

Workforce Development Board *of Eastern Arkansas*

By-Laws

Board Approved: 09.01.15, R-12.10.18, R1-12.10.19, R2-09.15.20

Article I – Name

The name of the organization shall be the Workforce Development Board of Eastern Arkansas.

Article II – Purpose

The purpose of this organization shall be to provide guidance for the collaboration of workforce development activities in the Eastern Arkansas Workforce Development Area as designated by the Governor: Crittenden, Cross, Lee, Phillips and St. Francis counties. This will be accomplished by working individually and collectively with the Chief Elected Officials of the area and other employment and training related entities to achieve seamless service delivery, more efficient and effective use of resources and improved performance.

The Workforce Development Board of Eastern Arkansas shall be referred to as the Board throughout the remainder of this document.

Article III – Board Members

Membership

The Board will be representative of the private sector, education, labor, rehabilitation, apprenticeship, community-based organizations, persons with disabilities and one-stop partner organizations. Board membership shall comply with federal and state requirements at a minimum and will at all times have a majority representation from the private sector.

Powers

The Board shall have the following powers independent of any expressed in agreement with the Chief Elected Officials:

1. Elect its own chairperson, who must be a private sector representative.
2. Elect its own vice-chair, who must be a private sector representative.
3. Petition the Chief Elected Officials to remove members prior to the end of fixed terms for cause. Cause may be defined by the Board and include, but is not limited to, illegal activities, or activities deemed to undermine or hinder the achievement of the purpose or goals of the Board. Removal of board members for excessive absences shall be in accordance with the following:
 - a. Within thirty (30) days after each regular board meeting, the Executive Director of the board shall notify the Chair, in writing, of any member who has been absent from three (3) successive regular meetings, without attending any intermediary called special meetings. The Executive Director's notice to the Chair shall include a copy of all meeting notices and attendance records for the past year.
 - b. Within sixty (60) days after receiving the notice and supporting documentation from the Executive Director, the Chair shall notify, in writing, the board member and the Chief Elected Officials of his intent to remove the member for cause.
 - c. The CEOs are responsible for all reappointments. A new board member nomination form is required for reappointments from appropriate nominating organizations along with supporting documentation that demonstrates the appointee meets the criteria such as a current resume, employment letter or an organizational chart along with their Conflict of Interest form. The CEOs shall process reappointments within 60 calendar days from the effective date of the term expiration. During the 60-calendar day period, the board will be able to legally act as a board and conduct business. If the CEOs fail to reappoint a board member in a required category with 60 days, the board will be out of compliance with its membership composition and any business conducted may not be considered legal.
4. Conduct oversight with respect to the one-stop delivery system in the local area.
5. Hire its own staff if such is needed and funds are available.
6. Establish its own budget.
7. Solicit and accept contributions and grants from public and private sources.
8. Establish guidelines for inclusion of training providers on local training provider list based on Federal and State rules.

9. Select and certify Arkansas Workforce Centers.

Selection of Members

Chief Elected Officials' Nomination of Members:

The following steps will be utilized for new or reappointing members.

- Vacant terms created by the resignation or removal of members will be filled for the time remaining in the term. A reappointment or new appointment will be required upon the expiration of the term.
- Board staff shall accept written nominations for appointments from the appropriate nominating organizations.
- Utilizing the written nomination, board staff will complete the State Board Appointment form.
- The State Board Appointment form with appropriate documentation will be submitted to the Chief Elected Officials' chair for approval and signature.
- Board staff shall keep nomination documentation on file and submit to the Arkansas Division of Workforce Services (ADWS).

Nominations shall be made in accordance with the process(es) required by the various groups represented on the Board. The Chambers of Commerce or other general business organizations shall make nominations for private sector members. The Chief Elected Official(s) shall make their selection from among nominations of interested groups. In the event of vacancies, the same process shall be used for new appointments.

The required members of the Local Workforce Development Board according to § 679.320 are as follows:

- (a) For each local area in the State, the members of Local WDB must be selected by the chief elected official consistent with criteria established under WIOA sec. 107(b)(1) and criteria established by the Governor, and must meet the requirements of WIOA sec. 107(b)(2).
- (b) A majority of the members of the Local WDB must be representatives of business in the local area. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Business representatives serving on Local WDBs also may serve on the State WDB. Each business representative must meet the following criteria:
 - (1) Be an owner, chief executive officer, chief operating officer, or other individual with optimum policy-making or hiring authority; and
 - (2) Provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA sec. 3(23).
- (c) At least 20 percent of the members of the Local WDB must be workforce representatives. These representatives:
 - (1) Must include two or more representatives of labor organizations, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives;
 - (2) Must include one or more representatives of a joint labor-management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists;
 - (3) May include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and
 - (4) May include one or more 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.
- (d) The Local WDB also must include:
 - (1) At least one eligible training provider administering adult education and literacy activities under WIOA title II;
 - (2) At least one representative from an institution of higher education providing workforce investment activities, including community colleges; and
 - (3) At least one representative from each of the following governmental and economic and community development entities:

- (i) Economic and community development entities;
 - (ii) The State Employment Service office under the Wagner-Peyser Act (29 U.S.C. 49et seq.) serving the local area; and
 - (iii) The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or part C of that title;
- (e) The membership of Local WDBs may include individuals or representatives of other appropriate entities in the local area, including:
- (1) Entities administering education and training activities who represent local educational agencies or community- based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
 - (2) Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
 - (3) Philanthropic organizations serving the local area; and
 - (4) Other appropriate individuals as determined by the chief elected official.
- (f) Members must be individuals with optimum policy-making authority within the entities they represent.
- (g) Chief elected officials must establish a formal nomination and appointment process, consistent with the criteria established by the Governor and State WDB under sec. 107(b)(1) of WIOA for appointment of members of the Local WDBs, that ensures:
- (1) Business representatives are appointed from among individuals who are nominated by local business organizations and business trade associations;
 - (2) Labor representatives are appointed from among individuals who are nominated by local labor federations (or, for a local area in which no employees are represented by such organizations, other representatives of employees); and
 - (3) When there is more than one local area provider of adult education and literacy activities under title II, or multiple institutions of higher education providing workforce investment activities as described in WIOA sec. 107(b)(2)(C)(i) or (ii), nominations are solicited from those particular entities.
- (h) An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation, including the criteria described in paragraphs (c) through (g) of this section, for each entity.
- (i) All required WDB members must have voting privilege. The chief elected official may convey voting privileges to non-required members.

Member Terms

In order to initially populate the Board, the initial term of office of the members shall be for one year. At the end of the first year, terms will be drawn by lots to determine the initial service terms as follows:

1. One-third shall be appointed for a term of one year.
2. One-third shall be appointed for a term of two years.
3. One-third shall be appointed for a term of three years.
4. As each initial appointment term expires, all appointments thereafter will be for four-year terms and shall continue to serve until they are replaced.

Vacant terms created by the resignation or removal of members will be filled for the time remaining in the term. A reappointment or new appointment will be required upon the expiration of the term.

Workforce Stakeholders Convening

The local Board is composed of local businesses, labor, partner agencies, and other key stakeholders to create a diverse and functional group. Eastern has made concerted efforts to develop partnerships and alliances through the Chambers of Commerce, ADTEC and educational institutions at all levels, economic development, business and industry, taskforce groups, the CEOs, East Arkansas Planning and Development District, apprenticeship and labor organizations in our workforce develop area.

Various methods used for convening stakeholders may include:

- Quarterly local Board meetings
- Quarterly CEO meetings
- Local Board committee meetings
- One-Stop partner meetings
- Federal, State and local training
- Active engagement with business and industry during chamber meetings and events
- Sector meetings
- Monthly WIOA State Director's meetings
- Regional WIOA Director's meetings
- ACT Work Ready Communities meetings
- ACT Job Profiling meetings
- Recruiting events
- Arkansas Workforce Centers tours and meetings
- MOU development meetings

Meetings

Notice of Meetings

All board members will be notified of all local Board meetings via mail, fax, phone or email. Notice of all regularly scheduled and special meetings of the Board shall be published in area news media sufficient to give notice to the public that such a meeting is to be conducted. Open meeting rules shall be adhered to when publishing notices.

The Board shall meet quarterly, and its committees shall meet as often as determined necessary by the Board Chair or Committee Chairperson, consistent with Federal regulation, State policy, and these By-Laws. The Board is authorized to conduct these meetings in person, by conference call, email, facsimile, or other electronic methods as deemed prudent by the Chair. Meetings conducted through methods other than in person must meet the same requirements as meetings conducted in person. These requirements include but are not limited to having a quorum present to conduct business, taking minutes, recording the meeting and providing public notice.

Committees

There shall be three (3) committees of the Board and such other committees as the board or the Chair may determine from time to time to be necessary or appropriate. Unless otherwise specified, committee members and chairpersons shall be appointed by the Chair of the Board. These standing committees are as follows:

1. Executive Committee
2. Youth Committee
3. One Stop Operations Committee
4. Disability Committee

1. Executive Committee

The Executive Committee will at a minimum consist of the Chair, Vice Chair, Secretary, and one other member selected by the Chair representing the private sector. The Executive Committee must at all times maintain a majority private sector representation.

The Executive Committee shall have the authority of the Board to act on behalf of the Board during the interim between Board meetings but shall defer to the board, whenever practical, on matters of major policy implications. The Executive Committee, however, shall have the responsibility for acting on the broad range of personnel issues related to Board staff. Executive Committee decisions will be implemented immediately and will be ratified at the next full Board meeting. Between Board meetings the Executive Committee shall review and coordinate the work of the other committees. All Board functions not specifically enumerated and assigned to another committee by these by-laws shall be the responsibility of the full Board and the Executive Committee unless the function is assigned by the Chair to another standing or ad hoc committee.

2. Youth Committee

The Youth Committee will 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.

3. One Stop Operations Committee

The One Stop Operations Committee will provide information and assist with operational and other issues relating to the one-stop delivery system and may include as members representatives of the one-stop partners.

4. Disabilities Committee

The Disabilities Committee will provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including without limitation issues relating to compliance with Section 188 of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on finding employment opportunities for individuals with disabilities, including providing the appropriate supports and accommodations to employment for individuals with disabilities.

Quorums

A simple majority of the members shall constitute a quorum at Board or other committee meetings. Action shall require a simple majority vote of those members present during a meeting at which a quorum is present.

Proxies

Proxy votes will not be allowed for Board or other committee meetings.

Voting

The Chair may determine the method of voting, except that any member may request individual polling. Secret balloting shall not be allowed. Any member may request that his/her vote or abstention be made part of the minutes.

Travel Expense

A board member may be reimbursed for travel cost for attending committee or board meetings and when traveling as a representative of Workforce Development Board of Eastern Arkansas to special meetings and/or conferences, unless otherwise provided by member's business/agency. Travel costs will be reimbursed per the current federal travel regulations approved by the Fiscal Agent/Administrative Entity.

Conflict of Interest

Members shall abstain from any vote which benefits them or members of their family personally, the organizations which they represent on the Board, their employers or any other affiliation or relationship which could be deemed a conflict of interest. Members must publicly state for the record that they are abstaining from voting. It is the responsibility of members to advise the Board of any potential conflict of interest in the discussion of any topic for which a conflict of interest might be inferred. Members shall abstain from discussion of any potential vote by the Board if such discussion could cause the member, the organization they represent, their employer, or any other affiliation or relationship to realize favor from such discussion and vote.

Conflict of Interest includes:

(e) A member of a local workforce development board or a member of a standing committee of a local workforce development board shall not:

(1) Vote on a matter under consideration by the local workforce development board:

(A) Regarding the provision of services by the member or by an entity that the member represents; or

(B) That would provide direct financial benefit to the member or the immediate family of the member; or

(2) Engage in another activity determined by the Governor to constitute a conflict of interest as specified in the state plan.

Nepotism

Board members shall not engage in the practice of nepotism. No member from the family of a board member, grant sub-recipient employee family member, or Governing board family member may contract with the Board. (No termination of employees shall occur for persons employed under a previous policy.) If Federal and/or State statutes, regulation, affirmative action and equal employment opportunity plans allow for the waiver of this restriction, the board may choose to concur and waive this restriction on a case-by-case basis upon the formal authorization of the Board enacted by a two-thirds majority vote. For purposes of this section, the term family applies to: wife, husband, son, daughter, mother, father, grandfather, grandmother, grandchild, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild. Notwithstanding other Federal or State restrictions, this section in no way prohibits a program eligible family member of a board member, grant sub-recipient employee family member or Governing board family member from participating in program services funded by WIOA or partner programs or other funds under the control of the Board and CEO's.

Article IV – Officers

Number

The officers of the Board shall be the Chair, Vice-chair and Secretary.

Selection

The Board members shall elect the Chair from their membership. The Vice-Chair and Secretary must represent the private sector and will be selected by the Chair.

Terms of Office



Terms of office are effective July 1 of each year. Each officer shall serve for a period of at least one year until the date of the next scheduled meeting in the fourth quarter of the following year.

Vacancies

A vacancy created in the Chair, Vice-Chair or Secretary positions by death, resignation or otherwise, shall be filled by the Board membership at its next scheduled meeting. If the Chair position becomes vacant, the Vice-Chair will act as Chair until elections are held.

Article V – Amendments

These By-laws will remain in effect until repealed or amended by the Board. Said By-laws may be amended or repealed at any meeting of the Board by the vote of two-thirds (2/3) of the total membership.

WDBEA Chair Signature: 	Date: October 15, 2020
CEO Chair Signature 	Date: October 15, 2020