



Gaston County

Gaston County
Board of Commissioners
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DHHS - Social Services Division Board Action

File #: 20-582

Commissioner Keigher - DHHS (Social Services Division) - To Accept as Information the Revised Workforce Development Board By-Laws

STAFF CONTACT

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BACKGROUND

The Workforce Development Board met on July 16, 2020 and approved the revised by-laws in accordance with Resolution 2009-313, Appointment Policy. The Workforce Development Board is submitting the attached by-laws for approval by the Board of Commissioners.

ATTACHMENTS

Workforce Development Board By-Laws

DO NOT TYPE BELOW THIS LINE

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	CBrown	AFraley	BHovis	KJohnson	TKeigher	TPhilbeck	RWorley	Vote
2021-023	01/26/2021	CB	AF	A	A	A	A	A	AB	A	U

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A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

GASTON COUNTY Workforce Development Board By-laws

Article 1 Name and Purpose

Section 1. Name

The name of this organization shall be the GASTON COUNTY Workforce Development Board (hereinafter referred to as the "Board").

Section 2. Purpose and Responsibilities

The purpose for which the Board is organized is to perform all functions of a Workforce Development Board and Local Workforce Development Area as set forth in the Federal Workforce Innovation and Opportunity Act of 2014 ("WIOA"), or the corresponding provision of any applicable federal or state laws of related purpose and the rules and regulations promulgated thereunder, and Section 143B-438.11 of the North Carolina General Statutes and to perform such functions with the GASTON COUNTY Workforce Development Board.

The Board service area shall encompass GASTON COUNTY only.

The Board responsibilities shall include:

1. Develop and submit local plan annually to the Governor, a comprehensive 4-year local plan, in partnership with the Chief Elected Official;
2. Perform workforce research and regional market analysis;
3. Convene local workforce development system stakeholders to assist in the development of the local plan and identify non-federal expertise and resources to leverage support for workforce development activities;
4. Lead efforts to engage with a diverse range of employers and with entities in the region involved;
5. Lead efforts with representatives of secondary and postsecondary education programs 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;
6. Lead efforts in the local area to identify proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers in the local workforce system, and to identify and disseminate information on promising practices carried out in other local areas;

7. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and jobseekers;
8. Conduct program oversight;
9. Negotiate and reach agreement on local performance accountability measures;
10. Designate or certify one-stop operators and, in appropriate circumstances, terminate for cause the eligibility of such operators;
11. Coordinate activities with education and training providers in the local area;
12. Develop a budget for the activities of the local Board consistent with the local plan and the duties of the local Board and subject to the approval of the Chief Elected Official;
13. Annually review the physical and programmatic accessibility provisions of all one-stop centers in the local area, in accordance with the Americans with Disabilities Act of 1990.

Article 2

Board Members

Section 1. Appointment

There shall be a Board of no more than NINETEEN (19) Board members, unless decided otherwise by the CEO, Board Chairperson, and the Workforce Development Board Director. In which a unanimous decision must be reached, in writing and signed by each of the three. Members of this organization shall be appointed by the following procedure: The Chief Elected Official (Chairman of the Gaston County Board of Commissioners, hereinafter referred to as the CEO) shall appoint members based on nominations from the following: local business organizations; local education agencies; vocational education institutions, community-based organizations, and higher educational institutions; and private and proprietary schools; state or local labor organizations and other interested organizations.

The number of business sector nominees shall be at least 51 percent of the number of individuals to be appointed and are appointed from amongst individuals nominated by local business organizations and business trade associations. The nominated candidate or company must be a member of the nominating organization. A majority of the Members shall be representatives of businesses in the local area (including small businesses or organizations representing businesses that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area) and are owners, chief executives or operating officers, or other business executives or employers with optimum policy making or hiring authority. The members of the local Board shall represent diverse geographic areas within the local area.

Section 2. Composition

Organized Labor and Community Based Organizations: Not less than 20 percent of the Members shall be representatives of the workforce within the local area, who:

- (i) shall include representatives of labor organizations, who have been nominated by local labor federations, or other representatives of employees;
- (ii) 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 program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists.
- (iii) 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
- (iv) 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;

Education and training activities: The Board shall include representatives of entities administering education and training activities in the local area, who:

- (i) shall include a representative of eligible providers administering adult education and literacy activities under Title II of the WIOA;
- (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);
- (iii) 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 training;

The Board shall include representatives of governmental and economic and community development entities serving the local area, who:

- (i) shall include a representative of economic and community development entities;
- (ii) shall include an appropriate representative from the state employment service office under the Wagner-Peyser Act serving the local area;
- (iii) shall include an appropriate representative of the programs carried out under Title I of the Rehabilitation Act of 1973, serving the local area;
- (iv) may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance, and
- (v) may include representatives of philanthropic organizations serving the local area; and

This Board may include such other individuals or representatives of entities as the Chief Elected Official determines appropriate.

Section 3. Tenure

Members shall be appointed to a three year fixed and staggered term, as specified in the Workforce Innovation and Opportunity Act (WIOA). For the purpose of formulating the first Board after implementation of WIOA - Program Year 2015, and to stagger the terms: one-third of the initial appointments were for one year; one-third were for two years; and one-third were for three years. Thereafter, all appointments shall be for three years. An individual whose's initial appointment is to fill the remainder of an exiting member's unexpired term OR an initial staggered term of less than three years, shall be eligible to serve an additional full-length term. Members may be re-appointed at the discretion of the Chief Elected Official and their desire to serve an additional term(s). The Board shall not compensate Board Members for their services, but by resolution of the Board, a fixed sum and expenses, if any, may be allowed for attendance at each regular or special meeting of the Board.

Section 4. Termination for Cause

By two-thirds majority vote of the membership or by action of the Chief Elected Official, a member may be removed for cause from the Board. Cause would be for such actions as malfeasance, misfeasance, misconduct, or any action which would be deemed not in the best interest of the Board; or 60% absences from regular scheduled meetings within the preceding twelve calendar months. Notice of a removal vote that may be taken for "cause" must be included on the agenda of said meeting. The Chair shall send a precautionary letter to the said Board member upon two (2) unexcused absences within the preceding twelve calendar months prior to the next meeting.

Section 5. Resignation

Letters of resignation must be submitted to the GASTON COUNTY Workforce Development Board Chair. Three consecutive absences without justification will be considered defacto resignation. Justification must be submitted in writing. The Board Chair has the authority to accept or deny justification.

Section 6. Vacancies

Upon vacancy of any position on this Board, the procedure in Article II, Section 1, will be followed to provide replacement representation to complete the remainder of that term of appointment.

Section 7. Active Participation of Board Members

The Gaston County Workforce Development Board members shall actively participate in convening the Gaston County Workforce Development System's stakeholders, broker

relationships with a diverse range of employers, and leverage support for workforce development activities. As members of the Gaston County Workforce Development Board, it is encouraged for each sector representative to participate in local and regional endeavors that support the understanding, expansion, and impact of Workforce Development activities. Through their volunteer efforts, they shall support and promote the ever increasing need to market and partner with current and future employers, community organizations, and institutions of higher education to create a vibrant and meaningful workforce program. Board members are expected to attend or participate in no less than 2 board sponsored initiatives each calendar year and are encouraged to attend the annual NCWorks Partnership Conference or other meaningful activities

Article 3 Meetings

Section 1. Regular Meetings

The Board shall meet at such time and place as determined by the Chairperson in an accessible facility. The Board will meet no less than four times per program year. Regular Board meetings are face to face; however, Board members may access meetings via conference call, video communications and other alternative methods with an advance request in writing made at least 3 days prior to the meeting date to the Clerk to Board via email notification.

Five working days' notice shall be delivered to each member stating a reasonable time, date and place of the meeting and the meeting's purpose unless deemed an emergency by the Chair or Executive Committee calling for said special meeting.

Section 2. Special Meetings

The Chair of the Board may, when deemed necessary, call a special meeting of the Board via conference call, video communications, or alternative media sources for transacting any business designated in the call.

Section 3. Quorum

At all meetings (regular or special) of the Board, a majority of the Board members present constitutes a quorum for transacting business. A quorum shall require the participation of the Board Chair or Vice Chair and Board members constituting 51% of the total board positions. Proxy representatives, if unable to cast votes, shall not count toward meeting the quorum requirement. Votes may be cast via electronic medium for remote attendees. The act of the majority of the Board members present at a meeting at which a quorum is present shall be the act of the Board. However, a two-thirds vote of those present or represented via voting proxy shall be required to amend any provision of these By-laws.

Section 4. Conduct of Meetings

All meetings of this Board shall be conducted in accordance with the latest edition of Robert's Rules of Order.

Section 5. Open Meetings

The Gaston County Workforce Board Conducts Business Openly: The local Board conducts its business in an open manner as required by WIOA sec. 107(e), by making available to the public, on a regular basis through electronic, audio, or virtual means and open meetings, information about the activities of the local Board. (20 CFR 679.390) This includes:

- a. Information about the Local Plan, or modification to the Local Plan, before submission of the final version of the plan;
- b. List and affiliation of local Board members;
- c. Selection of one-stop operators;
- d. Award of grants or contracts to eligible training providers of workforce investment activities including providers of youth workforce investment activities;
- e. Minutes of formal meetings of the local Board; and
- f. Local Board by-laws, consistent with § 679.310(g).

The Board, in all of its meetings will comply with the provisions of the Sunshine Provision.

Additionally, the Board hereby adopts Remote Attendance and Meeting Policies, 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:

Remote Attendance -

- 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 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.

Remote Meetings –

Remote Public Meetings: In Response to the Coronavirus Disease 2019 (COVID-19) Crisis, (S.L. 2020-3, SB 704) the General Assembly has *enacted modifications* to the laws governing meetings of public bodies, and voting and quorum rules for city and county governing boards. The new law modifies those rules and provides specific guidance regarding *remote* meetings, including quorum, notice, voting, public comment, and public hearings. *These provisions are in Section 4.31 of the Act*. The new provisions for *remote* public meetings became effective on May 4, 2020, and only apply when there is a declaration of a state of emergency by the Governor or General Assembly under GS 166A-90.20. They are not triggered by city or county emergency declarations. The new law also provides that any electronic meeting undertaken via remote participation between March 10, 2020 and the effective date of the new law is not deemed invalid due to the use of electronic communication to conduct that meeting.

The Board will adopt this *remote meeting 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 as set forth and adopted according to the following rules as applicable:

- A. Before Remote Meetings: Additionally, the Gaston County WDB will continue to provide advanced meeting notice, following existing guidance for notifying the public under G.S. 143-318.12. The notice will also contain detailed information on how the public can access remote meetings. The Gaston WDB will continue to provide all documents to all board members in advance of any meetings. If applicable, presentation capabilities will be restricted to designated individuals and may be recorded
- B. Launching Remote Meetings: The Gaston WDB will insure that meetings are simultaneously available to the public by an audio stream, dial-in conference line, or video live stream. It is essential that all board members are able to hear all

communications from fellow board members and the public during remote meetings. Remote Meeting Attendance Guidelines will be reviewed with all attendees before the Board Meeting starts, including roll call, identifying actions, votes, chat box discussion, mute, etc.

- C. During the Remote Meetings: First thing at the beginning of any meeting, roll call will be taken. During roll call, each member must clearly state their name, the name of the company or agency they represent, and lastly they must also state how they are joining the meeting (telephone & their telephone #, virtual conference meeting via visual or virtual conference meeting via audio only. Board Staff and Guests will follow the same protocol.

The individual leading each section of the agenda, will reference the specific item and/or section of the agenda that is being discussed or acted on. Votes will be taken by roll call. Board Members will count for quorum/votes only while active on the remote meeting. No votes may be taken by written or secret ballot. Any board members that are calling in via telephone or cannot be seen during the conference meeting **MUST** say their name during the following times: roll call; prior to any action taken; and prior to voting.

Closed sessions –

Closed sessions may be held in accordance with G.S. 143-318.11; access to the public is not required during this time

Additional Remote Meeting Information –

The Gaston County WDB will insure that meeting minutes reflect that the meeting was done by simultaneous communication, which board members participated by simultaneous communication, and the board members who entered or left during the meeting. All chats or other written communications between members of the public body regarding the transaction of the public business during remote meetings are deemed public record. Any technical challenges that occur during the meeting shall also be noted in the minutes for future reference.

Section 6. Proxy Representation and Voting

A member may designate a representative to attend a meeting of the Board in his/her absence. The proxy must meet the membership criteria for the member's affiliation type. The proxy will count toward the appointed member's attendance, may participate in discussions by the board, and may vote *so long as the member provides written voting instructions to the Chair allowing his/her proxy representative to cast votes in accordance with the written voting instructions.*

The Chair shall not vote except in the case of a tie, in which event he/she shall cast the deciding vote. Each Board member present shall be entitled to one (1) vote on each matter for which a vote is taken. Votes may be cast telephonically, via electronic medium, and/or virtually.

Section 7. Conflict of Interest and Voting

GASTON COUNTY Board members shall not cast a vote, or take interest in, any decision- making capacity on the provision of services by such Individual (or any organization which that Individual directly represents), nor on any issue which would provide any direct financial benefit to that Individual.

No Board member shall participate in a governmental decision including voting on a matter (including recommendations, appointments, obligating, or committing the GASTON COUNTY Board to a course of action) when such action influences a decision or exercises judgment in making a decision.

Any Board member with a potential or actual conflict of interest shall comply with requirements for public disclosure and recusal.

Each Board member shall annually confirm a statement that affirms such person:

1. Has received a copy of the Board's Conflict of Interest and Code of Conduct Policies in accordance with state policy;
2. Has read and understands the policy; and
3. Has agreed to comply with the policy.

Article 4 Organization

Section 1. Officers

The officers of this Board shall be a Chair, a Vice-Chair, and a Secretary.

Section 2. Election of Officers

Officers of this Board shall be elected in June for two-year terms. The Chair and Vice-Chair will be elected from among the members who are representatives of the business sector. The secretary will be elected from among all members.

The Chair shall appoint a nominating committee to recommend officers who shall be elected from the Board's business sector membership and shall begin their term at the beginning of the new program year effective July 1. These officers shall serve until their successors are elected and qualified or until they are no longer Board members. If an officer is unable to complete his/her term the Board shall elect a successor to complete the remaining portion of the original

term. The Vice-Chair shall not be required to succeed the Chair at the end of the Chair's term of office.

Section 3. Chair

The Chair shall preside at Board meetings, designate standing and ad hoc committees (if necessary) and deemed appropriate and appoint their Chair and members.

Section 4. Vice-Chair

The Vice-Chair shall assume all duties and responsibilities of the Chair in his/her absence from meetings. In the event that the office of Chair is vacated before the end of the term, the Vice Chair shall assume the office in an acting capacity until such time as the Board elects a new Chair.

Section 5. Clerk to the Board

The Clerk to the Board shall be responsible for proper notification of meetings, review and submission of the minutes to the Board, and shall carry out any other duties deemed appropriate by the Chair. Local Area staff will serve as support personnel in performing these duties.

Section 6. Executive Committee

The Executive Committee shall consist of the Chair, Vice Chair, and (if needed) the previous Chair or Vice Chair. As determined by the Chair of the Board, the chairs of Board committees (if any) will attend Executive Committee meetings. Responsibilities of the Executive Committee are as follows: make standing committee assignments and coordination among committees, prepare recommendations to Board on state and national issues, act as needed between regularly scheduled Board meetings, and develop immediate and long-range goals for Board concurrence.

Section 7. Vacancy

If an office becomes vacant, the Board shall elect a successor at its next meeting.

Article 5 Committees

Section 1.

The Chair of the Board shall have the power, except as otherwise provided in this Article, to appoint the members of any Committee for a term of two (2) years. No Committee, except as elsewhere provided in this Article, shall take any action or position on behalf of the Board, bind the Board or exercise the authority of the Board in the management of the Corporation. The Chair of all the Committees shall be members of the Board. The Executive Committee of the Board shall meet at the call of the Chair of the Board or the written request of any two (2)

members of the committee. The Board's other Committees shall meet at the call of their respective Chair or the Chair of the Board.

Section 2.

Electronic meetings shall be permissible in lieu of face-to-face committee meetings at the discretion of the Committee Chair. An electronic meeting of the Committee occurs when Board members are in different locations, connected by electronic means, through audio, video or both. All votes taken during an electronic meeting shall be by roll call. All scheduled electronic meetings shall be held in such a way that all members participating can hear each other at the same time. When speaking, each member will be asked to clearly identify himself, so that proper recognition is given and recorded. All Board policies, administrative practices, and by-laws shall apply equally to electronic meetings.

Section 3.

The local workforce development board may establish standing committees to provide information and assist the Board in carrying out its responsibilities (20 CFR 679.360).

Article 6 Amendments

Section 1. Amendment Procedure

Board By-laws can be amended at any regular Board meeting or via electronic means provided the proposed amendment(s) has been submitted in writing via hard copy or electronic means to the Board members at least 5 work days prior to the meeting or deadline for electronic response.

Section 2. Vote Needed

The By-laws shall be amended upon affirmative vote by a two-thirds majority of the Board.

Article 7 Severability

In the event that any of the rules, regulations, restrictions, covenants, or conditions of these By-laws are held to be partially or wholly invalid or unenforceable for any reason, such holding shall not affect, alter, modify, or impair in any manner any of the other terms, provisions, rules, regulations, restrictions, covenants, or conditions contained herein.

Adopted: This, 16th day of July, 2020 - By vote of the Gaston Co Workforce Development Board Members at its quarterly meeting on this date.

Signed:

Angela C. Karchmer

Angela C. Karchmer
Angela C. Karchmer (Dec 17, 2020 16:41 EST)


Board Director Printed Name and Signature

Dec 17, 2020

Date

Chief Elected Official Printed Name and Signature

Larry J Garland


Larry J Garland (Dec 17, 2020 17:30 EST)

Board Chair Printed Name and Signature

Date

Dec 17, 2020

Date