



Gaston County

Gaston County
Board of Commissioners
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DHHS - Social Services Division

Board Action

File #: 16-428

Commissioner Keigher - To Approve the Revised Workforce Development Board By-Laws

STAFF CONTACT

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BACKGROUND

The Workforce Development Board met on July 31, 2015 and approved the revised by-laws to reflect the language from Workforce Investment Act (WIA) of 1998 to Workforce Innovation and Opportunity Act (WIOA) of 2014. The Workforce Development Board is submitting the attached by-laws for approval by the Board of Commissioners.

ATTACHMENTS

Workforce Development Board By-Laws

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	Brown	Carpenter	Fraley	Keigher	Philbeck	Price	Williams	Vote
2016-260	09/27/2016	CB	JC	A	A	A	A	AB	AB	A	U

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**BYLAWS OF THE
GASTON COUNTY WORKFORCE DEVELOPMENT BOARD**

ARTICLE I

AUTHORITY AND NAME

- Section 1. Under the provision of the Workforce Innovation and Opportunity Act of 2014 (WIOA), the Gaston County Workforce Development Board is hereby established.
- Section 2. The Gaston County Workforce Development Board will hereinafter be referred to as the Board or the WDB. The Workforce Innovation and Opportunity Act will hereinafter be referred to as the Opportunity Act or WIOA.

ARTICLE II

GOALS AND PURPOSE

- Section 1. The goal of the Board will be to insure the efficient and effective expenditure of federal employment and training funds in Gaston County through the design of a comprehensive WIOA delivery system sufficient: (1) to provide the opportunity for eligible residents of Gaston County to receive employment, training and/or supportive services necessary to develop and maintain the attitudes and skills required to realize their full delivery of WIOA services to those most in need of assistance; (2) to increase and improve job opportunities for unemployed disadvantaged residents that they may achieve maximum self support; (3) to assist area industry in fulfilling its skill training requirements through the design of training programs in activities with private industry.
- Section 2. As stated in the Opportunity Act, the purpose of the WDB is to provide policy guidance for and exercise oversight with regard to activities under the Strategic Plan for its service delivery area in partnership with the unit or units of general local government within its local area.
- In addition the WDB will provide input into the development of the Strategic Plan through the selection of program activities and program operators and the allocation of WIOA resources among the activities selected. The WDB will serve as a conduit by which local employers, human service agencies, training providers, and other groups will identify area training needs and seek the establishment or expansion of programs to meet those needs. The WDB will monitor and evaluate the effectiveness of all WIOA activities.
- Section 3. As outlined in NC General Statute § 143B-438.11, *Local Workforce Development Boards*, (Note: NC General Statutes will be updated in 2015 to correspond to the release of the final WIOA legislation) the Gaston County WDB is responsible:

- (a) To develop policy and act as the governing body for local workforce development.
- (b) To provide planning, oversight, and evaluation of local workforce development programs, including the local One-Stop Delivery System.
- (c) To provide advice regarding workforce policy and programs to local elected officials, employers, education and employment training agencies, and citizens.
- (d) To develop a local plan in coordination with the appropriate community partners to address the workforce development needs of the service area.
- (e) To develop linkages with economic development efforts and activities in the service area and promote cooperation and coordination among public organizations, education agencies, and private businesses.
- (f) To review local agency plans and grant applications for workforce development programs for coordination and achievement of local goals and needs.
- (g) To serve as the Workforce Development Board for the designated substate area for the purpose of the federal Workforce Innovation and Opportunity Act.

ARTICLE III

MEMBERSHIP

- Section 1. The Opportunity Act, Section 107(b), requires that a majority of members shall be representatives of the private sector who shall be "owners of business, chief operating officers of non-governmental employers, chief executive officers or other private sector executives with optimum policy making authority. At a minimum, two (2) members must represent small business as defined by the U.S. Small Business Administration. "
- Section 2. As specified in the Opportunity Act, additional members shall be representatives of educational agencies, organized labor, community based organizations, economic development agencies, rehabilitation agencies, public employment service, and an administrator of adult education and literacy.
- Section 3. The initial size of the Board is established by the Board of County Commissioners. Thereafter, the number of members shall be determined by the Board.
- Section 4. The Board, as needs arise, may call on persons from other business or community agencies/activities to serve in an ad hoc and advisory capacity.

ARTICLE IV

APPOINTMENT OF MEMBERS

- Section 1. All appointments to the Board shall be made by the Board of County Commissioners.
- Section 2. As specified in section 107(b) in the Opportunity Act, private sector representatives shall be selected from nominations solicited from general purpose business organizations (generally construed to mean Chambers of Commerce) in the area. The number of such nominations shall be at least 150 percent of the number of individuals to be appointed.
- Section 3. Other memberships on the Board shall be drawn from appointments recommended by agencies representing those institutions specified in Article III, Section 2 above, and other agencies and institutions as determined by the WDB or the Board of County Commissioners.
- Section 4. Members shall be appointed to a three year fixed and staggered terms, as specified in the Opportunity Act. For the purpose of formulating the first Board, one-third of the initial appointments shall be for one year, one-third shall be for two years and one-third shall be for three years. Thereafter all appointments shall be for three years.
- Section 5. Members may resign their appointments through written notice to the WDB Chairperson.
- Section 6. Vacancies on the Board shall be filled in the same manner as the original appointments.

ARTICLE V

DUTIES AND ELECTION OF OFFICERS

- Section 1. Chairperson. The Chairperson shall be selected by the members of the Workforce Development Board and shall be a representative of business organizations.

The Chairperson shall preside at all meetings of the Workforce Development Board whether regular or called. He/she shall call special meetings of the Board when required; direct the shaping of the agenda for regular and special meeting and act as spokesperson and signatory official for the Board. He/she shall appoint all committees.

- Section 2. Vice-Chairperson. The Vice-chairperson shall preside as Chairperson in the Chairperson's absence, or in the event of the Chairperson's being unable to preside for any other reason. The Vice-Chairperson shall be familiar with the affairs of the Board and when presiding, shall possess all powers and perform all duties of the Chairperson. The Vice-Chairperson should be a representative of the private sector.
- Section 3. The Chairperson and Vice-Chairperson will be elected by a simple majority vote of the Board on an annual basis.
- Section 4. The Chairperson may resign his/her office through written notice to the Gaston County Manager and the Board members.

Section 5. The Vice-Chairperson may resign his/her office through written notice to the Chairperson and the Board members.

Section 6. In the event the office of Chairperson is vacated the Vice-Chairperson shall assume the office of the Chairperson. In the event the office of Vice-Chairperson is vacated a successor shall be appointed by the Executive Committee to serve the remainder of the vacated term

ARTICLE VI

STAFF TO THE BOARD

Section 1. As designated through agreement between the Gaston County Board of Commissioners and the WDB, employees of the Department of Health & Human Services, Division of Social Services provide staff support to the WDB, serving as WDB staff, and providing administrative support services (e.g. accounting and human resources) to the program.

Section 2. The Local Area Director (WIOA/Economic Support Services Administrator) shall assist the Chairperson in the development of meeting agendas, notifying the membership of regular and called meetings, distributing the minutes and accomplishing other business of the Board. The Local Area (LA) Director or his/her designee shall act as recorder for all Board meetings and shall be responsible for the preparation of minutes.

Section 3. The LA Director or his/her designee shall assist the WDB in its independent oversight of WIOA operations and will make available to the WDB summaries of all evaluations and monitoring reviews. The Local Area Director or his/her designee shall and provide any report or information deemed necessary by the WDB.

ARTICLE VII

ORGANIZATION AND MEETINGS

Section 1. The LA Director or his/her designee shall attend all Board meetings, take all minutes and distribute copies to all Board members within seven working days after the date of the meeting. The minutes shall become official when approved by a simple majority vote of the Board.

The LA Director or his/her designee, in conjunction with the Chairperson, shall issue all calls for meetings and notify all officers and the Board members of their election or appointment. The LA Director shall also work with the Chairperson in the preparation of agendas.

The LA Director shall insure the provision of adequate information to the Board necessary for fulfillment of the monitoring and evaluation responsibilities outlined in the previous Section 2 of Article II and shall respond in a timely fashion to appropriate inquiries and information requests from Board members.

Section 2. Committees of the Board shall be appointed, as the need arises, by the Board Chairperson. The Board Chairperson shall designate a Chairperson of each appointed committee. Committee Chairpersons may appoint ad hoc members to the committees if deemed necessary. Ad hoc committee members will act in an advisory capacity to the members of the committee.

Committee Chairpersons, or their designees, shall report the most recent actions of their respective committees at meetings of the WDB.

Committee members may resign their appointments through written notification of the Board Chairperson and the Committee Chairperson. Committee Chairpersons may resign their appointments through written notification to the Board Chairperson and the Committee members. For the purpose of committee meetings only, a quorum shall consist of at least two active members of the WDB.

Section 3. An Executive Committee of the WDB shall be established consisting of the WDB Chairperson, Vice Chairperson and all Committee Chairpersons. The WDB Chairperson and Vice Chairperson shall also serve as Chairperson and Vice Chairperson of the Executive Committee. Meetings of the Executive Committee shall be called as deemed necessary by the Chairperson or when requested by Subcommittee Chairmen or other WDB members. All WDB members shall be given prior notice of Executive Committee meetings. Such meetings shall be open to the full membership.

The Executive Committee shall be empowered to act on behalf of the full WDB with regard to matters which cannot reasonably be postponed to the next full WDB meeting or other matters of interest and concern to the WDB. All actions of the Executive Committee shall be reported at the next regularly scheduled meeting of the full WDB.

Section 4. A Youth Program Committee (formerly known as the Workforce Development Board Youth Council) shall be established as a standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth.

Section 5. The Board shall meet at least quarterly. The LA Director, in conjunction with the Board Chairperson, shall provide all Board members written notice of all regularly scheduled meetings within a minimum of five working days prior to their occurrence. Such notice should include the date, time and place of the meeting as well as anticipated agenda items.

Section 6. The Chairperson, if necessary, may call special meetings of the Board upon written notice to members three working days prior to the meeting. By use of telephone, a special meeting may be called with only two working days notice. Upon receipt of written requests for a special or called meeting from at least one-fourth of the members of the Board, the Chairperson shall call a special meeting of the Board.

Section 7. All Board meetings whether regularly scheduled or specially called, will be open and accessible to the public as required by North Carolina Open Meetings Law (NC General Statute §143-318.10(b)). An opportunity for public comment and participation shall be provided during each meeting.

ARTICLE VIII

VOTING

- Section 1. Each member of the WDB shall have one vote.
- Section 2. A quorum shall consist of the Chairperson or Vice-chairperson and at least a simple majority of the membership.
- Section 3. A simple majority of the membership present shall be necessary for action on any issue before the Board.
- Section 4. The Chairperson shall be entitled to vote in case of a tie and will be included in the count of membership to constitute a quorum.
- Section 5. No member of the Workforce Development Board shall cast a vote on the provision of services by that member (or any organization which that member directly represents) or vote on any matter which would provide direct financial benefit to that member, or which may otherwise be construed as a conflict of interest as detailed in Article IX.
- Section 6. If a quorum of the WDB is not present, an unofficial vote of members present may be taken at the prerogative of the WDB Chairperson, or in the event of his/her absence, the WDB Vice Chairperson. Within five working days after the date of the meeting, absent members shall be polled by written ballot regarding matters on which an unofficial vote has been taken. The ballot shall contain an explanation of the matter(s) under consideration, an indication of the results of the unofficial vote, and opportunity for absent members to vote in favor of the matter(s); vote against the matter(s); or, abstain from voting regarding the matters. Absent members will be asked to return the ballot to the LA Director within ten working days of the date of the meeting. At the end of ten working days, the ballots of absent members will be added to the unofficial vote taken at the WDB meeting. If the number of absentee ballots plus the number of unofficial votes constitutes a simple majority of the WDB, the vote shall be considered an official vote of the WDB and the results of the combined vote shall constitute official WDB action. The LA Director shall inform the WDB of the results of the vote within fifteen working days after the date of the WDB meeting.

ARTICLE IX

CONFLICT OF INTEREST.

- Section 1. No member or agent of the Workforce Development Board (WDB) shall cast a vote on the provision of service under the workforce development plan by that member, by any member of his or her family, or by any organization of which that member or any member of his or her family is an officer, owner, or employee, or vote on any matter which would provide direct financial benefit to that member, or participate in the award or administration of any grant or contract that is funded through the workforce development plan, where he or she knows that any of the following has a financial interest in the person or organization that will receive or has received the grant or contract: (a) the member or agent; (b) any family member of the member or agent; (c) any partner of the member or agent; or (d) any person or organization that employs, or is about to employ, any person described in (a), (b), or (c).
- Section 2. It shall be a breach of ethical standards for any member of the Workforce Development Board to participate directly or indirectly in a procurement when the Board member knows that (a) the member or any individual of the member's immediate family has a financial interest pertaining to the procurement; or (b) a business or organization in which the member, or any individual of the member's immediate family, has a financial interest pertaining to the procurement; or (c) any other person, business, or organization with whom the member or any individual of the member's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
- Section 3. Where there is a conflict of interest on the part of a WDB member, said member shall disclose the material facts as to his or her interest or benefit from the proposed board action, and, in the event the measure required approval by the WDB, the proposed board action may then be approved upon the affirmative vote of a majority of the disinterested members, even though the disinterested members be less than a quorum. Board member(s) abstaining from the action due to conflict of interest may be counted in determining the presence of a quorum at the meeting at which said issue is considered. Regarding participation, members of the Board shall not vote or be involved in the discussion of the provision of services by that member (or any organization which that member directly represents) or any matter in which the member is in a position to make or influence a procurement decision in which that member has an economic interest. Members of the Board who have such a conflict(s) shall identify themselves to the Chairperson of the Board prior to the discussion and vote of such agenda items. The disqualification of Board members from participation in procurement or other decisions shall be recorded in the minutes of the Board's meeting. The Chairperson of the Board shall be responsible for assuring Board members avoid the risk or appearance of conflict of interest.
- Section 4. For purposes of this conflict of interest provision, no "direct financial benefit" arises from a WDB member's employment, or from employment by an organization that a WDB member represents, or from time-to-time employment of persons participating

in a WDB program that is administered by a contractor that is controlled by or related to the Board member or the organization that he or she represents.

No member or agent of the WDB shall: (1) solicit or accept gratuities, favors, or anything of monetary value from contractors or suppliers or potential contractors or suppliers, or (2) solicit, accept or agree to accept any benefits of any kind for exercising WIOA authority and/or for the performance of their duties.

ARTICLE X

BOARD BUSINESS

- Section 1. The Chairperson shall be responsible for orderly meetings of the Board and for calling items on the agenda.
- Section 2. The Board shall conduct its meetings in conformance to Robert's Rule's of Order.
- Section 3. A formal agenda shall be prepared and distributed to each of the Board members within a minimum of three working days prior to the regularly scheduled meeting. The agenda shall be prepared and distributed by the LA Director or his/her designee following consultation with the Chairperson.
- Section 4. Each Board meeting agenda shall contain items to be placed before the members. The Board may consider other items as it deems necessary. Persons who are not members of the Board may not participate in discussions unless prior arrangements for presentations have been made and included on the agenda or unless permission is sought from and granted by the Chairperson. As cited in Article VII, Section 6 above, an opportunity for public comment and participation shall be provided during each meeting.

ARTICLE XI

ATTENDANCE REQUIREMENTS

- Section 1. With the exception of medical reasons, members who fail to attend three consecutive meetings in any twelve month period may be removed from the Board upon recommendation of the Chairperson.
- Section 2. With the exception of medical reason, members who have less than a 60% annual attendance may be removed from the Board upon recommendation of the Chairperson.
- Section 3. A roster of members and their attendance shall be maintained by the Department of Health & Human Services, Division of Social Services and shall be available for review by the Board.

Section 4. Replacement of members who have resigned or have been removed from the Board shall be accomplished as soon as possible in accordance with procedures established in Article IV.

Section 5. Members whose terms of appointment have expired will be replaced as soon as possible in accordance with Article IV. However, such members may continue serving on the Board until their replacements have been seated.

ARTICLE XII

CHANGE OF BYLAWS

Section 1. These bylaws may be amended, altered, or repealed and new bylaws may be adopted by a simple majority vote of the Board.

Section 2. Notice of five working days should be given of intention to alter, amend, repeal, or adopt new bylaws at any meeting. Such notice shall include a copy of the proposed changes.

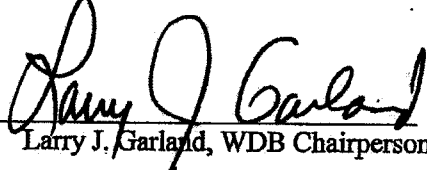
ARTICLE XIII

BYLAWS EFFECTIVE DATE

Section 1. These bylaws shall be in full force and in effect upon the date of adoption by the Board.

Section 2. Certification of Adoption: These bylaws were adopted and/or last amended on the date indicated below by a majority vote of the Workforce Development Board.

7/31/15
Date of Adoption/Modification


Larry J. Garland, WDB Chairperson

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and accurate copy of the Workforce Development Board By-Laws as adopted by the Board of Commissioners on September 27, 2016.


Donna S. Buff

SEAL