

# **HENNEPIN-CARVER WORKFORCE DEVELOPMENT BOARD**

## **AMENDED BYLAWS**

### **Statement of Authority and Purpose**

Public Law 113-128, now codified as 29 U.S.C §3101, et seq., known as the Workforce Innovation and Opportunity Act (WIOA), enacted by the Congress of the United States and signed by President Barack Obama on July 22, 2014, is designed to help job seekers access employment, education, training and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA, among other things, authorizes state governors to define local workforce development services areas, allows governments within those local areas to establish workforce development boards, and to enter into agreements with the local workforce development boards to accomplish WIOA's purposes. Consistent with WIOA, and acting under the additional authority of Minn. Stat. §116L.666, Hennepin and Carver Counties (the Counties) have been designated as a local area and, through a Joint Powers Agreement, have formed a local workforce development board. The purpose of the Hennepin-Carver Workforce Development Board (WDB) is to provide policy guidance for, and exercise oversight with respect to, activities conducted by local workforce centers in partnership with the Counties and with the Commissioner of Employment and Economic Development, and to carry out the duties specified in WIOA and Minnesota law

### **I. Establishment of the Hennepin-Carver Workforce Development Board**

The Hennepin-Carver Workforce Development Board was originally created and established as the Hennepin-Carver Workforce Investment Board, in accordance with Section 117 of the Workforce Investment Act of 1998 (WIA), the predecessor to WIOA. The Hennepin County Board, acting, pursuant to WIOA, as the local workforce development area's "Chief Elected Officer," renamed and reauthorized the WDB to carry out the purposes of the authorizing federal and state laws, and established an Operating Agreement governing the relationship between the WDB and the CEO.

### **II. Duties of the Hennepin-Carver Workforce Development Board (HCWDB)**

The HCWDB shall:

- A. determine procedures for the development of the local workforce development area plan. The procedures may provide for the preparation of all or any part of the plan by the local workforce development board; by any unit of general local or state government in the workforce development area, or by an agency; or by any other methods or institutions as may be provided in the agreement;
- B. consult with the Department of Employment and Economic Development prior to the award of competitive workforce development grants in the local area;
- C. select the recipients for local grants and an administrator of the local workforce development area plan. These may be the same entity or separate entities and must be chosen from among the following:

1. the local workforce development board;
  2. a unit of general local or state government in its workforce development area, or an agency of that unit;
  3. a nonprofit organization or corporation; or
  4. any other agreed-upon entity;
- D. jointly plan for local collaborative activities including the transition of public assistance recipients to employment in the public or private sectors;
- E. provide on-site review and oversight of program performance;
- F. establish local priorities for service and target populations;
- G. ensure non-duplication of state and federal workforce development services and a unified service delivery system within the workforce development area;
- H. ensure that local workforce centers provide meeting space, free of charge, for meetings of displaced homemaker programs, established under section [116L.96](#); and
- I. nominate individuals to the governor to consider for membership on the governor's Workforce Development Board.

### **III. Membership**

- A. A Member of the WDB shall be a person who is eligible under WIOA and state law and is duly appointed by the Hennepin County Board.

Membership of the WDB shall consist of nineteen persons having substantial management, hiring or policy responsibility within their organizations.

Composition of the WDB shall be in accordance with the Operating Agreement WIOA §107(b), 20 C.F.R. §679.320 and Minn. Stat. §116L.666, subd. 3, as follows: 1. 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 substantial management, hiring or policy authority; and
2. Provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in **WIOA** sec. 3(23).
3. At least 20 percent of the members of the **Local WDB** must be workforce representatives. These representatives:
  - a. 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;

- b. 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;
- c. 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
- d. 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.

4. The [Local WDB](#) also must include:

- a. At least one eligible training provider administering adult education and [literacy](#) activities under [WIOA](#) title II;
- b. At least one representative from an institution of higher education providing [workforce investment activities](#), including community colleges; and
- c. 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;

- B. Individual members of the WDB may represent multiple categories referenced in clauses 1 – 4. Members who represent organizations, agencies, or other entities shall be individuals with substantial management, hiring or policy authority within their organizations, agencies or entities. The Members shall represent diverse geographic areas within the Workforce Development Area.
- C. Private sector representatives shall be selected from among individuals nominated by general purpose business organizations, such as local chambers of commerce, in the local area.
- D. Education representatives on the WDB must include at least one representative from a local adult basic education program approved under section 124D.52 and

nominated by the program, and the higher education representatives must be selected from among individuals nominated by postsecondary educational institutions within the area.

- E. Organized labor representatives on the WDB must be selected from individuals recommended by recognized state and local labor federations, organizations or councils. If the state or local labor federations, organizations or councils fail to nominate a sufficient number of individuals to meet the labor representation requirements, individual workers may be included on the WDB to complete the labor representation.
- F. The WDB's Chair shall be selected by a majority of the WDB from among the members who are representatives of the private sector.
- G. The Hennepin County Board may revoke membership upon recommendation of the WDB for failure to attend three successive meetings, without proper notice to and excuse by the Chair; for a change in the member's qualifications that were the basis of the initial appointment; or for any behavior deemed inappropriate by the Hennepin County Board in maintaining a positive image of Minnesota and the workforce system, and the inability to represent the Board in a supportive manner.
- H. The Director of the Hennepin County Department of having supervisory authority over workforce activities, or his/her designee, shall be an ex officio member of the WDB.
- I. A Member may terminate his/her relationship by submitting his/her resignation in writing to the Chair for transmittal to the Hennepin County Board.
- J. All members shall serve a three (3) year initial term, with all terms beginning on the date assigned by the CEO.
- K. A Member who so desires may be appointed to serve an additional term, subject to a total length of service of six (6) years. Such a Member shall inform the Clerk of the County Board, in writing, of his/her desire. After the expiration of the initial term, members may be appointed for an indeterminate number of successive terms. As needed, the WDB Chair shall have authority to appoint members on an interim basis but only subject to subsequent and the final approval of the CEO, in the established standard and customary manner. All reappointments shall be made by the Hennepin County Board and reappointed members shall not be required to certify again with the State.
- L. Each member is expected to serve on at least one of the committees that the Board shall from time to time establish.

#### **IV. Officers**

- A. The officers shall be Chair and Vice-Chair.
- B. The Chair shall preside at meetings, allowing expression of both majority and minority views, and shall be the liaison person for the WDB with the Hennepin County Board of Commissioners and the Department of Employment and Economic Development (DEED).
- C. The Vice-Chair shall have the powers and duties of the Chair when the Chair is unavailable, and shall have such additional powers and duties as may be assigned by the Chair.
- D. The WDB shall elect a chairperson from among the Business Members (the "WDB Chair"). Each WDB Member shall have one (1) vote in the election of the WDB Chair. The WDB Chair shall be elected annually by a majority vote of all WDB Members then in office. Nothing in this Operating Agreement or the WDB Bylaws shall prohibit a WDB Chair from serving consecutive terms either as a WDB Member and/or as Chair. Other officers shall be elected at the annual meeting by the affirmative vote of the majority of members present and voting and are eligible for re-election.

**V. Meetings**

- A. The WDB shall hold an annual meeting in May.
- B. Regular meetings shall be held at a date and time established by a majority of the WDB. Special meetings shall be called by the Chair and/or Committee Chairs as necessary or when such meetings are requested by at least six members of the WDB.
- C. All WDB meetings shall be held in compliance with the Open Meeting Law and WIOA §107(e).
- D. A majority of duly appointed members shall constitute a quorum. Each member shall have one equal vote.

**VI. Committees**

- A. The WDB may designate and direct the activities of standing committees to provide information and to assist the local board in carrying out activities under WIOA. Such standing committees shall be chaired by a member of the WDB, may include other WDB members, and shall include other individuals appointed by the WDB who are not WDB Members and who the WDB determines have appropriate experience and expertise.
- B. The WDB may, at a minimum, designate standing committees to:

1. Provide information and assist with operation and other issues relating to the one-stop delivery system, which may include as members representatives of the one-stop partners.
  2. 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. Provide information and assist with operation and other issues relating to the provision of services to individuals with disabilities.
- C. The WDB may designate such additional standing committees as it believes will assist it in carrying out its activities.
- D. There is established an executive committee consisting of the Chair, Vice Chair and the duly appointed chairs of each Standing Committee that the Board shall from time to time establish. The Executive Committee shall meet at the call of the Chair. A majority of the members of the Executive Committee present at the meeting shall constitute a quorum. The Executive Committee shall monitor the work of other Board committees and the Board staff, develop agenda items, work on legislative issues and make policy and operational recommendations to the full Board.

## **VII. Conflicts of Interest**

- A. A conflict of interest, actual, potential or perceived, occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest exists even if no unethical, improper or illegal act results from it. Conflicts may be individual or organizational.
1. An individual conflict of interest occurs when the actions or non-actions of a WDB Member or Staff Person could be interpreted to be influenced by something that would benefit them directly or through indirect gain to a friend, relative, acquaintance or business or organization with which they are involved. This includes but is not limited to the following:
    - a. No Member or Staff Person may use his/her status or position to obtain special advantage, benefit or access to a potential contractor or grantee, or access to the contract or grantee's time, services, facilities, equipment, supplies, badge, uniform or influence.
    - b. No Member or Staff Person may receive or accept money or anything else of value from a contractor or grantee, or have an equity or a financial interest in, or partial or whole ownership of a contractor or grantee.

2. An organizational conflict of interest occurs when a Member or Staff person, because of a relationship with a contractor or grantee, is unable or potentially unable to render impartial assistance or advice to the WDB because of competing duties or loyalties; the Member or Staff Person's objectivity in carrying out his/her duties for the WDB might be otherwise impaired because of competing duties or loyalties; or a contractor or grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors. Particular attention should be paid to any proposed contract or grant requirements that provide for the rendering of planning, consultation, evaluation or similar activities that may inform decisions on future grant awards.
3. For purposes of this Conflicts of Interest policy a contractor or grantee includes an actual WDB contractor or grantee or a person or organization applying for a contract or grant. A Staff Person is any County employee providing direct services or support to the WDB.
  - B. Any Member or Staff Person having an actual, potential or perceived conflict of interest with respect to a matter before the WDB must notify the Chair and the Staff Director and recuse herself/himself refrain from any participation in or discussion of the matter.

#### **VIII. Expense Reimbursement**

- A. WDB Members may be reimbursed for extraordinary expenses incurred as a result of attendance at special meetings of the WDB, the Executive Committee, special subcommittees or other such activities in accordance with applicable County, State and federal laws.
- B. Payment for any expenses shall be made by the Hennepin County Department of Human Resources on forms provided for this purpose.

#### **IX. Amendments to Bylaws**

A WDB Committee or the full Board must review these Bylaws at least once every five (5) years. They may be amended at any regular or special meeting by the affirmative vote of two-thirds of the Members present and voting, provided that the written notice for the meeting states that an amendment to the Bylaws will be offered, the notice contains the proposed Bylaw change, and a quorum is present. Any provisions required by federal or state law, or by County resolution, may not be amended in whole or part, nor may any amendment be inconsistent with said governing laws. The Hennepin County Board of Commissioners must ratify any amendment to the Bylaws.

#### **X. Approved March 11, 2019**