**GOVERNOR’S**

**WORKFORCE**

**DEVELOPMENT BOARD**

**STATEMENT OF AUTHORITY**

**UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)**

**AND**

**BY-LAWS**

**REVISED AND ADOPTED: September 11, 2019**

**Statement of Authority**

Public Law 113-128, now codified as 29 U.S.C. § 3101 et seq, known as the Workforce Innovation and Opportunity Act (WIOA), enacted by the Congress of the United States and signed by President Barack Obama on July 22, 2014, is designed to help job seekers access employment, education, training and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. The Workforce Innovation and Opportunity Act, among other things, requires the Governor to establish a state workforce development board to initiate and oversee critical transition activities, to assist in the development, implementation, and modification of a state plan, to ensure a customer driven workforce delivery system for both job seekers and employers is present, to increase accountability and transparency of the system, and to provide leadership and guidance in ensuring alignment of federal and state investments as related to workforce development activities to accomplish those purposes described in Public Law 113-128, now codified as 29 U.S.C. § 3101 et seq.

1. **Vision and Mission**

**Vision**

*Minnesota’s public, private and community resources are strategically aligned to competitively position our citizens and businesses for increased and sustained economic prosperity.*

**Mission**

*The GWDB’s mission is to analyze and recommend workforce development policies to the governor and legislature toward talent development, resource alignment and system effectiveness to ensure a globally competitive workforce for Minnesota*.

1. **Establishment of the Governor’s Workforce Development Board**

The Governor’s Workforce Development Council (GWDC) was created and established as Minnesota’s Workforce Investment Board to assist the Governor in implementing the provisions of the Workforce investment Act of 1998 (WIA). WIOA supersedes WIA and seeks to improve the effectiveness of and streamline the governing structures of the public workforce system, empower elected officials and workforce boards, establish structures for working with regional economies and engage the key stakeholders needed to lead the system to achieve the goals of WIOA.

1. **Duties of the Governor’s Workforce Development Board**

WIOA empowers State and Local elected officials and private sector-led workforce boards with the responsibility of developing a strategic, integrated plan that supports

economic growth and labor force needs intended to grow the capacity and performance of the system.

The GWDB will fulfill the requirements under WIOA and ensure transparency and alignment within the state’s workforce development system.

1. **Board Membership**

The GWDB is comprised of members appointed by the Governor as prescribed in the federal law. The members of the GWDB shall serve for a term of three (3) years and may be reappointed at the pleasure of the Governor. Each member shall serve for the appointed term and until a successor has been appointed and duly qualified. If a vacancy on the Board occurs, the Governor shall appoint a replacement who shall hold office during the remainder of term vacated. The Governor shall select a Chairperson for the GWDB among the representatives described in the federal law.

The Chairperson of the GWDB presides at meetings of the Board, appoints a Vice Chairperson, and appoints the members to all committees, except as provided in the

by-laws. In the absence of the Chairperson or in the event of his/her inability to act, or if that office is temporarily vacant, the Vice Chairperson exercises all of the powers and performs all of the duties of the Chairperson.

1. **Meeting Frequency and Board Member Expenses**

The GWDB shall meet, at a minimum, quarterly. Board members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in connection with their official duties as members of the GWDB.

1. **Board Staff**

The GWDB staff shall be attached to the Minnesota Department of Employment and Economic Development (DEED) for administrative and staff purposes. The GWDB may ask for assistance from other units of state government as it requires in order to fulfill its duties and responsibilities.

1. **Funding**

The DEED commissioner shall develop recommendations on a funding formula for allocating Workforce Innovation and Opportunity Act funds to the GWDB with a minimum allocation of $350,000 per year.

**BY-LAWS**

**ARTICLE I**

**NAME**

The name of the organization shall be the “Governor’s Workforce Development Board,” hereinafter called the BOARD.

**ARTICLE II**

**AUTHORITY**

The BOARD shall be established in accordance with the provisions of the Workforce Innovation and Opportunity Act (WIOA), as defined in the attached Statement of Authority.

**ARTICLE III**

**PURPOSE**

The BOARD shall assist the Governor in the development, oversight, and modification of the State Plan, the review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the State to align workforce development programs in the State in a manner that supports a comprehensive and streamlined workforce development system in the State, including the review and provision of comments on the State Plan, if any, for programs and activities of one-stop partners that are not core programs.

**ARTICLE IV**

**FUNCTIONS**

1. **ADMINISTRATIVE** – The functions of the BOARD are to advise, evaluate, facilitate, coordinate, and communicate and shall include but are not limited to:
	1. The development, oversight, and modification of the State Plan.
	2. The development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities to local areas.
	3. The preparation of annual reports.
2. **INFORMATION TECHNOLOGY** – The functions of the BOARD are to advise, evaluate, facilitate, coordinate, and communicate and shall include but are not limited to:
	1. The development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop system.
	2. The development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures.
	3. The development of the statewide workforce and labor market information system.
3. **SYSTEM PERFORMANCE** – The functions of the BOARD are to advise, evaluate, facilitate, coordinate, and communicate and shall include but are not limited to:
	1. The development and continuous improvement of the workforce development system in the State.
	2. The development and updating of comprehensive State performance accountability measures, adjusted levels of performance, to assess the effectiveness of core programs.
	3. The identification and dissemination of information on best practices.
4. **POLICIES** – The functions of the BOARD are to advise, evaluate, facilitate, coordinate, and communicate and shall include but are not limited to:
	1. The review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the State to align workforce development programs in the State in a manner that supports a comprehensive and streamlined workforce development system, including the review and provision of comments on State plans, for programs and activities of one-stop partners that are not core programs.
	2. The development and review of statewide policies affecting the coordinated provision of services through the State’s one-stop delivery system.
	3. The development of other policies as “may” promote statewide objectives for, and enhance the performance of, the workforce development system in the State.

**ARTICLE V**

**MEMBERSHIP**

1. **APPOINTMENT AND TERMS**
2. The Governor shall establish the BOARD and appoint all members of the BOARD, with the exception of legislative members.
3. Each member shall be appointed for a term of three (3) years from the first day of January or July immediately following their appointment, with exceptions allowing for the filling of vacant positions by the Governor.
4. A BOARD member may be removed for the following:
	1. Receipt by the BOARD Chairperson of the written resignation of the member.
	2. Absence at one (1) in-person quarterly full BOARD meeting in one calendar year, unless the Chairperson is notified prior to the meeting.
	3. A change in the member’s qualifications that were the basis for the initial appointment.
	4. Any behavior deemed inappropriate by the BOARD in maintaining a positive image of Minnesota and the workforce system, and the inability to represent the BOARD in a supportive manner.
5. **OFFICERS OF THE BOARD**

The officers of the BOARD shall consist of a Chairperson, appointed by the Governor and a Vice Chairperson, appointed by the Chairperson. Both officers should represent the private sector.

In the absence of the Chairperson, or in the event of his/her inability to act, or if that office is temporarily vacant, the Vice Chairperson exercises all of the powers and performs all of the duties of the Chairperson.

1. **MEMBERSHIP CATEGORIES**

The BOARD shall be comprised of members representing businesses, labor organizations, community-based organizations, state agencies and education. No person shall serve as a member of more than one category described above. To the extent practicable, the membership should be balanced as to gender and ethnic diversity. As provided in 29 U.S.C. § 3111 and other applicable state and federal statutes, voting members shall consist of the following:

1. The Governor;
2. Two (2) members of the house of representatives, one appointed by the speaker of the house and one appointed by the minority leader of the house of representatives;
3. Two (2) members of the senate, one appointed by the senate majority leader and one appointed by the senate minority leader;
4. A majority, shall be representatives of businesses in the state who are:
	1. Owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policy-making or hiring authority, and who, in addition, may be

members of a local board described in 29 United States Code § 3122(b)(2)(A)(i);

* 1. Represent businesses (including small businesses), or organizations representing businesses described in this sub clause that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State;
	2. Appointed from among individuals nominated by State business organizations and business trade associations.
1. Commissioners of the lead state agency(ies) with primary responsibility for core programs and other one stop partners identified within the State Plan:

**Minnesota Department of Employment and Economic Development (DEED)**

**Adult Basic Education (ABE) through the Minnesota Department of Education (MDE)**

**Minnesota Department of Human Services (DHS)**

1. Other voting members appointed by the Governor:
	1. Two (2) chief elected officials (collectively) representing cities and counties (where appropriate).
	2. Six (6) representatives of labor organizations to meet the criteria that not less than 20 percent of the BOARD shall be representatives of the workforce within the State who shall include representatives of labor organizations who have been nominated by State labor federations; or 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 State, such a representative of an apprenticeship program in the State.
	3. Two (2) representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities.
	4. Four (4) officials responsible for education programs in the state including chief executive officers of community colleges and other institutions of higher education, specifically:

**Chancellor, Minnesota State Colleges and Universities**

**President, University of Minnesota**

**President, Private Post-Secondary**

**Representative of Career and Technical Education**

1. The non-voting members of the BOARD shall consist of the following:

**Representative of Adult Basic Education (ABE)**

**Representative of Public Libraries**

**Representative of Women’s Economic Security Act (WESA)**

**Chair or Executive Director of the Minnesota Association of Workforce Boards (MAWB)**

**Commissioner of the Minnesota Department of Labor and Industry (DLI)**

**Commissioner of the Minnesota Office of Higher Education (OHE)**

**Commissioner of the Minnesota Department of Corrections (DOC)**

**Commissioner of Minnesota Management and Budget (MMB)**

**Two (2) representatives of Community-Based Organizations**

**District Superintendent of a Public School District**

**Representative of School-Based Service Learning**

**Representative of the Council on Asian-Pacific Minnesotans**

**Representative of the Minnesota Council on Latin Affairs**

**Representative of the Council for Minnesotans of African Heritage**

**Representative of the Minnesota Indian Affairs Council**

**Representative of the Minnesota State Council on Disability**

**Representative of the Office on the Economic Status of Women, if funded**

**ARTICLE VI**

**REIMBURSEMENT**

Members of the BOARD are entitled to file for reimbursement of expenses associated with scheduled BOARD and committee meetings.

Eligible BOARD members will be reimbursed for expenses incurred as a result of required attendance at authorized meetings provided that:

1. Requests relate to expenses directly attributable to an official activity of the BOARD or its committees; and
2. Required forms and receipts are submitted with requests for payment.

Reimbursements will be made for the following expenses:

1. Private car mileage at the current IRS reimbursement rate
2. Parking (receipts are required)
3. Per Diem at $55.00 per day
4. Hotel rooms (receipts are required)
5. Meals

**ARTICLE VII**

**MEETINGS**

1. **REGULAR MEETINGS**
2. The BOARD shall hold regular in-person meetings at least quarterly and as often as necessary to perform the duties outlined in the Statement of Authority and By-Laws. Meetings shall be called by the Chairperson. Special meetings may be called as above. Notices of all meetings shall be made at least 48 hours prior to the meeting date.
3. The Chairperson shall approve an agenda for each meeting. Members shall submit a written request for consideration of an agenda item no less than 24 hours in advance of the meeting. Special interest groups or individuals shall submit a written request within 48 hours of a meeting in order to be considered for inclusion on the agenda. Those members of the public in attendance at any meeting of the BOARD may address the BOARD only with the approval or at the request of the Chairperson.
4. **PUBLIC MEETINGS**

All meeting notices are posted on the BOARD website. All meetings of the BOARD and committees shall be open to the public.

1. **SUNSHINE PROVISION**

The State BOARD shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the State BOARD, including information regarding the State Plan, or a modification to the State Plan, prior to submission of the plan or modification of the plan, respectively, information regarding membership and, on request, minutes of formal meetings of the State BOARD.

1. **QUORUM**

For the purpose of conducting business before the BOARD at a duly called meeting, a simple majority of the voting members, excluding any vacancies, constitutes a quorum.

**ARTICLE VIII**

**BOARD CHAIRPERSON**

The Chairperson shall be a representative of business in the State. The Chairperson presides at meetings of the BOARD, and shall appoint members of the BOARD to serve on standing committees, taking into account the need for and level of participation required and, to the extent possible, the interest expressed by

the BOARD member. The Chairperson shall designate a Committee Chairperson for each committee established and appointed. A Vice Chairperson shall be designated for each standing committee, in a process to be determined by the BOARD Chair.

In the absence of the Chairperson, or in the event of his/her inability to act, or if that office is temporarily vacant, the Vice Chairperson exercises all of the powers and performs all of the duties of the Chairperson.

**ARTICLE IV**

**VOTING PROCEDURES**

1. **GENERAL VOTING PROCEDURES**

Each appointedBOARD member shall be permitted one vote to be cast by the BOARD member. Due to their unique requirement to serve on the State BOARD under the titles of WIOA, a State Agency Commissioner may select an executive level (deputy or assistant commissioner) designee to attend BOARD and committee meetings and vote on their behalf. These will be the only designees who be authorized to vote on others’ behalf. There will be no absentee voting. Regular voting procedure will be by voice vote. A roll call vote may be exercised at the request of any BOARD member.

1. **CONFLICT OF INTEREST**

A member of the StateBOARDmay not vote on a matter under consideration by the State 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 engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State Plan. A Conflict of Interest statement is to be signed by BOARD members at the time of their appointment and on an annual basis thereafter.

**ARTICLE X**

**BOARD COMMITTEES**

* + 1. **COMMITTEE STRUCTURE AND PROCEDURES**

There shall be two types of BOARD Committees: Standing Committees, which shall be permanent, and Ad-Hoc Committees, which shall be established for a specified purpose and function. Any person interested in serving on a committee should notify the BOARD Chairperson and Executive Director. Vacancies and appointments will be governed by the committee charters.

1. **Standing Committees**

Standing Committees shall meet at the call of the respective Committee Chairperson. A majority of the officially appointed committee members must be in attendance at a duly called meeting to constitute a quorum. A quorum will be required for an official vote at any Standing Committee meeting.

1. **Ad-Hoc Committees**

Ad-Hoc Committees and Task Forces may be formed by the BOARD Chairperson to carry out BOARD responsibilities. Ad-Hoc Committees and Task Forces shall be dissolved by the BOARD Chairperson.

* + 1. **COMMITTEE MEMBERSHIP**

Board staff shall provide a resource person for each Standing Committee and Executive Committee meeting.

Meetings of standing committees may be called by the Committee Chairperson. Meeting notices will be posted on the BOARD website. Committees may hold meetings concurrently with other committees. All committee members shall be notified in writing as to the date and time of the committee meeting.

The Board may invite non-members to be appointed by the Chairperson to serve on a committee. All GWDB members and non-members who are appointed and serve on committees may vote on committee business.

**ARTICLE XI**

**EXECUTIVE COMMITTEE**

All decisions will be reviewed and approved by consent agenda.

1. **MEMBERSHIP**

The Executive Committee shall be made up of the BOARD Chairperson (who shall also be the Chairperson of the Executive Committee), the Vice Chairperson, the Chairs of standing committees appointed by the Chairperson, the commissioner of DEED, the commissioner of MN Department of Education, a labor representative, an education representative and an at-large member.

1. **RESPONSIBILITIES**

The Executive Committee is empowered to meet on an interim basis between regular full BOARD meetings and make emergency or time-sensitive decisions when necessary. The Executive Committee has all the authority of the full BOARD when BOARD action is required. Immediate notification to the full BOARD will take place whenever any action is taken without prior consent of the BOARD. Discussion and formal approval of the action will take place at the next regularly scheduled meeting of the BOARD. The Executive Committee shall monitor the work of other BOARD committees and the BOARD staff, develop agenda items, work on legislative issues and make policy recommendations to the BOARD.

1. **MEETINGS, QUORUM, AND VOTING**

The Executive Committee shall meet at the call of the Chairperson. A majority of the members of the Executive Committee in attendance at a called meeting shall constitute a quorum. Meetings shall be conducted either in-person or virtually. The BOARD Executive Director shall support the work of the Executive Committee.

**ARTICLE XII**

**AMENDMENTS TO BY-LAWS**

The By-Laws should be reviewed by GWDB committees or the full BOARD at a minimum of once every five (5) years. These By-Laws of the BOARD may be amended in whole or in part upon the Governor’s announcement. The BOARD may initiate a request for a change(s) upon BOARD resolution defining the designed change(s). Minnesota Department of Employment and Economic Development (DEED) staff shall notify the DEED Commissioner and the Chairperson, who shall

notify the Governor of the request. The Governor shall make a final determination and notify the BOARD.

**ARTICLE XIII**

**RULES OF ORDER**

The proceedings of the BOARD shall be governed by Robert’s Rules of Order (Newly Revised), unless contrary to the By-Laws.