

**SOUTHWESTERN NORTH CAROLINA
WORKFORCE DEVELOPMENT BOARD**

BY-LAWS

Effective 7-7-2015 (revised 04-20-2020)

ARTICLE I

THE BOARD

- Section I.** Name: The name of this organization shall be the Southwestern Workforce Development Board, hereinafter referred to as the SWDB.
- Section II.** Local Area: The area to be served by the SWDB shall be Cherokee, Clay, Graham, Haywood, Jackson, Macon, and Swain Counties.
- Section III.** Authority: The SWDB is authorized under Public Law 113-128, Workforce Innovation and Opportunity Act of 2015; 20 CFR Part 2900.
- Section IV.** Purpose: It is the purpose of the SWDB to establish policy and exercise oversight for all workforce development activities authorized under the Workforce Innovation and Opportunity Act {P.L. 113-128} (hereinafter referred to as, the Act), and other applicable programs within the seven counties of the Southwestern North Carolina Workforce Development Consortium, and in partnership with the county governments within that area, in accordance with the Act. Duties authorized in Section 107 of the Workforce Innovation and Opportunity Act include:
- 1) **LOCAL PLAN** – develop and submit, in partnership with the chief elected official, a local Workforce Innovation and Opportunity Act Plan to the Governor;
 - 2) **WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS.**
In order to assist in the development and implementation of the local plan, the SWDB shall:
 - A. carry out analyses of the economic conditions in the region, the needed knowledges and skills for the region, the workforce in the region, and workforce development activities (including education and training) in the region described in section 108(b)(1)(D), and regularly update such information
 - B. assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491-2(e), specifically in the collection, analysis, and utilization of workforce and labor market information for the region; and

- C. conduct such other research, data collection, and analysis related to the workforce needs of the regional economy after receiving input from a wide array of stakeholders.
- 3) **CONVENING, BROKERING, LEVERAGING** – The SWDB shall convene local workforce development system stakeholders to assist in the development of the local plan under section 108 and in identifying non-Federal expertise and resources to leverage support for workforce development activities.
 - 4) **EMPLOYER ENGAGEMENT** –The SWDB shall lead efforts to engage with a diverse range of employers and with entities in the region involved
 - A. to promote business representation
 - B. to development effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;
 - C. to ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination and collaboration among employers, economic development entities and service providers; and
 - D. to development and implement proven or promising strategies for meeting the employment and skill needs of workers and employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations
 - 5) **CAREER PATHWAYS DEVELOPMENT** – the SWDB, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
 - 6) **PROVEN AND PROMISING PRACTICES** - The SWDB shall lead efforts in the local area to
 - A. identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers in the local workforce development system, including providing physical and programmatic accessibility in accordance with section 188, if applicable, and applicable provisions of the American with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the once-stop delivery system; and
 - B. identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
 - 7) **TECHNOLOGY** – The SWDB shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employer, workers, and jobseekers by:

- A. facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
 - B. facilitating access to services provided through the one-stop delivery system including facilitating the access in remote areas;
 - C. identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, and
 - D. leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment
 - E. utilizing technology to promote the participation of workforce development partners, businesses, and program participants in workforce development activities leading to a stronger and more prosperous workforce.
- 8) **PROGRAM OVERSIGHT** – the SWDB, in partnership with the chief elected official for the local area, shall
- A. (i) conduct oversight for local youth workforce investment activities authorized under section 129(c) of the Act, local employment and training activities authorized under sections (c) and (d) of section 134 of the Act, and the one-stop delivery system in the local area; and (ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in (i) and
 - B. for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116 of the Act.
- 9) **NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES** – the SWDB, the chief elected official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c) of the Act.
- 10) SELECTION OF OPERATORS AND PROVIDERS**
- A. Selection of One-Stop Operators - consistent with section 121(d), the SWDB, with the agreement of the chief elected official for the local area
 - i. Shall designate or certify one-stop operators as described in section 121(d)(A); and
 - ii. May terminate for cause the eligibility of such operators
 - B. Selection of Youth Providers – consistent with section 123, the SWDB
 - i. Shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b), based on the recommendations of the youth standing committee.

- ii. May terminate for cause the eligibility of such providers
- C. Identification of Eligible providers of training services - consistent with section 122, the SWDB shall identify eligible providers of training services in the local area.
- D. Identification of Eligible providers of career services - If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the SWDB shall identify eligible providers of those career services in the local area by awarding contracts.
- E. Consumer Choice Requirements – the SWDB shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.

11) COORDINATION WITH EDUCATION PROVIDERS

- A. The SWDB shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et eq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).
- B. Applications and Agreements – The coordination described in subparagraph A shall include
 - i. Reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan and making recommendations to the eligible agency to promote alignment with such plan and
 - ii. Replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et eq.) (other than section 112 or Part C of that title (29 U.S.C. 732, 741) and subject to section 121(f) with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross

training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

- C. Cooperative Agreement – in this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency of State designated unit under subparagraph (A) of section 101 (a)(11) of the Rehabilitation Act of 1973.

12) BUDGET AND ADMINISTRATION

Budget – to SWDB shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the SWDB.

- 13) **ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES** - The SWDB will annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) of all one stop centers in the local area.

- 14) The SWDB shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of you workforce investment activities, on request, minutes of formal meetings of the local board.

ARTICLE II

Membership

The Southwestern North Carolina Workforce Development Board in accordance with all federal and state law and regulations, and in cooperation with the Governor and the State Workforce Development Board, shall be appointed by the Chief Elected Official for the Southwestern North Carolina Workforce Development Consortium, as defined by the Act.

- Section I.** Terms of Membership: Terms of appointment shall be established such that terms shall be for two (2) years. The only exception shall be that the initial terms of nine members shall expire June 30, 2016, and the terms of the remaining members shall expire June 30, 2017. All subsequent appointees shall have terms that expire on the June 30 for a period not more than two (2) years from the appointment date. Staggered terms are established to ensure that at any given time half of the members are experienced in SWDB functions. A member may be re-appointed to any number of terms. A vacancy occurring prior to the expiration of a two-year term of any member shall be filled with the new member serving out the remainder of the unexpired term. Vacancies will be communicated to the Chief Elected Official via email by the Workforce Development Board Director. The process to notify the CEO of a Board Member

vacancy to ensure a prompt nominee will occur within ninety (90) days of the vacancy.

Section II. Membership Categories: Membership of the SWDB shall include:

1. Ten representatives of business within the Southwestern North Carolina Workforce Development Consortium area who
 - a. are owners of businesses, chief executive or operating officers of businesses, and other business executives or employers with optimum policy-making or hiring authority;
 - b. represent businesses, including small businesses, that provide employment opportunities include high-quality, work-relevant training and development in-demand industry sectors or occupations in the local area; and
 - c. are appointed from among individuals nominated by local business organizations and business trade associations;A minimum of 51 percent of the members of the SWDB shall be representatives of the business community as defined above.

2. Not less than 20 percent or four of the members of the SWDB shall be representatives of the workforce within the local area, who
 - a. Shall include representatives of labor organizations
 - b. Shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;
 - c. May include representatives of community based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
 - d. May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth;

3. Two representatives of entities administering education and training activities in the local area
 - a. a representative of eligible providers administering adult education and literacy activities under title II;
 - b. a representative of institutions of higher education providing workforce investment activities (including community colleges);
 - c. May include representatives of local educational agencies, and of community based organizations with demonstrated experience and

- expertise in addressing the education or training needs of individuals with barriers to employment
4. Three representatives of governmental and economic and community development entities serving the local area, who shall include
 - a. a representative of economic and community development entities
 - b. an appropriate representative from the State employment service office under the Wagner-Peyser Act serving the local area
 - c. an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 serving the local area
 - d. may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and
 - e. may include representatives of philanthropic organizations serving the local area

ARTICLE III

Officers

- Section I.** Chairperson: The SWDB shall elect a member as chairperson from among those private-sector representatives described in Article II Section II (1.) above, pursuant to the Act. The Chairperson shall preside at meetings, appoint committees, and, utilizing Workforce Development Board staff support, perform other duties as directed by the SWDB.
- Section II.** Vice-Chairperson: The SWDB shall elect a member as Vice-Chairperson who will perform executive duties for the SWDB at the discretion of the Chairperson. The duties of the Vice-Chairperson shall be to conduct the business of the SWDB in the absence of the Chairperson and other duties as assigned by the Chairperson.
- Section III.** Term of Office: The term of office shall be for a period of two (2) years. Officers may succeed themselves; however, the Chairperson may serve for not more than two (2) consecutive terms without the majority approval of the SWDB members.
- Section IV.** Elections: The terms of office shall begin July 1, 2015. Elections shall be held at the last regularly scheduled SWDB meeting prior to the expiration date of the term for that officer.

ARTICLE IV

Staff

Staff Support of SWDB Activities: The SWDB shall be supported in the performance of its official duties as defined in Article I Section III by the staff of the Southwestern North Carolina Planning and Economic Development Commission employed for the administrative, technical,

financial and support needs of the Southwestern North Carolina Workforce Development Consortium. This staff shall be responsive to the needs of the SWDB and shall initiate and generate those actions necessary to support the SWDB in its mandated functions.

ARTICLE V

Board Meetings

- Section I.** Regular Meetings: The SWDB shall meet at least quarterly at the call of the Chairperson. Notification of meetings shall be sent by the support staff, as defined in Article IV, to all members no less than two (2) weeks prior to any regular meetings scheduled by the SWDB.
- Section II.** Special Meetings: The Chairperson may call special meetings of the SWDB, as required. Upon receipt of a written request by the Chairperson from the support staff, as defined in Article IV, the Chairperson shall call a special meeting to convene within fourteen (14) days. Notification of these special meetings shall be sent by the support staff, as defined in Article IV, to all members providing each member as much prior notice as is possible.
- Section III.** Quorum: A majority of the SWDB membership shall constitute a quorum for the transaction of business.
- Section IV.** Voting: All actions of the SWDB shall be determined by a majority vote of the members present, except the adoption of amendments to the By-laws which shall be a two-thirds vote of the members present. Each member of the SWDB shall have one vote and no proxy vote shall be allowed by other representatives.
- Section V.** Attendance: Positions of SWDB members who miss three successive meetings may, at the discretion of the SWDB Chair, be declared vacant.
- Section VI.** Order of Business: The Chairperson shall be responsible for orderly business of the SWDB and for calling items of the agenda. During the course of considering items on the agenda, only members of the SWDB shall participate in discussion except by prior arrangement with the Chairperson, upon request of a member of the SWDB or during a public participation period. Items not included on the agenda may be considered if approved by a majority vote of those members present.
- Section VII.** Agenda: The agenda for SWDB meetings shall be developed by the support staff, as defined in Article IV, in consultation with the Chairperson.
- Section VIII.** Rules: All procedures of the SWDB not set forth in these By-laws shall be governed by the rules set forth in the current edition of Robert's Rules of Order, Newly Revised.

- Section IX.** Open Meetings: All meetings of the SWDB shall be open and accessible to the general public, and minutes shall be maintained and mailed with the next regular meeting's agenda prior to that meeting.
- Section X.** Conflict of Interest: No member of the SWDB shall cast a vote on the provision of services by that member (or any organization of which that member directly represents) or vote on any matter that would provide direct financial benefit to that member or immediate family member. Immediate family is defined as spouse, parent, child or sibling. Questions as to whether a conflict of interest exists shall be resolved by the Chairperson.
- Section XI.** Reimbursement of Travel: Travel reimbursement and subsistence payments may be made to any SWDB member who has incurred personal costs while in execution of official duties of the SWDB, provided those costs would not otherwise be paid by his/her employer or some other entity. All costs incurred must be approved by the support staff in accordance with federal and state law, all applicable regulations, and all applicable policies of the Southwestern North Carolina Planning and Economic Development Commission and will be paid on a cost reimbursement basis (except in cases where special travel advances have been approved). Final approval for all travel and subsistence payments is at the discretion of the Executive Director of the Southwestern North Carolina Planning and Economic Development Commission.

ARTICLE VI

Standing Committees

Youth Committee- will be chaired by a member of the SWDB and may include other members of the SWDB. The committee members will be appointed by the SWDB to include individuals who the SWDB determines have the appropriate experience and expertise in workforce development youth activities. The purpose of the Youth committee is to provide information and assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth.

SWDB Executive Committee – will be established to review RFP's, budgets, and contracts and make recommendations to the full board. The Executive Committee will be comprised of the Chairman and Vice Chairman of the SWDB and three additional members appointed by the Chairman.

Ad Hoc Committees: Ad Hoc Committees may be established by the SWDB as required to deal with specific issues. Members of said committees shall be designated by the Chairperson.

ARTICLE VII

Plan Amendment Procedures

The Chairperson and Workforce Development Director may amend the SWDB Workforce Innovation and Opportunity Act Plan without a formal vote of the SWDB. Such amendment (s) shall be made only if the following conditions apply:

1. All SWDB members are notified on or before the next regularly scheduled meeting of the SWDB;
2. The proposed amendment does not substantially alter the logic, intent, services, and goals of the program; and
3. Contracted funding levels are not altered by more than 20%, in total.

ARTICLE VIII

By-Law Amendments

Adoption of amendments to these By-laws governing functions of the SWDB may be amended at any regular meeting of the SWDB by a two-thirds vote of the members present provided the amendment has been submitted in writing to the SWDB members seven (7) days prior to the meeting. In the event that changes are made to the By-laws by the SWDB, such changes shall be transmitted to each member of the SWDB on or before the next regularly scheduled meeting.

Meetings and Conferencing via Electronic Means

All public Workforce Development Board meetings and Committee meetings will be held at specified times and places which are convenient and open to the public.

The Board believes it is in the best interest of its members, systems, and customers that the fullest participation and attendance in all meetings be achieved whenever possible. Furthermore, it recognizes that the use of electronic, audio or video conferencing for meeting attendance and voting requirements is permissible so long as the meeting is conducted in accordance with the Sunshine Provision.

The Board in all of its regular and special, standing committee, and ad hoc committee meetings complies with and intends to comply with the provisions of the Sunshine Provision. Therefore, the Board hereby adopts this policy, to be used when needed, to make use of the capabilities for conferencing by electronic means or any other type of audio or video conferencing for its meetings *or* any of the standing committee and ad hoc committee meetings as set forth and adopted according to the following rules as applicable:

- A. All pertinent provisions of the Sunshine Provision must be complied with, including specifically the proper notice of any regular or special meeting, the proper record keeping or minutes of each meeting, the appropriate agenda preparation for each meeting, which in addition shall be posted along with the notice of the meeting; and, in particular, any use of closed sessions shall be in compliance with the provisions of WIOA.
- B. All Board and Committee members attending meetings by electronic conferencing shall be entitled to vote as if they were personally and physically present at the meeting site so long as a quorum is, in total, present and accounted for, and their votes shall be recorded by the Board Director.
- C. A Board or Committee member who attends a meeting by electronic, video, or audio conference must provide notice to the Board Director at least 24 hours prior to the meeting unless such advance notice is impracticable.
- D. The location of the meeting included on the notice shall be equipped with a suitable transmission system (e.g., a speakerphone) in order that the public audience, the members in attendance and any staff in attendance will be able to hear any input, vote, or discussion of the conference and that the member attending by electronic means shall have a similar capability of hearing and participating in such input, vote, or discussion.
- E. As the Board or its committees begin each new matter of business, the Chair will check with all remote location(s) where members are to ensure that each such connection is active.
- F. When a motion is made, and seconded, and discussion regarding the motion begins, the Chair will check that the connection with remote location(s) where members are present is active. Prior to closing discussion and taking any vote, the Chair will ask all remote

location(s) where member(s) is(are) present whether there are any additional comments, questions, or information to be added to the discussion.

G. All decisions will be made using majority rule except when a higher vote is required. There will be no muting of any connections with remote location(s) where members are present at any time. There will be no sidebar discussions.

H. The procedures outlined above shall also apply to each Board and its Committee members.