



2020.02.20.A.1

Strategic Policy

Title:	Board Governance and Leadership
Adopted:	02/20/2020
Effective:	02/20/2020

I. PURPOSE AND SCOPE

The purpose of the CareerSource Florida Board of Directors is to design, implement and invest in strategies that foster collaboration and cooperation among workforce, education and industry partners to help Floridians enter, remain and succeed in the workforce. These strategies help Floridians and businesses and advance the development of the state's business climate. A knowledgeable and skilled workforce is essential for attracting economic development opportunities that align with Florida growth strategies. Efforts at enhancing employment, education and training to advance economic growth, upward mobility and diversification of Florida's economy.

Under the Workforce Innovation and Opportunity Act (WIOA), local workforce development boards, partner programs and entities jointly responsible for workforce and economic development, educational and other human resource programs must collaborate and create an ethical, transparent customer-focused career center network that integrates service delivery across all programs. This integrated system enhances job seekers' access to training programs and resources that build quality skills, provide employment opportunities and create a pipeline of talent for employers to find and hire qualified candidates.

This policy applies to CareerSource Florida, the Florida Department of Economic Opportunity and all local workforce development boards. Local workforce development boards shall align local strategies and policies for employment, education and training with the WIOA, Florida law and the state's workforce development plan. Local strategies shall prioritize employment, emphasize education and training, and ensure local workforce development boards are responsive to Florida employers' demand for qualified workforce talent. These strategies shall be written and placed in each local workforce development board's four-year plan and reflected in the local workforce development board operating policies.

II. BACKGROUND

State Workforce Development Board

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

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

Local Workforce Development Boards

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

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

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

III. POLICY

High-Performing Local Workforce Development Boards

Through this policy, the CareerSource Florida Board of Directors requires local workforce development boards to meet the functions described in WIOA, Sections 107 and 108, and employ sound management practices and controls for the proper expenditure of funds and verification of program outcomes. Local workforce development boards place a strong emphasis on data-driven decisions and encourage board staff to employ proven measurement and improvement systems to evaluate performance.

Local workforce development boards will encourage discussion about key program improvements and outcomes, stressing the importance of communication within the organization. Each local workforce development board and its staff will understand key programmatic requirements and performance outcomes and how those data elements contribute to success.

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

Both local workforce development board members and staff must maintain integrity, accountability and transparency in decisions and actions that earn and protect the public trust in compliance with CareerSource Florida Strategic Policy 2018.09.26.A.1: Ethics and

Transparency. This includes taking all necessary steps to avoid the appearance of conflicts of interest.

Local Workforce Development Area Representation

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

The CLEO(s) may not delegate the responsibility of appointing members to the local workforce development board, to the executive director or to staff.

Designated local workforce development areas that are composed of multiple counties shall develop a process for all chief local elected officials to participate in the appointments process to ensure appropriate and equitable representation from all counties included in the area and reflect the representation in interlocal, consortium and/or other agreements. Chief local elected officials who are not active members of local workforce development boards are encouraged to participate in board meetings.

Duties of the Chair

Each local workforce development board shall elect a chair to direct the business of the board. The chair must be one of the business representatives on the board as described in WIOA Section 107(b)(2). Each local workforce development board may designate and direct the activities of standing committees to provide information and to assist the local workforce development board in conducting activities described in WIOA Section 107. Such standing committees shall be chaired by members of the board and shall include other individuals appointed by the local workforce development board as persons determined by the local workforce development board to have appropriate experience and expertise.

The board chair shall not simultaneously act as the employed Chief Executive Officer, President or Chief Financial Officer of any local workforce development board or career center.

Education and Industry Consortia

Each local workforce development board shall create an education and industry consortium composed of representatives of educational entities and businesses in the designated service delivery area. Education and industry consortia in each local area shall provide quarterly reports to the applicable local board which provide community-based information related to educational programs and industry needs to assist the local board in making decisions on programs, services, and partnerships in the service delivery area. The local board shall consider the information obtained from the consortium to determine the most effective ways to grow, retain and attract talent to the service delivery area.

The chair of the local workforce development board shall appoint the consortium members. A member of a local workforce development board shall not serve as a member of the consortium. Consortium members shall be appointed for two-year terms beginning on January 1 of the year of appointment, and any vacancy on the consortium must be filled for the remainder of the unexpired term in the same manner as the original appointment.

Education and industry consortiums are subject to state law and CareerSource Florida strategic and administrative policies.

Management of Executives

To effectively fulfill their responsibilities and expectations, local workforce development boards may hire executive directors, presidents and/or chief executive officers to conduct the board-directed programmatic, financial and operational functions of the local workforce development board and one-stop career centers. Local workforce development boards shall have policies requiring regular performance reviews for the executive director, president and/or chief executive officers. Performance reviews must, at a minimum, include local area performance in the federal and state programs administered by the workforce board in the designated area including, but not limited to WIOA, Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), and state-issued letter grades.

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

Chief executive officers, chief operating officers and chief financial officers shall not simultaneously act as members of any local workforce development board.

Contracts and Curing Conflicts of Interest

Local boards must adopt and abide by a conflict-of-interest policy that ensures compliance with federal and state laws, rules and regulations and applicable state policies. Upon appointment to the local board, members must be educated about and acknowledge state and local conflict-of-interest policies.

To increase transparency and accountability, a local workforce development board must comply with the requirements of Chapter 445.007(11), Florida Statutes before contracting with a member of the local board; a relative, as defined in Section 112.3143(1)(c), of a local board member; an organization or individual represented on the local board; or an employee of the local board. Such contracts may not be executed before or without the prior approval of the Department of Economic Opportunity. Such contracts, as well as documentation demonstrating adherence to Chapter 445.007(11), Florida Statutes as specified by the Department of Economic Opportunity, must be submitted to the department for review and approval. Such a contract must be approved by a two-thirds vote of the local board, a quorum having been established; all conflicts of interest must be disclosed before the vote in a manner that is consistent with the procedures outlined in Section 112.3143(4), Florida Statutes, and any member who may benefit from the contract, or whose organization or relative may benefit from the contract, must abstain from the vote. A contract subject to the requirements of Chapter 445.007(11), Florida Statutes may not be included on a consent agenda.

A contract under \$10,000 between a local workforce development board; a relative as defined in Section 112.3143(1)(c), of a local workforce development board member; or an employee of the local workforce development board is not required to have the prior approval of the Department of Economic Opportunity, but must be approved by a two-thirds vote of the local workforce development board, a quorum having been established, and must be reported to the

Department of Economic Opportunity and the CareerSource Florida Board of Directors within 30 days after approval.

All contracts between a local board and a member of the local board; a relative, as defined in Section 112.3143(1)(c), of a local board member; an organization or individual represented on the local board; or an employee of the local board must be published on the local board's website, within 10 days after approval by the local board or Department, whichever is later. Such contracts must remain published on the website for at least one year after termination of the contract.

In considering whether to approve a contract under Section 445.007(11), Florida Statutes, the Department of Economic Opportunity shall review and consider all documentation provided to the department by the local workforce development board, including the performance of the entity with which the local workforce development board is proposing to contract with, if applicable, and the nature, size, and makeup of the business community served by the local workforce development board, including whether the entity with which the local workforce development board is proposing to contract with is the only provider of the desired goods or services within the area served by the local workforce development board.

Local Workforce Development Board Budget

Subject to the approval of the chief local elected official, each local workforce development board shall develop a budget for the purpose of performing the duties of the local board under WIOA Section 107, Section 108 and Section 445.007, Florida Statutes. Each local board shall submit its annual budget for review to the Department of Economic Opportunity no later than two weeks after the chair approves the budget. The local board shall publish the budget on its website within 10 days after approval by the Department. The budget shall remain published on the website for the duration of the fiscal year for which it accounts for the expenditure of funds.

Employee Compensation

Each local workforce development board shall annually, within 30 days after the end of the fiscal year, disclose to the Department of Economic Opportunity, in a manner determined by the department, the amount and nature of compensation paid to all executives, officers, directors, trustees, key employees, and the highest compensated employees including the President or Executive Director, as defined for the purposes of the Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax, including salary, bonuses, present value of vested benefits including but not limited to retirement, accrued leave and paid time off, cashed-in leave, cash equivalents, severance pay, pension plan accruals and contributions, deferred compensation, real property gifts, and any other liability owed to such persons.

The disclosure must be accompanied by a written declaration, as provided for under Section 92.525(2), Florida Statutes, from the Chief Financial Officer, or his or her designee, that he or she has read the foregoing document and the facts stated in it are true. Such information must also be published on the local workforce development board's website, or for a period of three years after it is first published.

Return of Organization Exempt from Income Tax

Each local workforce development board shall annually publish its most recent Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax, on its website, or the department's website if the local workforce development board does not maintain a website. The form must be posted on the local workforce development board's website within 60 calendar

days after it is filed with the Internal Revenue Service and remain posted for three years after it is filed.

IV. AUTHORITY

[Public Law 113-128, Workforce Innovation and Opportunity Act \(2014\)](#)

[20 CFR Part 679 – Statewide and Local Governance of the Workforce Development System Under Title I of the Workforce Innovation and Opportunity Act](#)

[Training and Employment Guidance Letter 35-10](#)

[Chapter 445.003 – 445.007, Florida Statutes](#)

[Chapter 112, Florida Statutes](#)

[Chapter 119, Florida Statutes](#)

[Chapter 286, Florida Statutes](#)

[CareerSource Florida Strategic Policy 2018.09.26.A.1: CareerSource Florida Ethics and Transparency](#)

[CareerSource Florida Strategic Policy 2020.06.04.A.2: State Workforce Development Board Roles and Responsibilities](#)

[CareerSource Florida Strategic Policy 2021.12.09.A.1 – Comprehensive Employment Education and Training Strategy](#)

[CareerSource Florida Administrative Policy 110: Local Workforce Development Area and Board Governance](#)

[Memorandum July 1, 2021: Reimagining Education and Career Help Act \(House Bill 1507\) and Related Party Contracts](#)

IV. RESOURCES

[WIOA Fact Sheet: Governance and Leadership](#)

[Reimagining Florida’s Workforce System: A Three-Pillar Plan for Transformation](#)

V. HISTORY

Description

06/07/2023	Updated to reflect changes to Chapter 445, Florida Statutes, implementation of the 2021 Reimagining Education and Career Help (REACH) Act and implementation of Florida's Workforce System Transformation Plan; Strikes the term "chartering" and refers specifically to certification of local areas and local workforce development boards.
02/20/2020	Adopted by CareerSource Florida Board of Directors