

## PART A—STATE PROVISIONS

## § 2821. State workforce investment boards

## (a) In general

The Governor of a State shall establish a State workforce investment board to assist in the development of the State plan described in section 2822 of this title and to carry out the other functions described in subsection (d) of this section.

## (b) Membership

## (1) In general

The State Board shall include—

(A) the Governor;

(B) 2 members of each chamber of the State legislature, appointed by the appropriate presiding officers of each such chamber; and

(C) representatives appointed by the Governor, who are—

(i) representatives of business in the State, who—

(I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority, including members of local boards described in section 2832(b)(2)(A)(i) of this title;

(II) represent businesses with employment opportunities that reflect the employment opportunities of the State; and

(III) are appointed from among individuals nominated by State business organizations and business trade associations;

(ii) chief elected officials (representing both cities and counties, where appropriate);

(iii) representatives of labor organizations, who have been nominated by State labor federations;

(iv) representatives of individuals and organizations that have experience with respect to youth activities;

(v) representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community-based organizations within the State;

(vi)(I) the lead State agency officials with responsibility for the programs and activities that are described in section 2841(b) of this title and carried out by one-stop partners; and

(II) in any case in which no lead State agency official has responsibility for such a program, service, or activity, a representative in the State with expertise relating to such program, service, or activity; and

(vii) such other representatives and State agency officials as the Governor may designate, such as the State agency officials responsible for economic development and juvenile justice programs in the State.

## (2) Authority and regional representation of board members

Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse regions of the State, including urban, rural, and suburban areas.

## (3) Majority

A majority of the members of the State Board shall be representatives described in paragraph (1)(C)(i).

## (c) Chairperson

The Governor shall select a chairperson for the State Board from among the representatives described in subsection (b)(1)(C)(i) of this section.

## (d) Functions

The State Board shall assist the Governor in—

(1) development of the State plan;

(2) development and continuous improvement of a statewide system of activities that are funded under this subchapter or carried out through a one-stop delivery system described in section 2864(c) of this title that receives funds under this subchapter (referred to in this chapter as a “statewide workforce investment system”), including—

(A) development of linkages in order to assure coordination and nonduplication among the programs and activities described in section 2841(b) of this title; and

(B) review of local plans;

(3) commenting at least once annually on the measures taken pursuant to section 2323(b)(3) of title 20;

(4) designation of local areas as required in section 2831 of this title;

(5) development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities to local areas as permitted under sections 2853(b)(3)(B) and 2863(b)(3)(B) of this title;

(6) development and continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the State as required under section 2871(b) of this title;

(7) preparation of the annual report to the Secretary described in section 2871(d) of this title;

(8) development of the statewide employment statistics system described in section 497-2(e) of this title; and

(9) development of an application for an incentive grant under section 9273 of title 20.

## (e) Alternative entity

## (1) In general

For purposes of complying with subsections (a), (b), and (c) of this section, a State may use any State entity (including a State council, State workforce development board, combination of regional workforce development boards, or similar entity) that—

(A) was in existence on December 31, 1997;

(B)(i) was established pursuant to section 122 or title VII of the Job Training Partnership Act, as in effect on December 31, 1997; or

(ii) is substantially similar to the State board described in subsections (a), (b), and (c) of this section; and

(C) includes representatives of business in the State and representatives of labor organizations in the State.

**(2) References**

References in this Act to a State board shall be considered to include such an entity.

**(f) Conflict of interest**

A member of a State board may not—

(1) vote on a matter under consideration by the State board—

(A) regarding the provision of services by such member (or by an entity that such member represents); or

(B) that would provide direct financial benefit to such member or the immediate family of such member; or

(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

**(g) Sunshine provision**

The State board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the State board, including information regarding the State plan prior to submission of the plan, information regarding membership, and, on request, minutes of formal meetings of the State board.

(Pub. L. 105-220, title I, §111, Aug. 7, 1998, 112 Stat. 945; Pub. L. 105-277, div. A, §101(f) [title VIII, §401(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-411; Pub. L. 109-270, §2(h)(3), Aug. 12, 2006, 120 Stat. 747.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(2), was in the original “this title” meaning title I of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 939, as amended, which enacted this chapter, repealed sections 1501 to 1505, 1511 to 1583, 1592 to 1735, 1737 to 1791h, 1792 to 1792b, 2301 to 2314 of this title, section 211 of former Title 40, Appendix, Public Buildings, Property, and Works, sections 11421, 11441 to 11447, 11449, 11450, 11461 to 11466, 11471, and 11472 of Title 42, The Public Health and Welfare, and sections 42101 to 42106 of Title 49, Transportation, enacted provisions set out as notes under sections 1501, 2301, and 2940 of this title and section 11421 of Title 42, and repealed provisions set out as notes under sections 801 and 2301 of this title and section 1255a of Title 8, Aliens and Nationality. For complete classification of title I to the Code, see Tables.

The Job Training Partnership Act, referred to in subsec. (e)(1)(B)(i), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended. Section 122 and title VII of the Act were classified to section 1532 and subchapter VI (§1792 et seq.) of chapter 19 of this title, respectively, prior to repeal by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. For complete classification of this Act to the Code, see Tables.

This Act, referred to in subsec. (e)(2), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended, known as the Workforce Investment Act of 1998. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

AMENDMENTS

2006—Subsec. (d)(3). Pub. L. 109-270 substituted “section 2323(b)(3) of title 20” for “section 2323(b)(14) of title 20”.

1998—Subsec. (c). Pub. L. 105-277 substituted “Chairperson” for “Chairman” in heading.

**§ 2822. State plan**

**(a) In general**

For a State to be eligible to receive an allotment under section 2852 or 2862 of this title, or to receive financial assistance under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the Governor of the State shall submit to the Secretary for consideration by the Secretary, a single State plan (referred to in this chapter as the “State plan”) that outlines a 5-year strategy for the statewide workforce investment system of the State and that meets the requirements of section 2821 of this title and this section.

**(b) Contents**

The State plan shall include—

(1) a description of the State board, including a description of the manner in which such board collaborated in the development of the State plan and a description of how the board will continue to collaborate in carrying out the functions described in section 2821(d) of this title;

(2) a description of State-imposed requirements for the statewide workforce investment system;

(3) a description of the State performance accountability system developed for the workforce investment activities to be carried out through the statewide workforce investment system, that includes information identifying State performance measures as described in section 2871(b)(3)(A)(ii) of this title;

(4) information describing—

(A) the needs of the State with regard to current and projected employment opportunities, by occupation;

(B) the job skills necessary to obtain such employment opportunities;

(C) the skills and economic development needs of the State; and

(D) the type and availability of workforce investment activities in the State;

(5) an identification of local areas designated in the State, including a description of the process used for the designation of such areas;

(6) an identification of criteria to be used by chief elected officials for the appointment of members of local boards based on the requirements of section 2832 of this title;

(7) the detailed plans required under section 8 of the Wagner-Peyser Act (29 U.S.C. 49g);

(8)(A) a description of the procedures that will be taken by the State to assure coordination of and avoid duplication among—

(i) workforce investment activities authorized under this chapter;

(ii) other activities authorized under this chapter;

(iii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), title II of this Act [20 U.S.C. 9201 et seq.], title I of the Rehabilitation Act of 1973 (29 U.S.C. 720