

CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD

BY-LAWS

ARTICLE I. NAME AND PURPOSE

Section 1. Name: The name of this organization shall be the Cumberland County Workforce Development Board, hereinafter referred to as the Board.

Section 2. Establishment: The Board is established and receives its authority in accordance with the Workforce Innovation and Opportunity Act (WIOA), which was signed into law on July 22, 2014 as Public Law 113-128 and replaces and supersedes the Workforce Investment Act (WIA) of 1998. The Cumberland County Board of Commissioners (CCBOC) shall have final authority.

Section 3. Mission, Vision and Purpose:

- A. The mission of the Cumberland County Workforce Development Board is to advance the economic well-being of the region by developing and maintaining a quality public workforce system through the integration of employment, training, education, and economic development services for job seekers, workers, and businesses.
- B. The vision of the Cumberland County Workforce Development Board is to promote an employer-driven public workforce system that focuses on critical workforce, economic, education, and training challenges and encourages innovative partner collaboration for the development of opportunities that support a skilled workforce that meets the needs of businesses and strengthens the local economy.
- C. The Cumberland County Workforce Development Board has been established to assist the Cumberland County Board of Commissioners as the Chief Local Elected Officials in strategic planning, oversight, and evaluation of the local workforce development area, and shall promote effective outcomes consistent with statewide goals, objectives, and negotiated local performance. The Board serves as a strategic convener to promote and broker effective relationships between the County and economic, education, and workforce partners. The Board shall maintain strategic and strong relationships with business organizations, chambers of commerce, labor and trade associations, education providers, and others as needed or required. The Board is authorized to conduct such activities as it deems necessary to carry on the WIOA programs.

Section 4. Roles and Responsibilities: In accordance with Section 3 above, the following shall constitute the principal responsibilities of the Board:

- A. Local Unified Plan and Regional Planning: Develop and submit a local and regional plan, in partnership with the Chief Elected Official, to the state.
- B. Workforce Research/Labor Market Information Analysis: Carry out analyses of the economic conditions of the region to include knowledge, skills, services, and

activities to address identified education and skills needs as well as needs of employers; assist in developing the statewide workforce and labor market information system; conduct other research, data collection, and analysis for workforce needs in the regional economy.

- C. Convening/Brokering/Leveraging: Convene local workforce development system stakeholders to assist in the development of the local plan and in carrying out the functions described for partner collaboration, including identifying non-federal expertise and resources to leverage support for workforce activities.
- D. Employer Engagement: Lead efforts to engage with a diverse range of employers; to promote business representation; to develop effective linkages with employers; to ensure that workforce investment activities meet the needs of employers and support economic growth; to develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers.
- E. Career Pathways Development: With representatives of secondary and post-secondary education programs, lead efforts in the local area to 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.
- F. Proven and Promising Practices: Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and job seekers in the local workforce system; identify and disseminate information on proven and promising practices carried out in other local areas.
- G. Technology: Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and job seekers, especially those with barriers to employment; develop intake and case management information systems, remote access, and improve digital literacy skills while leveraging resources and capacity within the local workforce development system.
- H. Program Oversight: Conduct oversight for local youth workforce investment activities, local employment and training activities, and the one-stop delivery system in the local area under WIOA subtitle B; ensure the appropriate use of management of the funds and ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA section 116; understand the conflict of interest and implement firewalls to ensure monitoring and oversight accounts for entities playing multiple roles.
- I. Negotiation of Local Performance: Negotiate and reach agreement on local performance accountability measures.
- J. Selection of Operators and Providers: With the agreement of the Chief Elected Official, select the following providers in the local area and where appropriate, terminate such providers in accordance with 2 CFR part 200; designate one-stop operator; identify adult and youth training providers, and also ensure the provision of opportunities that lead to competitive employment for individuals with

disabilities; in conjunction with the state, ensure there are sufficient numbers and types of career and training service providers in a manner that maximizes consumer choice.

- K. Coordination with Education Providers: Coordinate activities with education and training providers in the local area.
- L. Budget and Administration: Develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board, subject to the approval of the Chief Elected Official.
- M. Accessibility for Individuals with Disabilities: Annually assess the physical and programmatic accessibility of the One-Stop Center in the local area in accordance with WIOA Section 188 and the applicable provisions of the Americans with Disabilities Act of 1990.

Section 5. Methods: The Board shall perform all duties in accordance with these methods:

- A. Research/Data/Accountability: Collect, examine, and share data to inform decision-making and drive workforce development strategies, conduct research to support system improvements, and ensure accountability.
- B. Convene/Strategy Development: Convene local and regional workforce system partners to encourage system alignment and develop strategies to improve the workforce system.
- C. Advocacy/Governance/Policy: Advise local and regional leaders on policy and strategies to strengthen the workforce system, and review policies and programs to recommend actions that support and align the system.
- D. Promote/Communicate: Advocate for, enhance, and increase awareness of workforce services across the region, identify and disseminate information on best practices, and communicate the benefits of the workforce system to job seekers and businesses.

Section 6. Conflict of Interest and Ethics:

No member of the Board shall cast a vote on any matter that would provide direct financial benefit to the member or the member's immediate family, or on matters of the provision of services by the member or the entity the member represents. A member must avoid even the appearance of a conflict of interest. It is the Board member's responsibility, prior to any discussion, vote, or decision on any matter, to disclose any substantial interest or relationship to a business entity, organization, or property that would be affected by any official Board action. It is the responsibility of Board members to monitor potential conflicts of interest and bring it to the Board's attention in the event a member does not make a self-declaration. All abstentions must be recorded in the minutes of the meeting and maintained as part of the official record.

The Board must ensure that workforce services providers for WIOA Title 1B Adult, Dislocated Worker, and Youth programs do not employ or otherwise compensate a current or former Board member or an employee compensated by the administrative entity, fiscal

agent, or grant recipient within the previous 12 months. They must also ensure that the Board does not directly control the daily activities of its workforce providers, partners, or contractors. However, local Board members or their organizations may receive services for which they are eligible through the Cumberland County NCWorks Career Center.

The Board shall comply with the Cumberland County Board of Commissioners' Code of Ethics adopted pursuant to N.C.G.S. § 160A-86.

Board members should take care to obey all laws that apply to their official actions as Board members. Board members should be guided by the spirit as well as the letter of the law in whatever they do. Board members should feel free to assert policy positions and opinions professionally without fear of reprisal from fellow Board members or citizens.

Board members should act with integrity and with independence from improper influence as they exercise their functions. Board members should use their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner. They should be self-governing and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others. Board members should recognize that they are a part of the Board and should act accordingly. They should respect their appointment and not behave in ways that reflect badly on either. They should treat other Board members and the public with respect and should honor the opinions of others even when they disagree. They should recognize that they are not generally authorized to act on behalf of the Board since the Board must take official actions as a body.

Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. A Board member is considered to be acting with impropriety if a reasonable person who was made aware of the totality of the circumstances surrounding the Board member's action would conclude that it was more likely than not that the behavior did not benefit someone in the Board member's position.

Board members should be faithful in the performance of the duties of their appointment. They should act as especially responsible citizens whom others can trust and respect. In furtherance of their obligation, Board members should be faithful in their attendance at meetings and in their preparation for those meetings. They should carefully analyze all credible information that is provided to them. As a group of citizens to whom much has been entrusted, the Board should demand full accountability from those over whom it has authority. The Board should set a good example for others in the community, keeping in mind that trust and respect must continually be earned. Board members should be willing to bear their fair share of the Board's workload. To the extent appropriate, they should be willing to put the Board's interests ahead of their own.

Board members should conduct the affairs of the Board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. This recognition includes sensitivity to those matters or documents recognized by law as non-public, confidential, or protected. Board members should always be aware that when meeting they are conducting the public's business. Board members should always be aware that their individual written and electronic communications to each other, staff support, and others about matters within the purview of the Board should also be regarded as the

conduct of the public's business. A climate of openness is to be maintained at all times in the conduct of the public's business.

ARTICLE II ORGANIZATION

Section 1. Board Support: The Board shall be supported in the performance of its duties by a full-time staff consisting of a director and persons engaged in the administrative, technical, and support areas. At least one staff member shall be designated to support the activities of the Board to include preparing and distributing agendas for all public meetings and maintaining an official membership list, attendance records, a record of all actions of the Board, minutes of all public meetings, and other documents of the Board and its committees. Board support staff shall attend all meetings of the Board and designated committees, be responsive to the needs of the Board, and shall initiate and generate those actions necessary to support the Board in its mandated functions. Board support staff shall ensure the Board and its committees operate transparently, in accordance with WIOA section 107(e).

Section 2. Officers:

- A. Chair: The chair shall be elected by members of the Board and must be a representative of business. The chair shall preside at meetings, designate standing, sub, and ad hoc committees and appoint their chair, and through the Board's support staff, perform such other duties as are directed by the Board. Unless otherwise noted, the chair is authorized to enter into agreements and authenticate documents on behalf of the Board and the same acts shall be legally binding upon said Board.
- B. Vice Chair: The vice-chair shall be elected from the membership and shall be a representative of business. The duties of the vice-chair shall be to conduct the business of the Board in the absence of the chair and such other duties as may be assigned by the chair. In the event that the office of Chair is vacated before the end of the term, the vice chair shall assume the office in an acting capacity until the Board elects a new chair.
- C. Secretary: A member of the Board support staff shall serve as secretary of the Board. As an official Board custodian, the secretary shall keep accurate minutes of all meetings and proceedings of the Board, and all other Board business.
- D. Any Officers may be removed from office for cause and a vote of at least two-thirds (2/3) of current Board members.

Section 3. Membership Composition. The Board shall be appointed by the Chief Elected Official in a manner consistent with federal and state law and regulations governing the employment and training board. The Board shall be comprised of the private business sector and public sector members, be representative of the local area's geography and business demographics, and to the greatest extent possible, seek to have a membership diverse in gender and ethnicity. The Board shall be kept to the smallest number possible by having members represent more than one category whenever possible and as permitted by WIOA. An individual may serve as a representative of more than one membership category if the individual meets all the criteria in accordance with WIOA. The Board shall be composed of a minimum of 19 appointed members based on the following composition:

- A. At least 51% of members shall be representatives of business in the local area who:
 - a. Are owners of businesses, chief executives or operating officers of businesses, or other individuals with optimum policymaking or hiring authority;
 - b. Provide employment opportunities in in-demand industry sectors or occupations, and provide high-quality work-relevant training and development opportunities to its workforce or the workforce of others in the case of organizations representing business;
 - c. Are appointed from among individuals nominated by local business organizations and business trade associations; and
 - d. At least two members must represent small business as defined by the U.S. Small Business Association.
 - e. Additional requirements regarding business members of the local board include:
 - i. Business representatives should not typically include non-profits unless they are set up as a business cooperative.
 - ii. Due to the WIOA requirement to appoint business representatives that offer employment opportunities, local boards must minimize the number of sole proprietors serving as business representatives on the Board (and must not allow a sole proprietor to be elected as Chair).
 - iii. A public sector employer is not supported as part of the business majority, even if it is a major employer in the local economy.

- B. At least 20% of the members must be workforce representatives with optimum policymaking authority. These representatives:
 - a. Must include at least two representatives of labor organizations;
 - b. Must include at least one representative of a joint labor-management, or union-affiliated, registered apprenticeship program within the local 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;
 - 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, individuals with disabilities, or eligible youth, including organizations that serve out-of-school youth.

- C. The remaining Board membership shall include representatives of education and training with optimum policymaking authority, as follows:
 - a. At least one eligible provider administering adult education and literacy activities under WIOA Title II selected from among the providers serving in the local area;
 - b. At least one representative from an institution of higher education providing workforce development activities, including community colleges;
 - c. At least one representative from economic and community development;
 - d. At least one representative from the state Employment Service office (designated by state); and
 - e. At least one representative from the programs carried out under the Vocational Rehabilitation Program (designated by state)

Membership on the board shall be on an unpaid, volunteer basis. No matter how many membership categories an individual represents, the individual is only entitled to one vote. Members of the Board shall not be permitted to delegate any duties to proxies or alternates.

- Section 4. Applications and Nominations: Individuals interested in being considered for appointment to the Board must be a resident of Cumberland County and must submit an application (position vacancies are publicly noted and applications are available online via http://co.cumberland.nc.us/commissioners/board_application.aspx). The Board strongly encourages applicants referred by business organizations and business trade associations. Applicants shall meet the qualifications of the membership category for which they are applying and shall agree to confirm their qualifications; members shall notify the Board if they no longer meet the qualification criteria required by WIOA for the position in which they were appointed. For all Board vacancies requiring a nomination, an ad hoc committee of the Board will review the list of applicants and, in accordance with WIOA requirements, submit a recommendation to the full Board. Upon Board approval, the recommendation will be submitted to the Cumberland County Board of Commissioners.
- Section 5. Appointment: Local Board member appointments must be made by the Cumberland County Board of Commissioners.
- Section 6. Terms: Members appointed to the Board shall be appointed for a three-year term and are eligible for consecutive reappointment once (except those positions designated by the state whose terms are unlimited). Appointments will be staggered to the extent possible to ensure that only a portion of the membership expires in a given year. A citizen must be off the Board at least one year before returning to the Board (per Rule 29 of the Rules of Procedure for the Board of Commissioners of Cumberland County, North Carolina). Individuals appointed to fill a vacancy will serve the remainder of the unexpired term and be appointed for a new full term.
- Section 7. Resignations: Resignation by Board members shall be submitted in writing to the Cumberland County Board of Commissioners, Board Chair, and Board Support Staff. A member's resignation is effective when accepted by the Cumberland County Board of Commissioners. An agenda item will be placed on the next Board meeting to acknowledge the member's resignation.
- Section 8. Terminations: Board members serve at the pleasure of the Cumberland County Board of Commissioners. Board members may be removed for any reason including, but not limited to, the following reasons:
- A. Lack of attendance defined as missing three consecutive meetings or any four absences from regularly scheduled meetings during a twelve (12) month period. The Board Chair will submit a letter to the member notifying them of their lack of attendance and request a written response with their commitment to serve as a member and to attend subsequent meetings. The Board will review the response and approve a continuation of membership or make a recommendation for the member's removal. Failure by the member to respond by written correspondence within 20 business days of the notification will result in the automatic recommendation to the Cumberland County Board of Commissioners for the removal of the member.
 - B. Failure to comply with the Conflict of Interest and Ethics as required by WIOA and the Cumberland County Board of Commissioners' policy.
 - C. Recommendation by the Board Chair based on:

- a. Failure of a member to continue to hold the qualifications of membership which were the basis for their initial appointment.
- b. Failure to represent the Board in a manner deemed appropriate.

Section 9. Vacancies: Board Support staff will notify the Clerk to the Cumberland County Board of Commissioners of any sudden or upcoming vacancies. Current Board members shall assist with recruiting new Board members to fill vacancies. Positions will be filled in compliance with WIOA and these By-laws. Nominees for a vacancy shall meet the same membership requirements as the outgoing member or the criteria needed to fulfill the Board composition requirements of WIOA.

Section 10. Reappointments: Board Support staff, in coordination with the Clerk to the Cumberland County Board of Commissioners, will confirm eligible reappointments prior to term expiration.

Section 11. Compensation: Members of the Board shall serve without compensation except for any pre-authorized travel expenses incurred in connection with their duties, including transportation, meals, and lodging, in accordance with WIOA and all applicable Cumberland County policies and regulations. Board Support staff is authorized to reimburse pre-authorized expenses identified in post-travel to the extent such expenses are allowable and reimbursable under WIOA and all applicable Cumberland County policies and regulations.

ARTICLE III. BOARD MEETINGS

Section 1. Regular Meetings. The Board shall meet bi-monthly on the third Tuesday at the call of the Chairperson. The Board shall meet not less than six times per year. All Board members are expected to attend regularly scheduled meetings. Board meetings will be held in an accessible facility with accessible materials available upon prior request.

Section 2. Special or Called Meetings. The Chairperson may call special meetings of the Board as required. Upon receipt of a written request from a majority of members of the Board, the Chairperson shall call a special meeting of the Board to convene within fourteen days.

Section 3. Sunshine Provision. The Workforce Development Board must conduct its business in an open manner, as required by NCGS 153A-40, by making information about the activities of the Board available to the public on a regular basis through open meetings.

Section 4. Quorum. A majority of appointed members of the Board shall constitute a quorum for the transaction of business at all Board and designated committee meetings. A meeting at which a quorum is initially established may not continue to transact business or to discuss business if the quorum is not maintained due to the withdrawal or departure of members.

Section 5. Voting. All actions of the Board shall be determined by a majority vote of the members present and voting, provided there is a quorum, except the adoption and amendment of the bylaws which shall be by a two-thirds (2/3) vote of the members present. Each member of the Board shall have one vote and no proxy votes shall be allowed. No member of the Board shall vote on his or her providing services (or any organization which the member directly represents) or vote on any matter which would provide a direct financial benefit to that member.

Section 6. Order of Business. The chairperson shall be responsible for the orderly business of the Board and for calling items of the agenda; only members of the Board shall participate in the discussion except by prior arrangement with the chairperson, upon request of a member of the Board, or during the public participation period. Where these By-laws and other applicable law do not afford an adequate procedure in the conduct of a meeting, the Chair may refer to Robert's Rules of Order as a guide.

Section 7. Agenda. The agenda for Board meetings shall be developed by the Board Chair in consultation with the Board Support staff. Items not included on the agenda may be considered only upon two-thirds votes if those members are present. Topics identified on the agenda as consent items may be moved to the regular agenda at any time by the Board Chair; two or more Board members may request a consent item on the agenda to be moved to the regular agenda not less than 24 hours prior to the convening of the Board meeting at which the consent item will be considered. The Board secretary will notify the Board of the requested change as soon as practicable.

Section 8. Use of Technology: The use of technology, such as phone and web-based meetings, may be used on a case-by-case basis. Requests are to be submitted in writing no less than two weeks prior to the scheduled meeting to Board Support staff and are subject to approval by the Board Chair. Any member participating by telephonic or electronic communication must be able to hear all members and speak to all members during the meeting. Board members participating by telephone conference call or other electronic means shall:

- Be considered as present
- Introduce themselves for the record
- Identify the location from which they are participating
- Identify other individuals present at said location from which they are participating
- Be able to vote by these means
- Be clearly identified in the minutes

ARTICLE IV. COMMITTEES

Committee chairpersons shall be selected by the Chairperson. All committees shall meet on an as-needed basis, unless otherwise noted.

A. Executive Committee

- a. The Executive Committee shall be comprised of the following: Board Chair, Board Vice Chair, Youth Committee Chair, Chair of any other Standing Committee, and up to two other Board members appointed at the discretion of the Board Chair.
- b. The Board Chair shall serve as Chair of the Executive Committee.
- c. The Executive Committee shall always be comprised of an odd number of members.
- d. In consultation with Board Support staff, the Executive Committee shall act as needed and perform other duties as the Board may deem necessary between Board meetings.
- e. The Executive Committee shall report on all actions taken by the committee at regularly scheduled Board meetings.
 - i. Emergency actions and all other actions taken by the Executive Committee without the prior approval of the full Board are conditional and subject to approval by the full Board at its subsequent meeting,

B. Standing Committees

- a. Standing Committees shall be identified and revised through the Board's Strategic Plan.
- b. Each Standing Committee shall be chaired by a member of the Board and shall have a minimum of three (3) Board members assigned to serve.
- c. To the extent possible, each Standing Committee shall be comprised of the required representative categories as outlined in WIOA.
- d. Non-Board members may be appointed at the discretion of the Board Chair.

C. Youth Committee

- a. As provided by WIOA Sec. 107(b)(4)(A)(II), the Youth Council will become a standing committee of the Board.
- b. The Chair of the WDB will appoint the Chair of the Youth Committee from among the Board members.
- c. Other members of the Youth Committee are not required to be Board members and can be volunteers who represent agencies, community-based organizations, or individuals in the community who are especially interested in the needs of youth in Cumberland County.
- d. The Youth Committee will advise on providing the most effective and comprehensive programs, activities, and opportunities for eligible youth (aged 16-24) seeking assistance in achieving academic and employment success.
- e. The Youth Committee will not meet less than six times per year; regularly scheduled meetings will take place the second Friday prior to each Board meeting.

D. Sub-Committees or Task Forces

- a. The Board may establish ad hoc sub-committees or task forces to assist the Board as required to deal with specific issues and in carrying out its duties or current work.
- b. Sub-committees or task forces shall have at least one Board member assigned and may include non-Board members who have expertise or interest in the topic/task of such body.
- c. All sub-committees and task forces shall fall under a designated Standing Committee of the Board. All applicable updates and information shall be reported under the designated Standing Committee at the subsequent Board meeting.
- d. All recommendations of the sub-committee or task force are conditional and subject to approval of the full Board.

ARTICLE V. BY-LAWS AMENDMENT PROCEDURE

These Bylaws may be amended at any regular meeting of the Board by a two-thirds vote of the members present, provided that the proposed amendment has been noticed in writing at least seven days in advance of the meeting at which the amendment is to be considered. Once passed, the amendment shall be forwarded to the Cumberland County Board of Commissioners. An amendment is effective upon approval by the Cumberland County Board of Commissioners.