

Application Guide for Module 2

The Local Workforce Development Board

Using this Guide

As you go through this training, you will see these icons which indicate a prompt for reflection. You can:



1. Pause the training and do the prompt, OR
2. Complete the training and then go through the guide.

You can then address specific questions through the Technical Assistance provided by WIOA subject matter experts.

Part 1: Focus and Structure of the LWDB

LWDB Composition

- Does your board membership align with WIOA requirements?
- If not, how will your board change to better align?
- Do you have fixed and staggered 3-year terms?
- Do your by-laws have an attendance policy? An appeals process?

Fiscal Agent

- Who is your fiscal agent? Who are they affiliated with?
- How are your workforce board's funds managed?
- What's your fiscal process to receive and distribute funds? Who signs off on funds?
- What's the communication and reporting relationship between the fiscal agent and the board?
- Do you have a fiscal agent agreement [more on agreements in Module 5]?

Paid Staff

- What paid staff positions are at your local workforce board?
- Are there additional capacities that your board could support with additional paid staff?
- How do paid staff advance the goals of the board?
- Which committees do they support?



Committees

- How do your committees help to advance the work of the LWDB?
- Do you have the NJ required committees (youth, disability, One Stop, literacy, and fiscal, which may be part of the executive committee)?
- If not, which one(s) will you add and how, so that you have all required ones?
- Which, if any, of the optional ones (executive, business services, outreach, planning, and operations) do you have? Are you considering adding any of these?
- What additional expertise and stakeholders does your committee structure allow your LWDB to leverage?

Part 2: Avoiding Conflicts of Interest

- All governance should be within the capacity of the LWDB. Therefore, build LWDB capacity, following WIOA-prescribed structure. Avoid conflict of interest primarily through this structure. With this in mind:
 - How are you building the capacity of your board to support governance?
 - In regards to the 14 governance responsibilities below, consider: Which functions are you already carrying out? Which ones do you have plans in place for? And which ones do you need to build or develop your LWDB capacity for?
- The 14 WIOA-prescribed governance responsibilities are:

1. Leading local and regional planning
2. Analyzing labor market information
3. Convening, brokering, and leveraging stakeholders
4. Engaging with employers
5. Developing career pathways
6. Identifying proven and promising practices for dual customers
7. Using technology to maximize accessibility and effectiveness
8. Conducting program oversight
9. Setting local performance accountability measures
10. Negotiating with stakeholders on infrastructure costs
11. Selecting One Stop Operators and Career and Youth Services Providers
12. Coordinating with education providers
13. Developing and administrating the budget
14. Evaluating accessibility for individuals with disabilities



- Does your LWDB and operations staff each have separate lines of reporting?
- How do you separate governance staff who competitively procure services, from operational staff who provide services?
- How do you separate the staff who monitor contracts and compliance, from the staff who carry out those contracts?
- Where do you need to set up firewalls between governance and operations?
- How do you separate your files for governance from your files for operations?

Conflicts of Interest and Firewall Reference

A **conflict of interest** occurs when an employee or volunteer has a personal or business interest that conflicts with their professional obligations or responsibilities. A conflict of interest can be a conflict in fact, or a conflict in appearance.

Conflict in fact. This is when the person is responsible for decisions, approval, or recommendations concerning family, spouse, employer, or other financial or biased relationship.

Conflict in appearance. Taking actions that create an appearance of private gain, special treatment, subjectivity, informality, or other impropriety affecting the public's confidence.

All governance should be within the capacity of the LWDB. Therefore, build LWDB capacity, following WIOA-prescribed structure

Avoid conflict of interest primarily through this structure

In the context of workforce development, a **firewall** refers to the safeguards which ensure against improper activities. You acknowledge potential conflicts in appearance upfront, and then define relationships and firewalls in place. These safeguards are outlined in a **firewall document**.



Firewalls which separate governance and operations include:

Supervision & Communication

- LWDB staff and operations staff within the same organization shall have **separate** lines of reporting.

Decision Making

- Operations staff shall **not** be involved in the competitive procurement process.

Monitoring

- The staff who monitor contracts and compliance shall be **separate** from the staff who carry out those contracts.


