

Tri County Workforce Investment Board Bylaws

Article 1 Name of the Board

The name of the Board is the Tri County Workforce Investment Board
(hereinafter referred to as the “Board”)

Article II PURPOSE

The Tri County Workforce Investment Board is established on this first day of July 2000 to develop and prepare workforce development programming in the counties of Hancock, Penobscot, and Piscataquis Counties, Maine. Formed under the auspices of the Workforce Investment Act of 1998 the Board will comply and implement all requirements of the Act. The Board will recommend, develop, and enhance all workforce programs under the Act with additional resources and commitments to create a workforce development system enviable across the Nation.

MISSION STATEMENT

The Tri-County Workforce Investment Board is a local organization dedicated to bringing together employers and employees in Penobscot, Hancock, and Piscataquis counties to promote a healthy economy in the region. **We seek to provide citizens with access to training and educational opportunities and the necessary support to obtain sustainable employment that leads to a livable wage as defined by the Maine Jobs Council and provides employers with a skilled workforce.** The Tri County Workforce Investment Board will direct the use of employment resources for the benefit of our citizens and current and future employers by: nurturing Partnerships, working in conjunction with local economic development initiatives, and being mindful of the needs of the local economy.

VISION STATEMENT

The Tri-County Workforce Investment area will have a skilled and diverse workforce, creating opportunities for employers and employees, maintaining a high quality of life sustainable over changing economic conditions.

Article III

MEMBERSHIP OF THE TRI COUNTY WORKFORCE INVESTMENT BOARD

SECTION 1. The Tri County Workforce Investment Board shall be composed of members (hereinafter referred to as the Membership) broadly representative of the economic, social, political, cultural and governmental sectors of the three county areas.

SECTION 2. The tri county area is composed of Hancock, Penobscot and Piscataquis Counties. The members are recruited from this area and are known as the Tri County Workforce Investment Board (hereinafter referred to as the Board).

SECTION 3. The Board shall have representation from each county and shall be made up of combination of members of the Private Sector (Business) Member Representation and Public Sector Member Representation.

SECTION 4. Private Sector (Business) Member Representation. – Pursuant to WIA regulations, the Board shall be made up of 51% private sector representatives and shall include representatives from employers in the region with key industry clusters or economic sectors, both critical and emerging, and an appropriate mix of small, medium and large firms adequately representing, to the extent possible, urban, suburban and rural interests. Private sector representatives will be comprised of owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy making or hiring authority. Private sector representatives should be selected equitably from each of the 3 counties (Hancock, Penobscot, and Piscataquis). Business representatives should be an appropriate mix of small (25 or fewer employees), medium (26 to 100 employees) and large employers (101 or more employees) that reflect the local labor market.

SECTION 5. Public Sector/Publicly funded/ Community Based Operation Member Representation. In making appointments, the Chief Local Elected Officials (CLEO) are urged to address multiple program representation through singular entity appointments whenever possible. However, should Chief Local Elected Officials decide to have multiple agency representatives, then equity among required partners must be observed. Public sector representatives must be individuals with optimum policy making authority within the organizations, agencies, or entities they represent. The board should include representation from:

- Workforce Investment Act Title I Programs (Adult, Dislocated Worker, youth and National Programs);
- Wagner-Peyser (WIA Title III, Employment Service);
- Adult Education and Literacy (WIA Title II);
- Vocational Rehabilitation (WIA Title IV);
- Welfare-to-Work Grant Program;
- Senior Community Service Employment Programs;
- Vocational Education;
- Trade Adjustment Assistance/NAFTA;
- Veterans;

- Community Service Block Grant E/T Programs;
- HUD Employment & Training Programs;
- Unemployment Insurance;
- Labor organizations;
- Community-based organizations;
- Economic development agencies;
- General public;
- Penobscot Native American Reservation representative elected by the Tribal Council
- One-stop mandated partners who are investors; and,
- Other individuals or representatives of entities as the Chief Elected Officials in the local area may determine to be appropriate.

SECTION 6. General Membership Responsibilities. Each board member’s responsibilities are outlined in the Board member Job Description (See Attachment #2).

Article IV OFFICERS

SECTION 1. Officers of the Board. There will be two officers of the Board: the Chair and the Vice-Chair. The Board will elect a Chairperson (See attachment #1 for the job descriptions) and Vice Chair for the Board from among the representatives of the business sector. The Chairperson and Vice Chair will be elected bi-annually at the first meeting of the Board following July 1 or when vacancies happen. The Vice Chair will assume the duties of the Chair in the Chairperson’s absence. The term of office is for two years, although the positions may be extended if the Board approves.

SECTION 2. Chief Local Elected Officials (hereinafter referred to as the “CLEO” shall be one County Commissioner from each of the three counties represented by the Board. Those counties represented being Hancock, Penobscot, and Piscataquis Counties. The CLEO members serve as ex-officio Board members and will be non-voting members.

SECTION 2.1. CLEO Role

WORKFORCE INVESTMENT ACT OF 1998
PUBLIC LAW 105-220—AUG. 7, 1998

EC. 116. LOCAL WORKFORCE INVESTMENT AREAS.

(a) DESIGNATION OF AREAS.—

(1) IN GENERAL.—

(A) PROCESS.—Except as provided in subsection (b), and consistent with paragraphs (2), (3), and (4), in order for a State to receive an allotment under section 127 or 132, the Governor of the State shall designate local workforce investment areas within the State— (i) through consultation with the State board; and (ii) after consultation with chief elected officials and after consideration of comments received through the public comment process as described in section 112(b)(9).

In Maine, the Workforce Investment Act took effect in July 2000. Former Governor King designated the Maine Department of Labor (MDOL) as the state agency responsible for the implementation of WIA. At the same time the Governor also designated the Chief Elected Officials as fiduciaries and administrators of the Workforce Investment Act funds in their local areas.

Article V

BOARD MEMBER NOMINATION AND SELECTION PROCESS

- SECTION 1** Selection Process
- A. Representatives of businesses in the local area are appointed by the CLEOs from among individuals nominated by local business organizations and business trade associations.
 - B. Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges where such entities exist), selected by the CLEOs from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities.
 - C. Representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations.
 - D. Representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local are in which such organizations are present).
 - E. Representatives of economic development agencies, including private sector economic development entities.
 - F. Representatives of each of the One-Stop partners.
 - G. Representatives of entities as the CLEO in the local area determine to be appropriate.

SECTION 1.1 The Board in cooperation with the Chief Elected Official for the local area will establish a Nominations Committee to coordinate the appointments to the Youth Council and the Operations Committee, as subgroups of the Board.

SECTION 1.2 Terms of Office – All members of the Board shall serve two or three year terms with no limit to the number of terms served by a member at the discretion of the Chief Elected Officials in the local area.

SECTION 1.3 Individuals serving on the Board who subsequently retire from or no longer hold the position that made them eligible board members may not continue to serve on the Board as a representative of that segment.

SECTION 1.4 Vacancies resulting from resignations or removal of mandatory members must be filled as soon as possible by the CLEO. The individual replacing the vacating slot will complete the original term timeline of the slot they are filling.

SECTION 1.5 Votes may be cast by a member either in person or by proxy. All proxies shall be in writing and held and reported by the TCWIB Administrative Assistant.

SECTION 1.6 Any member of the Board who is absent from two consecutive duly called meetings may be deemed to have resigned unless the absentee provides a satisfactory explanation to the Chair and the Chair so notes in the records of the Board.

Article VI FUNCTION OF THE BOARD

SECTION 1 Board Responsibilities

SECTION 1.1 System Building Responsibilities

SECTION 1.2 The Board in partnership with the Chief Elected Officials shall build and lead a workforce development system by establishing and communicating the system “vision” and system measures, chartering and re-evaluating the One Stop Centers, and ensuring the integration of all partners within the system.

SECTION 1.3 The Board in partnership with the Chief Elected Officials shall conduct workforce development community audits such as: mapping workforce development services and resources performing a gap analysis on those services and resources; identifying skills requirements of businesses and the skills offered by the labor force, performing a skills gap analysis, **conducting a job quality outcomes analysis**, identifying and communicating the key industry clusters, and, providing sector strategies and strategic skills initiatives.

SECTION 1.4 The Board in partnership with the Chief Elected Officials shall identify and address key community workforce development issues determined through the community audits.

SECTION 1.5 Engage community partners to participate in all aspects of identifying and addressing those key community workforce development issues.

SECTION 2 WIA Funding Responsibilities

SECTION 2.1 The Board in partnership with the Chief Elected Officials shall develop and

submit a comprehensive five- (5) year local plan consistent with the State plan to the Governor.

- SECTION 2.2** The Board, with the agreement of the Chief Elected Officials shall designate or certify operators (Consistent with criteria established by the MJC) and may terminate for cause the eligibility of operators.
- SECTION 2.3** The Board shall identify eligible providers of youth activities in order to award grants or contracts on a competitive basis, based on the recommendations of the Youth Council.
- SECTION 2.4** The Board shall identify eligible providers of training services for adults and dislocated workers.
- SECTION 2.5** The Board shall identify eligible providers of intensive services for adults and dislocated workers and contracts for intensive services.
- SECTION 2.6** The Board, in partnership with the Chief Elected Official, shall conduct oversight with respect to local programs of youth, adult, and dislocated worker activities authorized under the Workforce Investment Act and the delivery system.
- SECTION 2.7** The Board, in partnership with the Chief Elected Official, will negotiate and reach agreement with the Maine Jobs Council on behalf of the Governor on local performance measures.
- SECTION 2.8** The Board will negotiate and reach agreement with the operator, investors and connecting partners on local performance measures and service provision. This will be achieved by Memorandum of Understanding among the parties.
- SECTION 2.9** The Board shall assist the Maine Department of Labor in developing a statewide employment statistics system.
- SECTION 2.10** The Board shall coordinate the workforce investment activities authorized under the Workforce Investment Act with local economic development strategies.
- SECTION 2.11** The Board shall promote the participation of private sector employers in the statewide workforce investment system. It will ensure the private sector participation through the connecting, brokering, and coaching activities, through intermediaries, the operator or through other organizations, to assist employers in meeting hiring needs.
- SECTION 2.12** The Board shall meet at least quarterly to review its responsibilities as authorized.

SECTION 3 Process Responsibilities

SECTION 3.1 The BOARD establishes policy, sets standards, and acts in other ways to fulfill its substantive responsibilities as outlined in section II.A.1 and 2. Working "in partnership" with the CLEO means that, where appropriate, Board actions and votes are made in consultation with and not in opposition to the CLEO Board

SECTION 3.2 The Board in conjunction with the Chief Local Elected Official and the Grant Recipient shall ensure the development of a budget for the purpose of carrying out the duties of the Board.

SECTION 3.3 The Board may employ staff and/or utilize other options such as creating committees or task forces from Board members and other community representatives with required expertise, for carrying out these responsibilities.

SECTION 3.4 The Board may solicit and accept grants and donations through its operator from sources other than Federal funds made available under the Workforce Investment Act.

SECTION 4 Board Restrictions

SECTION 4.1 The Board may not provide core services, intensive services or training services.

SECTION 4.2 The Board may not mandate curricula for schools.

SECTION 4.3 Board members are expected to refrain from conflict of interest involvements and are expected to sign a conflict of interest statement. A Board Member may not vote on a matter under consideration by the Board regarding provision of services by the member or the entity the member represents; matters that would provide direct financial benefit to the member, his/her immediate family; or a business with which the member or his/her immediate family is associated or any other activities that would be in conflict with the conflict of interest prohibitions outlined in the State Plan. Conflict or conflict of interest does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation, or other group which includes the Board member or a member of his immediate family, or a business with which he or a member of his immediate family is associated.

SECTION 4.4 These bylaws may be amended by a 2/3 vote of the TCWIB members. Proposed amendments must be posted to the TCWIB members twice prior to being voted on.

Article VII BOARD MEETINGS

SECTION 1. Sunshine Provision

The Board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the Board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of operators consistent with the State Plan, and the award of grants or contracts to eligible providers of youth activities, and on request, minutes of formal meetings of the Board.

SECTION 1.1 In order to comply with the Sunshine Provision, each Board member and any subcommittee are authorized to take official action and engage in deliberations only at meetings open to the public. “Official action” includes making recommendations, establishing policy, making decisions, and/or voting on matters of Board business. “Deliberations” are discussions of Board business necessary in order to reach decisions

SECTION 2. Public Notice

Public notice must be given of the Board’s first regular meeting of each calendar or fiscal year not less than three (3) days before the meeting, and also at the time give public notice of the anticipated schedule of the Board’s remaining regular meetings through the year. The Board must also give public notice at least 24 hours in advance of any special meeting or rescheduled regular meeting. No public notice need be given of an emergency meeting called to deal with a real or potential emergency involving a clear and present danger to life or property.

SECTION 2.1 “Public notice” means both: (1) the publication of the place, date and time of a meeting in a newspaper of general circulation published in the political subdivisions where the meeting will be held, or in some other newspaper which has a paid circulation equal to that of any newspaper so published; and (2) he prominent posting of a notice of the place, date and time of a meeting at the principal office of a Board or at the building where the meeting will be held. The notice must be delivered to a newspaper in sufficient time to allow it to be published not less than three days before a meeting. If a meeting is begun and then recessed or reconvened, the “public notice” means only the prominent posting of a notice of the place, date and time of the recessed or reconvened meeting at the principal office of a Board or at the public building where the meeting will be held. In the case of either a meeting or a recessed or reconvened

meeting, a Board also must, upon request, supply copies of a public meeting notice to any interested newspaper, radio or television station, and to any interested parties provide the Board with a stamped, self-addressed envelope prior to the meeting.

SECTION 2.2 Written minutes of all public meeting, members present, the substance of all official actions, a record of roll call votes, and the names of any citizens who appeared and gave testimony must be kept.

SECTION 2.3 The Board must insure that votes of Board members be publicly cast and in the case of roll call votes, recorded.

SECTION 3 **Executive Sessions**

SECTION 3.1 Executive sessions shall be closed to the public. An executive session may be held during or after an open meeting, or may be announced for a future time. If any executive session is not announced for a specific time, Board members must be notified 24 hours in advanced of the date, time location and purpose of the executive session. The reason for holding an executive session must be announced at the open meeting either immediately prior or subsequent to the executive session.

Official action on any matter discussed at an executive session must be taken at an open meeting.

SECTION 3.2 The Board may hold a closed executive session to discuss the employment, termination, terms and conditions of employment, evaluation, promotion or disciplining of past, present or prospective Board employees (provided that any such employee may request that discussion of such matters pertaining to him or her be held at a public meeting);

SECTION 3.3 The Board may hold a closed Executive session to discuss collective bargaining, labor relations or arbitration;

SECTION 3.4 The Board may hold a closed Executive session to discuss the purchase or lease of real property up to the time an option or agreement to purchase or lease is obtained;

SECTION 3.5 The Board may hold a closed Executive session to either present or anticipated litigation (discussion with the Board attorneys);

SECTION 3.6 The Board may hold a closed Executive session to discuss Board business which is lawfully privileged or confidential, including the conduct of an investigation of violations of the Workforce Investment Act.

ARTICLE VIII CONSENT AGENDA

- SECTION 1** At all Board meetings, a consent agenda may be used.
- SECTION 1.1** A consent agenda may be used for routine and non-controversial matters.
- SECTION 1.2** A consent agenda may be used for items that do not need any discussion or debate either because they are routine procedures or are already unanimous consent.
- SECTION 1.3** A consent agenda may be used for approval of the minutes.
- SECTION 1.4** A consent agenda may be used for final approval of proposals or reports that the board has been dealing with for some time and all members are familiar with the implications.
- SECTION 1.5** A consent agenda may be used for routine matters such as appointments to committees;
- SECTION 1.6** A consent agenda may be used for staff appointments requiring board confirmation;
- SECTION 1.7** A consent agenda may be used for reports provided for information only.
- SECTION 1.8** A consent agenda may be used for correspondence requiring no action.
- SECTION 1.9** A consent agenda may be used for items that conform with a previously adopted board policy or implement a project previously approved by the board in a formal resolution.
- SECTION 1.10** A consent agenda may be used for items that can be accomplished within the board-approved budget with clearly specified budget authority.
- SECTION 1.11** A consent agenda may be used for items where no board or public comment is anticipated regarding the proposed action.
- SECTION 2** **Procedure for the Consent Agenda**
- SECTION 2.1** When preparing the meeting agenda, the Executive Director and Chair will determine whether an item belongs on the consent agenda.

SECTION 2.2 The Executive Director will prepare a numbered list of the consent items as part of, or as an attachment to the meeting agenda. The list and supporting documents will be included in the board’s agenda package in sufficient time to be read by all members prior to the meeting.

SECTION 2.3 At the beginning of the meeting, the chair will ask members what items they wish to be removed from the consent agenda and discussed individually. If any member requests that an item be removed from the consent agenda, it will be removed. Members may request that an item be removed for any reason. They may wish, for example, to discuss the item, to query the item, or to register a vote against the item. Once it has been removed, the chair will decide whether to take up the matter immediately or place it on the regular meeting agenda.

SECTION 2.4 When there are no more items to be removed, the chair or Executive Director will read out the numbers of the remaining consent items. Then the chair will state: “If there is no objection, these items will be adopted.” After pausing for any objections, the chair will state “As there are no objections, these items are adopted.” It is not necessary to ask for a show of hands.

SECTION 2.5 When preparing the minutes, the Executive Director will include the full text of the resolutions, reports or recommendations that were adopted as part of the consent agenda.

Article IX VOTING

SECTION 1 Quorum

A quorum is required for binding votes of the Board and all its committees. A quorum will exist when at least one-third of the Board has voted. In the case of a critical issue the Chair of the board will send out an email to all LWIB members asking for their votes on the specific issue. The votes will be issued by email and sent to EMDC’s executive assistant who will collect the votes and report to the Chair of the board.

SECTION 2 Voting Process

SECTION 2.1 CLEO members present at any Board or committee meetings are not eligible for voting.

SECTION 2.2 Telephone, video conference, or other means of real-time electronic communications may be used to attend and vote at any Board or committee meeting.

SECTION 2.3

Board members may give the right of written proxy to the Chairperson to vote in their absence. Vote by written proxy must indicate the member’s decision on specific issues. Said right must be made in written (or e-mail) form to the Chairperson or the boards appointee.

**Article X
COMMITTEES**

The Chair of the Board Members may, from time to time, create and appoint standing and special ad hoc committees to undertake studies, make recommendations and carry on functions for the purpose of efficiently accomplishing the purpose of the Board. Each member shall serve on at least one committee per year. Members shall be assigned to a committees and responsibilities that are unlikely to cause conflicts of interest to arise, and such assignments should be determined in a manner which is reasonably designed to maximize the amount of attention and energy that each member can devote to the Board while at the same time minimizing the number and extent of potential and actual conflicts of interest.

SECTION 1 Executive Committee

The Executive Committee will be comprised of the officers of LWIB Chair, the Vice Chair, Past Chair and chairs of the standing committees of Finance and Youth Council. In addition, up to four members of the LWIB may serve on the Executive Committee at large members if nominated and elected by the LWIB. Each member shall serve on at least one committee per year. The Executive Committee will have at least 51% from the private sector. The Board’s Executive Director will serve as staff support to the Executive Committee. The Executive Committee will act on behalf of the full Board on time sensitive matters. Any and all actions taken on behalf of the full board will be reported at the next board meeting.

To constitute a quorum on the Executive Committee, a majority of the Executive Committee members must be in attendance.

SECTION 2 Finance Committee

The Finance Committee should be appointed by the TCWIB based on financial acumen.

**Article XI
Youth Council**

SECTION 1 Youth Council

The Board in cooperation with the Chief Elected Official for the local area shall appoint a Youth Council. Members of the Youth Council who are not members of the Board shall be voting members of the Youth Council and nonvoting members of the Board. The Board may consider the creation of youth committees to foster local alignment with Career Centers. Should youth committees be created, they will receive policy direction from the Youth Council.

SECTION 2 Duties of the Youth Council

SECTION 2.1 The Youth Council shall develop the portions of the local plan relating to eligible youth, as determined by the chairperson.

SECTION 2.2 The Youth Council shall recommend eligible providers of youth activities to the Board to be awarded grants or contracts on a competitive basis to carry out the youth activities.

SECTION 2.3 The Youth Council shall conduct oversight with respect to the eligible providers of youth activities in the local area.

SECTION 2.4 The Youth Council shall coordinate youth activities in the local area.

SECTION 2.5 The Youth Council may perform other duties to be determined by the Chairperson

SECTION 3 Membership

Membership for the Youth Council shall be determined and created using two (2) categories: Mandatory members and Optional members.

SECTION 4 Mandatory members

SECTION 4.1 Mandatory members of the Youth Committee shall consist of members of the Board with special interest or expertise in youth policy.

SECTION 4.2 Mandatory members of the Youth Committee shall consist of representatives of youth service agencies, including juvenile justice and local law enforcement agencies.

SECTION 4.3 Mandatory members of the Youth Committee shall consist of representatives of local public housing authorities.

SECTION 4.4 Mandatory members of the Youth Committee shall consist of parents of eligible youth seeking assistance under Title I of the Workforce Investment Act.

SECTION 4.5 Mandatory members of the Youth Committee shall consist of individuals, including former participants, and representatives of organizations, that have experience relating to youth activities.

SECTION 4.6 Mandatory members of the Youth Committee shall consist of representatives of the Job Corps, as appropriate to local area.

SECTION 5 **Optional members**

Optional members of the Youth Committee shall consist of individuals as the chairperson of the Board, in cooperation with the Chief Elected Official, determines to be appropriate.

SECTION 6 **Appointment Process**

The Board in cooperation with the Chief Elected Official appoints members of the Youth Council. Vacancies subsequent to the established of the Youth Council shall be filled in the same manner as the original appointments.

SECTION 7 **Youth Council Membership Notification**

The Board in cooperation with the Chief Elected Official shall provide a Youth Council Membership List. The Youth Council Membership List must be submitted for the Initial Youth Council by August 31, 2000 to the Department of Labor. Youth Council recertification after the first two (2) years must be submitted to the Department of Labor no later that 60 days after the Board is Certified/Recertified by the Governor.

SECTION 7.1 The Board in cooperation with the Chief Elected Official shall submit, on an annual basis, an updated and current Youth Council membership list in the submission of the Board membership list between January 1 and January 15 of each calendar year.