Rules and Regulations of the State of Georgia

Department 692 STATE WORKFORCE DEVELOPMENT BOARD

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapter 692-1 entitled "State Workforce Development Board" adopted. F. Oct. 10, 2018; eff. Oct. 30, 2018.

Cite as Ga. Comp. R. & Regs. R. dept. 692, ADMINISTRATIVE HISTORY

Chapter 692-1. STATE WORKFORCE DEVELOPMENT BOARD.

Rule 692-1-.01. Definitions.

(1) "Board" shall be defined as the State Workforce Development Board, any Local Elected Official Board, or any Local Workforce Development Board.

(2) "Board Member" shall be defined as any member of the State Workforce Development Board, any Local Elected Official Board, any Local Workforce Development Board, or any individuals serving on any councils or standing committees created under any of the aforementioned Boards.

(3) "Chief Local Elected Official" shall be defined as that individual who is elected by the Local Elected Official Board in those Local Workforce Development Areas which are comprised of more than one county or municipality. In those Local Workforce Development Areas which are comprised of one county or municipality,"Chief Local Elected Official" shall be the chief elected executive officer of a unit of general local government in that area.

(4) "Conflict of Interest" shall be defined as the instance in which a Public Official's private and or personal interest might prevent or appear to prevent the Public Official from

exercising his or her official judgment, discretion, powers, or duties in an unbiased manner.

(5) "Fiscal Agent" shall be defined as a city government, county government, or regional commission that is responsible for administering Workforce Innovation and Opportunity Act funds for a Local Workforce Development Area.

(6) "Immediate Relative" shall be defined as a spouse, partner, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, half-sister, or individual residing in the same household.

(7) "Local Elected Official Board" shall be defined as a board, group, or entity which may exist in those Local Workforce Development Areas which are comprised of more than one county or municipality, and which shall be comprised of the mayors and county commission chairpersons within that area.

(8) "Local Workforce Development Area" shall be defined as an area that has been designated under Section 106 of the Workforce Innovation and Opportunity Act.

(9) "Local Workforce Development Board" shall be defined as a board established under Section 107 of the Workforce Innovation and Opportunity Act.

Cite as Ga. Comp. R. & Regs. R. 692-1-.01
Authority: O.C.G.A. § 34-14-1 et. seq.
History. Original Rule entitled "Definitions" adopted. F. Oct. 10, 2018; eff. Oct. 30, 2018.

Rule 692-1-.02. State Workforce Development Board.

(1) There shall be a State Workforce Development Board established pursuant to the Workforce Innovation and Opportunity Act which shall assist the Governor in creating an integrated statewide strategic plan for Workforce Development, which links workforce policies and education programs to the economic needs of the State, its regions and its communities. The State Workforce Development Board shall have the powers and duties as set forth in the Workforce Innovation and Opportunity Act and O.C.G.A. §§ 34-14-1, 2.

(2) The State Workforce Development Board shall create bylaws to guide and govern its proceedings. The bylaws shall include a conflict of interest provision, which shall be distributed to State Workforce Development Board Members by the Technical College System of Georgia's Office of Workforce Development.

(3) Upon appointment, each State Workforce Development Board Member shall sign and date a copy of the bylaws and the conflict of interest provision.

(4) All State Workforce Development Board meetings shall be conducted in accordance with Robert's Rules of Order, and meeting minutes shall be kept.

(5) All State Workforce Development Board meetings shall be conducted in accordance with Federal sunshine laws and the Georgia Open Meetings Act.

(6) The State Workforce Development Board shall authorize the Technical College System of Georgia's Office of Workforce Development to provide interpretive guidance to Local Workforce Development Boards and Local Workforce Development Areas to enable a more effective implementation of the provisions of the Workforce Innovation and Opportunity Act.

   a. The guidance shall be issued in technical assistance documents; and

   b. Such guidance shall be distributed and made public by the Technical College System of Georgia's Office of Workforce Development.

Cite as Ga. Comp. R. & Regs. R. 692-1-.02
Authority: O.C.G.A. § 34-14-1 et. seq.
History. Original Rule entitled "State Workforce Development Board" adopted. F. Oct. 10, 2018; eff. Oct. 30, 2018.

Rule 692-1-.03. Chief Local Elected Official.

(1) Within each Local Workforce Development Area, there shall be a Chief Local Elected Official who shall have the powers and duties set forth by the Workforce Innovation and Opportunity Act and O.C.G.A. §§ 34-14-1, 2.

(2) The Chief Local Elected Official shall be appointed or elected by the Local Elected Official Board, except in those Local Workforce Development Areas comprised of a single county or municipality. In such Local Workforce Development Areas, the Chief Local Elected Official shall be the chief elected executive officer of a unit of general local government in that Local Workforce Development Area.

(3) A Chief Local Elected Official's term shall run concurrent with the term set by his or her respective elected office. In no instance shall a Chief Local Elected Official serve more than a period of eight (8) years without being reelected by the Local Elected Official Board in those Local Workforce Development Areas where a Local Elected Official Board is required.

(4) A Chief Local Elected Official may appoint a Fiscal Agent to administer the Workforce Innovation and Opportunity Act funds for a Local Workforce Development Area and the Fiscal Agent shall be approved by the Technical College System of Georgia's Office of Workforce Development prior to receiving funds.

(5) The Chief Local Elected Official shall be liable for any misuse of Workforce Innovation and Opportunity Act grant funds allocated to the Local Workforce Development Area.

(6) The Chief Local Elected Official shall appoint the members of the Local Workforce Development Board consistent with the requirements of the Workforce Innovation and Opportunity Act.

Cite as Ga. Comp. R. & Regs. R. 692-1-.03
Authority: O.C.G.A. § 34-14-1 et. seq.
History. Original Rule entitled "Chief Local Elected Official" adopted. F. Oct. 10, 2018; eff. Oct. 30, 2018.

Rule 692-1-.04. Local Elected Official Board.

(1) In those Local Workforce Development Areas comprised of more than one (1) county or municipality, there may exist a Local Elected Official Board, which shall be comprised of the mayors and county commission chairpersons within the designated local workforce development area. A Local Elected Official Board shall create an agreement which, at a minimum, shall include the following:

a. The following Board Composition provisions:

1. No more than one (1) mayor per county shall be seated on the Local Elected Official Board;

2. The total number of Local Elected Official Board Members; and,

3. The minimum quorum for board action, which shall be at least a majority of the Local Elected Official Board.

b. Board Policy and Function provisions, which shall include the following:

1. A mission statement setting forth the Local Elected Official Board's responsibilities under the Workforce Innovation and Opportunity Act;

2. A Local Workforce Development Board member appointment process;

3. A Chief Local Elected Official election process;

4. A process for outlining the sharing of liability with respect to the misuse of the Workforce Innovation and Opportunity Act funds; and,

5. A conflict of interest provision which shall be attached to the agreement.

(2) Each Local Elected Official Board Member shall sign and date a copy of the agreement and the conflict of interest provision, which shall be submitted to the Technical College System of Georgia's Office of Workforce Development and retained by the Local Elected

Official Board for review by the Technical College System of Georgia's Office of Workforce Development.

(3) A Local Elected Official Board Member's term shall run concurrent with the Local Elected Official Board Member's elected office.

(4) Proxy voting shall not be permitted with respect to the election of a Chief Local Elected Official. For any other official action, proxy voting shall be permitted.

(5) Local Elected Official Board meetings shall be conducted in accordance with Robert's Rules of Order, and meeting minutes shall be kept and made available for review upon request by the Technical College System of Georgia's Office of Workforce Development.

(6) All Local Elected Official Board meetings shall be conducted in accordance with Federal sunshine laws and the Georgia Open Meetings Act.

Cite as Ga. Comp. R. & Regs. R. 692-1-.04
Authority: O.C.G.A. § 34-14-1 et. seq.
History. Original Rule entitled "Local Elected Official Board" adopted. F. Oct. 10, 2018; eff. Oct. 30, 2018.

Rule 692-1-.05. Local Workforce Development Board.

(1) Each Local Workforce Development Area shall have a Local Workforce Development Board in compliance with the membership requirements of the Workforce Innovation and Opportunity Act.

(2) Each Local Workforce Development Board shall create a set of bylaws, which, at a minimum, shall include the following:

a. The election process for a chairperson and vice chairperson;

b. The total number of Local Workforce Development Board members;

c. The term limits for all Local Workforce Development Board members, with such term being no more than three (3) years, subject to reappointment by the Chief Local Elected Official;

d. The quorum level necessary for voting, which shall, at a minimum, be a majority of the Local Workforce Development Board;

e. The number of annual meetings which shall, at a minimum, be no less than four (4);

f. The process by which the Local Workforce Development Board will provide updates of B Local Workforce Development Board action to the Chief Local Elected Official and the Local Elected Official Board, where applicable; and,

g. A conflict of interest provision which shall include a signature line.

(3) Upon appointment, each Local Workforce Development Board Member shall sign and date a copy of the bylaws and the conflict of interest provision, which shall be submitted to the Technical College System of Georgia's Office of Workforce Development and retained by the Local Workforce Development Board for review by the Technical College System of Georgia's Office of Workforce Development.

(4) Proxy voting shall not be permitted for any Local Workforce Development Board action.

(5) A Local Workforce Development Board member shall be automatically removed and replaced for failing to attend three (3) consecutive board meetings without cause.

(6) Local Workforce Development Board meetings shall be conducted in accordance with Robert's Rules of Order, and meeting minutes shall be kept and made available for review by the Technical College System of Georgia's Office of Workforce Development.

(7) All Local Workforce Development Board meetings shall be conducted in accordance with Federal sunshine laws and the Georgia Open Meetings Act.

Cite as Ga. Comp. R. & Regs. R. 692-1-.05
Authority: O.C.G.A. § 34-14-1 et. seq.
History. Original Rule entitled "Local Workforce Development Board" adopted. F. Oct. 10, 2018; eff. Oct. 30, 2018.

Rule 692-1-.06. Conflict of Interest & Code of Conduct Policy.

(1) A Board Member shall not:

a. Vote on a matter under consideration by a Board if such vote:

1. Involves the provision of services by such Board Member (or any entity or organization the Board Member represents, or in which he or she holds an ownership or pecuniary interest) or a Board Member's Immediate Relative;

2. Would provide a direct or indirect financial benefit to the Board Member (or any entity or organization the Board Member represents, or in which he or she holds an ownership or pecuniary interest) or a Board Member's Immediate Relative; or,

3. Involves any other conduct or activity determined to constitute a Conflict of Interest.

b. Directly or indirectly accept or solicit any gratuities, favors, or anything involving more than de minimis monetary value from any person with whom the Board

Member interacts in his or her capacity as a recipient of federal funds. This section includes, without limitation, any potential or actual supplier, contractor, subcontractor, grant recipient or other service provider;

c. Participate in the selection, award or administration of a procurement supported by Federal funds in any case where the Board Member is aware that any member of his or her immediate family, business partner, or any organization that employs or is about to employ any of those persons, has any financial or material interest in any organization that may be considered for an award of Federal funds;

d. Advocate for or cause the advancement, appointment, employment, promotion, or transfer of an Immediate Relative to any office or position administering or handling Federal funds under the Workforce Innovation and Opportunity Acy, including without limitation, any potential or actual supplier, contractor, subcontractor, grant recipient or other service provider.

(2) A Board Member shall disclose and divulge the existence of an actual or potential Conflict of Interest prior to any vote or participation in the decision making process and such disclosure shall be expressly noted in the Board's minutes.

(3) In the event that an actual or potential Conflict of Interest exists, the affected Board Member shall recuse himself or herself from voting on the impacted topic and shall also refrain from participating in any discourse involving the impacted topic other than bringing the actual or potential Conflict of Interest to the Board's attention.

Additionally, in the meeting minutes, the Board shall recite the nature of the actual or potential Conflict of Interest and the recusal of the impacted Board Member with respect to the vote and discussion of the impacted topic.

(4) In the event that a Board Member is uncertain as to whether an actual or potential Conflict of Interest exists, the Board Member shall notify the Board and the remainder of the Board shall vote to determine whether an actual or potential Conflict of Interest exists.

a. In the event that the Board determines that an actual or potential Conflict of Interest exists, the impacted Board Member shall follow 692-1-1-.06(3) and recuse himself or herself from voting and participating in the decision making process.

b. In the event that the Board determines that no actual or potential Conflict of Interest exists, the impacted Board Member shall be entitled to vote and participate in the decision making process. The Board shall recite in the meeting minutes the nature of the perceived Conflict of Interest and the reasons for determining why a Conflict of Interest did not exist.

(5) The Chairman of the Board shall inquire as to whether a Conflict of Interest exists among Board Members prior to any vote involving the following:

a. The awarding or modification of a contract;

b. The provision of services; or,

c. A pecuniary interest.

Cite as Ga. Comp. R. & Regs. R. 692-1-.06
Authority: O.C.G.A. § 34-14-1 et. seq.
History. Original Rule entitled "Conflict of Interest & Code of Conduct Policy" adopted. F. Oct. 10, 2018; eff. Oct. 30, 2018.