

**Technical Amendment**  
**January 3, 2023**  
**EDUCATION AND LABOR CABINET**  
**(Technical Amendment)**

**787 KAR 2:040. Local workforce development area governance.**

RELATES TO: KRS 151B.017(4), 29 U.S.C. 3101 et seq., 20 C.F.R. 679.130

STATUTORY AUTHORITY: KRS 151B.017(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.017(4) requires the secretary of the Education and Labor Cabinet to promulgate administrative regulations that are necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds, and that are necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. This administrative regulation establishes the membership criteria and operating guidelines for local workforce development boards, requires interlocal and partnership agreements for local workforce development areas, establishes the process for the identification of regions and designation of local workforce development areas, establishes the guidelines for the hiring of staff by local workforce development boards, requires a written agreement for entities that perform multiple functions in a local workforce development area under the Workforce Innovation and Opportunity Act, 29 U.S.C. 3101 et seq., and addresses dissemination and implementation of policies and guidance issued by the Kentucky Workforce Innovation Board. This administrative regulation establishes further guidance and clarification, in addition to the minimum federal requirements established in 29 U.S.C. 3122, necessary for effective local implementation activities.

Section 1. Definition. "Workforce Innovation and Opportunity Act" or "WIOA" means 29 U.S.C. 3101 et seq.

Section 2. Local Workforce Development Board Membership Criteria and Operating Guidelines. Each chief local elected official in a local workforce development area shall appoint members to the local workforce development board and each local workforce development board shall operate in compliance with the Workforce Innovation and Opportunity Act (WIOA).

Section 3. Interlocal Agreement. Each local elected official of a unit of general local government within a local workforce development area shall jointly execute a written interlocal agreement that, at a minimum, complies with the Workforce Innovation and Opportunity Act.

Section 4. Partnership Agreement. Each chief local elected official, representing the local elected officials in a local workforce development area, and each designated chair, representing the local workforce development board, shall jointly execute a written partnership agreement that, at a minimum, complies with the Workforce Innovation and Opportunity Act.

Section 5. Identification of Regions and Designation of Local Workforce Development Areas. The process and procedures for the identification of regions and the designation of local workforce development areas within the Commonwealth of Kentucky shall be in compliance with WIOA.

Section 6. Hiring of Staff for Local Workforce Development Boards. Local workforce development boards may hire a director and other staff in accordance with WIOA.

Section 7. Entities Performing Multiple Functions in A Local Workforce Development Area. Entities that have been selected or otherwise designated to perform more than one (1)

function in a local workforce development area shall develop a written agreement that, at a minimum, complies with WIOA.

Section 8. Dissemination and Implementation of Policies and Guidance issued by the Kentucky Workforce Innovation Board. The local workforce development boards shall implement and disseminate policies, guidance, and manuals issued by the Kentucky Workforce Innovation Board, in coordination with the Governor and the Department of Workforce Investment, pursuant to the Workforce Innovation and Opportunity Act and 20 C.F.R. 679.130. Nothing in this section shall be construed to prohibit coordination between the Kentucky Workforce Innovation Board and the Kentucky Education Workforce Collaborative.

(42 Ky.R. 196; eff. 10-15-2015; 43 Ky.R. 2065; 44 Ky.R. 223; eff. 8-17-2017; 48 Ky.R. 1023; eff. 3-1-2022; 48 Ky.R. 2872, 49 Ky.R. 344, 790; eff. 1-3-2023; TAm 1-3-2023.)

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