

SECTION 11

**Heartland Workforce Investment Board, Inc. d/b/a
CareerSource Heartland (CSH)**

Board Member Position Description and Expectations

Purpose: To provide policy governance; operational, programmatic and fiscal oversight; and strategic planning guidance and direction to support the organization's mission and needs.

Vision: CareerSource Heartland will become an innovative leader in identifying and developing a skilled talent force in our community.

Mission: CareerSource Heartland connects employers with skilled talent to promote and enhance career development opportunities to achieve economic prosperity in our community.

Major Responsibilities:

- Assist in the development of and promote focus on CSH's mission and vision
- Establish and oversee implementation of the organization's strategic direction
- Review and adopt an annual budget
- Provide fiscal and operational oversight (Carver Model); monitor organizational progress; and evaluate outcomes
 - Recognize fiduciary responsibility by thoroughly reviewing budget, financial, audit, and fiscal monitoring reports
 - Recognize operational responsibility by thoroughly reviewing operational, performance, and programmatic monitoring reports
- Advocate for local workforce development needs and services
- Communicate known workforce needs and contribute ideas to promote workable solutions (within the parameters of guidance and funding sources)
- Establish board by-laws
- Establish policy as deemed necessary and appropriate
- Ensure organizational compliance with federal, state, and local guidance
- Oversee the performance of the organization's President/Chief Executive Officer

Expectations:

- Attend and actively participate in board and committee meetings
- Participate on at least one standing committee
- Remain alert to community concerns that can be addressed by CSH's objectives and programs
- Help communicate CSH's mission and programs to the community
- Become familiar with CSH's finances/budget/financial resources and needs
- Become familiar with CSH's services
- Abide by state conflict of interest rules, Sunshine Law, and the Board's Code of Conduct
- File Statement of Financial Interests (Form 1) annually

BOARD MEMBER CODE OF CONDUCT



CareerSource Heartland Board Members Should:

1. Have genuine concern and knowledge of local workforce development and training needs.
2. Express their opinions and respect others' opinions.
3. Be trustworthy and honest.
4. Have a strong sense of independence in making decisions.
5. Have a clear understanding of their duties and responsibilities.
6. Conduct themselves in good faith and in a manner they reasonably believe to be in the best interest of the Workforce Board.
7. Use such care, including reasonable inquiry, skills and diligence, in making decisions as a reasonable person would use under similar circumstances.
8. Serve in a voluntary capacity. (Board members will not be compensated for their services; however, they may be reimbursed for expenses incurred on behalf of the Board if deemed allowable by governance.)
9. Actively seek ways in which to advocate for the Board and to leverage resources for the Board.
10. Commit to attending all Board meetings and contributing effort to support committee and taskforce assignments.



BOARD MEMBER DUTIES

DUTY OF CARE

- Attend, prepare and participate in the meetings
- Keep informed
- Read and seek to understand reports
- Give clear direction to those to whom the board delegates
- Develop and follow policies for the governance of the board
- Seek to understand and follow all legal requirements
- Use normal business judgment in carrying out the business of the board

DUTY OF LOYALTY

- Recognize and avoid conflicts of interest
- Keep the best interest of the board first
- Refrain from using the board position for personal gain
- Maintain confidentiality



BOARD MEMBER RESPONSIBILITIES

- Together with the Chief Elected Officials, set policy and oversight for the local area
- In coordination with the Executive Board (Chief Elected Officials), appoint a President/CEO to manage day-to-day operations and staff functions
- Hold Board meetings open to the public
- Elect the Chair of the local Board
- Establish Bylaws for the local Board
- Conduct oversight of the local workforce development system
- Keep the public informed of the plans, policies and activities of the Board
- Develop a 5-Year local workforce services Plan in partnership with the Chief Elected Officials (Executive Board)
- Negotiate and reach agreement on performance measures
- Develop a budget for the purpose of carrying out the duties of the local Board, subject to the approval of the Chief Elected Official.
- Select eligible youth service providers based on the recommendations of the Youth Development Council
- Coordinate workforce investment activities with economic development strategies to develop employer linkages
- Promote private sector involvement in workforce investment system
- Support Memorandum(s) of Understanding with all CareerSource Heartland partners (as applicable)



FISCAL RESPONSIBILITIES

PRESIDENT/CEO RESPONSIBILITY:

- Budget preparation and modifications
- Day-to-day financial operations
- Maintain internal controls for all assets
- Analyze and prepare monthly financial statements

FINANCE AND OPERATIONS COMMITTEE RESPONSIBILITY:

- Review and recommend approval of annual budget
- Review of audited financial statements
- Review Cost Allocation Plan

AUDITOR RESPONSIBILITY:

- Auditor's responsibility under Generally Accepted Auditing Standards
- Review significant accounting policies
- Audit adjustments
- Auditor's judgments about the quality of the entity's accounting procedures
- Major issues discussed with management prior to retention
- Difficulties encountered in performing the audit

BOARD RESPONSIBILITY:

- Review and approve Finance & Operations Committee actions
- Review and approve annual budget
- Review quarterly financial statements
- Approve service providers

CareerSource Heartland

Board of Directors Ethics and Transparency Expectations

I. PURPOSE AND SCOPE

To ensure effectiveness, efficiency, and the fulfillment and oversight of strategic planning roles of the CareerSource Heartland (CSH) Board, members of the Board and Executive Board must ensure that ethics and transparency guide their decision-making.

Ethics in the local workforce system ensures integrity, accountability, and transparency in decisions and actions that earn and protect the public trust.

At every level of the workforce system, there must be a unified commitment to conduct work in a manner that is business-driven and focused on talent, continuous improvement, and assures accountability to public and private stakeholders including businesses, workers, and job seekers.

Members of the CSH Executive Board, and Board of Directors, are expected to conduct business in an open manner. Board members are to comply with federal and state laws and ensure the public has electronic, or simplified access, to information including but not limited to:

- Information about state and local plans;
- Professional employment of workforce development board members;
- Selection of one-stop operators;
- Awards of grants or contracts to eligible training providers of workforce investment activities;
- Minutes of formal meetings of workforce development boards; and,
- Workforce development board by-laws.

Local workforce development boards are expected to create and enforce policies concerning the importance of ethics in operations as well as transparency in public meetings. Boards must ensure these policies align with federal and state laws and communicate clear expectations to board members, their designees, employees, and other stakeholders.

II. REGULATORY EXPECTATIONS FOR ETHICS AND TRANSPARENCY

Chapter 445, Florida Statutes, creates the Florida workforce system. This law implements Public Law 113-128, the Workforce Innovation and Opportunity Act of 2014 (WIOA), and identifies the methods by which local workforce development boards are assigned and approved. As one of twenty-four approved local workforce development boards in the State of Florida, CSH's purpose is to design and implement strategies that help local residents enter, remain, and advance in the workplace to meet the needs of local businesses by providing clear pathways for individuals in the workforce to become highly skilled and successful; thereby fostering development of the local business climate and economy.

It is the intent of the Florida Legislature that local workforce development boards operate in the most open and accessible manner consistent with its public purpose. The expectation of the CSH Executive Board and Board of Directors is that the following laws, rules, and regulations referenced and described below are included in local policies and guide organizational decisions and professional actions.

U.S. Department of Labor Employment and Training Administration Advisory System Training and Employment Guidance Letter No. 35-10 was issued on June 16, 2011. This guidance letter (TEGL 35-10) states that providing responsible stewardship for and oversight of publicly funded workforce programs

must be accomplished in a way that demonstrates strong integrity, accountability, and transparency to preserve the public trust. The responsibility for this stewardship and oversight is shared in the public workforce system by federal, state, and local entities.

Public Law 113-128, the Workforce Innovation and Opportunity Act, was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA Section 107(e) and 20 CFR 679 require local workforce development boards to make certain information available to the public on a regular basis through electronic means, open meetings, and upon request. Additional measures may be taken by state and local policymakers to ensure such information is readily accessible to the public.

The Code of Ethics for Public Officers and Employees, adopted by the Florida Legislature as Chapter 112, Part III, Florida Statutes, contains standards of ethical conduct and disclosures applicable to public officers, employees, candidates, lobbyists and others in state and local government. Workforce development board members, and their designees, are subject to the Code of Ethics for Public Officers and Employees.

The Florida Legislature specifically declared that CareerSource Florida, Inc., its board, councils, and any advisory committees or similar groups created by CareerSource Florida, Inc. are subject to the provisions of Chapter 119 relating to public records and those provisions of Chapter 286 relating to public meetings (Chapter 445.004(1), Florida Statutes). Local workforce development boards are subject to Chapter 119, Florida Statutes and Chapter 286, Florida Statutes. Local workforce development boards also are subject to Section 24, Article I of the State Constitution, which describes Access to Public Records and Meetings.

Chapter 119, Florida Statutes, commonly known as Florida's Public Records Law, provides information on public records in Florida including policies, definitions, exemptions, general information on records access, inspection, examination, and duplication. It is the policy of the state of Florida that "all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is the duty of each agency" (Chapter 119.01, Florida Statutes). Included agencies are "public or private agencies, persons, partnerships, corporations, or business entities acting on behalf of any public agency" (Chapter 119.011, Florida Statutes) "or other separate unit of government created or established by law" (Chapter 119.0701, Florida Statutes).

Chapter 286, Florida Statutes, also known as Florida's Sunshine Law, establishes a basic right of access to meetings of boards, commissions, and other governing bodies of state and local governmental agencies or authorities. The law describes how boards conduct public meetings, how these meetings are noticed, who may attend, and how they may be accessed. This law also describes what records must be kept and made available to the public upon request.

III. AUTHORITIES

[U.S. Department of Labor, Employment and Training Administration Advisory System, Training and Employment Guidance Letter No. 35-10](#)

[Public Law 113-128, the U.S. Workforce Innovation and Opportunity Act Of 2014 \(WIOA\), Sections 106-110](#)
[20 CFR Part 679—Statewide and Local Governance of the Workforce Development System Under Title I of the Workforce Innovation and Opportunity Act](#)

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

[Chapter 112, Florida Statutes](#)

[Chapter 119, Florida Statutes](#)

[Chapter 286, Florida Statute](#)

CareerSource Heartland

Local Workforce Development Area Board Governance

I. PURPOSE

To outline the key roles, responsibilities and requirements of the entities/individuals that make up the workforce development system within Local Workforce Development Area 19, CareerSource Heartland (CSH).

II. ROLES AND RESPONSIBILITIES

1. Executive Board/Chief Local Elected Official (CLEO)

Pursuant to CSH's Interlocal Agreement, the Executive Board is the vehicle through which local elected officials in CSH counties participate in the planning, approval and operation of the local workforce investment board's employment and training assistance programs. The CLEO is the Chair of the CSH Executive Board. The responsibilities of the Executive Board and the CLEO include:

- a) Requesting local area designation (as prescribed in designated guidance);
- b) Appointing members to the CSH Board of Directors (as approved by a majority vote of the CSH Executive Board);
- c) Requesting local board certification (as prescribed in designated guidance);
- d) In coordination with the local board, establishing bylaws;
- e) Designating a fiscal agent if not serving as grant recipient (outlined in the Interlocal Agreement);
- f) Remaining liable for any misuse of WIOA grant funds by the local area (the four counties' Boards of County Commissioners have determined that each County's share will be pro-rated based on population);
- g) In coordination with the local board and/or staff to the board, negotiating and reaching agreement on local performance measures with the state;
- h) Negotiating with required partners to maintain the workforce delivery system through the Memorandum of Understanding/Infrastructure Funding Agreements (as prescribed in designated guidance); and
- i) Partnering to develop and submit the WIOA local plan and regional plan.

The Executive Board/CLEO may delegate all functions above except:

- i. (b) Appointment of members to the Local Workforce Development Board (LWDB); and
- ii. (e) Designation of a fiscal agent which is established through the Heartland Workforce Investment Consortium's Interlocal Agreement.

With majority approval of the Board and Executive Board, the CLEO may remove, for cause, a member of the CSH Board of Directors, the CSH President/Chief Executive Officer (CEO), or, if different, the designated person responsible for the operational and administrative function of the LWDB.

2. Fiscal Agent

CSH is the fiscal agent designated through the Interlocal Agreement to perform accounting and funds management. The duties of the fiscal agent may include but are not limited to:

- a) Receiving funds;
- b) Ensuring sustained fiscal integrity and accountability for expenditures of funds in accordance with the Office of Management and Budget (OMB), the Workforce Innovation and Opportunity Act (WIOA), corresponding federal regulations, state law, and state policies;
- c) Responding to audit financial findings;
- d) Maintaining proper accounting records and documentation;
- e) Preparing financial reports; and,
- f) Providing technical assistance to sub-recipients regarding fiscal issues.

CSH is the designated fiscal agent, one-stop operator, and direct provider of workforce services (exception: most youth services are procured and contracted through a provider).

Therefore, with oversight from the Board of Directors, CSH takes on the following additional functions:

- a) Procures contracts or obtain written agreements;
- b) Conducts financial monitoring of service providers; and
- c) Ensures an independent audit is conducted in accordance with federal and state audit requirements.

3. Local Workforce Development Board

The LWDB is appointed in accordance with state criteria established under WIOA sec. 107(b) and certified by the Governor every two years in accordance with WIOA sec. 107(c)(2). The criteria for LWDB certification is found in designated state guidance.

The Board provides strategic and operational oversight, assists in achievement of local and state strategic and operational vision and goals, and maximizes and continues to improve customer satisfaction and the quality and effectiveness of services provided. The Board's responsibilities include, but are not limited to:

- a) Developing and submitting local and, if applicable, regional plans;
- b) Conducting workforce research and regional labor market analysis (currently provided through Florida's Department of Economic Opportunity's Bureau of Labor Statistics);
- c) Convening local workforce development system stakeholders to assist in the development of the local plan and identify expertise and resources to leverage support for workforce development activities;
- d) Leading efforts to engage a diverse range of employers and other entities in the region;
- e) Leading efforts to develop and implement career pathways;
- f) Leading efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers;

- g) Conducting oversight of the WIOA adult, dislocated worker, and youth programs and the entire workforce delivery system, ensure the appropriate use and management of WIOA funds, and ensure the appropriate use, management, and investment of funds to maximize performance outcomes;
- h) Negotiating and reaching agreement on local performance measures with the Executive Board/CLEO and the state;
- i) In partnership with the Executive Board/CLEO, establishing bylaws and codes of conduct for LWDB members, LWDB President/CEO and staff to the LWDB; and
- j) Establishing additional monitoring and reporting requirements if one entity fulfills multiple functions to ensure the entity is compliant with WIOA, final rules and regulations, OMB circulars, and the state's conflict of interest policy.

A full list of LWDB functions can be found in WIOA sec. 107(d) and [20 CFR 679.370](#).

4. CSH LWDB Chair

CSH's LWDB Chair is elected by the members of the LWDB and must be one of the business representatives on the board. The Chair shall serve a term of no more than two years and shall serve no more than two terms, as outlined in state guidance and board bylaws. The Department of Economic Opportunity (DEO) will review each LWDB's composition during its annual programmatic monitoring, which may include a review of the LWDB chairperson's term(s).

CSH's chairperson's duties may include but are not limited to:

- a) Leading the board to develop a guiding vision that aligns with the state's priorities;
- b) Acting as the lead strategic convener to promote and broker effective relationships between elected officials, economic development, education, and workforce partners in the local area;
- c) Leading an executive committee to guide the work of the board, and ensure that committees or task forces have necessary leadership and membership to perform the work of the board; and
- d) Leading the agenda setting process and guiding meetings to ensure both tactical and strategic work is completed in all meetings.

5. CSH President/Chief Executive Officer

The CSH Board and Executive Board hire a qualified President/Chief Executive Officer (DEO) to assist in ensuring the functions of the local board are achieved. The CSH Boards must ensure the individual designated as the President/CEO has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively and ethically carrying out the functions of the Board which may include, but are not limited to:

- a) Coordinating with the Executive Board/CLEO regarding the identification and nomination of members to the Board of Directors, and ensuring membership is compliant with WIOA and Florida Statutes;
- b) Organizing board meetings and ensuring meetings are held according to CSH bylaws and Florida's sunshine laws;

- c) Developing and submitting the local and regional workforce development plan;
- d) Conducting oversight of the WIOA adult, dislocated worker, youth programs and the entire one-stop delivery system, including development of policies and monitoring the administration of the programs;
- e) Negotiating and reaching agreement on local performance measures;
- f) Negotiating with Executive Board/CLEO and required partners for the Memorandum of Understanding and Infrastructure Agreements (as prescribed in designated guidance);
- g) In compliance with local board procurement policy, provide oversight of the competitive procurement process for procuring or awarding contracts for providers of youth program services, providers of workforce services (if applicable), and the one-stop operator as required in paragraph (l) of 20 CFR 679.370;
- h) Developing a budget for activities of CSH; and
- i) Certifying the one-stop career centers according to designated state guidance.

III. ADDITIONAL CONSIDERATIONS

Ideally, LWDB's should competitively procure workforce services. LWDB's are responsible for monitoring and overseeing contracts and related services performed. Chapter 445.007(6), F.S. allows LWDBs to be designated as the one-stop operator and direct provider of services (except training services), with the agreement of the Executive Board/CLEO and Governor based on the criteria established by the state workforce development board.

LWDBs seeking to provide workforce services, except training services, must follow the requirements established in state guidance.

III. AUTHORITIES

[Public Law 113-128, Workforce Innovation and Opportunity Act](#), Sections 106 and 107

[20 Code of Federal Regulations 679.310](#)

[20 Code of Federal Regulations 679.320](#)

[20 Code of Federal Regulations 679.370](#)

[Sections 445.004 and 445.007, F.S.](#)

[Chapter 119, F. S.](#)

[Chapter 286, F.S.](#)

[CSF Strategic Policy 2020.02.20.A.1 – Board Governance and Leadership](#)

[CSF Strategic Policy 2018.09.26.A.1 – Ethics and Transparency Policy](#)

Copies of “designated state guidance” can be provided upon request.

Administrative Policy 94 – Local Workforce Development Area Designation

Administrative Policy 091 – Local Workforce Development Board Composition and Certification

Administrative Policy 106 - Memorandums of Understanding and Infrastructure Funding Agreements

Administrative Policy 93 – One-Stop Career Center Certification Requirements

Administrative Policy 083 – Direct Provider of Workforce Services

Administrative Policy 097 – One-Stop Operator Procurement

Strategic Policy 2012.05.24.A.2 - State and Local Workforce Development Board Contracting Conflict of Interest Policy

Strategic Policy 2018.09.26.A.1 - Ethics and Transparency Policy