



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Montgomery County Local Workforce Development Board	Executive Order No. 132-15-AM1	Subject Suffix
Originating Department Economic Development	Department No.	Effective Date 7/1/2020

WHEREAS,

BACKGROUND

1. The federal Workforce Innovation and Opportunity Act of 2015, 29 U.S.C. § 3101, et seq. (Act) sets forth the guidelines for local areas to administer workforce programs and services.
2. Montgomery County, Maryland has been designated as a local workforce investment area (Local Area).
3. The Act requires that each Local Area establish a Local Workforce Development Board (Local Board) for the purposes of administering the Act and to establish policies to guide and lead the workforce agenda.
4. The Act establishes a framework for the appointment and membership of the Local Board.
5. The Act authorizes the Chief Local Elected Official in the Local Area to appoint members to the Local Board in accordance with the Act and the guidelines of the State. The County Executive of Montgomery County, Maryland is the Chief Local Elected Official of the Local Area.

ACTION

1. There is established a Workforce Development Board, not to exceed 34 members, representing a wide variety of individuals, businesses, and organizations to serve as a strategic convener to promote and broker effective relationships between the County Executive and economic, education, and workforce partners throughout the Local Area. The Local Board is responsible for developing a strategy to continuously improve and strengthen the workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs to promote economic growth.
2. Membership
 - a. Membership on the Local Board must be consistent with criteria established by the Governor and State Board pursuant to Governor's Workforce Investment Board Policy Issuance 2015-01 and the Act and must meet the composition requirements of the Act.
 - b. The County Executive appoints all members of the Local Board subject to confirmation by the County Council.



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- c. Members serve a term of 3 years. Initially the County Executive must appoint 1/3 to a one-year term; 1/3 to a two year term; and 1/3 to a three year term.
- d. As provided for in the Act, the composition of the Workforce Development Board, will be as follows:
 - A. The majority of Local Board must be representatives of business in the Local Area. The number of business representatives is not to exceed 18.
 - i. Of the total business representatives, at least must be two small business representatives as defined by the U.S. Small Business Administration.
 - ii. Each business representative must meet the following criteria: be an owner, chief executive officer, chief operating officer, or other individual with optimum policymaking or hiring authority; provide employment opportunities in the in- demand industry sectors or occupations identified by the Board, and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others.
 - B. Not less than 20% of the members of the Local Board must be workforce representatives. Workforce representatives shall not exceed 9 members. Workforce representatives include:
 - i. two or more representatives of labor organizations, where such organizations exist in the Local Area. Where labor organizations do not exist, representatives must be selected from other employee representatives. This 20% must include one or more representatives of a joint labor-management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated



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registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.

- C. The remainder of the 20% requirements must include:
- i. One or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and;
 - ii. One or more representatives of organizations that demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.
- D. The remainder of the Board must include the following:
- i. The Chief Executive Officer/President of the Montgomery County Economic Development Corporation.
 - ii. A representative of the Maryland Department of Labor Licensing and Regulation (DLLR) as long as DLLR is administering programs under the Wagner-Peyser Act.
 - iii. A representative of the Maryland Division of Rehabilitation Services (DORS) as long as DORS is administering the programs carried out under Title I of the Rehabilitation Act of 1973.



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- iv. Montgomery College as a representative of an organization administering adult education and literacy activities.
- v. A representative of the Montgomery County Public Schools.
- vi. A representative of a four year postsecondary -institution located in Montgomery County.
- vii. The Director of the County Department of Health and Human Services or his/her designee.
- viii. A representative of a local area community action agency.

3. Nomination Process

- a. Nominations for business representatives in subparagraph A above must be solicited from local general purpose business organizations and business trade associations in accordance with section 3122(b)(2)(A)(iii) of the Act.
- b. Nomination for representatives from labor organizations must be nominated from local labor federations in accordance with section 3122(b)(2)(B)(i) of the Act.
- c. When there is more than one Local Area provider of adult education and literacy activities under Title II, or multiple institutions of higher education providing workforce investment activities the County Executive must solicit nominations from those providers and institutions, respectively, in appointing the required representatives in accordance with section 3122(b)(6) of the Act. This requirement provides for a representative selection process for these membership categories.
- d. All other categories may be self-nominated.



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4. General Provisions

- a. As provided in the Act the Local Board must make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the Local Board.
- b. As provided in the Act a member of a Local Board, or a member of a standing committee, must not:
 - i. vote on a matter under consideration by the local board: regarding the provision of services by such member (or by an entity that such member represents); or that would provide direct financial benefit to such member or the immediate family of such member;
or
 - ii. engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan, the Local Board's bylaws, and its local plan.
- c. Members are subject to the County Ethics Law.

5. Functions

As provided in the Act the Local Board must have the following functions as outlined in WIOA and consistent with the vision for the local system.

1. The Local Board, in partnership with the County Executive, must develop and submit a local plan to the Governor. If the Local Area is part of a



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planning region that includes other local areas, the Local Board must collaborate with the other local boards and chief elected officials from such other local areas in the preparation and submission of a regional plan as in the Act.

2. The Local Board must carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) in the region and regularly update such information; assist the Governor in developing the statewide workforce and labor market information system; and conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.
3. The Local Board must convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources to leverage support for workforce development activities. The local board, including standing committees, may engage such stakeholders in carrying out the functions.
4. Local Board must lead efforts to engage with a diverse range of employers and with entities in the region involved: to promote business representation on the local board; to develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities; to ensure that workforce investment activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and to develop and implement proven or promising strategies for meeting the



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employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

5. The Local Board, with representatives of secondary and postsecondary education programs, must lead efforts in the Local Area to develop and implement career pathways within the Local Area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
6. The Local Board must lead efforts in the Local Area to: identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, and identifying and disseminating information on proven and promising practices carried out in other local areas for meeting such needs.
7. The Local Board must develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers.
8. The Local Board, in partnership with the chief elected official for the Local Area, must conduct oversight for local youth workforce investment activities, local employment and training activities and the one-stop delivery system in the Local Area; ensure the appropriate use and management of the funds; and ensure the appropriate use, management, and investment of funds to maximize performance outcomes.



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9. The Local Board, the chief elected official, and the Governor must negotiate and reach agreement on local performance accountability measures.
10. The Local Board, with the agreement of the chief elected official must designate or certify one-stop operators and may terminate for cause the eligibility of such operators. The Local Board must identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis based on the recommendations of the youth standing committee, if such a committee is established and may terminate for cause the eligibility of such providers. The Local Board must identify eligible providers of training services in the Local Area. If the one-stop operator does not provide career services described in a Local Area, the Local Board must identify eligible providers of those career services in the local area by awarding contracts. The Local Board must work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the Local Area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.
11. The Local Board must coordinate activities with education and training providers in the Local Area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education and local agencies administering plans under title I of the Rehabilitation Act of 1973.



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12. The Local Board must develop a budget for the activities of the Local Board in the Local Area, consistent with the local plan and the duties of the Local Board under this section, subject to the approval of the chief elected official.
13. The Local Board must annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990, of all one-stop centers in the Local Area.

Marc Elrich
County Executive

7/1/2020

Date

Approved as to form and legality

Trevor Ashbarr
Chief, Division of Finance and Procurement
Office of the County Attorney