

Westchester-Putnam Workforce Development Board

BY-LAWS

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PREAMBLE

The Workforce Innovation & Opportunity Act of 2014, (WIOA) was created to integrate, coordinate and improve education, training, and employment systems that align with economic development. The legislation mandates the creation of a local workforce development boards to develop and guide the implementation of streamlined and evidenced-based strategies to address local workforce development needs. The Westchester-Putnam Workforce Development Board (WPWDB) serves such role for Westchester and Putnam counties. It is comprised of leaders of local businesses, state and county government agencies, non-profits, and public education who work together to strengthen the partnerships between business, education, and service providers within the Westchester-Putnam Career Center Network to identify and meet the needs for a skilled workforce. The WPWDB provides policy, directions, and program oversight to the four Career Centers and the Network's workforce development programs in order to help adult and youth job seekers achieve their career goals and businesses to meet their workforce needs.

GLOSSARY OF DEFINED TERMS

The following are the definitions of terms used herein:

Administrative Entity – Westchester County Department of Social Services acts as the administrative entity for the Westchester-Putnam Workforce Development Board (WPWDB) and as such, is responsible for oversight of the WPWDB, the execution of contracts on behalf of the Board, and XXX.

Americans With Disabilities Act of 1990 (ADA) – passed by Congress in 1990, the Americans with Disabilities Act is the nation's first comprehensive civil rights law addressing the needs of people with disabilities, prohibiting discrimination in employment, public services, public accommodations, and telecommunications. The Equal Employment Opportunity Commission was given enforcement authority for Title I of the Act, the employment discrimination provisions.

Career Center Network (CCN) – the four Career Centers and all partners that collaborate to provide services with the network.

Chief Elected Official (CEOs) – the chief elected officials of Westchester and Putnam counties.

Community Based Organizations (CBOs) – per 20 U.S.C.A § 7801(6), the term “community-based organization” means “a public or private nonprofit organization of demonstrated effectiveness that: (A) is representative of a community or significant segments of a community; and (B) provides educational or related services to individuals in the community.”

Economic and Community Development Representative – an individual from the local office of economic development who sits on the WPWDB. Economic development offers business resources, financial assistance, and related services and incentives to help attract and retain business in the local area.

Local Strategic Plan (LSP) – WIOA requires a local workforce board to develop local strategic plans outlining how it intends to carry out WIOA policies.

Local Workforce Development Area (LWDA) – a region designated using factors such as geographic location, population, and commonality of labor market areas that is overseen by the Local Workforce Development Board.

Local Workforce Development Board (LWDB) – serve as connectors between the U.S. Department of Labor and American Job Centers that deliver services for workers and employers; they direct federal, state, and local funding to workforce development programs. The WPWDB is the region's LWDB.

One-Stop Operator – The operator is charged with coordinating the service delivery and improving the functional alignment among partner agencies in the Career Centers to ensure job seekers and employers receive seamless service.

Regional Strategic Plan (RSP) – The LWDBs and CEOs of a planning region collaborate to create the Regional Plan, which also incorporate the Local Plans from each LWDA in each region. Regional Plans must include the following: a) regional service strategies, b) sector initiatives for in-demand industry sectors or occupations, c) the collection and analysis of regional labor market data, d) the establishment of a regional spending plan, e) the coordination of supportive services f) the coordination of services with Economic Development partners, and g) an agreement concerning performance accountability measure negotiation and reporting.

Workforce Innovation and Opportunity Act of 2014 (WIOA) – President Barack Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law on July 22, 2014. WIOA 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.

Title I – Workforce Development Activities authorizes job training and related services to unemployed or underemployed individuals and establishes the governance and performance accountability system for WIOA.

Title II Adult Education and Literacy – education services to assist adults in improving their basic skills, completing secondary education, and transitioning to postsecondary education.

Title III Wagner - Peyser – provides for the establishment of a national employment system and for cooperation with states in the promotion of such system, and for other purposes established a nationwide system of public employment offices." The key function of the act was to provide (1) federal matching funds for the operation of state employment offices, (2) federal supervision of operations, (3) state administration of services, and (4) employment services to veterans. It was amended in 1998 as part of the Workforce Investment Act, P.L. 105-220, which required that public employment services be provided as a component of the "One-Stop" delivery system of the states.

Title IV Vocational Rehabilitation – employment-related vocational rehabilitation services to individuals with disabilities, to integrate vocational rehabilitation into the One-Stop system.

WIOA Section 188 – prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs

and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

ARTICLE 1 – NAME

The name of this organization shall be known as the Westchester-Putnam Workforce Development Board (hereinafter referred to as the “WPWDB” or the “Board”).

ARTICLE 2 – RESPONSIBILITIES

Section 2.01. Responsibilities. The WPWDB, in conjunction with the CEOs and in compliance with WIOA, shall have the following responsibilities:

- Recruit Board members who will engage and participate in Board meetings, committees, and activities to further the mission of the WPWDB and the Career Center Network;
- Review and approve matters that come before the Board, including but not limited to authorizing contracts, RFPs, RFQs, and accepting grants; and
- Develop and approve local and regional strategic plans in conjunction with the Mid-Hudson Regional Economic Development Council and other workforce and economic development initiatives;
- Utilize workforce research and regional labor market analysis;
- Develop a budget for the activities of the Local Board, consistent with the Local and Regional Strategic Plans, and to ensure the appropriate use, management, and investment of funds to maximize performance under WIOA;
- Convene, broker, and leverage local workforce development stakeholders;
- Lead efforts to engage with a diverse range of employers and entities in the region;
- Negotiate local performance measures;
- Lead efforts in the local area to identify, develop and implement career pathways by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment;
- Develop strategies for using technology to maximize the accessibility and effectiveness of the Career Center Network for employers, workers, and jobseekers;
- Engage and hire entities through RFPs, competitive bidding, and certification processes to perform and provide services within the Career Center Network, including but not limited to the Operator, Career Center Partners, and eligible training providers;
- Provide program oversight and ensure consumer choice with regard to training opportunities;
- Coordinate with education and training providers to ensure a skilled workforce to meet local workforce needs;
- Negotiate with CEO and required partners on the methods for funding the infrastructure costs of the Career Centers;

- Conduct an annual assessment of the physical and programmatic accessibility of the Career Centers in accordance with WIOA Sec. 188 and the Americans with Disabilities Act of 1990; and
- Certify and oversee the Career Centers.

ARTICLE 3 – MEMBERSHIP

Section 3.01. Membership. The membership of the WPWDB is constituted as follows in accordance with WIOA:

- A majority of the members must be business representatives;
- 20% of the members must be workforce representatives (which must include two organized labor representatives and one apprenticeship representative; and may include representatives from Community Based Organizations and organizations with experience serving youth);
- One Title III Wagner -Peyser Representative;
- One Title II Adult Education and Literacy Representative;
- One Higher Education Representative;
- One Economic and Community Development Representative
- One Title IV Vocational Rehabilitation Representative; and
- Other discretionary appointments by the CEOs.

Section 3.02. Term of Office. At the discretion of the CEOs, WPWDB Board members (“Members”) shall be appointed for fixed and staggered terms of four years, and each Member shall serve until his/her successor is chosen by the CEOs and qualified, or until his or her death, resignation, or removal as provided herein.

Section 3.03. Compensation. Members of the WPWDB shall serve without compensation.

Section 3.04. Resignation. Any Member may resign at any time by giving written notice to the CEOs through the Board Chair. The resignation will take effect upon receipt and acceptance thereof by the CEOs or at such time as specified in the notice.

Section 3.05. Vacancies. The Board Chair shall notify the CEOs as to vacancies on the Board and will fill such vacancies in the same manner as provided herein for the appointment of new members. Any Member so appointed shall be representative of the same group as the deceased, resigned, or removed Member, and shall hold office for the remaining term, or until his/her death, resignation, or removal in the manner herein provided. The CEOs may choose not to immediately fill such vacancies so long as the Board membership meets WIOA certification requirements without such vacancy filled.

Section 3.06. Termination of Membership. A Member may be removed by the CEOs whenever in their judgment the best interest of the WPWDB would be served by such action or if such Member fails to attend at least three Board meetings during a program year unless excused by the Board Chair. The Members of the WPWDB may recommend to the CEOs the removal of a Member. This must be done by an affirmative vote of two-thirds of the entire Board at a Special Meeting called for that purpose. The resulting vacancy shall be filled in the manner previously specified herein.

Section 3.07. Place of Meetings. The WPDB may hold its meetings at any location it chooses within Westchester or Putnam counties, New York.

Section 3.08. Regular Meetings. The WPWDB shall hold at least four meetings, including the Annual Meeting (“Regular Meetings”) during the program year at a time and place determined by the Board or other meetings at the request of the CEOs. The schedule of Regular Meetings shall be set forth at the beginning of the program year and be communicated to all Members via mail or email and posted on the Career Center Network website.

Section 3.09. Annual Meetings and Elections. The Annual Meeting of the Board shall be last meeting of the program year held during the month of June or as otherwise as voted by the majority of the Members. The officers of the Board and the Chair and Vice Chair of the Standing Committees shall be elected at such Annual Meeting in accordance with the provisions of Article 4.

Section 3.10. Special Meetings. Special meetings may be called by the Board Chair, the CEOs, or by a majority of the members of the Executive Committee (“Special Meetings”). Notice of a Special Meeting shall be mailed via ordinary mail to each Board member’s residence or place of business at least five (5) days before the scheduled meeting date, or delivered personally, by email, or by telephone not less than two (2) days before such Special Meeting. The notice shall include the time, place, and purpose(s) of such meeting and shall be conducted in accordance with the Open Public Meeting Act.

Section 3.11. Quorum/Manner of Acting. Unless as otherwise provided by statute or these Bylaws, a majority of the whole membership of the Board shall constitute a quorum for a Regular, Special, or Annual Meeting of the WPWDB.

Section 3.12. Voting and Proxies. Only Members of the WPWDB may vote on matters before the WPWDB. Each Member shall have one vote. An absent Member may vote by proxy. Proxy votes must, however, be in writing, signed by the absent Member, and specifically address the exact items of business that will be voted during that meeting, and be delivered to the Board Chair before that meeting. Except as provided herein for removal of a Member, a majority vote of the whole number of Members representing a quorum is required to approve any matter requiring Board approval.

Section 3.13. Minutes. Minutes of each meeting will be posted for public access on the Career Center Network website following the approval of such minutes in the next regularly scheduled meeting where a quorum exists; except that items approved by the Board in any meeting where a quorum exists will be posted for public access within two calendar weeks following such meeting and be marked 'unapproved' until the Board approves them.

Section 3.14. Conflict of Interest. No Members shall vote on or participate in any decision-making capacity on the provision of services to the WPWDB by such Member (or any organization that the Member represents), nor on any matter that would provide any direct financial benefit to that Member or such Member's immediate family. Prior to the discussion, vote, or decision on any matter before the Board, if a Member or person in the immediate family of a Member, has a substantial interest in or relationship with a business entity, organization, or property that would be peculiarly affected by such Board action, that Member shall disclose the nature and extent of the interest or relationship and shall refrain from voting on or in any way participating in the matter. All such abstentions shall be recorded in the minutes of the meeting. Members must provide the Board Chair with a written declaration of all substantial business interests or relationships they, or their immediate family has, with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the Board. Such declarations shall be updated within 30 days to reflect any changes in such business interests or relationships. Violation of Section 3.14 herein by any member may be grounds for termination of such Member from the Board in accordance with Section 3.06.

Section 3.15. Order of Business. The Order of Business at all meetings of the WPWDB shall be as follows:

- I. Roll Call
- II. Approval of the Minutes of the Preceding Meeting
- III. Reports of Committees/Officers
 - A. Executive Committee
 - B. Performance and Accountability Committee
 - C. Program Committee
 - D. Business Engagement Committee
- IV. WPWDB Director's Report
- V. Voting Items
- VI. Special Presentation
- VII. New Business
- VIII. Old and Unfinished Business
- IX. Adjournment

ARTICLE 4 – OFFICERS

Section 4.01. Executive Committee. Every other year at the Annual Meeting, the Members will vote to elect the Chair, Vice-Chair, Secretary, and Treasurer of the WPWDB ("Officers") as well

as the Chair and Vice-Chair of each standing committee, together who will form the Executive Committee. An ad hoc committee (Nominating Committee) shall be formed from among the Members, including at least one representative from each county who is a Member, and shall be responsible for identifying, vetting, and recommending candidates for these positions. The nominees for the Officers will be selected from the private sector members of the WPWDB, as will the Chairs and Vice-Chairs of the standing committees. The Nominating Committee, in consultation with the CEOs, shall recommend the slate of Officers and Chair and Vice-Chair of the standing committees to the WPWDB and the vote shall take place during the Annual Meeting.

Section 4.02. Resignations. Any Officer may resign by giving a written notice to the CEOs directly or through the WPWDB Chair. The resignation shall become effective upon receipt thereof by the CEOs or Chair, or at such time as specified in the notice. An Officer, who resigns from his or her elected position, may remain on the Board at the discretion of the CEOs. If the resignation is of the Board Chair, such resignation shall be delivered to the CEOs directly or to the Vice Chair who will give immediate notice to the CEOs.

Section 4.03. Removal. Any Officer may be removed by the CEOs, with or without cause. The Members of the WPWDB may recommend to the CEOs the removal of an Officer. This must be done by an affirmative vote of two-thirds of the entire Board at a Special Meeting called for that purpose. The resulting vacancy shall be filled in the manner previously specified herein.

Section 4.04. Vacancies. All vacancies resulting from the death, resignation, or removal of an Officer shall be filled for the unexpired portion of the term in the manner prescribed in these By-Laws for election of Officers.

Section 4.05. Chair. The Chair shall conduct meetings of the WPWDB and the Executive Committee and shall serve as an ex-officio member of all standing and ad-hoc committees. The Chair shall guide general direction of the business of the Board and shall delegate responsibilities to other Officers and committee Chairs as may be necessary.

Section 4.06. Vice Chair. The Vice Chair shall perform, in the absence or incapacity of the Chair, or when requested by the Chair, the duties of the Chair and such duties as may be delegated by the Board.

Section 4.07. Treasurer. The Treasurer shall assist in the development and directing of the operations, policies, and plans governing financial transactions of the WPWDB. Duties shall include ensuring periodic reports to the Board as to the financial status of the WPWDB, program audits, and such duties as may from time to time be assigned by the Chair.

Section 4.08. Secretary. The Secretary of the WPWDB shall be responsible for ensuring the proper maintenance of all records and correspondences of the WPWDB; timely notice and recording of attendance at all meetings; timely completion and public posting of Board minutes; and preservation of records of action, reports, and other business correspondences.

The ensures the maintenance the current list of Board Members and also performs other duties as are assigned by the WPWDB, Executive Committee, Chair and other to duties usually incident to the Office of Secretary.

Section 4.09. Staff. Staff employed by the Westchester County Department of Social Services, the Administrative Entity of the WPWDB, through the use of WIOA funds shall be considered as WPWDB staff, with the Executive Director responsible for the day-to-day direction of the Career Center Network, including planning, budgeting, and oversight of the Career Centers. The Executive Director shall, in the implementation of approved plans and programs, represent the Administrative Entity and assist the WPWDB in carrying out its objectives.

ARTICLE 5 – COMMITTEES

Section 5.01. Structure. By resolution adopted by a majority of the Members upon recommendation of the Chair, the Board may create and appoint standing committees of the Board, including but not limited to: Executive Committee, Program Committee, Performance & Accountability Committee, and Business Engagement Committee.

Section 5.02. Executive Committee. The Executive Committee shall consist of the Officers of the Board, Chairs and Vice Chairs of each standing committee, and any two at-large Members of the Board if the Chair so chooses. Except as otherwise provided by law, the Executive Committee is authorized to act on the behalf of the Board during its recess between meetings on any item or items that may need immediate attention, on the condition that such item or items be presented to the Board at its next Regular Meeting with a quorum to vote to affirm such decision(s). The Executive Committee action may be taken via an in-person meeting or proxy ballot. A majority of the members of the Executive Committee shall constitute a quorum for the transaction of business with a majority affirmative vote of such quorum constituting approval. The Executive Committee shall provide leadership in the over-all planning, implementation, and performance of the WPWDB's activities and programs; review workforce data and best practices for data-driven and evidence-based recommendation and decision making; and assist with the monitoring of the Career Center Network's performance measures and its continuous improvement processes.

Section 5.03. Performance & Accountability Committee. The Performance & Accountability Committee is responsible for oversight of the execution of contracts; selection of the One-Stop Operator; governance of the Board, including the Bylaws; and monitoring performance outcomes.

The committee will, in consultation with other committees and the Board, recommend:

1. Policy, budget, and administrative action to ensure that WPWDB can measure what matters for business, job seekers, and government.
2. The WIOA committee will serve as the “front line” for developing and revising WIOA policy to strengthen the performance of Local Workforce Development Boards (LWDBs) and Westchester’s network of Career Centers.
3. Will act as a resource to other committees assisting in the establishment of standards and metrics to assess and continuously improve program and system performance. The committee will be particularly engaged in cross-agency, cross-program performance metrics, in identifying common performance metrics, and in ensuring that decisions made by the Workforce Board are informed by sound data and analysis.
4. The WIOA committee will strive to create and recommend policy that will strengthen the ability of LWDBs to act as regional conveners for collaborative workforce solutions.
5. The committee is charged with ensuring that all programs funded produce strong return on investment.

Specific tasks, required by statute for discussion and relevant to this committee, include:

1. Share, collect and review workforce data and best practices for data-driven and evidence-based recommendations and decision making.
2. Development and continuous improvement of comprehensive performance measures including, without limitation, performance measures reflecting the degree to which carrier center provide comprehensive services with all mandatory partners and the degree to which local workforce investment development boards have obtained funding from sources other than the WIOA.
3. Establish procedures for WIOA performance target-setting.
4. create procedures, quality standards, guidelines, and directives applicable to local workforce investment development boards and the operation of carrier centers
5. Negotiate and monitor local and regional performance measures.
6. Selection of One Stop operators.

Section 5.04. Program Committee. The Program Committee is responsible for oversight of youth and adult programs and creating and directing programs to ensure that the local

workforce meets the needs of jobseekers and employers. The committee, in consultation with other committees and the Board, will recommend:

1. Programs that emphasize education and training opportunities that align with employers' workforce needs and labor market statistics.
2. Development of a statewide system of career centers that provide comprehensive workforce services to employers, employees, and job seekers.

Specific tasks, required by statute for discussion and relevant to this committee, include:

1. Align current systems to for all WIOA programs.
2. Develop strategies to maximize the use of technology in the workforce system.
3. Certify WIOA training providers and approved funding.
4. Provide ongoing input into the development and implementation of the Local and Regional Plans.
5. Provide leadership and partner representation in developing the adult and youth programs.
6. Develop training and workshops to meet the needs of employers and jobseekers.
7. Coordination with education providers.
8. Accessibility for individuals with disability.

Section 5.05. Business Engagement Committee. The Business Engagement Committee is responsible for oversight of activities related to the engagement of local businesses and employers in workforce development. The Committee will, in consultation with other committees and the board, will recommend:

1. Program and policy, to better align the needs of current and emerging industry sectors with the education and training programs and support services afforded to the emerging, transitional, and incumbent workforce.

2. Will focus on high technology workforce training needs and skills attainment solutions through sector strategies, career readiness, and career pathways.
3. Will focus on education and business partnerships at all levels to ensure that workforce and education credential attainment is commensurate to the demand for those credentials.
4. Will look at long-term as well as short-term development of Westchester workforce: from K-12 to adult and higher education.
5. Successful models of business-education partnerships that expand workforce pipelines in critical industry sectors, this committee will strategize increasing business engagement, incentivizing public-private partnerships, and developing or expanding programming to meet evolving industry needs.
6. Will identify strategies for filling critical skills shortages in high priority occupations in sectors identified as Virginia's economic development targets.
7. Occupationally training, this committee will drive recommendations and policy for enhancing career readiness in participants at all levels of education and training, including creating strategies for improving and expanding the Career Pathway program.

Specific tasks, required by statute for discussion and relevant to this committee, include:

1. Identifying current and emerging statewide workforce needs of the business community.
2. Forecasting and identifying training requirements for the new workforce.
3. Recommending strategies that will match trained workers with available jobs to include strategies for increasing business engagement in education and workforce development.
4. Provide leadership and business/labor representation in developing the local workforce development plan related to employer engagement and economic development.
5. Provide input on career pathways, sector strategies, incumbent worker training and work-based learning.
6. Identify critical skill gaps and recommend solution strategies.

ARTICLE 6 – PARLIAMENTARY AUTHORITY

The rules contained in “Robert’s Rules of Order Revised” shall govern the WPWDB in all cases in which they are applicable, and in which they are not inconsistent with these By-Laws or applicable Federal and New York State statutes and regulations.

ARTICLE 7 – AMENDMENT TO BYLAWS

These Bylaws or any part thereof may be amended, changed, or repealed in conjunction with the CEOs by two-thirds vote of the entire Board of Directors at any Regular Meeting after notice that such action is a purpose of the meeting. The proposed amendments or changes must be in written form and distributed to all Members within the notice requirements of such meeting. Amendment of such proposals on first reading shall be deemed as applicably provided, however that said amendments shall be distributed to all members of the WPWDB in advance of the meeting if any amendment is to be acted upon.

ARTICLE 8 – EFFECTIVE DATE

These Bylaws shall take effect on September 30, 2019 and shall remain in effect until amended or repealed in accordance with Article 7.