

BY-LAWS
Lowcountry Workforce Board

ARTICLE I. Name and Purpose

- A. The name of this organization shall be the Lowcountry Workforce Board. This Board shall serve Beaufort, Colleton, Hampton and Jasper Counties and shall herein be referred to as the LWIB.
- B. The purpose of the Lowcountry Workforce Board is to provide guidance for and exercise oversight of activities under the Workforce Innovation and Opportunities Act for the Lowcountry Area.

ARTICLE II. Membership

- A. Appointment: Membership to the LWB shall be made by appointment of the Chief Elected Official of each county.
- B. Number: The total membership of the LWB shall be twenty (20). Each County, as agreed to in the Consortium Agreement, shall have five (5) seats on the LWB.
- C. Term of Appointment: All appointments shall be for a term of three years. Based on a lottery of the original appointments of the board, one-third of members shall be up for re-appointment each year. All appointments shall be made for a three-year term, except to fill a vacancy. Each vacancy will be filled to complete the unexpired term. Regardless of the date of appointment, the first term of all members will be deemed to have begun July 1 and new terms shall be July 1 – June 30.

D. Categories of Membership

Local Board must be Majority Business. Chair must be from Business. Based on 20 member board, 55% Business = 11 members; 20% Labor = 4 members; 25% Other = 5 members. Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities.

Business (Majority) Must be:

- Owners of businesses (including small business), chief executives or operating officers, or other executives with optimum policymaking or hiring authority;
- Provide employment opportunities that, at a minimum, include high quality, work-relevant training and development in in-demand industry sectors or occupations in the local area;
- Appointed from among individuals nominated by local business organizations and business trade associations.

Labor (at least 20%) Must be:

- Representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;
- A representative, who shall be a member of a labor organization or a training director, from a joint labor management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;
- Additional to meet required minimum 20%, if needed
 - Representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment 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

- Representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth;

Other:

- A representative of eligible providers administering adult education and literacy activities under title II;
- A representative of institutions of higher education providing workforce investment activities (including community colleges);
- A representative of economic and community development entities
- An appropriate representative from the State employment service office under the Wagner-Peyser Act serving the local area
- An appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 serving the local area
 - ❖ If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

ARTICLE III: Officers

The Chairperson and Vice-Chairperson shall be representatives from the Business (private) sector. The Chairperson and Vice-Chairperson of the LWIB shall be elected annually by a majority vote of the members of the Lowcountry Workforce Board. The Chairperson and Vice-Chairperson may succeed him/herself. The Vice-Chairperson shall perform the duties of the Chairperson in the event of the Chairperson's absence or disability. The Vice-Chairperson shall be the Chairperson-elect. In the event the Chairperson does not succeed him/herself, (s) he/she will become the Immediate-Past-Chairperson.

ARTICLE IV: Meetings and Attendance

- A. **Scheduled Meetings:** The Council shall meet a minimum of four (4) times per year. Additional meetings may be called at any time by the Chairperson.
- B. **Quorum:** For the purpose of transacting business, the members in attendance shall constitute a quorum.
- C. **Attendance:** Members of the LWB will be expected to attend all meetings unless excused from the meeting by the Chairperson. Members should notify staff if circumstances will prevent their attendance at a meeting of the LWB. Members who have three or more consecutive unexcused absences will be considered to have resigned from the LWB.

ARTICLE V: Voting

- A. **Voting Authority:** Votes shall be cast only by LWB members. There are no provisions for alternate members. Votes may be accepted by electronic means for issues determined by the Executive Committee. Copies for the votes must be attached to the minutes of the next meeting.
- B. **Conflict of Interest:** A member of a local board, or a member of a standing committee, may not—
 - (1) vote on a matter under consideration by the local board regarding the provision of services by such member (or by an entity that such member represents); or
 - 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.

Each such conflict of interest shall be declared by the member prior to any discussion, the member shall recuse him/herself from the meeting area until the discussion and/or voting on the matter is concluded, and will be so recorded in the minutes.

- C. Orientation: No member shall cast a vote unless he/she has participated in orientation to the responsibilities of the Lowcountry Workforce Board. Orientation will be provided by the Administrative Entity staff.

ARTICLE VI: Committees

The LWB shall designate and direct the activities of the following Standing Committees to provide information and to assist the local board in carrying out its activities. Such standing committees shall be chaired by a member of the local board, may include other members of the local board, and shall include other individuals appointed by the local board who are not members of the local board and who the local board determines have appropriate experience and expertise.

- A. A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include as members representatives of the one-stop partners.
- B. A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth.
- C. A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

Additional Committees: The LWB may designate committees in addition to those listed above.

Quorum: For the purpose of transacting business, the members in attendance shall constitute a quorum.

ARTICLE VII. Functions

(1) LOCAL PLAN.—The local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor that meets the requirements in WIOA section 108. If the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and chief elected officials from such other local areas in the preparation and submission of a regional plan as described in WIOA section 106(c)(2).

(2) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS.—In order to assist in the development and implementation of the local plan, the local board shall—

- (A) carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) in the region described in WIOA section 108(b)(1)(D), and regularly update such information;
- (B) assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491– 2(e)), specifically in the collection, analysis, and utilization of workforce and labor market information for the region; and

(C) conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.

(3) **CONVENING, BROKERING, LEVERAGING.**—The local board shall convene local workforce development system stakeholders to assist in the development of the local plan under section 108 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. The local board, including standing committees, may engage such stakeholders in carrying out the functions described in this subsection.

(4) **EMPLOYER ENGAGEMENT.**—The local board shall lead efforts to engage with a diverse range of employers and with entities in the region involved—

(A) to promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the local board;

(B) to develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;

(C) to ensure that workforce investment activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and

(D) to develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

(5) **CAREER PATHWAYS DEVELOPMENT.**—The local board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

(6) **PROVEN AND PROMISING PRACTICES.**—The local board shall lead efforts in the local area to—

(A) identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and

(B) identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.

(7) **TECHNOLOGY.**—The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—

(A) facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;

(B) facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;

(C) identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and

(D) leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

(8) **PROGRAM OVERSIGHT.**—The local board, in partnership with the chief elected official for the local area, shall—

- (A)
 - (i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and
 - (ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and
 - (B) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.
- (9) **NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.**—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).
- (10) **SELECTION OF OPERATORS AND PROVIDERS.**—
- (A) **SELECTION OF ONE-STOP OPERATORS.**—Consistent with section 121(d), the local board, with the agreement of the chief elected official for the local area—
 - (i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and
 - (ii) may terminate for cause the eligibility of such operators.
 - (B) **SELECTION OF YOUTH PROVIDERS.**—Consistent with section 123, the local board—
 - (i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and
 - (ii) may terminate for cause the eligibility of such providers.
 - (C) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.**—Consistent with section 122, the local board shall identify eligible providers of training services in the local area.
 - (D) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.**—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.
 - (E) **CONSUMER CHOICE REQUIREMENTS.**—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.
- (11) **COORDINATION WITH EDUCATION PROVIDERS.**—
- (A) **IN GENERAL.**—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).
 - (B) **APPLICATIONS AND AGREEMENTS.**—The coordination described in subparagraph (A) shall include—
 - (i) consistent with section 232—
 - (I) reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and
 - (II) making recommendations to the eligible agency to promote alignment with such plan; and

(ii) replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

(C) COOPERATIVE AGREEMENT.—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

(12) BUDGET AND ADMINISTRATION.—

(A) BUDGET.—The local board shall 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 under this section, subject to the approval of the chief elected official.

(B) ADMINISTRATION.—

(i) GRANT RECIPIENT.—

(I) IN GENERAL.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

(II) DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant sub-recipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).

(III) DISBURSAL.—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under sub-clause (II) shall disburse the funds immediately on receiving such direction from the local board.

(ii) GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

(iii) TAX-EXEMPT STATUS.—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

(13) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.— The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one- stop centers in the local area.

ARTICLE VIII. Rules of Procedures

Meetings will be governed by Robert’s Rule of Order, Newly Revised, in all cases to which they are applicable and which are not inconsistent with the by-laws.

SUNSHINE PROVISION.—The local board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the local board.

ARTICLE IX. Amendment of by-laws

These by-laws may be amended or repealed by simple majority of the combined vote cast by mail and those members present at a LWIB meeting, if notice of proposed action has been presented in writing to LWIB members thirty (30) days prior to the vote. These by-laws shall be deemed to be automatically amended at any time to conform to applicable state or federal statutes in regulations.

By 
Chairperson
Lowcountry Workforce Board

9-25-15
Date