



ADWS Policy Number: WIOA I-B – 6.5, Change 1 Effective Date: March 15, 2024

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## **Certification of Local Workforce Development Boards Policy and Procedures**

### **PURPOSE:**

The purpose of this policy is to provide guidance concerning the membership and certification of local workforce development boards.

### **REFERENCES:**

WIOA §§ 3 & 107  
20 CFR 679  
Arkansas Act 907 of 2015  
A.C.A. § 15-4  
Training and Employment Guidance Letter (TEGL) 27-14, Change 1

### **BACKGROUND:**

Arkansas Act 907 of 2015 requires that in every local workforce development area (LWDA) there is a local workforce development board (LWDB) certified by the Governor, and the purpose of this board is to carry out the functions described in A.C.A. § 15-4-3711 [WIOA § 107(a); 20 CFR 679.350; A.C.A. § 15-4-3709(a)]. The LWDB is responsible for developing a strategy to continuously improve and strengthen the workforce development system in the local areas. The board is also responsible for providing oversight in collaboration with the required and additional partners through the Arkansas Workforce Centers in the local areas. Through their oversight and innovations, the boards can Maximize and continue to improve the quality of services, customer satisfaction, and effectiveness of the services provided [20 CFR 679.300(b)].

The vision of the LWDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The LWDB is to partner with other employers, service providers, and members of the workforce development system to build a quality workforce to meet the skills needed by employers and to assist Arkansans in their pursuit of well-paid, productive jobs [20 CFR 679.300]. To accomplish this vision, chief elected officials (CEOs) must appoint LWDB members who represent the wide range of knowledge and experience needed to effectively represent all facets of the workforce development system.

These representatives must be actively engaged in the activities of the LWDB, as well as activities that support their represented area of the workforce system. They must be carefully chosen from individuals who can best contribute to providing the benefits of the Workforce Innovation and Opportunity Act (WIOA) to all eligible individuals in the LWDA.

The Arkansas Division of Workforce Services (ADWS), as the WIOA administrative entity of the Governor, in partnership with the Arkansas Workforce Development Board (AWDB), must establish the criteria for use by the CEOs in the LWDA to use in the appointment of members of the LWDBs [WIOA § 107(b)(1); 20 CFR 679.350; 20 CFR 679.320; A.C.A. § 15-4-3709(b); TEGL 27-14]. ADWS must also certify each LWDB once every two years [WIOA § 107(c)(2)(A); 20 CFR 679.350; A.C.A. § 15-4-3710(a)].

To ensure that the most effective representatives of required entities are included on the LWDB, all LWDB **members** must have optimum policy-making authority within the LWDA for the entities they represent [20 CFR 679.320(f); TEGL 27-14]. 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 CFR 679.340(a)]. “Optimum policy-making authority” may be documented by the position of the nominee if he or she is the owner, the president, a chief executive officer, a chief operating officer, or other executive of the entity. **If the potential member is not an executive officer, optimum policy-making authority must be documented by a letter from an executive of the entity stating that the nominee 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.** This letter must be on the letterhead of the entity represented, dated, and signed by the authorized executive officer. The content of the letter must also contain a summary of the job description and the experience of the potential member.

## **POLICY AND PROCEDURES**

### **Membership on the LWDB**

The chief elected officials (CEOs) of the LWDA appoint the members of the LWDBs based on the criteria developed by the Arkansas Division of Workforce Services in partnership with the Arkansas Workforce Development Board from nominations submitted as described below [WIOA § 107(b)(1)]; 20 CFR; 679.320; 20 CFR 379.310(A); A.C.A. § 15-4-3709(b)&(g)(1); TEGL 27-14]. Any additional requirements or processes established in the local CEO Agreement must also be followed.

At a minimum, the criteria for the membership of each LWDB must meet the following guidelines [WIOA § 107(b)(2); 20 CFR 679.320(b); A.C.A. § 15-4-3709(c); TEGL 27-14]. Documentation attesting to meeting the criteria must be maintained and must be made available to the certification team.

Each LWDB must include representatives from four categories: business representatives; workforce representatives (or representatives of the workforce); representatives of education and training; and representatives of government, economic development, and community development entities [WIOA § 107(b); TEGL 27-14].

### **Business Representatives.**

Business representatives must represent the workforce needs and interests of the local workforce development area’s business community. They must be able to inform the local board about the needs of businesses in the local area, as well as to commit their businesses to actions that meet those needs.

To meet this goal, at least fifty-one percent (51%) of the LWDB must be representatives of businesses in the LWDA who *[WIOA § 107(b)(2)(A); A.C.A. § 15-4-3709(c)(1); 20 CFR 679.320(b); TEGL 27-14]:*

- 1) Are owners of businesses, chief executives or operating officers of businesses, or other business executives or employees with optimum policymaking, as defined above, of the entity they represent *[WIOA § 107(b)(1); 20 CFR 679.320(b)(1); A.C.A. § 15-4-3709(c)(1)(A); TEGL 27-14];* and
- 2) Represent businesses or organizations that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local workforce development area. At least two (2) of the representatives must represent small businesses as defined by the Small Business Administration *[WIOA § 107(b)(2); 20 CFR 679.320(b)(2); A.C.A. § 15-4-3709(c)(1)(B); TEGL 27-14].*

For the purposes of this policy, “business” is defined as a privately owned and managed entity. This definition does not include entities owned or managed by a city, school district, state-supported college, county, state, or other such government entity. As long as they are otherwise eligible to serve, private sector representatives may be selected from for-profit or private nonprofit businesses.

The chief elected officials should appoint business representatives who reflect the employment opportunities in the local area, including the region’s larger employers and emerging growth areas, while also including small business owners, as required.

To assist in meeting the business-driven purpose of the LWDB, the chairperson and the vice-chairperson of the LWDB must be elected from the business representatives on the local board.

The CEO(s) must select the business representatives from nominees from local business organizations and business trade associations *[WIOA 107(b)(2)(A)(iii); 20 CFR 679.320(g)(1); A.C.A. § 15-4-3709(c)(1)(C)].* For the purpose of nominating business representatives to the local board, a business organization is an entity that is an organized group of business representatives, the purpose of which is to benefit all of the business members. Examples include, but are not limited to chambers of commerce, local economic development associations, and local merchants’ associations. The Federal Trade Commission (FTC) defines a trade association as a not-for-profit organization made up of a collection of companies and/or individuals with common interests who work in the same industry. The purpose of the organization is to promote and improve business conditions in that line of commerce. This policy does not prohibit the business organization or business trade association from nominating a qualified executive officer of the business organization or business trade association if the nominee meets all requirements.

The nomination letter must be made on organizational letterhead by the president, director, or chief executive officer of the business organization or business trade association. The nomination must be dated the day it was sent or signed. The following documentation must be provided to the CEO(s) before an appointment can be made:

- 1) A description of the high-quality, in-demand occupations for which employment opportunities are available in the business. *[WIOA § 107(b)(2)(A)(ii); 20 CFR 679.320(b)(2); A.C.A. § 15-4-3709(c)(1)(B); TEGL 27-14]* Such documentation may be a letter from a company business executive, information from the business website, labor market information provided by the Arkansas Division of Workforce Services (ADWS), or other such documentation.
- 2) A letter from the owner, chief executive officer, chief operating officer, or other executive officer that the individual can speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action, unless the individual being nominated is the business owner, chief executive officer,

or chief operating officer, or another executive officer [WIOA § 107(b)(2)(A)(i); WIOA § 107(b)(5); 20 CFR 679.320(b)(1); 20 CFR 679.320(g); A.C.A. § 15-4-3709(c)(1)(B)] 20 CFR 679.340(a); TEGL 27-14].

At least two (2) of the members must represent small businesses as defined by the U.S. Small Business Administration (SBA) [20 CFR 679.320(b)]. Documentation must be provided that each small business qualifies as a small business by the SBA. The SBA definition of “small business” is determined by many factors, including the type of business, the number of employees, and the average yearly revenue. To document that a business qualifies as a small business, local areas may use the size standards tool at <https://www.sba.gov/size-standards/index.html> or they may request a document or a statement from the business’s executive specifying that the SBA has declared the business to be a small business.

### **Representatives of the Workforce.**

Representatives of the workforce (or workforce representatives) must represent the needs and interests of employees in the local area. They must be able to inform the local board about the needs of employees and assist the local board with policies related to the training and development of employees and potential employees. Representatives of the workforce must be able to commit their organizations to actions that meet those needs and that increase the availability of quality workers in the local area. Not less than twenty percent (20%) of the members of each LWDB must be representatives of the workforce within the LWDA who meet at least one of the following numbered criteria [WIOA § 107(b)(2)(B); 20 CFR 679.320(c); A.C.A. § 15-4-3709(c)(2); TEGL 27-14]. At least one representative from each of the numbered criteria must be included on the LWDB unless the criterion does not apply, or the criterion contains the phrase “may include”:

- 1) If employees of businesses in the LWDA are represented by one or more labor unions or organizations, the CEO(s) must select at least two labor representatives from individuals nominated by local labor federations [WIOA § 107(b)(2)(B)(i); 20 CFR 679.320(c)(1); A.C.A. § 15-4-3709(c)(2)(A); TEGL 27-14]. If the local area has no labor unions or organizations, this information must be documented and submitted with the application for certification.

If no employees of businesses in the LWDA are represented by labor organizations, the CEOs must select representatives from individuals nominated by other organizations that represent employees [WIOA § 107(b)(2)(B)(i) 20 CFR 679.320(c)(1); A.C.A. § 15-4-3709(c)(2)(A); TEGL 27-14]. This may include employee organizations that are not affiliated with labor federations and/or are not unions; however, they must represent employees (e.g. non-union teacher organizations).

- 2) If there is a joint labor-management, or union affiliated registered apprenticeship program in the LWDA, a representative must be selected from individuals nominated by this program and who must be a training director or member of a labor organization [WIOA § 107(b)(2)(B)(iii); 20 CFR 679.320(c)(2); A.C.A. § 15-4-3709(c)(2)(B); TEGL 27-14].

If the LWDA does not have such a program, the CEOs must retain documentation to support the lack of a program. In addition, a representative of a registered apprenticeship program in the LWDA must be selected from nominations by apprenticeship programs [WIOA § 107(b)(2)(B)(iii); 20 CFR 679.320(c)(2); A.C.A. § 15-4-3709(c)(2)(B); TEGL 27-14].

- 3) Representatives of the workforce may include representatives of community-based organizations (CBOs) that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including but not limited to, organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities [WIOA § 107(b)(2)(B)(iii); 20 CFR 679.320(c)(3); A.C.A. § 15-4-3709(c)(2)(C); TEGL 27-14].

- 4) Representatives of the workforce may include representatives of organizations that have demonstrated experience and expertise, as defined in 20 CFR 679.340(b), in addressing the employment, training, or education needs of eligible youth, including, but not limited to, representatives of organizations that serve out-of-school youth [*WIOA § 107(b)(2)(B)(iv); 20 CFR 679.320(c)(4); 20CFR 679.340(b); A.C.A. § 15-4-3709(c)(2)(D); TEGL 27-14*]].

Relevant definitions for representatives of the workforce, for the purposes of this policy:

- a) A labor organization is an association of workers who have combined to protect or promote their combined interests by bargaining collectively with their employers to secure better working conditions, wages, and similar benefits. “Similar benefits” include benefits traditionally provided by labor organizations such as strike, lockout, death, sickness, accident, and other benefits. Labor organizations need not be recognized as labor unions [<https://www.irs.gov/charities-non-profits/other-non-profits/labor-organizations>].
- b) A labor union is a labor organization that has met certain legal requirements to be classified as a union.
- c) A labor federation is an organization representing workers and consisting of two or more labor unions [*Cambridge Business English Dictionary*].
- d) Employee organization means any organization, association, committee, or group, in which employees participate and which exists for the purpose of employee representation, in whole or in part, of dealing with employers concerning matters incidental to employment relationships [*29 U.S. Code § 1002(4)*].
- e) Community-based organization means a private nonprofit organization (which may include a faith-based 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 development [*WIOA § 3(10)*].
- f) Regarding an individual, the term “demonstrated experience and expertise” means that the individual has one of the following characteristics [*20 CFR 679.340(b)*]:
- i. Is a workplace learning advisor, as defined in WIOA § 3(70), who has the knowledge and skills necessary to advise other employees of their organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency;
  - ii. Contributes to the field of workforce development, human resources, training and development, or a core program function; or
  - iii. Is recognized by the LWDB for valuable contributions in education or workforce development related fields.

The individual must also have optimum policy-making authority, as required for all LWDB members. [*20 CFR 679.320(f)*].

### **Education and Training Representatives.**

Representatives of education and training help the LWDB understand the requirements and availability of programs of study that prepare individuals for in-demand employment that leads to self-sufficiency. They must be able to commit their entities to actions that meet the needs of potential participants, as well as the business needs in the local area. Each LWDB must include representatives of entities administering education and training activities in the LWDA [*WIOA § 107(b)(2)(C); 20 CFR 679.320(d); A.C.A. § 15-4-3709(c)(3)*]. At least one representative from each of the following numbered criteria must be included on the LWDB unless the criterion does not apply, or the criterion contains the phrase “may include”:

- 1) Must Include a representative of eligible providers administering adult education and literacy activities under WIOA title II [*WIOA § 107(b)(2)(C)(i); 20 CFR 679.320(d)(1); A.C.A. § 15-4-3709(c)(3)(A)*]. This representative must be designated by the Director or Deputy Director of the Arkansas Title II Adult Education program, as stated below.

- 2) Must Include a representative of institutions of higher education providing workforce investment activities, including, but not limited to, community colleges [WIOA § 107(b)(2)(C)(ii); 20 CFR 679.320(d)(2); A.C.A. § 15-4-3709(c)(3)(B)]. Nominees for this position may be made by individual institutions or by a local consortium of institutions.
- 3) May include representatives of local educational agencies and of community-based organizations administering education and training activities with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment [WIOA § 107(b)(2)(C); 20 CFR 679.320(e)(1); A.C.A. § 15-4-3709(c)(3)(C)]. Nominations for this position may be made by the individual local education agencies that address the educational and training needs of individuals with barriers to employment, or they may be made by organizations that specialize in the needs of individuals with barriers to employment.

**Government, Economic Development, and Community Development Representatives.**

Representatives of government, economic development, and community development inform the board concerning available programs and services and use their positions to attempt to meet the needs of employers and potential employees in the local area. They must be able to speak for their entities and to commit their entities to actions. Each LWDB must include representatives of government, economic development, and community development entities serving the LWDA [WIOA § 107(b)(2)(D); A.C.A. § 15-4-3709(c)(4)]. At least one representative from each of the following numbered criteria must be included on the LWDB unless the criterion does not apply:

- 1) Must Include a representative of economic and community development entities [WIOA § 107(b)(D)(i); 20 CFR 679.320(d)((3)(i); A.C.A. § 15-4-3709(c)(4)(A)]; Nominations must be made by either local economic and community development entities or by a state agency.
- 2) Must Include an appropriate representative providing services to the LWDA under the Wagner-Peyser Act. 29 U.S.C. § 49 et seq., [WIOA § 107(b)(2)(D)(ii); 20 CFR 679.320(d)((3)(ii); A.C.A. § 15-4-3709(c)(4)(B)]. This representative must be designated by the Director or Deputy Director of the Arkansas Division of Workforce Services, as stated below.
- 3) Must include an appropriate representative carrying out programs under title I of the Rehabilitation Act of 1973, 29 U.S.C. § 720 et seq., other than 29 U.S.C. § 112 [repealed], § 732, or 741, serving the LWDA [WIOA § 107(b)(2)(D)(iii); 20 CFR 679.320(d)((3)(iii); A.C.A. § 15-4-3709(c)(4)(C)]. This representative must be designated by the Director or Deputy Director of the Arkansas Division of Workforce Services, as stated below.

When a representative of an Arkansas state agency is required, the Director or Deputy Director of the appropriate agency must designate the required representative(s) for the LWDB. If possible, this representative must work or live within the local area. This designation must be accepted by the CEOs. The designation of the agency representative must be done in writing by July 1 of each year, either on agency letterhead or by agency email signed by the Director or Deputy Director of the agency. A replacement representative must be designated to the local board within one month if the local board representative no longer works for the agency or leaves the local board for another reason.

**Other Allowed LWDB Members.**

The CEOs may select other entities to serve on the LWDB if they determine that such representatives will contribute to the decisions made by the board. The CEO Agreement must be followed in the selection of these members. Each member must have optimum policy-making authority within the entities represented [20 CFR 679.320(f); 20 CFR 679.340]. Nominees must be made by a chief elected official of the LWDA. The chief elected official must write the nomination letter detailing the demonstrated experience. If the potential member is not an executive officer, an executive officer of the entity must submit a letter stating that the person has optimum policy-making authority.

- 1) The LWDB may include representatives of agencies or entities administering programs serving the LWDA relating to transportation, housing, and public assistance [WIOA § 107(b)(D)(iv); 20 CFR 679.320(e)(2); A.C.A. § 15-4-3709(c)(4)(D)].
- 2) The LWDB may include representatives of philanthropic organizations serving the LWDA [WIOA § 107(b)(D)(v); 20 CFR 679.320(e)(3); A.C.A. § 15-4-3709(c)(4)(E)].
- 3) The LWDB may include other individuals or representatives of entities that the CEOs in the LWDA may determine to be appropriate [WIOA § 107(b)(2)(E); 20 CFR 679.320(e)(4); A.C.A. § 15-4-3709(c)(5)].

**Nomination Procedure and Required Documentation:**

- 1) Unless otherwise specified, nominations must be submitted in writing by an authorized signatory on the letterhead of the nominating entity, or as otherwise designated above. The nomination letter must be dated.
- 2) An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation in each entity [20 CFR 679.320(h)]. Separate nomination documentation must be completed and submitted for each entity.
- 3) The following documentation must be submitted with each nomination:
  - a) Documentation supporting the individual's qualifications to serve in the nominated category.
  - b) Documentation supporting the individual's optimum policy-making authority for the entity represented, such as, but not limited to [20 CFR 679.320(f)]:
    - i. Documentation that the individual is a chief executive officer, a chief operating officer, or other executive officer of the entity represented [TEGL 27-14]; **or**
    - ii. If the nominee does not hold the position of an executive officer within the entity, a letter must be submitted from an executive officer stating that the nominee can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and may commit that entity to a chosen course of action.
- 4) Staff of the LWDB must use the documentation provided to complete Section 1 of the Board Member Nomination & Appointment Form (Attachment A to the CEO Membership Guide for LWDBs) and submit the form and documentation to the CEOs for consideration for appointment to the LWDB. The nominated individual may not be appointed to be on the LWDB without all required documentation. When a nominee is selected for membership on the LWDB by the CEOs, Section 2 of the Board Member Nomination & Appointment Form must be completed and signed in accordance with the process and requirements established in the CEO Agreement. The length of appointment on the LWDB must follow the LWDB bylaws.
- 5) The new appointee must sign a conflict-of-interest form that details any conflicts of interest the person may have. The conflict-of-interest document must be renewed by each board member by July 1 of each year and within 45 days of any change in the financial interests of the member that may give rise to a conflict of interest.
- 6) Every new member must receive board orientation within 45 days of appointment. A signed board orientation acknowledgement must be maintained with other board member documentation.
- 7) When a new member is appointed to the LWDB or an existing member is reappointed to the LWDB, the following documentation must be submitted to [WIOA@arkansas.gov](mailto:WIOA@arkansas.gov) within 10 calendar days of the appointment date:
  - a) Nomination documentation (see CEO Membership Guide for LWDBs for details)
  - b) Conflict-of-interest form

- c) Board Member Nomination & Appointment Form (Attachment A to the CEO Membership Guide for LWDBs)
- d) Updated Board Member Roster (Attachment B to the CEO Membership Guide for LWDBs)

The acknowledgement of board member orientation must be submitted within 45 calendar days of appointment.

- 8) When a member is reappointed to the LWDB, Steps 1-4 and Step 7 above must be repeated, and documentation must be submitted to [WIOA@arkansas.gov](mailto:WIOA@arkansas.gov) within 10 calendar days of the reappointment date.
- 9) If a board member no longer meets the requirements of the category represented, the board member must be removed from the category. If appropriate, the member may be nominated and appointed to another category by following Steps 1-4 and Step 7 above.
- 10) When an LWDB member is added or removed from the board membership, the Board Member Roster (Attachment B to the CEO Membership Guide for LWDBs) must be revised to reflect the current board membership and submitted to [WIOA@arkansas.gov](mailto:WIOA@arkansas.gov), with a copy to the appropriate regional advisor for the LWDA. It must also be posted to the LWDB website within 10 calendar days of the date of the change.

**LWDA Governance and Administration:**

Note: This section is not all-inclusive. Additional information may be found in the CEO Membership Guide for LWDBs.

- 1) The LWDB must comply with A.C.A. Tit.25, Ch.19 concerning the Arkansas Freedom of Information Act, including A.C.A. § 25-19-106 concerning Open Public Meetings. Part of this requirement is that two or more LWDB members may not discuss Board matters outside of open, recorded meetings [*Arkansas Freedom of Information Act Handbook*]. Minutes and recordings of meetings must be kept and may be examined for compliance with the Arkansas Freedom of Information Act Handbook, which may be found on the Arkansas Attorney General’s website at <https://arkansasag.gov/wp-content/uploads/2022-FOIA-Handbook-20th-Edition.pdf>. Meetings and documentation (such as minutes, attendance records, recordings, etc.) must also comply with all other applicable state and federal regulations and ADWS Issuance PY16-19.
- 2) Conflict -of -interest forms listing entities for which there might be a conflict of interest must be completed by each LWDB member and committee member prior to their first meeting each program year.

**LWDB Certification:**

- 1) Once every two (2) years, ADWS as the Governor’s administrative entity, must certify one (1) LWDB for each LWDA in the state [*WIOA § 107(c)(2)(A); 20 CFR 679.350; A.C.A. § 15-4-3710(a)*].
  - a) The first certification of a new LWDB will be based on membership criteria given in this policy. [*WIOA§ 107(c)(2)(B); A.C.A. § 15-4-3710(b)*]
  - b) The second and subsequent certifications will be based on the membership criteria in this policy and also on the extent to which the LWDB has ensured that the workforce development activities carried out in the LWDA have enabled the LWDA to meet the corresponding performance accountability measures and achieve sustained fiscal integrity [*WIOA§ 107(c)(2)(B); A.C.A. § 15-4-3710(b)*].
- 2) Failure of an LWDB to achieve certification must result in the decertification of that board. [*WIOA§ 107(C); A.C.A. § 15-4-3710(c)*]. A new LWDB may be appointed and certified for the LWDA pursuant to a reorganization plan developed by ADWS, as the administrative entity of the Governor, in consultation with the CEOs in the LWDA [*WIOA§ 107(c)(3)(C); A.C.A. § 15-5-3710(e)*].



- 3) After providing notice and an opportunity for comment, ADWS, as the administrative entity of the Governor, may decertify an LWDB at any time for:
  - a) Fraud or abuse *[WIOA § 107(c)(3)(A)(i); (A.C.A. § 15-4-3710(d)(1))*;
  - b) Failure to carry out the functions specified for the LWDB, as listed in A.C.A. § 15-4-3711; *[WIOA § 107(c)(3)(A)(ii); (A.C.A. § 15-4-3710(d)(2))*; OR
  - c) Failure to meet the local performance accountability measures for two (2) consecutive program years *[WIOA § 107(c)(3)(B)); A.C.A. § 15-4-3710(d)(3)]*.
  
- 4) Documents that must be available to the Certification Team for review are:
  - a) CEO Agreement, if there is more than one (1) CEO in the LWDA, that specifies the respective roles of the individual CEOs *[WIOA § 107(c)(B); 20 CFR 679.310(e); A.C.A. § 15-4-3709(g)(2)]*:
    - i. In the appointment of the members of the LWDB from the individuals nominated to be members *[WIOA § 107(c)(B), A.C.A. § 15-4-3703(1)(B) & A.C.A. § 15-4-3709(g)(2)(A)]*; and
    - ii. In carrying out the other responsibilities assigned to the CEOs under WIOA, Pub. L. No. 113-128 *[WIOA § 107(c)(B)(II); A.C.A. § 15-4-3709(g)(2)(B)]*.
  - b) CEO bylaws discussed in 20 CFR 679.310(g).
  - c) All nomination forms, signed by the CEOs appointing the LWDB members.
  - d) Board minutes for the last two (2) years, showing attendance and the voting/abstention of members as required by ADWS Issuance PY16-09.
  - e) Most recent Local Plan (and the Regional Plan, if appropriate).
  - f) Youth Service Provider Chart (Listing each of the 14 elements and the available service provider(s) for each).
  - g) LWDB Title I-B Grievance and Complaint Procedures, as required by ADWS Policy No. WIOA I-B - 4.3.
  - h) Local Priority of Service for Veterans Policy and Procedures, as required by ADWS Policy No. WIOA I-B – 2.2.
  - i) Local Priority of Service for Individuals with Barriers to Employment Policy and Procedures, as required by ADWS Policy No. WIOA I-B – 2.8.
  - j) Local Follow-up Services Policy for Adults and Dislocated Workers, as described in ADWS Policy No. WIOA I-B – 3.1.
  - k) Local Work Experience Policy, as required by ADWS Policy No. WIOA I-B – 3.8.
  - l) Local Supportive Services Policy and Procedures, as required by ADWS Policy No. WIOA I-B – 3.9.
  - m) Local Confidentiality Policy and Procedures, as required by ADWS Policy No. WIOA I-B – 4.1.
  - n) Local Self-Sufficiency Definition, as required in 20 CFR 680.710.
  - o) Local individual training account Policy and Procedures.
  - p) Contracts and/or agreements for the provision of Title I-B Services.
  - q) All requests for proposals issued in the last two (2) years for services that must be procured through a competitive bidding process.

**Note:** Although the certification team will ensure that the LWDA has the required LWDB documentation, the ADWS Accountability and Compliance Unit will also review LWDB documentation for content, as necessary and as required by federal and state regulations. LWDB documentation is subject to review by the ADWS Accountability and Compliance Unit at any time for compliance according to state and federal regulations.

**Appeals:**

If the Governor determines that a reorganization of the LWDA is required due to a substantial violation of WIOA title I or because the LWDA has failed to meet local performance indicators for consecutive program years, the LWDB may appeal this decision to the U.S. Department of Labor as explained in ADWS Policy No.6.1, WIOA §§ 116(g)(2)(A) & 184(b); and 20 CFR 361.225, 463.225, 677.225, 683.410, or 683.650; TEGL 27-14.