

# Nebraska Workforce Development Board

## Bylaws

### ARTICLE I. NAME AND PURPOSE

#### Section 1.1 NAME

The name of this organization shall be the Nebraska Workforce Development Board and referred to hereafter as the State Board.

#### Section 1.2 OFFICE OF THE STATE BOARD

The principal office of the State Board shall be located at the office of the Nebraska Workforce Innovation and Opportunity Act Liaison, currently the Commissioner of Labor, Nebraska Department of Labor, 550 South 16<sup>th</sup> Street, Lincoln, Nebraska 68508.

#### Section 1.3 PURPOSE

The purpose of the State Board shall be to carry out such functions as shall be authorized under Section 101(d) of the Workforce Innovation and Opportunity Act of 2014 (hereafter, WIOA), as may be amended from time to time.

### ARTICLE II. MEMBERSHIP

#### Section 2.1 COMPOSITION OF THE STATE BOARD

In accordance with WIOA Section 101(b)(1), the State Board shall consist of individuals from the following representation categories:

- (a) the Governor;
- (b) one (1) member from the Nebraska Unicameral Legislature (hereafter, the Legislature), appointed by the appropriate presiding officer(s) of the Legislature;
- (c) members appointed by the Governor, of which:
  - (i) a majority shall be representatives of businesses in Nebraska, who:
    - (I) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local workforce development board, as the term is described in WIOA Sec. 107;
    - (II) represent businesses that provide employment opportunities that include high-quality, work-relevant training and development in

in-demand industry sectors or occupations in Nebraska; and

- (III) are appointed from among individuals nominated by Nebraska business organizations and business trade associations in accordance with Section 2.6 of these Bylaws;
- (ii) not less than twenty (20) percent shall be representatives of the workforce within Nebraska as described in WIOA Sec. 101(b)(1)(C)(ii), who:
- (I) shall include representatives of labor organizations, who have been nominated by state-level labor federations, as described in Section 2.6 of these Bylaws;
  - (II) shall include a representative, who shall be a member of a labor organization or a training director from a joint labor-management apprenticeship program;
  - (III) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, and education needs of individuals with barriers to employment, including organizations that serve Veterans or that provide or support competitive, integrated employment for individuals with disabilities; and
  - (IV) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, and education needs of youth eligible for services under WIOA Sec. 129(a)(1), including representatives of organizations that serve out-of-school youth as the term is defined in WIOA Sec. 129(a)(1)(B); and
- (iii) the balance:
- (I) shall include representatives of government, as described in WIOA Secs. 101(b)(1)(C)(iii)(I) and (II), who are:
    - (1) lead state-level officials from agencies with primary responsibility for the core WIOA programs; and
    - (2) chief elected officials (collectively representing both cities and counties, where appropriate); and
  - (II) may include such other representatives and officials as the Governor may designate, such as:
    - (1) the state-level officials from agencies that are required one-stop partners, as the term is defined in WIOA Sec. 121(b)(1), not otherwise specified in Section

2.1(c)(iii)(1)(1) of these Bylaws (including additional one-stop partners, as the term is defined in WIOA Sec. 121(b)(2), whose programs are covered by the Combined State Plan for Nebraska's Workforce Development System, if any);

- (2) state-level officials from agencies responsible for economic development or juvenile justice programs in Nebraska;
- (3) individuals who represent a Native American tribe or tribal organization; and
- (4) state-level officials from agencies responsible for education programs in Nebraska, including chief executive officers of community colleges and other institutions of higher education.

## Section 2.2 DIVERSE AND DISTINCT REPRESENTATION

The members of the State Board shall represent diverse geographic areas of Nebraska, including urban, rural, and suburban areas, as required under WIOA Secs. 101(b)(2).

## Section 2.3 NO REPRESENTATION OF MULTIPLE CATEGORIES

No person shall serve as a State Board member representing more than one (1) of the categories described in Section 2.1(c)(i) – (iii) of these Bylaws.

## Section 2.4 *EX-OFFICIO* MEMBERSHIP

In addition to, and not in derogation of any other authority, title, duty, or privilege of membership as set forth in these Bylaws, the following State Board members are additionally classified as *ex-officio* members:

- (a) the: Governor;
- (b) Commissioner of the Nebraska Department of Labor;
- (c) Commissioner of the Nebraska Department of Education;
- (d) Chief Executive Officer of the Nebraska Department of Health and Human Services;  
and
- (e) Director of the Nebraska Department of Economic Development.

## Section 2.5 VOTING MEMBERSHIP

All members of the State Board shall be voting members, subject to the limitations of Section 4.6(b) of these Bylaws.

## Section 2.6 APPOINTMENT

- (a) Individuals representing businesses shall be appointed from among individuals nominated by Nebraska business organizations and business trade associations as described in Section 2.1(c)(i) of these Bylaws.
- (b) Individuals representing labor organizations shall be appointed from among individuals who have been nominated by labor federations in Nebraska as described in Section 2.1(c)(ii) of these Bylaws.
- (c) The Governor shall seek nominations from Nebraska business organizations, business trade associations, and labor federations, as needed, prior to appointment of individuals to the State Board.
- (d) Except as provided in Section 2.6(e) of these Bylaws, the Governor shall make all appointments to the State Board, which shall conform to the requirements of WIOA Section 101(b).
- (e) The presiding officer(s) of the Legislature shall appoint the member of the Legislature to be appointed to the State Board in accordance with Section 2.1(b) of these Bylaws.
- (f) Individuals serving on the State Board who subsequently retire, or no longer hold the position that conferred them eligibility for appointment as a State Board member, may not continue to serve on the State Board as a representative of the applicable category described in Section 2.1 of these Bylaws.

## Section 2.7 TERM OF APPOINTMENTS

- (a) All Governor-appointed members shall serve at the pleasure of the Governor.
- (b) There are no term limitations on appointments of State Board members.

## Section 2.8 PARTICIPATION

To ensure State Board members actively participate in convening Nebraska's workforce development system stakeholders and brokering relationships with a diverse range of employers, and leveraging support for workforce development activities, all members of the State Board shall be appointed to at least one (1) committee, subcommittee, special committee, *ad hoc* committee, task force, or similarly designated group of the State Board, in accordance with Sections 5.2 and 5.3 of these Bylaws.

## Section 2.9 REMOVAL

- (a) The Governor may remove any State Board member appointed by the Governor at any time for any reason.
- (b) The presiding officer(s) of the Legislature may remove any State Board member appointed by the presiding officer(s) at any time for any reason.

- (c) The State Board may ask the Governor to remove any non-*ex-officio* member of the State Board:
- (i) by recommendation of any committee, subcommittee, officer, or member of the State Board;
  - (ii) by a majority vote of the full membership of the State Board, taken in accordance with Sections 4.5 and 4.6 of these Bylaws; or
  - (iii) for good cause, as stated in the motion to request removal and recorded in the minutes of the relevant meeting of the State Board.
- (d) "Good cause" for the request for removal of a non-*ex-officio* member may include, but is not limited to, a State Board member's unexcused absence from fifty (50) percent or more of the State Board meetings held in any twelve (12) month period.

#### Section 2.10 RESIGNATION

- (a) When a member appointed by the Governor deems it necessary to resign from the State Board, such member shall tender resignation to the Governor in writing, with a copy tendered to the Chair of the NWDB (hereafter, the Chair).
- (b) When a member appointed by the presiding officer(s) of the Legislature deems it necessary to resign from the State Board, such member shall tender resignation in writing to the presiding officer of the Legislature, with a copy tendered to the Chair.
- (c) All such resignations tendered in accordance with Section 2.10 of these Bylaws shall be deemed effective upon the acceptance of the Governor for Governor-appointed members or upon the acceptance of the presiding officer(s) of the Legislature for appointments made by the presiding officer(s), as applicable.
- (d) In the event that the Chair resigns, the Vice-Chair of the NWDB (hereafter, the Vice-Chair), shall serve as acting Chair until a new Chair is appointed by the Governor.

#### Section 2.11 VACANCY

In the event of a vacancy pursuant to Sections 2.9 and 2.10 of these Bylaws, the Governor or the presiding officer(s) of the Legislature, as the case may be, shall appoint another individual to serve on the State Board in accordance with Section 2.6 of these Bylaws.

#### Section 2.12 COMPENSATION

Members of the State Board shall not receive compensation for their services but may be reimbursed for actual and necessary expenses directly related to the discharge of the State Board's affairs.

## ARTICLE III. CHAIR AND VICE-CHAIR

### Section 3.1 CHAIR

- (a) The Governor shall appoint the Chair, who must be a representative from business and industry, from among the appointed members of the State Board. The Chair serves at the pleasure of the Governor.
- (b) The Chair shall preside at all meetings of the State Board and appoint chairs and members of all State Board subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups deemed necessary or desirable unless otherwise specifically provided for within these Bylaws.
- (c) The Chair shall represent the State Board and has the authority to speak on its behalf before the Governor, the Legislature, and at all public meetings and functions. The Chair shall have the authority to and shall perform such other duties and functions as may be required by the State Board, these Bylaws, and all applicable state and Federal laws, statutes, regulations, and rules.

### Section 3.2 VICE-CHAIR

The Governor shall appoint the Vice-Chair. The Vice-Chair, who must be a representative from business and industry, from among the appointed members of the State Board. The Vice-Chair serves at the pleasure of the Governor. At the request of, or in the absence of, the Chair, the Vice-Chair shall perform the duties of the Chair and perform other duties assigned by the Chair. The Vice-Chair shall have the authority to and shall perform such other duties and functions as may be required by the State Board, these Bylaws, and all applicable state and Federal laws, statutes, regulations, and rules.

### Section 3.3 ACTING CHAIR

In the event of a planned absence from a meeting of the State Board by the Chair and Vice-Chair, the Chair shall designate an alternate member of the State Board to serve as the Acting Chair. The Acting Chair shall preside as Chair of the State Board only at such meeting.

### Section 3.4 VACANCIES

Vacancies in the offices of Chair or Vice-Chair shall be filled only by the Governor's appointment.

## ARTICLE IV. MEETING PROCEDURES, VOTING RIGHTS, AND QUORUM

### Section 4.1 MEETING TIME AND PLACE

The State Board shall hold meetings at least annually, with the number of meetings, dates, times, and places to be determined by the State Board. Additional meetings may be held at the call of the Governor, the Chair, or the Executive Committee.

## Section 4.2 MEETING NOTICE

- (a) Notice of all meetings of the State Board that require public notice shall be provided to the public in compliance with the Nebraska Open Meetings Act (Neb. Rev. Stat. §§ 84-1407 through 84-1414 (2014, Supp. 2015)) (hereafter, the Nebraska Open Meetings Act). Written notice of each such meeting shall be sent to State Board members prior to the meeting along with a copy of the proposed minutes of the previous meeting. All such notices shall specify the date, time, location, and proposed agenda for the meeting.
- (b) A member of the State Board who is unable to attend a scheduled meeting of the State Board shall give notice of the planned absence at least twenty-four (24) hours before such meeting. The notice shall be provided to the Chair or to such individual as the Chair may designate.
- (c) In the event that a State Board member is unable to attend a meeting of the State Board, such member may, subject to the requirements of Section 4.2(b) of these Bylaws, assign a designee to attend the meeting on such member's behalf, subject to Section 4.6(b) of these Bylaws and the following requirements of 20 CFR § 679.110(d)(4):
  - (i) If the designee is a representative of business, the designee must have optimum policymaking or hiring authority.
  - (ii) All other designees must have demonstrated experience and expertise and optimum policymaking authority.

## Section 4.3 ANNUAL MEETING

- (a) On an annual basis, the State Board will review the Annual Report on WIOA Title IB programs (Adult, Dislocated Worker, and Youth), as submitted to the Secretary of the U.S. Department of Labor.
- (b) The agenda of the annual meeting of the State Board shall include any additional business to be conducted.

## Section 4.4 PUBLIC MEETINGS

All meetings of the State Board and the Executive Committee established in accordance with Article V of these Bylaws shall be conducted in accordance with the Nebraska Open Meetings Act.

## Section 4.5 CONDUCT OF MEETINGS

- (a) Unless the State Board directs otherwise by a majority vote, the order of business for regular State Board meetings shall be:
  - (i) call to order;
  - (ii) roll call;

- (iii) documentation of compliance with notice requirements;
  - (iv) approval of minutes;
  - (v) old business;
  - (vi) new business;
  - (vii) date, time and place of the next State Board meeting; and
  - (viii) adjournment.
- (b) Non-members of the NWDB shall be permitted to comment on any agenda item(s) when public comment is solicited by the presiding officer of the meeting of the State Board, which shall occur at least once prior to the time that any formal action is taken on such item. Non-members of the State Board may also submit written comments on any agenda item(s); and such comments shall be made a part of the permanent record of the applicable meeting. The presiding officer, unless otherwise prescribed by rules adopted by majority vote of the State Board, may, in the presiding officer's discretion, limit the amount of time for discussion on any particular agenda item, and such limit shall be announced at the time that the agenda item is brought up for discussion.
- (c) Each voting member of the State Board present shall be allowed to cast one (1) vote on each agenda item presented to the State Board for vote.
- (d) The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the conduct of the State Board's meetings unless such rules:
- (i) are inconsistent with these Bylaws or any applicable state or Federal laws, statutes, regulations, or rules; or
  - (ii) are waived by a majority vote of the voting members of the State Board.
- (e) Use of technology for any meeting of the State Board or the Executive Committee must meet requirements Section 84-1411 of the Nebraska Open Meetings Act.

#### Section 4.6 MANNER OF VOTING

- (a) Voting on all questions before the State Board that have been duly moved and seconded shall be by roll-call vote. No question before the State Board shall be deemed to have passed unless it has received a majority vote of the quorum present.
- (b) Proxy voting is not permitted by members of the State Board through any designee provided for under Section 4.2(c) of these Bylaws or by any other means.

#### Section 4.7 QUORUM

A majority of Governor-appointed voting members shall constitute a quorum, except as otherwise provided by law. Non-members of the State Board may not be seated at the State Board as a

representative of an absent member of the State Board, except as permitted under Section 4.2(c) of these Bylaws; nor shall any such representative, including any designee provided for under Section 4.2(c) of these Bylaws, be counted for purposes of determining a quorum.

#### Section 4.8 CONFLICT OF INTEREST

- (a) All State Board members shall comply with the provisions of Sections 49-1499 through 49-14,103.03 of the Nebraska Revised Statutes.
- (b) No State Board member may receive anything of value resulting from a benefit conferred by the State Board upon any person, business, or organization.
- (c) Each State Board member must disclose, with specificity, the nature and extent of any financial interest in, or affiliation with, any person, business, or organization that is seeking anything of value from the State Board prior to consideration by the State Board of the request from such person, business, or organization. In the event any such request comes before the State Board for consideration, a disclosure period will be provided to the State Board members.
- (d) When a potential conflict of interest exists, the effected State Board member must prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict; and if the State Board member will not abstain from voting, deliberating, or taking other action on the matter, the statement shall state why, despite the potential conflict, the State Board member intends to vote or otherwise participate. Any such State Board member must deliver a copy of the statement to the Chair who shall cause the statement to be filed as a matter of public record.
- (e) No State Board member shall vote on a question in which such member has a direct or indirect personal or pecuniary interest not common to other members of the State Board. The effected member of the State Board may abstain from voting, deliberating, or taking other action on the matter for which the potential conflict exists. The minutes of the meeting shall record compliance with this requirement. The effected State Board member may briefly state such member's position regarding the subject or may answer questions of other State Board members, as the effected State Board member's knowledge may be of assistance.
- (f) All State Board members shall comply with WIOA Section 101(f), which states:

*(f) CONFLICT OF INTEREST. —A member of a State board may not—*

*(1) vote on a matter under consideration by the State board—*

*(A) regarding the provision of services by such member (or by an entity that such member represents); or*

*(B) that would provide direct financial benefit to such member or the immediate family of such member; or*

(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

## ARTICLE V. COMMITTEES

### Section 5.1 CREATION OF COMMITTEES

- (a) There shall be one (1) Executive Committee and two (2) subcommittees of the State Board:
  - (i) System Alignment Committee; and
  - (ii) Strategic Direction Committee.
- (b) The Governor or the Chair may create special committees, *ad hoc* committees, task forces, or similarly designated groups, as either deems necessary or desirable.

### Section 5.2 APPOINTMENT OF CHAIR

- (a) The Chair shall serve as Chair of the Executive Committee. The chairs of all other committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups shall be State Board members representing business and shall be appointed by the Chair.

### Section 5.3 APPOINTMENT OF MEMBERS

- (b) The Governor may designate members of the Executive Committee at any time after the execution of these Bylaws. A majority of Executive Committee members must represent business. Said members must include:
  - (i) the Chair;
  - (ii) the Vice Chair;
  - (iii) the chair of the System Alignment Committee;
  - (iv) the chair of the Strategic Direction Committee;
  - (v) a representative of the labor category;
  - (vi) a representative of the youth category;
  - (vii) the Commissioner of the Nebraska Department of Labor;
  - (viii) the Commissioner of the Nebraska Department of Education; and
  - (ix) three (3) representatives from the general membership of the State Board.

- (c) The Chair shall appoint the members of all other committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups from the general membership of the State Board.
- (d) Individuals who are not members of the State Board may be appointed by the Chair to committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups created pursuant to Section 5.1(b) of these Bylaws.

#### Section 5.4 VOTING RIGHTS

- (a) Only State Board members appointed to serve on a committee, subcommittee, special committee, *ad hoc* committee, task force, or similarly designated group pursuant to Section 5.1(b) shall have voting rights on the committee, subcommittee, special committee, *ad hoc* committee, task force, or similarly designated group to which the State Board members are appointed.
- (b) All actions or recommendations by committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups created pursuant to Section 5.1(b) of these Bylaws shall be by a majority vote of the quorum present.

#### Section 5.5 COMMITTEE MEMBERSHIP

State Board members may serve on more than one (1) committee, subcommittee, special committee, *ad hoc* committee, task force, or similarly designated group that currently exists or that may be created by the Governor or the Chair, as provided in Section 5.1(b) of these Bylaws.

#### Section 5.6 COMMITTEE MEETINGS

- (a) Committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups created pursuant to Section 5.1(b) of these Bylaws shall meet on an as-needed basis, subject to the call of the Chair or the chair of the committee, subcommittee, special committee, *ad hoc* committee, task force, or similarly designated group.
- (b) When required by the Nebraska Open Meetings Act, notice of meetings of the State Board's committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups shall be in accordance with the Nebraska Open Meetings Act. Written notice of each such meeting shall be sent to the members of such committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups prior to the meeting, along with a copy of the proposed minutes of the previous meeting. The notice shall specify the date, time, location, and proposed agenda for the meeting.
- (c) Pursuant to Section 84-1409(1) of the Nebraska Open Meetings Act, committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups created under these Bylaws, including the System Alignment Committee and the Strategic Direction Committee:

- (i) may take no formal action;
- (ii) have no policymaking authority; and
- (iii) shall not be considered public bodies for the purposes of the Nebraska Open Meetings Act.

(d) The use of technology, such as phone and web-based meetings, for meetings of the State Board's committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups is permitted under 20 CFR § 679.100(d)(5).

#### Section 5.7 CONDUCT OF MEETINGS

The provisions of Sections 4.4, 4.5, 4.6, 4.7, and 4.8 of these Bylaws apply to the conduct of all Executive Committee meetings.

#### Section 5.8 EXECUTIVE COMMITTEE

There shall be an Executive Committee consisting of members appointed by the Governor in accordance with Section 5.3 of these Bylaws. The Executive Committee shall have the authority to act on behalf of the State Board on issues that require action between scheduled State Board meetings, and may exercise such other powers and perform such other duties or functions as may be authorized by a majority vote of the State Board. The Executive Committee, as a public body, is subject to Nebraska's Open Meetings Act.

#### Section 5.9 SYSTEM ALIGNMENT COMMITTEE

There shall be a System Alignment Committee consisting of members appointed by the Chair in accordance with Section 5.3 of these Bylaws. The System Alignment Committee shall be a subcommittee of the State Board. This subcommittee shall be assigned duties and responsibilities associated with: funding allocation formulas, the roles and resources associated with one-stop partners, continuous system improvement, policy alignment, technology solutions, statewide labor market information systems, the Combined State Plan, public sector partnerships, system-related grant applications, review of local area plans, and other duties as assigned by the Chair. The System Alignment Committee, as a subcommittee of the State Board, is not subject to the Nebraska Open Meetings Act as it does not hold hearings, make policy, or take formal action on behalf of the State Board.

#### Section 5.10 STRATEGIC DIRECTION COMMITTEE

There shall be a Strategic Direction Committee consisting of members appointed by the Chair in accordance with Section 5.3 of these Bylaws. The Strategic Direction Committee shall be a subcommittee of the State Board. This subcommittee shall be assigned duties and responsibilities associated with employer engagement, industry-focused sector strategies, career pathways, connecting workforce efforts, regional plans, workforce-related grant applications, and other duties as assigned by the Chair. The Strategic Direction Committee, as a subcommittee of the State Board, is not subject to the Nebraska Open Meetings Act, as it does not hold hearings, make policy, or take formal action on behalf of the State Board.

## ARTICLE VI. AMENDMENT OF BYLAWS

### Section 6.1 AMENDMENTS

These Bylaws may be amended or repealed by a vote of two-thirds (2/3) of the State Board members present at any regular or special meeting of the State Board.

### Section 6.2 WRITTEN NOTICE

Written notice of proposed changes to these Bylaws shall be sent to State Board members at least ten (10) days in advance of the meeting at which they are to be acted upon by the State Board. Such notice shall include both the proposed change and the section that it supersedes.

## ARTICLE VII. SUSPENSION OF BYLAWS

### Section 7.1 SUSPENSION OF BYLAWS

The State Board may, by a vote of two-thirds (2/3) of the State Board members present, suspend all or any part of these Bylaws when to do so would not be in conflict with any applicable state or Federal laws, statutes, regulations, or rules.

## ARTICLE VIII. EFFECTIVE DATE OF BYLAWS

### Section 8.1 EFFECTIVE DATE

- (a) These Bylaws shall become effective immediately upon approval of two-thirds (2/3) of the State Board members present at the meeting of the State Board.
- (b) Notice of these Bylaws was sent to the members of the State Board on January 27, 2017. These Bylaws of the State Board were adopted by a vote of twelve (12) in favor, none in opposition, and none abstaining, the same constituting more than two-thirds (2/3) of those members of the State Board present on April 14, 2017, at the regular meeting of the State Board.



Mark Moravec, Chair, Nebraska Workforce Development Board

5-1-17

Date