

**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 herein after sometimes referred to as the “NWDB” or the “State Board.”

Section 1.2 OFFICE OF THE NWDB

The principal office of the NWDB shall be located at the office of the Nebraska Workforce Innovation and Opportunity Act Liaison, currently the Commissioner of Labor, Nebraska Workforce Development, Department of Labor, 550 South 16th Street, Lincoln, Nebraska 68509.

Section 1.3 PURPOSE

The purpose of the Nebraska Workforce Development Board shall be to carry out such functions as shall be authorized under Section 101(d) of the Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128) as they may from time to time be amended.

**ARTICLE II.
MEMBERSHIP**

Section 2.1 COMPOSITION OF THE NWDB

In accordance with Section 101(b) of the Workforce Innovation and Opportunity Act, the State Board shall consist of the following members from the following representation categories:

- (a) the Governor;
- (b) a member from the legislature, appointed by the appropriate presiding officers of the legislature;
- (c) members appointed by the Governor, of which—
 - (i) a majority shall be representatives of businesses in the State, who—
 - (I) are owners of business, 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 board;
 - (II) represent businesses that provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and

- (III) are appointed from among individuals nominated by State business organizations and business trade associations;
- (ii) no less than twenty (20) percent shall be representatives of the workforce within the State, who—
 - (I) shall include representatives of labor organizations, who have been nominated by State labor federations;
 - (II) shall include a presentative, 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 eligible youth, including representatives of organizations that serve out-of-school youth; and
- (iii) the balance—
 - (I) shall include representatives of government, who—
 - (1) shall include the lead State officials with primary responsibility for the core programs; and
 - (2) shall include 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 agency officials from agencies that are One-Stop partners not specified in subclause (I) (including additional One-Stop partners whose programs are covered by the State plan, if any);
 - (2) State agency officials responsible for economic development or juvenile justice programs in the State;
 - (3) Individuals who represent an Indian tribe or tribal organization; and
 - (4) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institution of higher education.

Section 2.2 DIVERSE AND DISTINCT REPRESENTATION

The members of the State Board shall represent diverse geographic areas of the State of Nebraska, including urban, rural, and suburban areas.

Section 2.3 NO REPRESENTATION OF MULTIPLE CATEGORIES

No person shall serve as a member for more than one (1) of the categories described in Section 2.1(c)(i), (ii), or (iii).

Section 2.4 EX-OFFICIO MEMBERSHIP

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

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

Section 2.5 VOTING MEMBERSHIP

All members of the State Board shall be voting members.

Section 2.6 APPOINTMENT

- (a) Except as provided in subsection (b) of this section, the Governor shall make all appointments to the State Board, which shall conform to the requirements of Section 101 of WIOA.
- (b) The presiding officer of the Legislature shall appoint the member of the Legislature appointed to the State board in accordance with Section 2.1(b) of this Article.
- (c) Individuals serving on the State Board who subsequently retire, or no longer hold the position that made them eligible as a board member, may not continue to serve on the State Board as a representative of that segment.

Section 2.7 TERM OF APPOINTMENTS

All Governor-appointed members shall serve at the pleasure of the Governor.

Section 2.8 REMOVAL

- (a) The Governor may remove any member appointed by the Governor at any time for any reason.
- (b) The presiding officer of the Legislature may remove any member appointed by the presiding officer 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, officer, or member of the State Board;
 - (ii) by a majority vote of the full State Board, taken in accordance with Sections 4.5 and 4.6 of Article IV of these Bylaws; and
 - (iii) for good cause, as stated in the motion to request removal and recorded in the minutes of the meeting.
- (d) “Good cause” for the request for removal of a non-*ex-officio* member may include, but is not limited to, a member’s unexcused absence from fifty percent (50%) or more of the State Board meetings held in any twelve-month period.

Section 2.9 RESIGNATION

When members deem it necessary to resign from their appointments to the NWDB, members appointed by the Governor shall tender their resignations to the Governor and members appointed by the presiding officer of the Legislature shall tender their resignations to the presiding officer of the Legislature, with copies to the Chair of the NWDB. Such resignation shall be deemed effective upon acceptance of the Governor for Governor-appointed members or by the presiding officer of the Legislature for appointments made by the presiding officer. In the event that the Chair of the NWDB resigns, the Vice-Chair of the NWDB shall serve as Acting Chair until such time as a new Chair is appointed by the Governor.

Section 2.10 VACANCY

In the event of a vacancy, the Governor or the presiding officer of the Legislature, as the case may be, shall appoint another individual to serve, for the remainder of the unexpired term.

Section 2.11 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

The Governor shall appoint a Chair of the NWDB, who is a representative from business and industry, to serve at the pleasure of the Governor. The Chair shall preside at all meetings of the State Board and appoint chairs and members of all committees and task groups as deemed necessary or desirable unless otherwise specifically provided for within these Bylaws. The NWDB Chair shall represent the State Board and has the authority to speak on its behalf before the

Governor, the Nebraska 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 NWDB, its bylaws, applicable state and federal statutes, and regulations.

Section 3.2 VICE-CHAIR

The Governor shall appoint the Vice-Chair who is a representative from business and industry. The Vice-Chair shall serve 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 authority to perform such other duties and functions as required by the NWDB, its bylaws, and applicable state and federal statutes and regulations.

Section 3.3 ACTING CHAIR

In the event that the Chair and Vice-Chair are going to be absent from a meeting, the Chair shall designate a member of the NWDB as the Acting Chair, who shall preside at such meeting only.

Section 3.4 VACANCIES

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

ARTICLE IV. MEETING PROCEDURES, VOTING RIGHTS, AND QUORUM

Section 4.1 MEETING TIME AND PLACE

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

Section 4.2 MEETING NOTICE

- (a) Notice of meetings. Notice of all meetings that require public notice shall be in compliance with the Nebraska Open Meetings Act, sections 84-1408 et seq. Nebraska Revised Statutes. Written notice of each such meeting shall be sent to members prior to the scheduled meeting along with a copy of the proposed minutes of the previous meeting. The notice shall specify the time, date, location, and proposed agenda for the meeting.
- (b) Notice of absences. A member that is unable to attend a scheduled meeting shall give notice of his or her absence, at least twenty-four hour before the meeting. Notice shall be provided to the Chair of NWDB, or to such individual as the Chair may designate.

Section 4.3 ANNUAL MEETING

On an annual basis, the State Board will review the Annual Report to the Secretary of Labor. The agenda shall include any additional business to be conducted.

Section 4.4 PUBLIC MEETINGS

All meetings of the NWDB and its committees shall be conducted in accordance with the Nebraska Public Meetings law, sections 84-1408 et seq. Nebraska Revised Statutes.

Section 4.5 CONDUCT OF MEETINGS

- (a) Unless the State Board, by a majority vote, directs otherwise, the order of business in regular 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) Time and Place for Next State Board Meeting, and
 - (viii) Adjournment.
- (b) Non-members of the NWDB shall be permitted to comment on any agenda item(s) at such time as "public comment" is solicited by the presiding officer, which, in any event, shall occur at least once prior to the time that any formal action is taken on the item. Non-members may also submit written comments on any agenda item(s), which comments shall be made a part of the permanent record of the meeting. The presiding officer, unless otherwise prescribed by rules adopted by majority vote, may in his/her discretion, limit the amount of time for discussion on any particular agenda item, which limit shall be announced at the time that the agenda item is brought up for discussion.
- (c) Each voting member present shall be allowed to cast one 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 those rules are inconsistent with law, these Bylaws, or they are waived by a majority vote.

Section 4.6 MANNER OF VOTING

The voting on all questions duly moved and seconded shall be by roll call vote. No question shall be deemed to have passed unless it has received a majority vote of the quorum present. Proxy voting is not permitted.

Section 4.7 QUORUM

A majority of Governor-appointed voting members shall constitute a quorum, except as otherwise provided by law. Non-members may not be seated at the State Board as a representative of a member, nor shall any such representative be counted for purposes of determining a quorum.

Section 4.8 CONFLICT OF INTEREST

- (a) All members shall comply with the provisions of §§49-1499 through 49-14,103.03 Nebraska Revised Statutes.
- (b) No NWDB member may receive anything of value as a result of a benefit conferred by the NWDB upon any person, business or organization.
- (c) A State Board member must disclose with particularity 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 NWDB prior to consideration of the request by the State Board. A disclosure period will be provided to the members.
- (d) When a potential conflict exists, the State Board Member must prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict, and if he or she will not abstain from voting, deliberating, or taking other action on the matter, the statement shall state why, despite the potential conflict, he or she intends to vote or otherwise participate; and deliver a copy of the statement to the Board Chair, who shall cause the statement to be filed as a matter of public record.
- (e) No member shall vote on a question in which he or she has a direct or indirect personal or pecuniary interest not common to other members of the NWDB. The member of the State Board may abstain from voting, deliberating, or taking other action on the matter on which the potential conflict exists. The minutes of the meeting shall record compliance with this requirement. The interested member may briefly state his or her position regarding the subject or may answer questions of other members, since his or her knowledge may be of assistance.
- (f) All members shall comply with Section 101(f) of WIOA, 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 an Executive Committee, and two subcommittees of the State Board: 1) System Alignment Committee, and 2) Strategic Direction Committee.
- (b) The Governor or the NWDB Chair may create special committees, ad hoc committees, task forces, or similarly designated groups, as he or she deems necessary or desirable.

Section 5.2 APPOINTMENT OF CHAIR

The Chair of the NWDB shall serve as Chair of the Executive Committee. The Chairs of all other committees shall be representatives of business appointed by the Chair of the NWDB.

Section 5.3 APPOINTMENT OF MEMBERS

- (a) The Governor may designate members of the Executive Committee at any time after the execution of these Bylaws. A majority of Executive Committee members will represent business. Said members are to include:
 - (i) Chair of NWDB
 - (ii) Vice Chair of NWDB
 - (iii) Chair of each subcommittee
 - (iv) Representative of labor category
 - (v) Representative of youth category
 - (vi) Commissioner of Nebraska Department of Labor
 - (vii) Commissioner of Nebraska Department of Education
 - (viii) Three representatives from the general membership
- (b) The Chair of the NWDB shall appoint the members to all other standing committees from the general membership of the State Board.
- (c) Non-NWDB members may be appointed to subcommittees, special committees, ad hoc committees, task forces, or similarly designated groups, created pursuant to Article V, Section 5.1(b).

Section 5.4 VOTING RIGHTS

- (a) Only NWDB members appointed to serve on any committee, subcommittee, special committees, ad hoc committees, task forces, or similarly designated groups pursuant to Article V, Section 5.1(b) shall have voting rights on those committees.
- (b) All actions or recommendations by committees or by groups created pursuant to Article V, Section 5.1(b) shall be by a majority vote of the quorum present.

Section 5.5 COMMITTEE MEMBERSHIP

NWDB members, who are appointed in accordance with Article II, Section 2.1(c)(i), may serve on more than one committee, subcommittee, special committee, ad hoc committee, task force, or other group that currently exists or that may be created by the Governor or the NWDB Chair, as provided in Article V, Section 5.1(b).

Section 5.6 COMMITTEE MEETINGS

- (a) Committees, subcommittees, special committees, or groups created pursuant to Article V, Section 5.1(b) shall meet on an “as needed” basis subject to the call of the Chair of the NWDB and/or the committee or group Chair.
- (b) When required by Nebraska Open Meetings Act, notice of all meetings shall be in accordance with the Nebraska Open Meetings Act, sections 84-1408 et seq. Nebraska Revised Statutes. Written notice of each meeting shall be sent to members prior to the scheduled meeting along with a copy of the proposed minutes of the previous meeting. The notice shall specify the time, date, location, and proposed agenda for the meeting.
- (c) Pursuant to the Nebraska Open Meetings Act, section 84-1409(1)(b) subcommittees created under these bylaws, including the System Alignment Committee and the Strategic Direction Committee, can take no formal action, have no policy making authority, and shall not be considered public bodies for the purposes of the Nebraska Open Meetings Act.

Section 5.7 CONDUCT OF MEETINGS

Provisions of sections 4.4, 4.5, 4.6, 4.7, and 4.8 of Article IV herein apply to the conduct of 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 this Article. The Executive Committee shall have the authority to act on behalf of the NWDB 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, sections 84-1408 et seq.

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 this Article. The System Alignment Committee shall be a subcommittee of the State Board. This subcommittee shall be assigned duties and responsibilities associated with Allocation Formulas, the Roles and Resources associated with One-Stop Partners,

Continuous System Improvement, Policy Alignment, Technology Solutions, Statewide Labor Marker Information Systems, State Combined Plan, Public Sector Partnerships, System-related Grant Applications, Review of Local Area Plans, and other duties as assigned by the Chair of the State Board. The System Alignment Committee, as a subcommittee of the State Board, is not subject to Nebraska's Open Meetings Act, sections 84-1408 et seq. for 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 this Article. 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 of the State Board. The Strategic Direction Committee, as a subcommittee of the State Board, is not subject to Nebraska's Open Meetings Act, sections 84-1408 et seq. for it does not hold hearings, make policy, or take formal action on behalf of the State Board.

ARTICLE VI AMENDMENTS

Section 6.1 AMENDMENTS

These Bylaws may be amended or repealed by a vote of two-thirds of the 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 members at least ten days in advance of the meeting at which they are to be acted upon. 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 of the members present, suspend all or any part of these Bylaws when to do so would not be in conflict with the laws of the State of Nebraska or applicable federal laws.

**ARTICLE VIII
EFFECTIVE DATE**

Section 8.1 EFFECTIVE DATE

These Bylaws shall become effective immediately upon approval of two-thirds (2/3) of the members present at the meeting of the State Board.

Notice of these Bylaws was sent to the members of the State Board on February 12th, 2016. These Bylaws of the Nebraska Workforce Development Board were adopted by a vote of 18 () in favor, 0 () opposition, and 0 () abstaining, the same constituting more than two-thirds of those members of the State Board present on February 12th, 2016, at the regular meeting of the Nebraska Workforce Development Board.

Feb 12, 2016
Date

Mark Moravec
Mark Moravec, Chair