



WORKFORCE DEVELOPMENT COUNCIL

317 West Main Street, Boise, Idaho 83735-0510

TRANSMITTAL #1

MEMORANDUM

April 20, 2016

TO: Workforce Development Council
FROM: Tim Komberec, Workforce Development Council Chairman
SUBJECT: Update Workforce Development Council Bylaws

ACTIONS REQUESTED: Approve suggested revisions to Council bylaws.

A handwritten signature in black ink, appearing to read "Tim Komberec", written over the end of the "ACTIONS REQUESTED" line.

BACKGROUND:

The purpose of the state Workforce Development Council is to serve as a state and local governance board for workforce development purposes in the state, providing public policy guidance for and exercise oversight with respect to activities conducted under the Workforce Innovation and Opportunity Act (WIOA) throughout the state, financed in whole or in part with funds from the U.S. Department of Labor as well as other state, local and federal workforce development funds, and to exercise all other responsibilities authorized by the Act and other applicable state and federal laws and regulations.

As it executes these duties, the Council is governed by bylaws that were originally developed during its establishment under the Job Training and Partnership Act (JTPA) and subsequent revisions under the Workforce Investment Act (WIA). With the enactment of WIOA, the Council's bylaws require slight revision to address changes with the new legislation. In addition, the bylaws need amended to conform to the Governor's Executive Order which outlines the Council's role and responsibilities.

A Bylaw workgroup, which included several Council members and Council staff, met several times to review and revise the bylaws to address these changes. The product of this effort, the proposed revisions, were presented to the Council at the January 13, 2016 meeting. Edits proposed by the Council at the meeting were incorporated and the document afterward sent to the Governor's office for approval. The revised bylaws were approved by the Governor in March 2016.

Recommendation:

Staff recommend the Council approve the proposed updates to Workforce Development Council bylaws. Based on the bylaws themselves, these updates must be approved by two-thirds vote of the membership.

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BYLAWS

WORKFORCE DEVELOPMENT COUNCIL

ARTICLE I

NAME

The name of this body shall be the Idaho Workforce Development Council ("Council"). The Council was established pursuant to Section 701 of Public Law 97-300, commonly known as the Job Training Partnership Act of 1982, as amended in 1992.

ARTICLE II

DUTIES

SECTION A. The Council will be responsible for advising the Governor and the State Board of Education, as appropriate and at regular intervals, on the following:

- 1) Development of a statewide strategy for workforce development programs which encompasses all workforce programs;
- 2) Development of the Workforce Innovation and Opportunity Act State plan;
- 3) Development and continuous improvement of services offered under the statewide workforce investment system;
- 4) Development of comments at least once annually on the Carl D. Perkins Vocational and applied Technology Education Act;
- 5) Development and continuous improvement of comprehensive State performance measures;
- 6) Preparation of the annual report to the United States Secretary of Labor as required under section 136 of the WIA and section 103 of WIOA;
- 7) Development of a statewide employment statistic program;
- 8) Development of a plan for comprehensive labor market information; and
- 9) Development of technological improvements to facilitate access to, and improve the quality of, services and activities provided through the workforce system.

SECTION B. The Council will be responsible fulfilling the responsibilities outlined in Idaho Code and subsequent Executive Orders from the Governor. These duties shall include, but not be limited to, the following:

- 1) Assisting the Governor in carrying out the functions of the state workforce board as required by the Workforce Innovation and Opportunity Act as amended and federal regulations promulgated thereunder (WIOA §101(d));
- 2) Carrying out any functions of a local workforce board as required by the Workforce Innovation and Opportunity Act as amended and federal regulations promulgated thereunder, if so certified by the Governor (WIOA §107(c)(4),(d));
- 3) Serve as an advisory body to the Idaho Department of Labor on matters related to workforce development policy and programs (section 72-1336(a), Idaho Code) and the Idaho Career Information System (section 72-1345A, Idaho Code);
- 4) Approve and provide oversight of Idaho Department of Labor expenditures from the Employment Security Special Administration Fund established under section 72-1347A (section 72-1336(b), Idaho Code);
- 5) Develop and provide oversight of procedures, criteria and performance measures for the workforce development training fund established under section 72-1347B, Idaho Code (section 72-1336(c), Idaho Code);
- 6) Such other duties as the Governor assigns the Council.

ARTICLE III

MEMBERSHIP

SECTION A. APPOINTING AUTHORITY

The Council shall consist of not more than 26 members appointed by the Governor. The Council's membership shall be as follows:

- 1) Representatives of business and industry shall comprise at least 40% of the members;
- 2) At least 15% of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary professional technical educational institutions;
- 3) At least 15% of the members shall be representatives of organized labor based on nominations from recognized state labor federations;
- 4) Representatives from the Department of Labor, the Department of Commerce, the State Board of Education, Division of Professional-Technical Education, and the Superintendent of Public Instruction; and
- 5) Representative of a Community-Based Organization;
- 6) Subcommittees may include Individuals from the general public who have special knowledge and qualifications and shall be appointed by the Chair.

SECTION B. TERMS OF APPOINTMENT.

All appointees shall serve fixed, three-year terms. If an appointee resigns or is removed during the term of his/her appointment, a new appointment will be made within the appropriate category of membership, and the new appointee shall complete the remainder of the term for which the original appointment was made.

A member may be reappointed at the pleasure of the Governor.

Attendance. The Council may recommend to the Governor that a member missing two consecutive meetings, without just cause, shall be replaced.

Alternates. A member may designate an alternate to represent him/her at a Council meeting, provided that a request is submitted in writing to the Chairperson prior to the meeting. The alternate shall have full participating rights, but shall not have voting rights.

ARTICLE IV

OFFICERS AND THEIR DUTIES

SECTION A. The Chairperson of this body shall be a representative of business and industry appointed by the Governor. The duties of the Chairperson shall be:

- 1) To call and preside at all meetings of the full Council;
- 2) To make committee assignments;
- 3) To appoint committee chairpersons; and
- 4) To appoint other individuals to committees.
- 5) To provide signatory authority on behalf of the Council.

SECTION B. The Vice Chair of this body shall be a representative of business and industry member appointed by the Governor. The duties of the Vice Chair shall be:

- 1) To preside at meetings in the absence of the Chairperson; and
- 2) To assume other responsibilities, as requested by the Chair.

ARTICLE V

MEETINGS

SECTION A. To the extent possible, meetings of the Council shall be scheduled a year in advance by the Council Chairperson.

SECTION B. Special meetings may be held at the call of the Chairperson or by a simple majority vote of the Council members.

SECTION C. The principal meeting place of the Council shall be in the City of Boise, Idaho, except that at least one meeting each year shall take place in another selected city for the purpose of obtaining public input on workforce education and training needs throughout the state.

SECTION D. Action items to be included on any meeting's agenda shall be made available to the Chair no less than seven (7) days prior to the scheduled meeting.

SECTION E. The Council exists to serve the public interest. Therefore, actions of the Council and its meetings shall be conducted in accordance with Idaho Open Meeting Law, I.C. § 74-201 – 74-208.

SECTION F. Secretariat services for Council meetings shall be coordinated by the Idaho Department of Labor. Duties shall include:

- 1) Recording, publishing, and distributing Council minutes;
- 2) Supplying Council members with information as needed to conduct Council business;
- 3) Maintaining contact with local and regional organizations involved in workforce development activities;
- 4) Providing and/or coordinating professional, technical and clerical staff; and
- 5) Mailing official notice of meetings at least five (5) days prior to scheduled meetings.

ARTICLE VI

QUORUM

SECTION A. A quorum of the Council shall consist of fifty percent plus one of the members of the Council. No official business shall be conducted in the absence of a quorum.

SECTION B. Each Council member is entitled to one vote.

ARTICLE VII

RULES

SECTION A. The conduct of the meetings shall be in accordance with the current edition of Robert's Rules of Order, Newly Revised, except where inconsistent with these bylaws.

SECTION B. Business shall be conducted by a majority vote of those present, except as otherwise provided herein.

SECTION C. Voting shall be done in a manner most appropriate to the issue. Voting may be done by teleconference in compelling and unusual circumstances, as determined by the Chairperson, and as allowed in the Idaho Open Meeting Law. Secret ballots shall not be used.

SECTION D. Minutes are to be distributed to all Council members and others expressing interest in receiving them.

SECTION E. Formal decisions, directives from the Chair, and major deliberations will be reported in sufficient detail to make the intention clear. Records of attendance and reports, and the names of persons who make and second motions shall be included.

SECTION F. No member shall cast a vote on any matter which has a direct bearing on services to be provided by that member or any organization which such member directly represents or on any matter which would financially benefit such member or any organization such member represents.

SECTION G. A Council member may contract for personal and property services funded with state and local workforce development funds, provided that:

- 1) the member notifies the Council in writing as soon as they are aware that a potential conflict of interest exists;
- 2) the Council records the notice, along with its reasons for awarding the contract, and indicates why the award is in the public's best interest; and
- 3) the Council member, after giving proper notice, abstains from voting on any matter involving such conflict of interest.

ARTICLE VIII

COMMITTEES

SECTION A. EXECUTIVE COMMITTEE

The Executive Committee of the Council shall be comprised of the Council Chair, the Vice Chair, the Chairs of the Standing Committees to the Council, and other members appointed by the Council Chair. To the extent possible, the Executive Committee membership shall represent the different regions and membership categories. The Executive Committee's responsibility shall be to plan agendas for Council meetings and coordinate the work of the Council's Committees. In emergency situations, the Executive Committee may be convened to take action on behalf of the entire Council. In such situations, the action taken must also be presented at the next regularly scheduled Council meeting.

SECTION B. The Chairperson, or the Council by a simple majority vote, may appoint Ad Hoc or Standing Committees and/or Workgroups as deemed necessary to conduct the business of the Council.

SECTION C. Committees of the Council will advise and submit recommendations to the full Council.

SECTION D. All rules that apply to the Council shall also apply to the Committees of the Council.

ARTICLE IX

AMENDMENT TO BYLAWS

SECTION A. These bylaws may be amended or repealed at any regular meeting of the Council by a two-thirds vote, provided that copies of such amendments shall have been submitted in writing to each member at least seven (7) days before they are proposed.

SECTION B. These bylaws and all amendments to them are subject to the approval of the Governor.