

# Nebraska

## Workforce Development Board

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### Nebraska Workforce Development Board Meeting Minutes October 21, 2016

#### **Agenda Item 1: Call to Order**

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Chair Mark Moravec called the Nebraska Workforce Development Board (NWDB) meeting to order on October 21, 2016, at 9:33 am at the University of Nebraska Lincoln, Innovation Campus Conference Center, 2021 Transformation Drive, Lincoln, Nebraska.

#### **Agenda Item 2: Roll Call**

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Linda Pope, Recorder, called roll and a quorum was established.

#### **Members Present (16):**

John Albin  
Tammie Beck  
Brian Deakin  
Courtney Dentlinger  
Michael Geary  
Allan Hale

Susan Martin  
Senator Heath Mello  
Mark Moravec  
Don Nordell  
Courtney Phillips  
Terri Ridder

Bradley Schroeder  
Jennifer Sedlacek  
Becky Stitt  
Carol Swigart

#### **Members Absent (8)**

Bradley Bird  
Matthew Blomstedt  
Jason Feldhaus

James Hanson, Jr.  
Michelle Olson  
Vern Powers

Governor Pete Ricketts  
Lisa Wilson

#### **Nebraska Department of Labor Staff in Attendance:**

Joan Modrell, Director, Office of Employment and Training  
Angela Hansen-Kruse, Administrator of Workforce Services, Office of Employment and Training  
Thomas Ukinski, Legal Counsel, Office of the General Counsel  
Deb Andersen, Policy Coordinator, Office of Employment and Training  
Linda Pope, Administrative Assistant/Recorder, Office of Employment and Training

#### **Guests in Attendance:**

Mark Schultz, Department of Education, Nebraska Vocational Rehabilitation Program

Madhavi Bhadbhade, Department of Health and Human Services, Senior Community Services Employment Program  
Jan Norlander-Jensen, City of Lincoln, Greater Lincoln Workforce Development Area  
Shannon Grotrian, Nebraska Department of Labor, Greater Nebraska Workforce Development Area  
Dylan Wren, Nebraska Department of Labor, Greater Nebraska Workforce Development Area  
Erin Porterfield, Heartland Workforce Solutions, Greater Omaha Workforce Development Area  
Alejandra Sinecio, Heartland Workforce Solutions, Greater Omaha Workforce Development Area  
Debra Cremeens-Risinger, United State Department of Labor, Office of Apprenticeship

### **Agenda Item 3: Notice of Publication**

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Linda Pope announced the Notice of Public Meeting was duly published in the Beatrice Daily Sun, Grand Island Independent, Lincoln Journal Star, North Platte Telegraph, Omaha World Herald, and Scottsbluff Star-Herald in accordance with the Nebraska Open Meetings Act. Copies of the Act were available from legal counsel or administrative staff.

### **Agenda Item 4: Approval of Minutes (Handout 1)**

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Senator Heath Mello motioned to approve the minutes of the June 17, 2016 meeting (Handout 1). Don Nordell seconded the motion. A voice vote was taken. The motion carried unanimously.

Chair Moravec announced that meeting agendas, minutes, and handouts for full board and standing committee meetings can be found on the website at [www.dol.nebraska.gov](http://www.dol.nebraska.gov) under the heading "Workforce Innovation and Opportunity Act (WIOA)."

### **Agenda Item 5: Old Business (Handouts 2 – 6)**

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#### **A. Combined State Plan Update**

Chair Moravec reported that the Governor received written notification on June 29, 2016 that Nebraska's Combined State Plan received qualified approval (Handout 2). The letter of approval included a list of requested revisions to address deficiencies. One deficiency involves Nebraska's designated planning regions. The U.S. Department of Labor (the Department) is requiring a reconfiguration of the planning regions so that the local workforce development areas aren't split across two regions. Chair Moravec asked Joan Modrell to speak to the Board about the requested reconfiguration.

Ms. Modrell stated that the Governor designated three planning regions: the Greater Nebraska Region, the Metro Region, and the Southeast Region. Ms. Modrell explained that the Department feels that Nebraska's designated planning regions do

not meet the criteria established under WIOA Sec. 106(a)(2) and 20 CFR § 679.210, namely that Nebraska's local workforce development areas are split across planning regions. The Department interprets the provisions to say that local workforce development areas cannot be split across planning regions. Nebraska interprets the provisions differently, that neither provision states that a local workforce development area cannot be split across two planning regions. Rather, the provisions say that a region must consist of one local workforce development area or two or more contiguous local workforce development areas. Assignment of Nebraska's local workforce development areas to the planning regions meets the criteria established under the provisions, because all three of Nebraska's local workforce development areas are contiguous. Nebraska will request that the Department waive its required reconfiguration of Nebraska's designated regions. Once submitted, the Department has 90 days to respond to the waiver request. Based upon the Department's response, an action plan will be determined.

Chair Moravec continued on the topic of the Combined State Plan, stating that another aspect of finalization of the Combined State Plan was negotiation of Nebraska's performance goals for the Adult, Dislocated Worker, Youth, and Wagner-Peyser programs. Chair Moravec asked Joan Modrell to provide an overview of the negotiation process.

Ms. Modrell advised the Board that the negotiated performance goals (Handout 4):

- are based on a combined use of regression and predictive models;
- focus on providing services to target populations;
- will not be used to formally evaluate the performance of local workforce development areas during Program Years 2016 and 2017 and sanctions against local workforce development areas will not be assessed during this 2-year period;
- were adopted by each of Nebraska's local workforce development board as the performance goals for their respective local workforce development areas for Program Years 2016 and 2017; and
- will be revisited early in Program Year 2017 in relation to performance goals for Program Year 2018.

Ms. Modrell also mentioned that it's likely that actual negotiations between the Department and Nebraska will be eliminated following Program Year 2017, because the Department will determine performance goals based on the data collected and analyzed (using the regression and predictive models) during Program Years 2016 and 2017.

Don Nordell asked if the performance goals relating to wages are quarterly measures. Ms. Modrell responded that the performance goals relating to wages are measured at the second and fourth quarters, rather than at the 6-month time point used in the past.

Chair Moravec closed discussion of the Combined State Plan by saying:

- a revised version addressing the requested revisions was resubmitted on September 1, 2016; and
- it will be available for download following this meeting.

## **B. Program Year 2015 Annual Report**

Chair Moravec stated that the Program Year 2015 Annual Report was submitted to the Department on October 3, 2015. Chair Moravec and asked the Board members to review the report as well as Handouts 5 and 6 and asked Joan Modrell to provide an overview of the report and handouts.

### **1) PY 2015 Annual Report**

Ms. Modrell asked John Albin to comment on the Cargill worker training project (Columbus Works) represented on the front cover of the annual report. Mr. Albin explained that Cargill's Columbus facility closed for to upgrade the facility with more sophisticated equipment requiring the workers to have higher English language and computer literacy skills. The facility shutdown impacted 121 workers. Of that number, 84 were laid off with the intent of retraining them to be rehired upon completion of the plant upgrade.

Mr. Albin went on to say that collaborative efforts between Cargill, the Department of Education, the Department of Labor, Platte Valley Literacy and the Central Community College provided the training, resulting in upskilling for 118 of the 121 workers. Cargill projects that it will reemploy 84 of the 121 effected workers at an hourly rate increase of \$2 on average.

Courtney Dentlinger added that the Department of Education is following up with a job training grant, providing customized job training, to expand training at the Cargill facility beyond the 84 trained under the Columbus Works Program.

Ms. Modrell also added that the Columbus Works Program is essentially a "sector strategy" in that the program was based on the collaborative efforts of multiple workforce system stakeholders focusing on the training needs of a specific industry.

### **2) Summary of Statewide Performance, Program Year 2015 WIA Common Measures (Handout 5, side 1)**

Ms. Modrell stated that the performance measures presented in Handout 5, side 1, are WIA (Workforce Investment Act of 1998) measures, which were still in effect during Program Year 2015 as Nebraska transitions to WIOA (Workforce Innovation and Opportunity Act of 2014) measures.

**3) *Statewide and Local Workforce Development Area Program Participant Demographics (Handout 5, side 2)***

Ms. Modrell explained the facts and figures provided in Handout 5, side 2.

Michael Geary pointed out that the Greater Omaha new enrollments of offenders was almost double that of the statewide average. Mr. Geary asked if there is a special program driving this rate of participation in the Greater Omaha area. Ms. Modrell asked Erin Porterfield or Alejandra Sinecio to discuss Greater Omaha's Reentry Program. Ms. Porterfield responded that Heartland Workforce Solution (HWS) providers have access to one-stop which provides services to the correction facility. This provides offenders with easy access to workforce transitioning services. Additionally, there are at least two providers at HWS's one-stop that have corrections backgrounds, and strategies are in place to provide WIOA outreach staff to work at correction facilities on a monthly basis. HWS's Reentry Program activities concentrate on identification of those offenders most in need and the applicable services.

Ms. Modrell added that a planning session is scheduled with the Nebraska Department of Corrections. Representatives from each of Nebraska's local workforce development areas have been invited. The focus of the planning session is to determine the best approach to providing employment and training services to individuals who will be exiting the correctional facilities.

**4) *Summary of State and Local WIOA Revenues for Program Year 2015 (Handout 6, side 1)***

Ms. Modrell provided an overview of Program Year 2015 WIOA funding (Handout 6, side 1), including:

- Adult, Dislocated Worker, and Youth program funding;
- State-level funding; and
- Local workforce development area funding.

**4) *Summary of Statewide and Local Workforce Development Areas Average Costs per Participant, excluding Administrative Costs (Handout 6, side 2)***

Ms. Modrell provided an overview of Program Year 2015 average costs per participant for Adult, Dislocated Worker, and Youth programs (Handout 6, side 1). Statewide the average costs per participant, excluding administrative costs, are:

- \$3,025 per Adult;
- \$3,238 per Dislocated Worker; and
- \$4,287 per Youth.

Ms. Modrell indicated that the System Alignment Committee will be evaluating the best approach to determining the average cost per participant, including consideration of:

- whether to include administrative costs in the calculations;
- the cost variance among local workforce development areas; and
- other factors.

Ms. Modrell invited questions.

Jennifer Sedlacek asked if Greater Lincoln enrollments (see Handout 5, side 2) area typically as low as those for Program 2015. Ms. Modrell asked Carol Swigart or Jan Norlander-Jensen to address the question. Ms. Swigart stated that the Greater Lincoln Workforce Development Board is currently evaluating and investigating methods for increasing enrollment and lowering the average cost per participant. Ms. Norlander-Jensen added that the Greater Lincoln Workforce Development Board developed a program-performance scorecard in May 2016, which is currently in use as a tool for program-performance monitoring. Ms. Norlander-Jensen also stated that the Greater Lincoln provider is very aware of the Greater Lincoln Workforce Development Board's concerns and the board's executive committee is meeting in early November to again discuss performance of the Greater Lincoln Adult, Dislocated Worker, and Youth programs. Finally, Ms. Norlander-Jensen advised the Board that her role as Workforce Administrator for Greater Lincoln is a function that now reports to the Mayor's Office rather than Urban Development, which serves as Greater Lincoln's provider. This restructuring provides Ms. Norlander-Jensen greater latitude to analyze, comment on, and challenge performance numbers.

## **Agenda Item 6: New Business**

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### **A. System Alignment Committee Report (Handout 7)**

Chair Moravec asked Terri Ridder to provide the infrastructure funding update.

Ms. Ridder stated that WIOA requires the Board to consider four factors when developing the allocation formula to be used under the state infrastructure funding mechanism. The local workforce development boards were asked for input regarding the factors. Ms. Ridder provided the Board with an overview of the factors as well as local workforce development board responses and invited comments and suggestions from the Board on each factor and local workforce development board recommendations.

Joan Modrell reminded the Board that the state infrastructure funding mechanism is triggered only when local workforce development boards aren't able to reach consensus with required one-stop partners when negotiating memorandums of understanding (MOUs) covering infrastructure and shared costs. Ms. Modrell added that local workforce development board must have MOUs in place by July 1, 2017.

Terri Ridder asked by what date must the allocation formula be developed. Ms. Modrell stated that the allocation formula must be in place by March 2017 in order to ensure that the state infrastructure funding mechanism may be utilized in the event

of an impasse among a local workforce development board and its required one-stop partners.

Courtney Dentlinger asked about the number of one-stops in Nebraska. Ms. Modrell responded saying that there are currently three comprehensive sites and eleven Nebraska Department of Labor service delivery locations. Ms. Modrell added that this current one-stop structure may change based on the requirements under WIOA and the one-stop certification processes of each local workforce development board.

Carol Swigart provided an update on the Eligible Training Provider List:

- Eligible Training Provider List includes:
  - 24 approved providers
  - 533 approved programs
    - 424 of the approved programs are H3
  - 14 Registered Apprenticeship programs
- For the July 2016 review period
  - New applications
    - 58 applications reviewed
    - 54 programs determined eligible
    - 4 programs determined ineligible
  - Redetermination following release of WIOA final rules
    - Based on clarifying language on acceptable program outcomes:
      - 2 programs previously determined eligible had a total score increase of one (1)
      - 4 programs previously determined ineligible are now eligible
        - 2 certified nurse aide programs
        - 2 medication aide programs
- For the October 2016 review period
  - 7 providers submitted 21 applications
  - Determinations will be made by December 1, 2016
- The Eligible Training Provider List now available on NEworks

Chair Moravec asked about the requirements for inclusion of Registered Apprenticeship Programs on the Eligible Training Provider List. Joan Modrell stated that to be included on the list they need to be United States Department of Labor Apprenticeship Registered Apprenticeship Program. Deb Andersen added that Registered Apprenticeship Programs are not subject to the eligibility and determination process and that they need only to express an interest to be on the list.

Chair Moravec asked if internship programs have been considered for inclusion on the Eligible Training Provider List. Ms. Modrell stated internships are covered under other provisions of WIOA that focus on work-based learning. Courtney Dentlinger added that the state offers internship incentives through the Nebraska Department of Economic Development.

Don Nordell asked which types of training providers are the predominant type of Eligible Training Providers. Ms. Modrell stated that she estimates that 95% of Eligible Training Providers are community colleges and indicated that statistics on the characteristics of Eligible Training Providers and programs will be provided to the Board during its next meeting.

**B. Strategic Direction Committee Report (Handout 8)**

Chair Moravec asked Brian Deakin to provide an update on the workforce system and regional planning process.

Mr. Deakin stated that NDOL contracted with Vivayic to help local workforce development areas with regional planning processes. Seth Derner from Vivayic has been and will continue working with the local workforce development areas throughout the final months of 2016.

Mr. Deakin provided the Board with an overview of activities occurring in Nebraska to date that center on sector partnerships and strategies, including:

- the sector partnership and strategies event held in September 2015, at which Lindsey Woolsey was guest speaker and facilitator;
- the passage of LB1110, which includes the Sector Partnership Program Act, introduced by Senator Heath Mello; and
- the Sector Partnership and Strategies session held on October 20, 2016, at which Lindsey Woolsey was again guest speaker and facilitator.

Mr. Deakin introduced Lindsey Woolsey, President of The Woolsey Group, to the Board. Ms. Woolsey presented to the Board a summary of the October 20 sector partnerships and strategies session, including an overview of the five elements of Nebraska's Sector Strategy identified by session attendees, which includes:

1. an clear vision;
2. a designated state-level leadership team;
3. regional labor market information;
4. a technical assistance capacity plan that centers around definition, messaging, and how to get sector partnerships established; and
5. identification of metrics by which Nebraska's return on investment can be measured.

Mr. Deakin asked Ms. Woolsey to address funding in relation to sector strategies. Ms. Woolsey stated that there are examples available of how states have developed plans with minimal funding. Ms. Woolsey also stated that designated funding can accelerate the development of sector partnerships and strategies. Ms. Woolsey indicated that states have made use of existing funding, WIOA and professional development funding streams, as well as philanthropic investor partnerships.

Ms. Woolsey concluded by addressing the state's role in creating the conditions under which industry sector partnerships will succeed. Even though industry sector

partnerships are definitively local, there are many activities that can occur on a statewide basis, including state-level task forces or councils that focus on:

- policy changes that support the development and continuation of industry sector partnerships;
- identification of industry-wide skills needs; and
- identification and development of a shared statewide, industry-specific curricula among training providers.

Ms. Woolsey also addressed the Board's role in creating conditions which support industry sector partnerships. One of the most important activities for the Board to consider is how labor market information is organized and provided in a consistent manner to support wise, joint decision making by local workforce development boards and areas, education partners, and economic development partners on which industry sectors warrant their collective action. Ms. Woolsey added that three additional important activities for the Board to consider are consistency around definition, messaging, and the "how to" of getting sector partnerships up and running. Ms. Woolsey identified a fifth activity of importance to the Board, establishment of a state-level leadership team.

Courtney Dentlinger asked Ms. Woolsey to address how duplication of effort is eliminated under sector partnerships. Ms. Woolsey emphasized the importance of coordination among support partners from education, workforce development, and economic development in relation to industry engagement. Coordination will produce a full understanding, for instance, of the saturation point of and how many workers are needed in a community. As an example, Ms. Woolsey stated that if a community college and representatives from an industry cluster are working on the issue independently, the result may be an over saturation of workers resulting in wage depression.

Courtney Dentlinger stated that an important point to remember is that the sector-partnership model is a proven model having positive results. Ms. Woolsey added that WIOA supports the sector-partnership model.

Don Nordell asked how states are capitalizing on this model. Ms. Woolsey indicated that one way is taking advantage of the existing body of sector-partnership work. If a new partnership is needed, the correct talking points and outreach strategies would need to be developed to ensure that industry representatives understand what is being built and out how it will leverage and support on their agenda.

Chair Moravec asked Ms. Woolsey to report on the number of sector partnerships in which she's been involved. Ms. Woolsey indicated that she's been doing sector-partnership work for almost twelve years and worked in fourteen different industries in sixteen states. I've helped directly launch or sustain and develop 50 sector partnerships. Chair Moravec thanked her for her guidance and support.

### **C. Next Board Meeting**

Chair Moravec indicated that Handout 9 provides a list of proposed dates for calendar year 2017 meetings of the Board and its committees and subcommittees. Chair Moravec noted that the March 20, 2017 Executive Committee meeting falls a Monday and may need to be changed.

### **Agenda Item 7: Public Comment**

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Chair Moravec asked if there were any questions or comments from the public. Carol Swigart mentioned that Seth Derner did a fantastic job with Lincoln's facilitation process. Ms. Swigart also inquired about the state's regional planning process timeline, once the facilitation meetings are complete. Joan Modrell commented that work accomplished during the regional planning sessions builds the foundation for the regional plans that must be submitted by March 15, 2017. Ms. Swigart asked to whom the plan should be submitted. Ms. Modrell indicated that the submission and approval process will be provided to the local workforce development boards in the near future.

### **Agenda Item 8: Adjournment**

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Michael Geary motioned to adjourn the meeting. Bradley Schroeder seconded the motion. A voice vote was taken. The motion carried unanimously. Chair Moravec declared the meeting adjourned at 11:45 am.

# 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 and referred to hereafter as the State Board.

#### Section 1.2 OFFICE OF THE STATE BOARD

The principal office of the State Board shall be located at the office of the Nebraska Workforce Innovation and Opportunity Act Liaison, currently the Commissioner of Labor, Nebraska Department of Labor, 550 South 16<sup>th</sup> Street, Lincoln, Nebraska 68508.

#### Section 1.3 PURPOSE

The purpose of the State Board shall be to carry out such functions as shall be authorized under Section 101(d) of the Workforce Innovation and Opportunity Act of 2014 (hereafter, WIOA), as may be amended from time to time.

### ARTICLE II. MEMBERSHIP

#### Section 2.1 COMPOSITION OF THE STATE BOARD

In accordance with WIOA Section 101(b)(1), the State Board shall consist of individuals from the following representation categories:

- (a) the Governor;
- (b) one (1) member from the Nebraska Unicameral Legislature (hereafter, the Legislature), appointed by the appropriate presiding officer(s) of the Legislature;
- (c) members appointed by the Governor, of which:

- (i) a majority shall be representatives of businesses in Nebraska, who:
  - (I) are owners of businesses, 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 workforce development board, as the term is described in WIOA Sec. 107;
  - (II) represent businesses that provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in Nebraska; and
  - (III) are appointed from among individuals nominated by Nebraska business organizations and business trade associations in accordance with Section 2.6 of these Bylaws;
- (ii) not less than twenty (20) percent shall be representatives of the workforce within Nebraska as described in WIOA Sec. 101(b)(1)(C)(ii), who:
  - (I) shall include representatives of labor organizations, who have been nominated by state-level labor federations, as described in Section 2.6 of these Bylaws;
  - (II) shall include a representative, 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 youth eligible for services under WIOA Sec. 129(a)(1), including representatives of organizations that serve out-of-school youth as the term is defined in WIOA Sec. 129(a)(1)(B); and
- (iii) the balance:
  - (I) shall include representatives of government, as described in WIOA Secs. 101(b)(1)(C)(iii)(I) and (II), who are:
    - (1) lead state-level officials from agencies with primary responsibility for the core WIOA programs; and

- (2) 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-level officials from agencies that are required one-stop partners, as the term is defined in WIOA Sec. 121(b)(1), not otherwise specified in Section 2.1(c)(iii)(I)(1) of these Bylaws (including additional one-stop partners, as the term is defined in WIOA Sec. 121(b)(2), whose programs are covered by the Combined State Plan for Nebraska's Workforce Development System, if any);
  - (2) state-level officials from agencies responsible for economic development or juvenile justice programs in Nebraska;
  - (3) individuals who represent a Native American tribe or tribal organization; and
  - (4) state-level officials from agencies responsible for education programs in Nebraska, including chief executive officers of community colleges and other institutions of higher education.

## Section 2.2 DIVERSE AND DISTINCT REPRESENTATION

The members of the State Board shall represent diverse geographic areas of Nebraska, including urban, rural, and suburban areas, as required under WIOA Secs. 101(b)(2).

## Section 2.3 NO REPRESENTATION OF MULTIPLE CATEGORIES

No person shall serve as a State Board member representing more than one (1) of the categories described in Section 2.1(c)(i) – (iii) of these Bylaws.

## Section 2.4 EX-OFFICIO MEMBERSHIP

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

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

## Section 2.5 VOTING MEMBERSHIP

All members of the State Board shall be voting members, subject to the limitations of Section 4.6(b) of these Bylaws.

## Section 2.6 APPOINTMENT

- (a) Individuals representing businesses shall be appointed from among individuals nominated by Nebraska business organizations and business trade associations as described in Section 2.1(c)(i) of these Bylaws.
- (b) Individuals representing labor organizations shall be appointed from among individuals who have been nominated by labor federations in Nebraska as described in Section 2.1(c)(ii) of these Bylaws.
- (c) The Governor shall seek nominations from Nebraska business organizations, business trade associations, and labor federations, as needed, prior to appointment of individuals to the State Board.
- ~~(a)~~(d) Except as provided in Section 2.6(e) of these Bylaws, the Governor shall make all appointments to the State Board, which shall conform to the requirements of WIOA Section 101(b).
- ~~(b)~~(e) The presiding officer(s) of the Legislature shall appoint the member of the Legislature to be appointed to the State Board in accordance with Section 2.1(b) of these Bylaws.
- ~~(e)~~(f) Individuals serving on the State Board who subsequently retire, or no longer hold the position that conferred them eligibility for appointment as a State Board member, may not continue to serve on the State Board as a representative of the applicable category described in Section 2.1 of these Bylaws.

## Section 2.7 TERM OF APPOINTMENTS

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

(b) There are no term limitations on appointments of State Board members.

## Section 2.8 PARTICIPATION

To ensure State Board members actively participate in convening Nebraska's workforce development system stakeholders and brokering relationships with a diverse range of employers, and leveraging support for workforce development activities, all members of the State Board shall be appointed to at least one (1) committee, subcommittee, special committee, ad hoc committee, task force, or similarly designated group of the State Board, in accordance with Sections 5.2 and 5.3 of these Bylaws.

## Section 2.9 REMOVAL

(a) The Governor may remove any State Board member appointed by the Governor at any time for any reason.

(b) The presiding officer(s) of the Legislature may remove any State Board member appointed by the presiding officer(s) 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, subcommittee, officer, or member of the State Board;

(ii) by a majority vote of the full membership of the State Board, taken in accordance with Sections 4.5 and 4.6 of these Bylaws; or

(iii) for good cause, as stated in the motion to request removal and recorded in the minutes of the relevant meeting of the State Board.

(d) "Good cause" for the request for removal of a non-*ex-officio* member may include, but is not limited to, a State Board member's unexcused absence from fifty (50) percent or more of the State Board meetings held in any twelve (12) month period.

## Section 2.10 RESIGNATION

(a) When a member appointed by the Governor deems it necessary to resign from the State Board, such member shall tender resignation to the Governor in writing, with a copy tendered to the Chair of the NWDB (hereafter, the Chair).

- (b) When a member appointed by the presiding officer(s) of the Legislature deems it necessary to resign from the State Board, such member shall tender resignation in writing to the presiding officer of the Legislature, with a copy tendered to the Chair.
- (c) All such resignations tendered in accordance with Section 2.10 of these Bylaws shall be deemed effective upon the acceptance of the Governor for Governor-appointed members or upon the acceptance of the presiding officer(s) of the Legislature for appointments made by the presiding officer(s), as applicable.
- (d) In the event that the Chair resigns, the Vice-Chair of the NWDB (hereafter, the Vice-Chair), shall serve as acting Chair until a new Chair is appointed by the Governor.

### Section 2.11 VACANCY

In the event of a vacancy pursuant to Sections 2.9 and 2.10 of these Bylaws, the Governor or the presiding officer(s) of the Legislature, as the case may be, shall appoint another individual to serve on the State Board in accordance with Section 2.6 of these Bylaws.

### Section 2.12 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

- (a) The Governor shall appoint the Chair, who must be a representative from business and industry, from among the appointed members of the State Board. The Chair serves at the pleasure of the Governor.
- (b) The Chair shall preside at all meetings of the State Board and appoint chairs and members of all State Board subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups deemed necessary or desirable unless otherwise specifically provided for within these Bylaws.
- (c) The Chair shall represent the State Board and has the authority to speak on its behalf before the Governor, the 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 State Board, these Bylaws, and all applicable state and Federal laws, statutes, regulations, and rules.

### Section 3.2 VICE-CHAIR

The Governor shall appoint the Vice-Chair. The Vice-Chair, who must be a representative from business and industry, from among the appointed members of the State Board. The Vice-Chair serves 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 the authority to and shall perform such other duties and functions as may be required by the State Board, these Bylaws, and all applicable state and Federal laws, statutes, regulations, and rules.

### Section 3.3 ACTING CHAIR

In the event of a planned absence from a meeting of the State Board by the Chair and Vice-Chair, the Chair shall designate an alternate member of the State Board to serve as the Acting Chair. The Acting Chair shall preside as Chair of the State Board only at such meeting.

### Section 3.4 VACANCIES

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

## **ARTICLE IV. MEETING PROCEDURES, VOTING RIGHTS, AND QUORUM**

### Section 4.1 MEETING TIME AND PLACE

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

### Section 4.2 MEETING NOTICE

- (a) Notice of all meetings of the State Board that require public notice shall be provided to the public in compliance with the Nebraska Open Meetings Act (Neb. Rev. Stat. §§ 84-1407 through 84-1414 (2014, Supp. 2015)) (hereafter, the Nebraska Open Meetings Act). Written notice of each such meeting shall be sent to State Board members prior to the

meeting along with a copy of the proposed minutes of the previous meeting. All such notices shall specify the date, time, location, and proposed agenda for the meeting.

- (b) A member of the State Board who is unable to attend a scheduled meeting of the State Board shall give notice of the planned absence at least twenty-four (24) hours before such meeting. The notice shall be provided to the Chair or to such individual as the Chair may designate.

(c) In the event that a State Board member is unable to attend a meeting of the State Board, such member may, subject to the requirements of Section 4.2(b) of these Bylaws, assign a designee to attend the meeting on such member's behalf, subject to Section 4.6(b) of these Bylaws and the following requirements of 20 CFR § 679.110(d)(4):

(i) If the designee is a representative of business, the designee must have optimum policymaking hiring authority.

(ii) All other designees must have demonstrated experience and optimum policymaking hiring authority.

#### Section 4.3 ANNUAL MEETING

- (a) On an annual basis, the State Board will review the Annual Report on WIOA Title IB programs (Adult, Dislocated Worker, and Youth), as submitted to the Secretary of the U.S. Department of Labor.
- (b) The agenda of the annual meeting of the State Board shall include any additional business to be conducted.

#### Section 4.4 PUBLIC MEETINGS

All meetings of the State Board and the Executive Committee established in accordance with Article V of these Bylaws shall be conducted in accordance with the Nebraska Open Meetings Act.

#### Section 4.5 CONDUCT OF MEETINGS

- (a) Unless the State Board directs otherwise by a majority vote, the order of business for regular State Board 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) date, time and place of the next State Board meeting; and
- (viii) adjournment.

(b) Non-members of the NWDB shall be permitted to comment on any agenda item(s) when public comment is solicited by the presiding officer of the meeting of the State Board, which shall occur at least once prior to the time that any formal action is taken on such item. Non-members of the State Board may also submit written comments on any agenda item(s); and such comments shall be made a part of the permanent record of the applicable meeting. The presiding officer, unless otherwise prescribed by rules adopted by majority vote of the State Board, may, in the presiding officer's discretion, limit the amount of time for discussion on any particular agenda item, and such limit shall be announced at the time that the agenda item is brought up for discussion.

(c) Each voting member of the State Board present shall be allowed to cast one (1) vote on each agenda item presented to the State Board for 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 such rules:

- (i) are inconsistent with these Bylaws or any applicable state or Federal laws, statutes, regulations, or rules; or
- (ii) are waived by a majority vote of the voting members of the State Board.

(e) Use of technology for any meeting of the State Board or the Executive Committee must meet requirements Section 84-1411 of the Nebraska Open Meetings Act.

#### Section 4.6 MANNER OF VOTING

(a) Voting on all questions before the State Board that have been duly moved and seconded shall be by roll-call vote. No question before the State Board shall be deemed to have passed unless it has received a majority vote of the quorum present.

(b) Proxy voting is not permitted by members of the State Board through any designee provided for under Section 4.2(c) of these Bylaws or by any other means.

## Section 4.7 QUORUM

A majority of Governor-appointed voting members shall constitute a quorum, except as otherwise provided by law. Non-members of the State Board may not be seated at the State Board as a representative of an absent member of the State Board, except as permitted under Section 4.2(c) of these Bylaws; nor shall any such representative, including any designee provided for under Section 4.2(c) of these Bylaws, be counted for purposes of determining a quorum.

## Section 4.8 CONFLICT OF INTEREST

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

### Section 5.2 APPOINTMENT OF CHAIR

- (a) The Chair shall serve as Chair of the Executive Committee. The chairs of all other committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups shall be State Board members representing business and shall be appointed by the Chair.

### Section 5.3 APPOINTMENT OF MEMBERS

- (b) The Governor may designate members of the Executive Committee at any time after the execution of these Bylaws. A majority of Executive Committee members must represent business. Said members must include:
  - (i) the Chair;
  - (ii) the Vice Chair;
  - (iii) the chair of the System Alignment Committee;

- (iv) the chair of the Strategic Direction Committee;
  - (v) a representative of the labor category;
  - (vi) a representative of the youth category;
  - (vii) the Commissioner of the Nebraska Department of Labor;
  - (viii) the Commissioner of the Nebraska Department of Education; and
  - (ix) three (3) representatives from the general membership of the State Board.
- (c) The Chair shall appoint the members of all other committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups from the general membership of the State Board.
- (d) Individuals who are not members of the State Board may be appointed by the Chair to committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups created pursuant to Section 5.1(b) of these Bylaws.

#### Section 5.4 VOTING RIGHTS

- (a) Only State Board members appointed to serve on a committee, subcommittee, special committee, *ad hoc* committee, task force, or similarly designated group pursuant to Section 5.1(b) shall have voting rights on the committee, subcommittee, special committee, *ad hoc* committee, task force, or similarly designated group to which the State Board members are appointed.
- (b) All actions or recommendations by committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups created pursuant to Section 5.1(b) of these Bylaws shall be by a majority vote of the quorum present.

#### Section 5.5 COMMITTEE MEMBERSHIP

State Board members may serve on more than one (1) committee, subcommittee, special committee, *ad hoc* committee, task force, or similarly designed group that currently exists or that may be created by the Governor or the Chair, as provided in Section 5.1(b) of these Bylaws.

#### Section 5.6 COMMITTEE MEETINGS

- (a) Committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups created pursuant to Section 5.1(b) of these Bylaws shall meet on an as-needed basis, subject to the call of the Chair or the chair of the committee,

subcommittee, special committee, *ad hoc* committee, task force, or similarly designated group.

(b) When required by the Nebraska Open Meetings Act, notice of meetings of the State Board's committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups shall be in accordance with the Nebraska Open Meetings Act. Written notice of each such meeting shall be sent to the members of such committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups prior to the meeting, along with a copy of the proposed minutes of the previous meeting. The notice shall specify the date, time, location, and proposed agenda for the meeting.

(c) Pursuant to Section 84-1409(1) of the Nebraska Open Meetings Act, committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups created under these Bylaws, including the System Alignment Committee and the Strategic Direction Committee:

- (i) may take no formal action;
- (ii) have no policymaking authority; and
- (iii) shall not be considered public bodies for the purposes of the Nebraska Open Meetings Act.

(d) The use of technology, such as phone and web-based meetings, for meetings of the State Board's committees, subcommittees, special committees, *ad hoc* committees, task forces, or similarly designated groups is permitted under 20 CFR § 679.100(d)(5).

## Section 5.7 CONDUCT OF MEETINGS

The provisions of Sections 4.4, 4.5, 4.6, 4.7, and 4.8 of these Bylaws apply to the conduct of all Executive 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 these Bylaws. The Executive Committee shall have the authority to act on behalf of the State Board 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.

## 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 these Bylaws. The System Alignment Committee shall be a subcommittee of the State Board. This subcommittee shall be assigned duties and responsibilities associated with: funding allocation formulas, the roles and resources associated with one-stop partners, continuous system improvement, policy alignment, technology solutions, statewide labor market information systems, the Combined State Plan, public sector partnerships, system-related grant applications, review of local area plans, and other duties as assigned by the Chair. The System Alignment Committee, as a subcommittee of the State Board, is not subject to the Nebraska Open Meetings Act as 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 these Bylaws. 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. The Strategic Direction Committee, as a subcommittee of the State Board, is not subject to the Nebraska Open Meetings Act, as it does not hold hearings, make policy, or take formal action on behalf of the State Board.

# **ARTICLE VI. AMENDMENT OF BYLAWS**

## Section 6.1 AMENDMENTS

These Bylaws may be amended or repealed by a vote of two-thirds (2/3) of the State Board 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 State Board members at least ten (10) days in advance of the meeting at which they are to be acted upon by the State Board. 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 (2/3) of the State Board members present, suspend all or any part of these Bylaws when to do so would not be in conflict with any applicable state or Federal laws, statutes, regulations, or rules.

**ARTICLE VIII. EFFECTIVE DATE OF BYLAWS**

Section 8.1 EFFECTIVE DATE

- (a) These Bylaws shall become effective immediately upon approval of two-thirds (2/3) of the State Board members present at the meeting of the State Board.
- (b) Notice of these Bylaws was sent to the members of the State Board on January 27, 2017. These Bylaws of the State Board were adopted by a vote of  in favor,  in opposition, and  abstaining, the same constituting more than two-thirds (2/3) of those members of the State Board present on , at the regular meeting of the State Board.

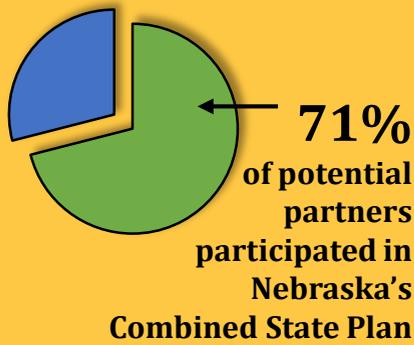
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Mark Moravec, Chair, Nebraska Workforce Development Board

Date

In 2016, Nebraska set the vision and expectations for its ‘workforce system.’ State agency and partner program leadership have collaboratively planned and set in motion action steps to support a statewide system that will improve services and outcomes to employers and job seekers.

## Collaboration...



**9** Regional planning sessions



**3** Local Areas



Public Sector Partnership established

Member Agencies **9**

Member Programs **19**

Nebraska Workforce Development Board

## ...Achievements



**46** WIOA policies developed and released online



Launched Eligible Training Provider System

**24** providers

**533** programs

System modifications to meet new reporting requirements

**\$800,000** GRANT

to advance common intake across Workforce System Partners



**1** of **30** states submitting Combined State Plans



Revised Nebraska's Financial Request and Reporting System (RRS) adding Participant Obligations

**\$200,000** GRANT

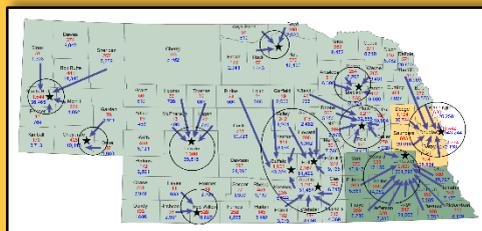
to jump start Apprenticeship program in Nebraska

## What's ahead...



▲ ▲ ▲ Certification of Nebraska's American Job Centers

Common Intake | Communication Technology



▲ ▲ ▲ Workforce System Building Regions and Local Areas

Industry Sector Partnerships ▼ ▼ ▼



# Workforce Innovation and Opportunity Act (WIOA)

NEBRASKA WORKFORCE DEVELOPMENT BOARD

SYSTEM ALIGNMENT COMMITTEE

COMMITTEE REPORTS:

WIOA CALENDAR

AMERICAN JOB CENTER CERTIFICATION

# COMMITTEE MEMBERSHIP

- Becky Stitt, Chair
- John Albin
- Jason Feldhaus
- Jim Hanson, Jr.
- Michelle Olson
- Courtney Phillips
- Terri Ridder
- Carol Swigart
- Lisa Wilson



# COMMITTEE RESPONSIBILITIES

- Submission of the Combined State Plan
- Policy development for One-Stop Partner role and resource contribution, including development of an allocation formula for the state one-stop funding mechanism
- Review of allocation formulas
- Review statewide LMI system and determine data priorities
- Oversight of the development of Public Sector Partnerships
- Review of and comment on the Annual Report
- Determine continuous improvement strategies and methodologies, including system training, performance, and best practices
- Policy development on program alignment
- Review and recommend Local Area Plan approval
- Technology solutions
- System-related grant opportunities (on-going)
- Policy development for criteria for One-Stop certification



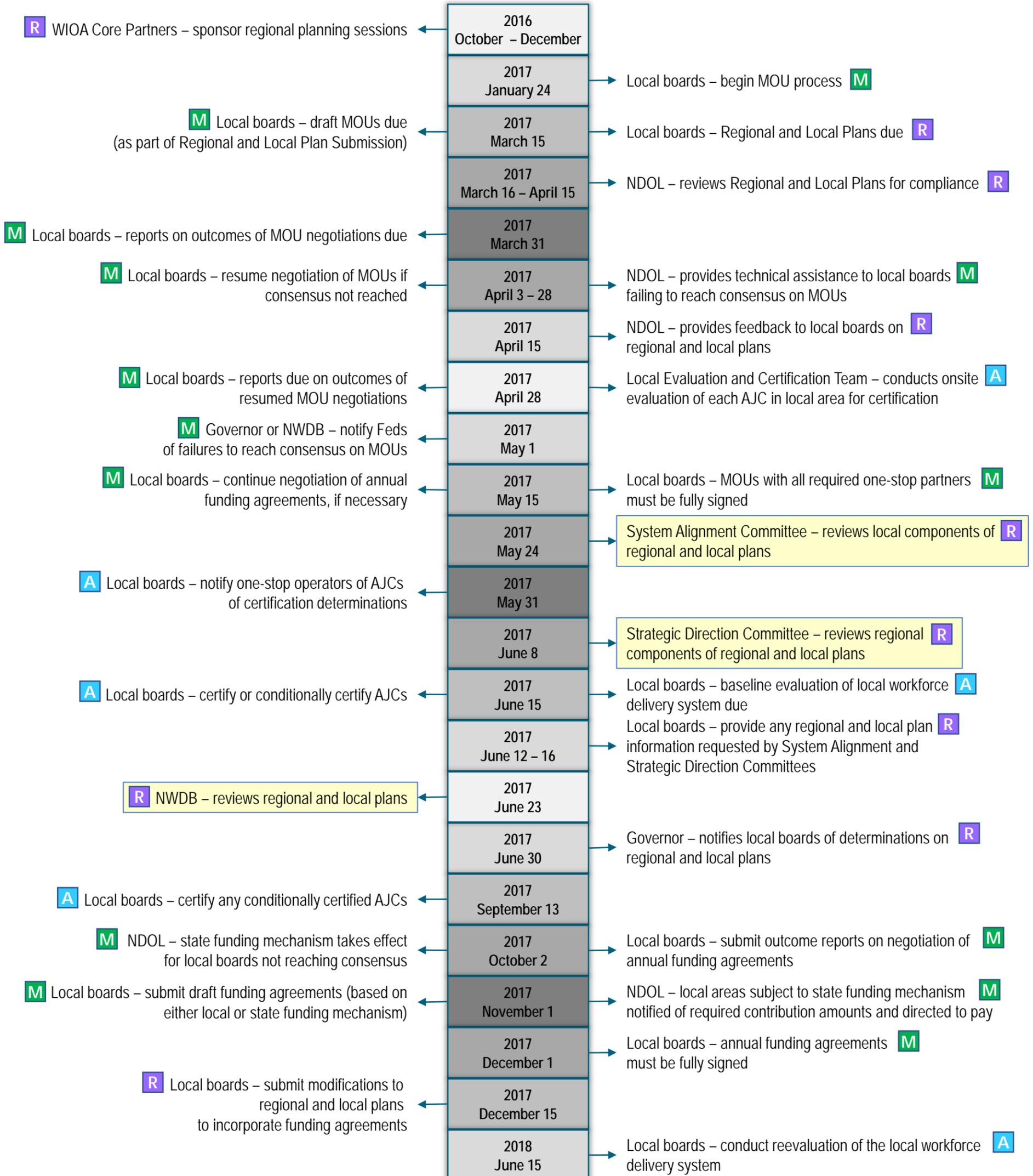
# WIOA CALENDAR

WIOA Calendar, Program Years 2017 and 2018

**Handout No. 5**



- R** Regional and Local Plans
- M** Memorandums of Understanding and Annual Funding Agreements
- A** AJC Certification and Local Workforce Delivery System Evaluation



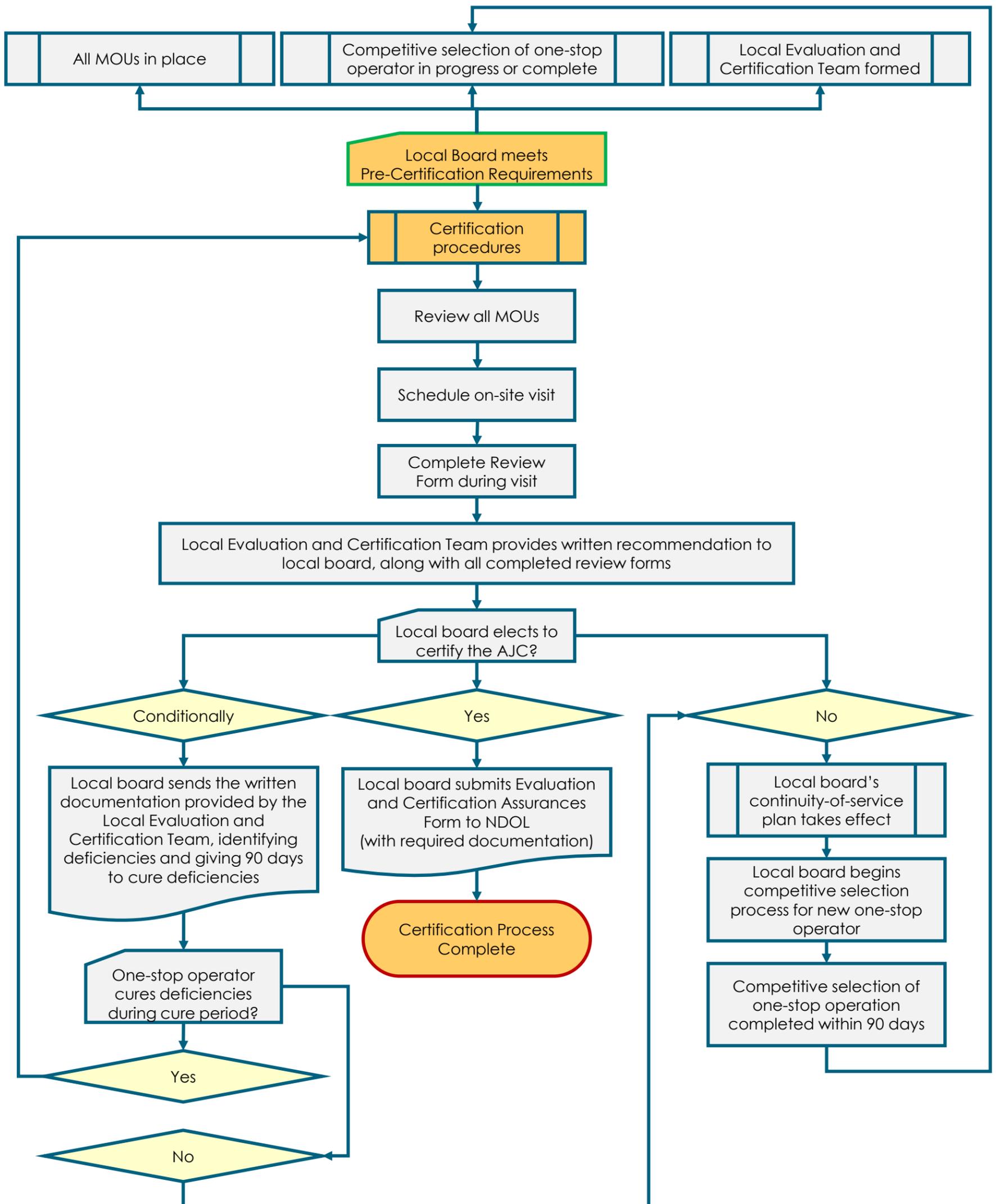
All dates and date ranges are “no later than” deadlines.

# AMERICAN JOB CENTER CERTIFICATION

## American Job Center Certification Process

**Handout No. 6**

American Job Center Certification Process



# Workforce Innovation and Opportunity Act (WIOA)

NEBRASKA WORKFORCE DEVELOPMENT BOARD

STRATEGIC DIRECTION COMMITTEE

COMMITTEE REPORTS:

WORKFORCE SYSTEM AND REGIONAL PLANS UPDATE  
SECTOR PARTNERSHIPS AND STRATEGIES

# COMMITTEE MEMBERSHIP

- Brian Deakin, Chair
- Tammie Beck
- Bradley Bird
- Matthew Blomstedt
- Courtney Dentlinger
- Michael Geary
- Allan Hale
- Susan Martin
- Don Nordell
- Jennifer Sedlacek



# COMMITTEE RESPONSIBILITIES

- Workforce System and Regional Plans
- Industry Sector Partnerships
- Employer Engagement
- Career Pathways
- Connects to "big picture" workforce efforts
- Workforce-related Grants

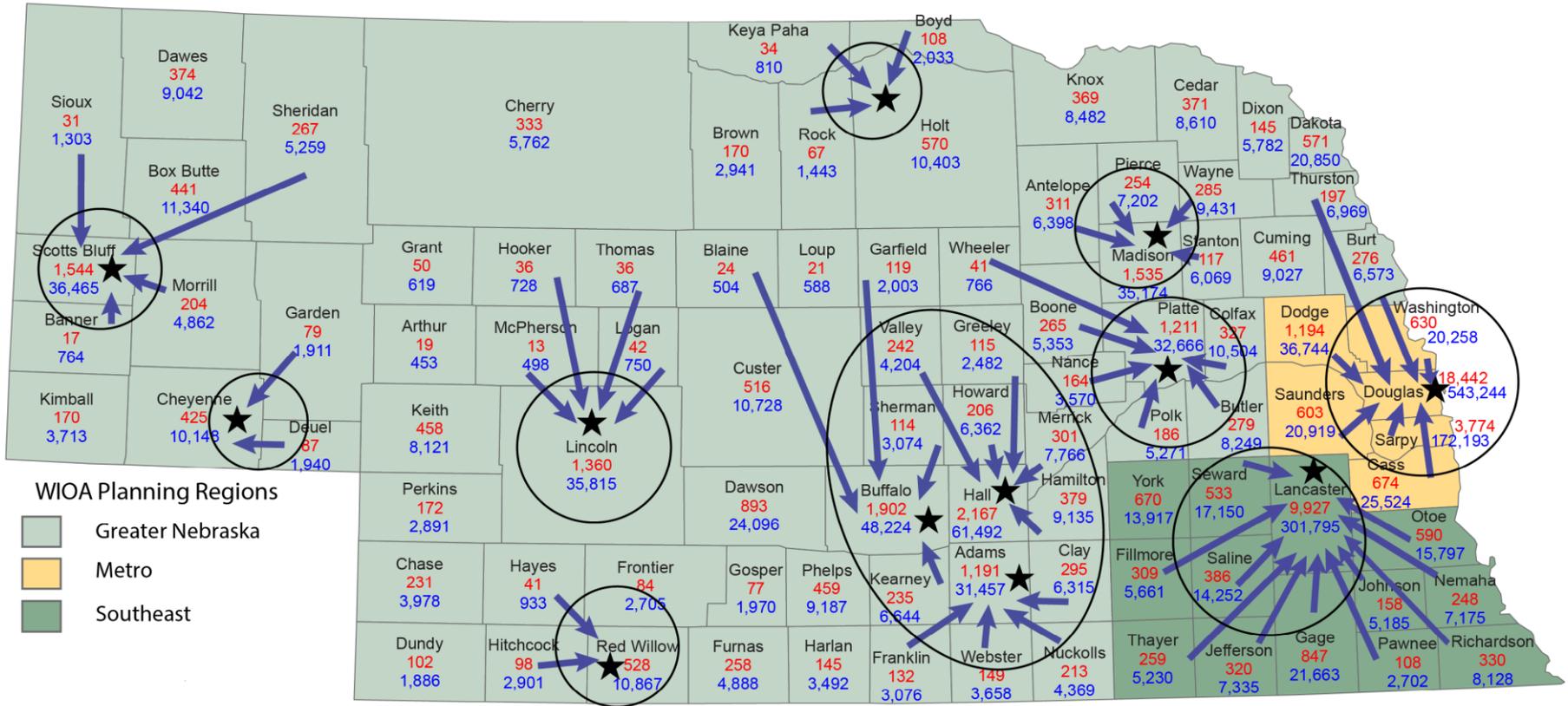




# WORKFORCE SYSTEM AND REGIONAL PLANS UPDATE

- Purpose of workforce system and regional planning:
  - Four-year action plan to integrate and align regional service delivery strategies
  - Support the achievement of the vision and goals of the Combined State Plan
  - Develop employment and training systems tailored to regional economies
  - Meet the needs of a full range of job seekers, including individuals with barriers to employment
  - Meet the needs of regional employers and the workforce skills they require





# WORKFORCE SYSTEM AND REGIONAL PLANS UPDATE

## Release of Regional and Local Plan Policy

- Requirements for preparation and submission of a regional and local area plan
- Submission procedures
- Approval processes
- Criteria for regional and local area plan modifications and revisions
- Timelines for regional and local area plans and required modifications and revisions

**Regional  
Local Plans**

**Submission  
Procedures**

**Approval  
Processes**

**Modifications  
and Revisions**

**Timelines**

# WORKFORCE SYSTEM AND REGIONAL PLANS UPDATE

## Upcoming Regional and Local Plan Timelines

Regional/Local Plans Submitted	March 15
NDOL Review	March 16- April 15
NDOL Feedback	April 15
Plan Resubmission	May 15
System Alignment Committee Review	May 24
Strategic Direction Committee Review	June 8
Local Board Feedback	June 12 – June 16
NWDB Review	June 23
Governor's Determination	June 30

# INDUSTRY SECTOR PARTNERSHIPS AND STRATEGIES

**Sector Strategies** are a partnership of employers within one industry that work closely with government, education, economic development, labor and community organizations

- Share a common mission
- Prepare, develop, and enhance the workforce
- Industry driven
- Needs driven
- Data driven
- Part of workforce system and regional planning



# INDUSTRY SECTOR PARTNERSHIPS AND STRATEGIES

## Recent Developments

- Governor approved use of Statewide WIOA Funds for Initiative
- State Leadership Discussion and Planning
- Next Generation Sector Partnership Academy
  - Representatives from Industry, Economic Development, Education, and Labor
  - Intensive team centered training
  - Dedicated facilitator for Nebraska team to inventory and plan for coordination and sustainability