

CAREER SOLUTIONS WORKFORCE DEVELOPMENT BOARD BYLAWS

- (1) Under Public Law 113-128, the Workforce Innovation and Opportunity Act (hereinafter “WIOA” or “the Act”), and Minnesota Statutes, section 116L.666, Stearns and Benton Counties are designated as a Workforce Service Area, (WSA) also known as local workforce investment area (hereinafter “Local Area”), for the operation of employment and training programs in that area.
- (2) The Stearns-Benton Employment & Training Council (Joint Powers) (DBA Career Solutions) Board (hereinafter Joint Powers Board) established the Career Solutions Workforce Development Board (hereinafter “Workforce Development Board” or “WDB”), also known as a local workforce investment board, for the Local Area in accordance with state and federal requirements.
- (3) Under WIOA, Stearns and Benton Counties wish to continue as a designated local workforce development area.
- (4) To satisfy requirements in WIOA, the WDB entered into a written Partnership Agreement with the Joint Powers Board setting forth the responsibilities of the WDB.

THESE BYLAWS are adopted by the WDB in accordance with its Partnership Agreement entered into with the Joint Powers Board.

1. WORKFORCE DEVELOPMENT BOARD FUNCTIONS INCLUDE:

- 1.1 The WDB serves as a strategic convener to promote and broker effective relationships between the Joint Powers Board and economic, education and workforce partners, providing strategic and operational oversight, setting policy within the local area in partnership with the Joint Powers Board consistent with State policy.
- 1.2 In order to assist in the development and implementation of the local plan, the WDB shall carry out analyses of the economic conditions of the Workforce Service Area, the needed knowledge and skills for the region, the workforce of the region, and workforce development activities (including education and training) in the region described in section 108(b)(1)(D) of WIOA, and regularly update such information.
- 1.3 The WDB shall conduct such other research, data collection, and analysis related to the workforce needs of the local economy as the WDB, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.
- 1.4 The WDB and its Committees shall convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources to leverage support for workforce development activities and engage such stakeholders in the work of the Board.
- 1.5 The WDB will lead efforts to engage with a diverse range of employers and with entities in the region:

- 1.5.1 To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the WDB.
 - 1.5.2 To develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;
 - 1.5.3 To ensure that workforce investment activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities and service providers;
 - 1.5.4 To develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships, that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development participants in in-demand industry sectors of occupations;
 - 1.5.5 To lead efforts, with representatives of secondary and postsecondary education, to develop and implement career pathways by aligning the employment, training, education, and supportive services needed by adults and youth, particularly individuals with barriers to employment.
- 1.6 The WDB will assist the Governor in developing the statewide employment statistics system.
 - 1.7 The WDB, in partnership with the Joint Powers Board, shall develop and submit a local plan to the Governor per section 108 of WIOA.
 - 1.8 If this Workforce Service Area is part of a planning region that includes other local areas, the WDB shall collaborate with the other Workforce Boards and local elected officials from such other areas in the preparation and submission of a regional plan as described in section 106(c)(2) of WIOA.
 - 1.9 The WDB will lead efforts in the local area to identify and promote proven and promising strategies and individuals for meeting the needs of employers, workers, and jobseekers (including individuals with barriers to employment) in the local workforce development system, including physical and programmatic accessibility; and will identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
 - 1.10 The WDB will develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and job seekers, by:
 - 1.10.1 Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive system in the area;
 - 1.10.2 Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
 - 1.10.3 Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase

access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and

1.10.4 Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

- 1.11 The WDB, in partnership with the Joint Powers Board, will conduct oversight for local youth, adult, dislocated worker employment and training programs authorized under WIOA and the one-stop delivery system in the local area and ensure the appropriate use, management and investment of funds to maximize performance outcomes.
- 1.12 The WDB, the Joint Powers Board, the Administrative Staff of Career Solutions, and the Governor will negotiate and reach agreement on local performance accountability measures.
- 1.13 The WDB, with the agreement of the Joint Powers Board, will:
 - 1.13.1 Designate or certify one-stop operators
 - 1.13.2 May terminate for cause the eligibility of such operators.
- 1.14 The WDB will identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts based on the recommendations of the Youth Council and may terminate for cause the eligibility of such providers.
- 1.15 The WDB will identify and recommend eligible providers of training services in the local area.
- 1.16 The WDB will identify and recommend eligible providers of career services by awarding contracts if the one-stop operator does not provide such services.
- 1.17 The WDB will work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) service the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.
- 1.18 The WDB will coordinate activities with education and training providers in the local area, including providers of WIOA Title II (adult education and literacy activities), providers of career and technical education under the Carl D. Perkins Career and Technical Education Act, and local agencies administering plans under Title I of the Rehabilitation Act of 1973.
 - 1.18.1 Will review the applications to provide adult education and literacy services under WIOA Title II for the local area to determine whether such

applications are consistent with local plan and make recommendations to promote alignment with the local plan;

1.18.2 Replicate cooperative agreements that enhance the provision of services to individuals with disabilities and other individuals.

- 1.19 The WDB will develop a budget for the activities of the WDB in the local area consistent with the local plan and subject to the approval of the Joint Powers Board.
- 1.20 The WDB will annually assess the physical and programmatic accessibility of all one-stop centers in the local area.
- 1.21 The WDB will make information regarding WDB 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 WDB meetings.
- 1.22 The WDB may employ staff as employees of Career Solutions acting as the Administrative agency, establishing and applying a set of objective qualifications for the position of director that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the board, and ensuring that the salary and bonus complies with the limitations described in WIOA section 194(15).
- 1.23 The WDB may solicit and accept grants and donations from sources other than Federal funds made available under WIOA, which funding will be managed for the WDB by Career Solutions acting as grant recipient.
- 1.24 The WDB will discharge and perform any duties, responsibilities, and functions deemed appropriate under WIOA or by action of the Joint Powers Board or the Minnesota Governor and their respective rules and regulations.

2. GENERAL PROVISIONS

- 2.1 The WDB will conduct its meetings in accordance with the Minnesota Open Meeting Law, Minnesota Statutes, Chapter 13D.
- 2.2 The WDB will comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.
- 2.3 The WDB 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.

- 2.4 If any term or condition contained in the Partnership Agreement with the Joint Powers Board conflicts with these Bylaws, the Partnership Agreement term prevails.
- 2.5 These Bylaws may be amended at any meeting of the WDB by two-thirds vote provided that the amendment was submitted in writing at the previous regular meeting. Previous notice must describe the proposed amendment and the date and time at which the amendment will be considered and acted on.

3. MEMBERSHIP

- 3.1 As authorized by WIOA, the Joint Powers Board establishes membership and structure for the WDB.
- 3.2 The WDB members shall be individuals with optimum policymaking authority within the organization.
- 3.3 The WDB consists of a minimum of 24 members. The WDB shall follow composition requirements enumerated under the WIOA and relevant state law. *See* 29 U.S.C. § 3122(b)(2) and Minn. Stat. § 116L.666, subd. 3. Additional, specific requirements follow:
 - 3.3.1. Education. One (1) member appointed as public or private education representative from K-12 education; or local adult basic education program approved under Section 124D.52; and two (2) representatives of post-secondary education. The two post-secondary member representatives will each have a ½ vote which will count towards quorum. The post-secondary education representatives shall be selected from among individuals nominated by post-secondary educational institutions within the workforce service area.
- 3.4 Each WDB 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.
- 3.5 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 or until the Annual Meeting when a new term may begin.
- 3.6 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 Joint Powers Board shall be promptly notified and requested to appoint a new member to complete the term, if possible, within sixty (60) days of notification.
- 3.7 Joint Powers Board may reappoint an individual to serve one or more additional terms as a WDB member.

- 3.8 A WDB member may resign upon written notice delivered to the WDB or;
- 3.9 A WDB member may be removed from membership for cause, which is defined as the WDB determination that the member is unable to effectively represent the categorical seat to which the member was appointed. Removal is based on a 3/4 vote of the Joint Powers Board. Such instances of cause are noted below:
- 3.9.1. Due to a change in employment or status that substantially alters the member's qualifications considered in making the member's appointment; or
- 3.9.2 If the member is absent from more than three (3) consecutive WDB meetings or is frequently absent from WDB meetings;
- 3.9.3 A member, in view of the WDB or Joint Powers Board, has acted in violation of the WIOA or related state or federal law or regulations; or
- 3.9.4. Incapacity of the member to effectively serve the WDB and the objectives of WIOA as determined by the WDB or Joint Powers Board; or
- 3.9.5. Other good cause for removal as determined by the WDB or Joint Powers Board.
- 3.10 No member of the WDB may designate any person to act as an alternate. No proxies will be permitted.
- 3.11 All WDB 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 Joint Powers Board approval. The WDB shall be comprised of a majority of resident members.
- 3.12 There will be an effort made to offer all WDB member constituencies representation on planning groups. There will be labor representation on the WDB and on planning groups.
- 3.13 The Administrative Agency will maintain an official membership list, attendance materials, record of actions taken by the WDB, and a detailed statement on the composition, structure, membership, and nomination process for the WDB.

4. OFFICERS

- 4.1 The WDB will elect for a biannual (2-year) term of office a Chair and a Vice-Chair. Other officers may be elected as the WDB or Joint Powers Board deem necessary. Biannually a successor Chair and Vice Chair shall be elected by the Workforce Development Board from its membership, for a two (2) year terms. The Workforce Development Board may continue to elect the Chair and Vice Chair for subsequent two (2) year terms. The Chair, if present, shall preside at all meetings of the WDB and shall perform all other duties and functions assigned by the WDB.
- 4.2 The Chair and Vice-Chair must be nominated from the private sector representatives in the WDB 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 WDB.

- 4.3 Elections will occur each year before 1 January or up until the Annual Meeting.
- 4.4 The Chair has the responsibility to prepare the agenda for, and to manage business at WDB meetings.
- 4.5 In the absence of the Chair, the Vice-Chair will serve as presiding officer.
- 4.6 In the absence of the Chair and Vice-Chair, the WDB will, at the beginning of its meeting, designate by majority vote a Chairperson Pro Tem to serve as presiding officer for that meeting.
- 4.7 Any officer may be removed from office by a two-thirds (2/3) vote of the WDB at any time during the membership year.

5. MEETINGS AND QUORUMS

- 5.1 The WDB must meet at least four (4) times annually.
- 5.2 By its first meeting of each year, the WDB will adopt a schedule of meetings for the year, furnish the schedule to its members and the Joint Powers Board members, and post the schedule on its principal bulletin board.
- 5.3 The Chairperson or administrative staff may call special meetings of the WDB at his/her initiative or when five (5) or more members request that the Chair call a meeting. Notice may be given by email and posted on the principal bulletin board. Per Minnesota Statutes, section 13D.02, a meeting may be conducted via interactive technology, so long as all members of the WDB and members of the public can see and hear all discussion and testimony presented. Each location must be open and accessible to the public. Meetings by telephone or other electronic means are allowed during a health pandemic or declaration of emergency, as long as the conditions set forth in Minnesota Statutes, section 13D.021 are met. Action which may be taken at any regular meeting may also be acted upon at any special meeting.
- 5.4 All WDB meetings will conform with the Minnesota's Open Meeting Law, Minnesota Statutes, Chapter 13D.
- 5.5 The principal bulletin board for the WDB is designated as the bulletin board located in the Administration area at the CareerForce Center, St. Cloud.
- 5.6 A quorum for conducting regular WDB business is a simple majority of its current voting membership.
- 5.7 So long as a quorum is present, action may be taken by a simple majority of those voting.

- 5.8 A WDB meeting may be adjourned at any time by less than a quorum.
- 5.9 Robert's Rules of Order, Newly Revised 12th Edition, apply to all WDB actions and meetings to the extent these rules do not conflict with these Bylaws.

6. **COMMITTEES**

- 6.1 The Chairperson can create committees of the WDB, subject to the approval of the majority of WDB members.
- 6.2 The Chairperson will appoint a Chairperson and a Vice Chairperson for each committee from the WDB membership.
- 6.3 The Chairperson will appoint WDB members to each committee and shall appoint other individuals who are not WDB members to serve on a committee.
- 6.4 A quorum for conducting committee business is a simple majority of that committee's currently appointed committee members.
- 6.5 So long as a quorum is present, committee action may be taken by a simple majority of those voting.
- 6.6 All actions taken by committees are advisory to the WDB.
- 6.7 With the consent of the WDB, the Chairperson also may create and appoint other advisory groups or technical workgroups needed by the WDB.
- 6.8 Standing Committees
 - 6.8.1 Executive Committee - 5 members
 - 6.8.1.1 The Executive Committee shall be composed of the officers of the WDB and the Chair of each standing committee, and the past Chairperson or another WDB member.
 - 6.8.1.2 The Executive Committee shall be staffed by the Career Solutions Executive Director.
 - 6.8.1.3 Duties of the Executive Committee shall include but not be limited to: Membership Recruitment, Orientation and Development; Performance; Career Solutions Executive Director Hire and Performance Review; Day-to-Day Governance of Career Solutions as WSA Administrative Entity; Oversight of the One-Stop Operating Consortium; and Oversight of Memorandum of Understanding.
 - 6.8.1.4 The Executive Committee may act on behalf of the WDB if WDB is not meeting. Actions taken will be reported and acted on by the WDB at the subsequent WDBC meeting.

6.8.2 Program Committee

6.8.2.1 The Program Committee shall include community-at-large members appointed by the WDB and who the WDB determines have appropriate experience and expertise. A WDB member of the Committee shall be selected as Chair.

6.8.2.2 The Program Committee will provide information and assist with operational and other issues relating to the one-stop delivery system, which may include as members representatives of the one-stop partners.

6.8.3 Youth Council

6.8.3.1 A WDB member of the Committee will be selected as Chair of the Youth Council. Membership will include a representative with experience and expertise serving individuals with disabilities and a representative of a community-based organization with a demonstrated record of success in serving eligible youth.

6.8.3.2 The Youth Council will provide information and assist with planning, operational, and other issues relating to the provision of services to youth.

7. **STAFFING AND SUPPORT OF WORKFORCE DEVELOPMENT BOARD**

7.1 The Administrative Agency will provide staff, office, and material support for the WDB from funds made available under WIOA.

7.2 Annually, the WDB and the Joint Powers Board will agree on the level of staff, office, and material support for the WDB in the local plan and budget.

7.3 Eligible WDB members may be reimbursed for expenses incurred as a result of official WDB business provided that:

7.3.1 Required forms and/or receipts are submitted with any request for payment;

7.3.2 Requests relate to expenses directly attributable to an official activity of the WDB;

7.3.3 Members are not receiving or requesting expenses incurred to their respective organization that they are representing.

7.3.4 Reimbursement of expenses shall be made in accordance with the prevailing rules and regulations of the State of Minnesota.

7.3.5 The WDB members are eligible to receive per diem for all required meetings or official WDB business, as approved for payment by the Joint Powers Board or responsible County Board. Prior approval by WDB for official business is required.

8. **CONFLICT OF INTEREST**

8.1 WDB members will comply with the Conflict of Interest Policy as it is developed and amended by the state agency for local workforce boards.

8.2 A WDB member cannot cast a vote nor participate in decision-making 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 or a member of his or her family.

8.3 WDB 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 WIOA.

8.4 Conflict of Interest Policy is subject to the review and approval of the Joint Powers Board.

9. AMENDMENTS

9.1 Proposed amendments to the Bylaws must be distributed to WDB members at least ten (10) working days before consideration by the WDB.

9.2 The WDB may approve amendments to the Bylaws at any WDB meeting by a two-thirds affirmative vote of the WDB membership.

10. EFFECT

10.1 These Bylaws take effect upon adoption by a two-thirds (2/3) affirmative vote of the WDB and approval by the Joint Powers Board and remain in effect until the WDB dissolves or as otherwise amended.

10.2 If a conflict arises between the Bylaws and provisions in WIOA, applicable state law, or other implementing regulations, the provisions specified in the law or regulation will prevail.

Approved by the Career Solutions Workforce Development Board: 12/08/2022

Approved by the Career Solutions Joint Powers Board: 12/08/2022

Bernie Perryman
Bernie Perryman,
Career Solutions Workforce Development Board Chair

12/9/2022
Date

Jill Magelssen
Jill Magelssen,
Career Solutions Workforce Development Board Vice-Chair

12/9/22
Date

Steve Heinen
Steve Heinen,
Career Solutions Joint Powers Board Chair

12/08/2022
Date