

Arkansas Workforce Investment Board By-Laws

As revised at meetings of July 13, August 10, September 28, and October 12, 1999

Article I: Appointments

Section 1. Authority

The Arkansas Workforce Investment Board is organized under provisions of Act 1125 of 1999, the Arkansas Workforce Investment Act, and Public Law 105-220, the Workforce Investment Act of Membership and duties of the Board are as defined in those Acts and in these by-laws.

Section 2. Term of Appointment

The initially appointed non-legislative members of the Board shall draw lots to determine service terms as follows:

- 1) One-fourth shall be appointed for a term of one year.
- 2) One-fourth shall be appointed for a term of two years.
- 3) One-fourth shall be appointed for a term of three years.
- 4) One-fourth shall be appointed for a term of four years.

As each initial appointment term expires, all appointments made by the Governor will be for four (4) years.

When a Board member's category changes and the majority of the Board's membership remains 51% in business/industry categories, such member may continue to serve on the Board; however, if that member's category change causes the business/industry majority to drop below 51%, she/he will be expected to resign from the Board; furthermore, for a member who singularly represents a statutory category and moves from eligible representation of that category, membership will automatically terminate.

Section 3. Attendance

A Board member who misses three (3) consecutive regular meetings or five non-consecutive regular meetings of the full Board shall be replaced automatically. An exception may be made when the absences were for good cause and the affected member requests retention in writing of, and receives approval from, the full Board.

Article II: Officers

Section 1. Chairperson

The Governor shall select annually on June 1 a chairperson for the Board from among the representatives of business described in Section 4(b)(6) of Arkansas Act 1125 of 1999. The Chairperson shall preside at all meetings of the Board and Executive Committee and shall have such other duties, powers, and responsibilities as are assigned by the Board or these by-laws.

Section 2. Vice-Chairperson

The Chairperson, upon consultation with the Governor, shall annually select by July 1 a Vice-Chairperson from among the members of the Board. The Vice-Chairperson shall act as Chairperson in the absence or disability of the Chairperson and shall have such other duties, powers and responsibilities as are assigned by the Chairperson, the Board, or these by-laws.

Article III: Powers and Functions

Section 1. Powers and Functions

The Arkansas Workforce Investment Board shall have specific responsibilities as provided in Section 6 of Arkansas Act 1125 of 1999. The Board also shall have any other responsibilities identified in Arkansas Act 1125 of 1999, identified in Public Law 105-220, or assigned by the Governor.

Article IV: Meetings

Section 1. Regular Meetings

The Board shall meet at least quarterly at such time and location as the Chairperson may select. The Executive Committee shall meet at least monthly at such time and location as the Chairperson may select. Each other committee shall meet at such times and locations as called by the committee chairperson and consistent with applicable provisions of the Administrative Procedures Act. Communications requesting consideration by the Board from persons not members thereof shall be in writing to the Board director at least twenty (20) days prior to a regularly scheduled Board meeting. Items brought by Board members may be added to the agenda with a two-thirds (2/3) vote of the members present.

Section 2. Special Meetings

Special meetings of the Board for any purpose may be called by the Chairperson of the Board or upon the written request of a majority of the membership of the Board.

Section 3. Notice of Meetings

Written notice stating the place, day and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall be deposited in the mail, hand delivered, or sent by way of electronic mail or fax not less than seven (7) days before the date of a regular meeting and not less than one (1) day before the date of a special meeting. Such notice shall be sent to Board members, the media and individuals who have submitted a written request to be notified of meetings.

Section 4. Order of Business

The regular order of business at all meetings of the Board shall be as follows:

- A. Roll call
- B. Action on the minutes of the preceding meeting(s)
- C. Report of the Chairperson
- D. Report of the staff director
- E. Report of the Executive Committee
- F. Report of the standing committees
- G. Report of any *ad hoc* committees
- H. Other specified agenda items
- I. Communications, petitions and miscellaneous
- J. Adjournment

Section 5. Rules

Meetings of the Board and its committees shall be conducted in accordance with the policies specified in these by-laws and generally recognized procedures (e.g., Robert's Rules of Order, the process used by the Arkansas General Assembly, or other common methods of proceeding). Any objections to procedure must be made at the time an action is taken by the Board or committee.

Article V: Committees

Section 1. Enumeration and Selection

There shall be three (3) standing committees of the Board and such other committees as the Board or the Chairperson may determine from time to time to be necessary or appropriate. Unless otherwise specified, committee members and chairpersons shall be appointed by the Chairperson of the Board. The standing committees are as follows:

- A. Executive Committee
- B. Strategic Planning Committee
- C. Program and Performance Evaluation Committee

Section 2. Executive Committee

The Executive Committee shall be formed and meet in accordance with Section 5 of Arkansas Act 1125 of 1999. Upon the initial meeting of the Workforce Investment Board, the Chairperson shall name an interim Executive Committee, which shall expire after six months. The Board shall select an Executive Committee to take effect the seventh month.

The Executive Committee shall have the authority of the Board to act during the interim between Board meetings but shall defer to the Board, whenever practical, action on matters of major policy implications. Executive Committee decisions will be implemented immediately and will be ratified at the next full Board meeting. Between Board meetings the Executive Committee shall review and coordinate the work of the other committees. All Board functions not specifically enumerated and assigned to another committee by these by-laws shall be the responsibility of the full Board and the Executive Committee, unless the function is assigned by the Chairperson to another standing or ad hoc committee.

The full Board provides consent or objection to the Governor on his selection of a Workforce Investment Board staff executive director. The full board, by a two-thirds vote, may terminate the staff executive director.

Section 3. Strategic Planning Committee

The Strategic Planning Committee shall act in an advisory capacity to the Board to carry out the functions listed in Section 6(a)(1),(2),(4),(5),(9),(15),(16),(17), and (18) of Arkansas Act 1125 of 1999. These functions are:

- ?? Development of a state workforce development plan
- ?? Development and continuous improvement of a statewide system of activities that are funded under this Act or carried out through a one-stop delivery system which receives funds under this Act including:
- ?? Development of linkages in order to assure coordination and nonduplication among the programs and activities; and
- ?? Review of local plans
- ?? Designation of local workforce investment areas;
- ?? Development of an allocation formula for the distribution of funds for adult employment and training activities and youth activities to local areas
- ?? Development of an application for an incentive grant

- ?? Coordination of state agencies to assist in the development of the state workforce development plan
- ?? Development of additional state workforce development plans every three (3) years
- ?? Use of federal, state or private funds, donations, and grants made available for the development of the Arkansas Workforce Development Plan
- ?? Establishing procedures that will be taken by the State to assure coordination of and avoid duplication among Workforce Investment Programs

The Committee also will perform other functions related to strategic planning activities. To the extent feasible, appointments to the Strategic Planning Committee shall be similar to the categorical representation of the Board as a whole.

Section 4. Program and Performance Evaluation Committee

The Program and Performance Evaluation Committee shall act in an advisory capacity to the Board to carry out the functions listed in Section 6(a)(3), (6), (7),(8), (10), (11), (12), (13), and Section 6(f) of Arkansas Act 1125 of 1999. The Committee will assist the Executive Committee in carrying out Section 6(e). These functions are:

- ?? Commenting on an annual basis on the measures taken pursuant to section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act
- ?? Development and continuous improvement of comprehensive state performance measures, including state adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the state
- ?? Preparation of the annual report to the United States Secretary of Labor Development of a statewide employment statistics system as described in Section (15)(e) of the Wagner-Peyser Act;
- ?? Recommendation of the program identified in Section 7(b)(8)(A) which may be consolidated or realigned.
- ?? Creation of workforce investment program accountability measures and standards
- ?? Development of workforce training standards 6(e) Assisting the Executive Committee in presenting a quarterly report to the Legislative Council concerning the progress, performance and compliance with the Federal Workforce Investment Act of 1998 and the Arkansas Workforce Investment Act of 1999
- ?? Recommending performance incentives and recommending sanctions for failure to achieve such measures
- ?? Evaluation of the entire Arkansas workforce investment system, including but not limited to the education system, the Career Development system and the youth programs, to determine if it is meeting the goals of the Arkansas Workforce Investment Act.

To the extent feasible, appointments to the Program Performance and Evaluation Committee shall be similar to the categorical representation of the Board as a whole.

Article VI: Quorum and Voting

Section 1. Quorum

A simple majority of the members shall constitute a quorum at Board or committee meetings. Board or committee action shall require a simple majority of those members present during a meeting at which a quorum is present. The Chairperson may determine the method of voting, except that any member may request individual polling. Secret balloting shall not be allowed. Any member may request that his/her vote or abstention be made part of the minutes.

Section 2. Proxies

Proxy votes will not be allowed for Board or committee meetings. Proxy representation for agency directors who are unable to be present is expected.

Article VII: Public Information

Section 1. Official Pronouncements

The Chairperson of the Board or his/her designee is the only member of the Board authorized to make official pronouncements for the Board. The staff director is authorized to speak for the Board and its membership.

Section 2. Releases and General Information

The staff director may issue such news releases, general information and other communications regarding the business of the Board as will serve its interest.

Article VIII: Open and Public Meetings

Section 1. Public Business

The Arkansas Workforce Investment Board exists to serve the public interest. Actions of the Board and its meetings shall be conducted openly and in compliance with the Arkansas Freedom of Information Act, ACA 25-19-101, *et seq.*, as amended.

Article IX: Amendments

Section 1. Method of Amendment

These by-laws may be amended or repealed at any regular meeting of the Board by a two-thirds affirmative vote of the Board during a meeting at which a quorum is present, provided that copies of such amendments shall be submitted in writing to each member at least seven (7) days before the meeting at which time they are to be proposed; provided, however, that these by-laws may be adopted initially by a two-thirds affirmative vote of the full Board without regard to the seven (7) day notification period. Amendments must be proposed in writing and may be offered by any member of the Board or by the staff director.