records, Rm 266, 101 East 15th St., Austin, TX 78778-0001.

H-500: Board Vacancies

LOCAL WORKFORCE DEVELOPMENT BOARD VACANCIES

NAME	CATEGORY REPRESENTED	RESIGNATION/TERMINATION DATE

AUTHORIZATION

Please forward to the Texas Workforce Commission within 20 days after vacancy occurs.

Print or type name of Workforce Area Board Chair Signature

Print/Type Board Chair Name Date

Individuals may receive, review and correct information that TWC collects about the individual by emailing to open.records@twc.state.tx.us or writing to TWC Open Records, Rm 266, 101 East 15th St., Austin, TX 78778-0001.

H-600: Subsequent Certification

TEXAS WORKFORCE COMMISSION

LOCAL WORKFORCE DEVELOPMENT BOARD CERTIFICATION REVIEW PROCESS

WORKFORCE AREA	DATE:

1. LOCAL WORKFORCE DEVELOPMENT BOARD COMPOSITION
Is Board composition consistent with Texas Government Code §2308.256?

Private sector representatives constitute a majority of the membership of the Board ☐Yes ☐No

Community-Based Organization/Organized Labor representatives constitute not less than 15 percent of the membership of the Board ☐Yes ☐No

Representatives of each of the following:
Education

(1) Secondary Education……	Yes	No
(1) Postsecondary Education……	Yes	No
Vocational Rehabilitation……..	Yes	No
Economic Development……	Yes	No
Public Assistance……..	Yes	No
Public Employment Service…….	Yes	No
Literacy Council……	Yes	No
Adult Basic and/or Continuing Education…	Yes	No

Does one of the above members have expertise in child care or early childhood education? ☐Yes ☐No

Is one of the above members a veteran actively engaged in the field of Veteran affairs or services? ☐Yes ☐No

Comments:
Response:

2. DIVERSITY REQUIREMENTS
Is the Board in compliance with the ethnic and geographic diversity of the workforce area in accordance with the 2000 Census? ☐Yes ☐No

Comments:
Response:

3. INDUSTRY REPRESENTATION

Does the private sector membership of your Board reasonable represent the industrial and demographic composition of the business community? ☐Yes ☐No

Comments:
Response:

4. BYLAWS

Date of current bylaws: _____

- Do bylaws include the size of Board? ……. Yes No
- Is composition of Board consistent with bylaws?..... Yes No
- Do bylaws identify conflict of interest policy?..... Yes No
- Are Bylaws signed and dated?..... ☐Yes ☐No

Comments:
Response:

5. PARTNERSHIP AGREEMENT

Date of current Partnership Agreement: _____

- Is Grant Recipient identified?..... Yes No
- Is the administrative entity identified?..... Yes No
- Is process for development of Strategic and Operational Plan Identified?..... ☐Yes ☐No

Comments:
Response:

6. Are the Partnership Agreement and Board Bylaws in agreement with each other? ☐Yes ☐No

Comments:
Response:

7. The Board has developed fiscal policies and procedures to ensure financial controls are in place. The policies and procedures include the following:

- Automation Controls…….. Yes No
- Budget and Funds Management……. Yes No
- Cash and Asset Management…….. Yes No
- Disbursements and Cost Allocation……... Yes No
- Encumbrances and Individual Training Accounts…… Yes No
- Financial Reporting……. Yes No
- Procurement and Property Management…… Yes No
- Revenue Forecasts and Drawdowns…….. ☐ Yes ☐ No

Comments:
Response:

8. WIA PY___ PERFORMANCE & PY____ AVAILABLE PERFORMANCE DATA:

Comments:
Response:

_____ _____
Signature - Board Executive Director Date

Received by TWC: _____ _____
Signature - Workforce Network Support Date