

STEARNS-BENTON YOUTH COUNCIL BY-LAWS

RECITALS

- (1) Under Public Law 105-220, the Workforce Investment Act of 1998 [the Act], and Minn. Stat. 268-666, Stearns and Benton Counties are designated as a Workforce Service Area, (WSA) also known as local workforce investment area [Local Area], for the operation of employment and training programs in that area.
- (2) The Stearns-Benton Employment & Training Council (Joint Powers) Board (hereinafter SBETC Board, or Joint Board) established the Stearns-Benton Workforce Council (WC), also known as a local workforce investment board [Workforce Council], for the Local Area in accordance with state and federal requirements.
- (3) To satisfy requirements in the Act, the Workforce Council entered into a written Partnership Agreement with the SBETC Board setting forth the responsibilities of the Workforce Council.

THESE BY-LAWS are adopted by the Workforce Council in accordance with its Partnership Agreement entered into with the SBETC Board.

1. WORKFORCE COUNCIL FUNCTIONS

- 1.1_ The Workforce Council will set policy for the workforce investment system within the Local Area.
- 1.2_ The Workforce Council will promote activities to increase participants' employment, retention, earnings, and occupational skill attainment, and result in improved workforce quality, reduced welfare dependency, and enhanced productivity and competitiveness in the Local Area. The WC will establish guidelines for skill training programs.
- 1.3_ The Workforce Council will approve and submit a job training plan and review, monitor and evaluate procedures for the job training plan.
- 1.4_ The Workforce Council will coordinate workforce investment activities carried out in the Local Area with economic development strategies and develop other employer linkages with these activities.
- 1.5_ The Workforce Council will assist the Governor in developing the statewide employment statistics system.
- 1.6_ The Workforce Council will negotiate and reach agreement on local performance measures with the SBETC Board.
- 1.7_ With the agreement of the SBETC Board, the Workforce Council will:

1. Develop and enter into a memorandum of understanding with one-stop partners.
 2. Designate or certify one-stop operators and terminate operator eligibility for cause.
 3. Conduct oversight with respect to the one-stop delivery system.
 4. Submit a comprehensive 5-year local plan to the Governor.
 5. Establish a Youth Council as a subgroup appointed by the Workforce Council. Adopt standards and by-laws necessary for its operation and governance.
 6. Develop a budget for the Workforce Council.
- 1.8 The Workforce Council will promote private sector employers participation in the statewide workforce investment system and ensure the system effectively provides connecting, brokering, and coaching activities, through intermediaries such as the one-stop operator in the Local Area or through other organizations, to assist private sector employers in meeting hiring needs.
 - 1.9 The Workforce Council will make information regarding Workforce Council activities available to the public on a regular basis through open meetings, including information about its local plan before submitting the plan; membership; designating and certifying one-stop operators; awarding grants or contracts to eligible providers of youth services; and, upon request, providing minutes for formal Workforce Council meetings.
 - 1.10 The Workforce Council may employ staff as employees of the Stearns-Benton Employment & Training Council acting as the Administrative agency.
 - 1.11 The Workforce Council may solicit and accept grants and donations from sources other than Federal funds made available under this act, which funding will be managed for the Workforce Council by the Stearns-Benton Employment & Training Council acting as grant recipient.
 - 1.12 The Workforce Council will select providers of youth activities.
 - 1.13 The Workforce Council will identify eligible providers of training services.
 - 1.14 The Workforce Council will identify eligible providers of intensive services if the one-stop operator does not provide intensive services in the Local Area.
 - 1.15 The Workforce Council will discharge and perform any duties, responsibilities, and functions deemed appropriate under the Act or by action of the SBETC Board or the Minnesota Governor and their respective rules and regulations.

2.0 RESPONSIBILITIES OF THE YOUTH COUNCIL

2.1 Coordinating youth activities in a local area;

2.2 Developing portions of the local plan related to eligible youth, as determined by the chairperson of the Local Board;

2.3 Recommending eligible youth service providers in accordance with WIA sec. 123, subject to the approval of the Local Board;

2.4 Conducting oversight with respect to eligible providers of youth activities in the local area, subject to the approval of the Local Board; and

2.5 Carrying out other duties, as authorized by the chairperson of the local board, such as establishing linkages with educational agencies and other youth entities.

3.0 DUTIES AND MEMBERSHIP REQUIREMENTS OF THE YOUTH COUNCIL

3.1 The duties and membership requirements of the Youth Council are described in WIA sec. 117(h) and 20 CFR 661.335 and 661.340.

3.2 The purpose of the Youth Council is to provide expertise in youth policy and to assist the local board in:

a. Developing and recommending local youth employment and training policy and practice;

b. Broadening the youth employment and training focus in the community to incorporate a youth development perspective;

c. Establishing linkages with other organizations serving youth in the local area; and

d. Taking into account a range issues that can have an impact on the success of youth in the labor market. [WIA sec. 117(h).]

4. GENERAL PROVISIONS

4.1 The Workforce Council will conduct its meetings in accordance with the Minnesota Open Meeting Law, Minn. Stat. 471.705.

4.2 The Workforce Council will comply with the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13.

4.3 The Workforce Council will carry on its business in a manner complying with all laws

and regulations regarding non-discrimination; and no person will be discriminated against because of race, color, creed, religion, sex, national origin, marital status, public assistance status, disability, sexual orientation, or age.

- 4.4 If any term or condition contained in the Partnership Agreement with the SBETC Board conflicts with these By-Laws, the Partnership Agreement term prevails.

5. **MEMBERSHIP**

- 5.1 As authorized by the Act, the SBETC Board establishes membership and structure for the Workforce Council (WC).
- 5.2 The WC may increase the membership by a two-thirds (2/3) vote of the WC and approval by the SBETC Board.
- 5.3 The Workforce Council consists of 24 members appointed by the SBETC Board and 2 Commissioner non-voting members as follows:
- a. Thirteen (13) member representatives of the private sector, who shall constitute a majority of the membership of the WC and who shall be owners of business concerns, chief executives or chief operating officers of non-governmental employers, or other private sector executives who have substantial management or policy responsibility.
 - b. Two (2) members appointed as public or private education representatives.
 - c. Two (2) members appointed as organized labor representatives.
 - d. One (1) member appointed as economic development representative.
 - e. Two (2) members appointed as community-based organization representatives.
 - f. One (1) member appointed as rehabilitation agencies representative.
 - g. One (1) member appointed as public employment representative.
 - h. Two (2) members appointed as public assistance agency representative, one each from Benton and Stearns Counties.
 - i. Ex-officio membership is provided to two (2) members of the SBETC Board, one commissioner from Stearns County and one commissioner from Benton County representing the SBETC Board.
 - j. Associate members may be appointed as non-voting members and are not allowed to hold office as Chair or Chair-Elect.

- 5.4 Each Workforce Council member's term will run through 31 December for a period of up to 3 years, except that a member appointed to fill a vacancy will serve until the normal expiration of the term for the vacant seat.
- 5.5 Membership terms shall be fixed and staggered. Members shall be appointed to serve a term of one (1), two (2), or three (3) years. The membership year shall run from 1 January through December 31.
- 5.6 Membership shall be initially divided by thirds. Each third will be assigned a one, two or three year term. Should a vacancy occur during a member's term, the SBETC Board shall be promptly notified and requested to appoint a new member to complete the term, if possible, within 60 days of notification.
- 5.7 SBETC Board may reappoint an individual to serve one or more additional terms as a Workforce Council member not to exceed two three-year consecutive terms, except that after two terms, a member must take at least one year off before being eligible to serve additional time.
- 5.8 A Workforce Council member may resign upon written notice delivered to the Stearns-Benton Employment & Training Council Board.
- 5.9 A Workforce Council member may be removed from membership for cause, which is defined as the Workforce Council determination that the member is unable to effectively represent the categorical seat to which the member was appointed. Removal is based on a 4/5 vote of the SBETC Board. Such instances of cause are noted below:
- a. Due to a change in employment or status that substantially alters the member's qualifications considered in making the member's appointment; or
 - b. If the member is absent from more than 3 consecutive Workforce Council meetings or is frequently absent from WC meetings;
 - c. A member, in view of the WC or SBETC Board, has acted in violation of the WIA or related state or federal law or regulations; or
 - d. Incapacity of the member to effectively serve the WC and the objectives of WIA as determined by the WC or SBETC Board; or
 - e. Other good cause for removal as determined by the WC or SBETC Board.
- 5.10 No member of the Workforce Council may designate any person to act as an alternate. No proxies will be permitted.
- 5.11 All Workforce Council members must reside or be employed by or be an owner of a business entity located in the Local Workforce Area. Non-resident membership will be subject to

SBETC Board approval. The Workforce Council shall be comprised of a majority of resident members.

- 5.12 There will be an effort made to offer all WC member constituencies representation on planning groups. There will be labor representation on the Workforce Council and on planning groups.
- 5.13 The Administrative Agency will maintain an official membership list, attendance materials, record of actions taken by the Workforce Council, and a detailed statement on the composition, structure, membership, and nomination process for the Workforce Council.

6. **OFFICERS**

- 6.1 The Workforce Council will elect for an annual term of office a Chairperson and a Chairperson-elect. Other officers may be elected as the WC or SBETC Board deem necessary.
- 6.2 The Chairperson and Chairperson-elect must be nominated from private sector representatives in the WC membership. Election will be by a majority vote. Members may be re-elected to office for as many terms as they are members of the WC.
- 6.3 Elections will occur each year before 1 January.
- 6.4 The Chairperson has the responsibility to prepare the agenda for, and to manage business at Workforce Council meetings.
- 6.5 In the absence of the Chairperson, the Chair-elect will serve as presiding officer.
- 6.6 In the absence of the Chairperson and Chair-elect, the Workforce Council will, at the beginning of its meeting, designate by majority vote a Chairperson Pro Tem to serve as presiding officer for that meeting.
- 6.7 Any officer may be removed from office by a 2/3 vote of the WC at any time during the membership year.

6.8 Officers of Youth Council shall consist of chair and vice chair, nominated by WorkForce Council and selected by Joint Powers Board.

7. **MEETINGS AND QUORUMS**

- 7.1 The Workforce Council must meet at least 4 times annually.

7.15 The Youth Council shall meet quarterly.

- 7.2 At its first meeting of each year, the Workforce Council will adopt a schedule of meetings for the year, furnish the schedule to its members and the SBETC Board non-voting members, and post the schedule on its principal bulletin board.
- 7.3 The Chairperson may call special meetings of the Workforce Council at his/her initiative or when 5 or more members request that the Chair call a meeting. Notice may be given by mail or personally to each member. A conference telephone meeting may be considered a special meeting. Action which may be taken at any regular meeting may also be acted upon at any special meeting.
- 7.4 All Workforce Council meetings will conform with the Open Meeting Law, Minn. Stat. 471.705.
- 7.5 The principal bulletin board for the Workforce Council is designated as the bulletin board located in the Administration area at the MN WorkForce Center, St. Cloud.
- 7.6 A quorum for conducting regular Workforce Council business is a simple majority of its current voting membership.
- 7.7 So long as a quorum is present, action may be taken by a simple majority of those voting.
- 7.8 A Workforce Council meeting may be adjourned at any time by less than a quorum.
- 7.9 Robert's Rules of Order, Newly Revised, apply to all Workforce Council actions and meetings to the extent these rules do not conflict with these By-Laws.

8. COMMITTEES

- 8.1 The Chairperson can create committees of the Workforce Council, subject to the approval of the majority of WC members.
- 8.2 The Chairperson will appoint a Chairperson and a Vice Chairperson for each committee from the Workforce Council membership.
- 8.3 The Chairperson will appoint Workforce Council (WC) members to each committee and, as appropriate with WC approval, may appoint other individuals who are not WC members to serve on a committee.
- 8.4 A quorum for conducting committee business is a simple majority of that committee's currently appointed committee members.
- 8.5 So long as a quorum is present, committee action may be taken by a simple majority of those voting.
- 8.6 All actions taken by committees are advisory to the Workforce Council.
- 8.7 With the consent of the Workforce Council, the Chairperson also may create and appoint other advisory groups or technical workgroups needed by the Workforce Council.

9. STAFFING AND SUPPORT OF WORKFORCE COUNCIL

- 9.1 The Administrative Agency will provide staff, office and material support for the Workforce Council from funds made available under the Act.

9.15 The Administrative Agency will provide staff, office and material support for the Youth Council from funds made available under the Act.

- 9.2 Annually, the Workforce Council and the SBETC Board will agree on the level of staff, office and material support for the Workforce Council in the Local Area Job Training Plan and budget.
- 9.3 Eligible WC members may be reimbursed for expenses incurred as a result of official WC business provided that:
 - 1. Required forms and/or receipts are submitted with any request for payment;
 - 2. Requests relate to expenses directly attributable to an official activity of the WC;

3. Members are not receiving or requesting expenses incurred to their respective organization that they are representing.
- 9.4 Reimbursement of expenses shall be made in accordance with the prevailing rules and regulations of the State of Minnesota.
- 9.5 The WC members are eligible to receive per diem for all required meetings or official WC business, as approved for payment by the SBETC Board or responsible County Board. Prior approval by WC for official business is required.
- 10. CONFLICT OF INTEREST**
- 10.1 Workforce Council members will comply with the Conflict of Interest Policy as it is developed and amended by the state agency for local workforce councils.
- 10.2 A Workforce Council member cannot cast a vote on any matter that has a direct bearing on services to be provided by the member or an organization the member directly represents or on any matter that would financially benefit the member or an organization the member represents.
- 10.3 Workforce Council members must avoid organizational conflict of interest, and the members as well as their personnel, employees, or agents must avoid personal conflict of interest and appearance of conflict of interest in awarding financial assistance and in conducting procurement activities involving funds under the Act.
- 10.4 Conflict of Interest Policy is subject to the review and approval of the SBETC (Joint Powers) Board.

11. AMENDMENTS

- 11.1 Proposed amendments to the By-Laws must be distributed to Workforce Council members at least 10 working days before consideration by the Workforce Council.
- 11.2 The Workforce Council may approve amendments to the By-Laws at any regular Workforce Council meeting by a two-thirds affirmative vote of the full Workforce Council membership.

12. EFFECT

- 12.1 These By-Laws take effect upon adoption by a two-thirds affirmative vote of the Workforce Council and approval by the SBETC (Joint Powers) Board and remain in effect until the Workforce Council dissolves or as otherwise amended.
- 12.2 If a conflict arises between the By-Laws and provisions in the Act, applicable state law, or other implementing regulations, the provisions specified in the law or regulation will prevail.