



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
220 French Landing Drive
Nashville, TN 37243-1002
(615) 741-1031

**Workforce Services Policy – Board Meeting Information Access
TN-WIOA (17-9)**

Effective Date: May 12, 2017

Duration: Indefinite

Subject:

This policy explains the requirements of open and accessible local workforce board meetings, as well as transparency requirements for meeting minutes.

Purpose:

This policy sets forth the guidance and requirements that Local Workforce Development Boards (LWDBs) must adhere to in regard to creating access to LWDB meetings and meeting minutes; this document ensures compliance with WIOA regulations and Tennessee Open Meeting Statutes.

Scope:

Adult Education (AE), American Job Center (AJC), American Job Center Access Point (AJC Access Point), Chief Local Elected Official (CLEO), Division of Workforce Services (WFS), Local Workforce Development Areas (LWDAs), Local Workforce Development Boards (LWDBs), Office of the Governor, Office of Registered Apprenticeship (RA), One-Stop Service Delivery System Operator (Operator), Regional Council (RC), Rehabilitation Services (RS), State Workforce Development Board (SWDB), Tennessee Department of Education (TDOE), Tennessee Department of Economic and Community Development (TDECD), Tennessee Department of Human Services (TDHS), Tennessee Department of Labor and Workforce Development (TDLWD), Tennessee Eligible Training Providers (TTPLs), Workforce Innovation and Opportunity Act (WIOA), Workforce System Partners (Partners), Workforce System Subrecipients (Subrecipients)

References:

20 CFR 679.390; 20 CFR 679.550(b)(5); TCA 10-7-503; TCA 10-7-503(a)(2)(A)(B); Tennessee's Combined State Plan; WIOA Section 107(e)

Background:

WIOA Section 107(e), along with **20 CFR 679.390** and **20 CFR 679.550(b)(5)**, requires that the Local Board make available to the public, on a regular basis through electronic means and open meetings, certain information such as minutes of formal Local Board meetings. This information must be made available upon request and on the local area's website. Also, **Tennessee Code Annotated Section 10-7-503(a)(2)(A)(B)** requires that public records are to be open to the public.

I. Instructions:

State Workforce Development Boards (SWDBs) and LWDBs must conduct business in an open manner to ensure that the public has access to board meetings. Information about State and Local Board meetings will be shared by electronic means and by open meetings mandated by **WIOA Section 107(e)**. This information must also include alternate formats accessible to those with disabilities, such as documents in Braille and large print. These new requirements facilitate transparency of the Local Board and contribute to more effective Board operations. The State and Local Boards need to give the public adequate notice of these meetings and permit the public to inspect minutes and other records pertaining to those meetings.

Each Local Board must create a policy which outlines its process to comply with this Workforce Services Division policy, along with the Federal and State rules and regulations referred to herein. This policy must outline the process and should highlight, at a minimum, the following points:

- Give adequate notice to the public about its upcoming meetings
- Conduct its business of those meetings in an open manner
- Arrange for all individuals, including those with disabilities, to have physical and electronic access to Local Board meetings, including appropriate accommodations.
- Arrange for the public to have access to the Local Board meeting minutes and to any other pertinent information related to Local Board business

II. Concerning the Availability of Board Minutes:**A. Available on its LWDA web site:**

Each Local Board must have its minutes made available to the public upon request and also available on its local area's website within fifteen (15) business days of the Local Board's approval of the meeting minutes. Only the formal minutes should be posted on the website; no attachments of presentations at the board meeting are needed unless the Local Board believes that these attachments are necessary.

B. Requirement of providing notice to TDLWD:

Each Local Board must notify the TDLWD once its minutes are posted on their respective website. Notification should be sent to the State Workforce Development Board email account - Workforce.Board@tn.gov.

III. Tennessee Public Records Act:

The Local Boards shall be subject to **TCA 10-7-503(a)(2)(A)(B)**:

(2)(A) *All state, county and municipal records shall, at all times during business hours, which for public hospitals shall be during the business hours of their administrative offices, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.*

(B) *The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall, within seven (7) business days, from the date of the Local Board meeting:*

(i) *Make the information available to the requestor;*

(ii) *Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or*

(iii) *Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce the record or information."*

IV. Transparency for Those with Disabilities:

TCA 10-7-503 requires public records to be open to public scrutiny. Transparency and accountability must be a part of the function and duties of the Local Board; business conducted in an open manner and with appropriate accommodations ensures that the public, including people with disabilities, can access information concerning board meetings. The **Tennessee Combined State Plan** explains that:

"2. The State has established a policy to provide to the public (including individuals with disabilities) access to meeting of State Boards and local boards, and information regarding activities of State boards and local boards, such as data on board membership and minutes" ("Workforce Innovation and Opportunity Act -- Combined State Plan -- July 1, 2016 – June 30, 2020," p. 114).

For this reason, each Local Board should ensure that appropriate accommodations are made so that those with disabilities have access to all its public meetings and pertinent records. Appropriate accommodations includes but is not limited to documents in Braille and large print, sign language interpreters, wheel chair

accessibility, and closed captioning.

Contact:

For any questions related to this policy, please contact Nicholas Bishop - Director of Compliance and Policy - Division of Workforce Services at Nicholas.Bishop@tn.gov

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Sterling van der Spuy, Administrator of Workforce Services