

Nebraska Workforce Development Board
Meeting Minutes
April 20, 2020, 2:30p – 3:00p
Webex Meeting
Meeting Number (access code): 920 608 532
Meeting password: 0918

Agenda item 1. Call to Order

Chair Mark Moravec called to order the meeting of the Nebraska Workforce Development Board (the Board) on April 20, 2020 at approximately 2:30p. The meeting was held virtually as permitted under Executive Order No. 20-03, which was issued by Governor Pete Ricketts on March 17, 2020.

Agenda item 2. Roll Call

Deb Andersen called roll and advised Chair Moravec that quorum was established.

Members in attendance

- | | |
|-----------------------|-----------------------|
| 1. Greg Adams | |
| 2. Kyle Arganbright | |
| 3. Elizabeth Babcock | |
| 4. Phil Bakken | |
| 5. Troy Brooks | |
| 6. Gary D. Dixon, Jr. | |
| 7. Jason Feldhaus | |
| 8. Linda Foley | |
| 9. Michael Geary | |
| 10. James Hanson, Jr. | |
| 11. Susan Martin | |
| | 12. Mark Moravec |
| | 13. Kyle Nelson |
| | 14. Don Nordell |
| | 15. Terri Ridder |
| | 16. Bradley Schroeder |
| | 17. Becky Stitt |
| | 18. Carol Swigart |
| | 19. Paul Turman |
| | 20. Lisa Wilson |

Members absent

- | | |
|---------------------------|----------------------|
| 1. Governor Pete Ricketts | 6. Allen Hale |
| 2. John Albin | 7. Tate Lauer |
| 3. Senator Joni Albrecht | 8. Jennifer Sedlacek |
| 4. Brian Deacon | 9. Dannette Smith |
| 5. Anthony Goins | |

Nebraska Department of Labor (NDOL) Board Support Staff

- | | |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 1. Brad Pierce, Workforce Services Administrator, Office of Employment & Training | 3. Deb Andersen, WIOA Policy Coordinator, Office of Employment & Training |
| 2. Dawn Carrillo, WIOA Program Analyst, Office of Employment & Training | 4. Yvette Montes Jung, Employment Services Program Specialist, Office of Employment & Training |

Agenda item 3. Notice of Publication

Deb Andersen announced that the Notice of Public Meeting was duly published, in accordance with the Nebraska Open Meetings Act, in the Beatrice Daily Sun, Grand Island Independent, Lincoln Journal Star, North Platte Telegraph, Omaha World Herald, and Scottsbluff Star-Herald. Deb also announced that notice of the meeting was posted on the State of Nebraska Public Meeting Calendar.

Agenda item 4. Approval of Minutes

Chair Moravec called the Board's attention to the draft minutes from the last meeting of the Board held on March 6, 2020. Chair Moravec asked if Members Board had additions or corrections to the minutes. No additions or corrections were provided. Chair Moravec opened the floor for public comment on the draft minutes. No public comments were made. James Hanson, Jr. motioned to approve the minutes of the March 6, 2020 meeting of the Board, and Michael Geary seconded the motion. Members of the Board in attendance voted on the motion by voice vote. The vote carried unanimously.

Chair Moravec reminded the Board that agendas, minutes, and packets provided during meetings of the Board are available on the Board's webpage, which is accessible at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/NWDB>.

Agenda item 5. New Business

a. Extension of Nominations for 2020 Workforce Development Excellence Report

Chair Moravec reminded the Board that nominations for the 2020 Workforce Development Excellence Award were due March 31, 2020 and advised the Board that only one nomination had been received. Chair Moravec stated that he and Vice Chair Bradley Schroeder recommended extension of the nomination deadline until July 1, 2020. Chair Moravec also stated that extending the nomination period would also require rescheduling of the presentation of the Award, because the established presentation date is the annual June meeting of the Board. Chair Moravec recommended that the presentation of the Award be rescheduled for the September meeting of the Board. Chair Moravec asked the Board if there were concerns with the recommendations. Hearing none, Chair Moravec opened the floor for public comment on the recommendations. No public comments were made.

Chair Moravec asked for a motion regarding extension of the nomination period and rescheduling the presentation of the Award. Becky Stitt motioned to approve of the extension of the nomination period and reschedule the presentation of the award for the September meeting of the Board. Paul Turman seconded the motion. Members of the Board in attendance voted by roll-call vote on the motion, which carried unanimously.

Agenda item 6. Public Comment

Chair Moravec opened the floor for public comment. There were no public comments.

Agenda item 7. Next Meeting – Date and Time

Chair Moravec reminded the Members of the Board that the next meeting of the Board is scheduled for June 5, 2020 from 9a to 12p and will be held at the Administrative Services Building,

Development Center, Lower Level, 1526 K Street, Lincoln, Nebraska. If the date or time of the meeting changes, Members of the Board would be notified by email.

Agenda item 8. Adjournment

Chair Moravec asked for a motion to adjourn the meeting. Phil Bakken motioned that the meeting be adjourned, and Lindy Foley seconded the motion. Members of the Board in attendance voted by voice vote on the motion, which carried unanimously. The meeting adjourned at approximately 3pm.

DRAFT

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 16th 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 Sec. 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 Sec. 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 as described in WIOA Sec. 101(b)(1)(C)(i), who:
 - (I) are owners of businesses, chief executives, 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 Sec. 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;
 - (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 Sec. 101(b)(1)(C)(iii)(I), 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 as described in WIOA Sec. 101(b)(1)(C)(iii)(II), 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 Sec. 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 Nebraska's WIOA state plan, 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 Sec. 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 Sec. 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:

- (a) the Governor;
- (b) Commissioner of the Nebraska Department of Labor, representing the youth, adult, and dislocated worker programs authorized under Title I of WIOA and the Wagner-Peyser Employment Service authorized under the Wagner-Peyser Act, as amended by Title III of WIOA;
- (c) Director of Adult Education, representing the Adult Education and Family Literacy Act program authorized under Title II of WIOA;
- (d) Director of the Nebraska Vocational Rehabilitation (VR) Program, representing the state vocational rehabilitation program authorized under the Rehabilitation Act of 1973, as amended by Title IV of WIOA;
- (e) Chief Executive Officer of the Nebraska Department of Health and Human Services; and
- (f) 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 Sec. 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 Sec. 2.1(c)(i)(III) of these Bylaws.
- (b) Individuals representing labor organizations shall be appointed from among individuals who have been nominated by state-level labor federations in Nebraska as described in Sec. 2.1(c)(ii)(I) 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.
- (d) Except as provided in Secs. 2.4 and 2.6(e) of these Bylaws, the Governor shall make all appointments to the State Board, which shall conform to the requirements of WIOA Sec. 101(b).
- (e) The presiding officer(s) of the Legislature shall appoint the member of the Legislature to the State Board in accordance with Sec. 2.1(b) of these Bylaws.
- (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 Sec. 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 Secs. 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 Secs. 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 State Board~~ (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)~~ (c) When an individual appointed by the Chair to serve as a chair or member of a committee, subcommittee, special committee, ad hoc committee, task force, or similarly designated group of the State Board deems it necessary to resign, such individual shall tender resignation to the Chair in writing.
- (d) All such resignations tendered in accordance with Sec. 2.10 of these Bylaws shall be deemed effective, as applicable, upon the acceptance of the:
 - (i) Governor for Governor-appointed members;
 - (ii) or upon the acceptance of the pPresiding officer(s) of the Legislature for appointments made by the presiding officer(s); or
 - (iii) Chair for Chair-appointed members of committees, subcommittees, special committees, ad hoc committees, task forces, or similarly designated groups of the State Board, as applicable.
- ~~(e)~~ (e) In the event that the Chair resigns, the Vice-Chair of the State Board (hereafter, the Vice-Chair), shall serve as acting Chair until a new Chair is appointed by the Governor.

Commented [DA1]: Secs. 2.10(c) and 10(d)(iii) were added to address resignation from committees, subcommittees, etc. by individuals who were appointed by the Chair of the Board.

Section 2.11 VACANCY

- (a) In the event of a vacancy pursuant to Secs. 2.9, ~~and 2.10(a), 2.10(b), and 2.10(e)~~ 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 Sec. 2.6 of these Bylaws.

Commented [DA2]: Sec. 2.11(b) was added to address vacancies for the positions of chairs of committees, subcommittees, etc. who were appointed by the Chair of the Board.

~~(a)~~(b) In the event of a vacancy of a chair of a committee, subcommittee, special committee, ad hoc committee, task force, or similarly designated group of the State Board pursuant to Sec. 2.10(c) of these Bylaws, the Chair shall appoint another member of the State Board to serve as chair of such committee, subcommittee, special committee, ad hoc committee, task force, or similarly designated group of the State Board in accordance with Sec. 5.2 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, Cum. Supp. 2018)) (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, subject to the requirements of Sec. 4.2(b) of these Bylaws, may assign a designee to attend the meeting on such member's behalf, subject to Sec. 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 or hiring authority.
 - (ii) All other designees must have demonstrated experience and expertise and optimum policymaking authority.

Section 4.3 ANNUAL MEETING

- (a) On an annual basis, the State Board will review the WIOA annual performance report narrative on WIOA Title I 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 WIOA Sec. 101(g), 20 CFR § 679.140, and the Nebraska Open Meetings Act.

Commented [DA3]: Sec 4.3(a) was revised to address new requirements established under Training and Employment Guidance Letter 5-18 regarding the WIOA annual performance report narrative. The annual report narrative must now cover more than Title I programs.

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 State Board 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, in the presiding officer's discretion, may 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 Sec. 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 Sec. 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 Sec. 4.2(c) of these Bylaws; nor shall any such representative, including any designee provided for under Sec. 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 Neb. Rev. Stat. §§ 49-1499 – 49-14,103.03.
- (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 matter 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 Sec. 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 ~~three (3)~~ two (2) subcommittees of the State Board:
- (i) Policy and Oversight Subcommittee; and
 - (ii) Strategy and Innovation Subcommittee; ~~and~~
 - ~~(iii) Evaluation and Review Subcommittee.~~
- (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.

Commented [DA4]: Sec 5.1 was revised to reflect the elimination of the Evaluation and Review Subcommittee.

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.

Commented [DA5]: Sec 5.2 was revised to eliminate the requirement that a business representatives chair the State Board's committees, subcommittees, etc. This revision provides the Chair of the State Board with greater flexibility when appointing chairs of committees, subcommittees, etc., allowing the Chair to appoint the most appropriate State Board member based on professional background and skills.

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 must represent business. Said members must include:
- (i) the Chair;
 - (ii) the Vice Chair;
 - ~~(iii) the chair of the Policy and Oversight Subcommittee;~~
 - ~~(iv) the chair of the Strategy and Innovation Subcommittee;~~
 - ~~(v) the chair of the Evaluation and Review Subcommittee;~~
 - (iii) two (2) representatives from the business category;
 - ~~(vi)~~ (iv) ~~a one (1)~~ representative of a labor organization from the workforce category;
 - ~~(vii)~~ (v) ~~a one (1)~~ representative of an organization serving youth from the workforce category;

Commented [DA6]: Sec 5.3 of the current bylaws requires that that the chairs of the three existing subcommittees serve on the Executive Committee. With the elimination of the Evaluation and Review Subcommittee as agreed by the State Board, Sec. 5.3 must be revised.

Sec 5.3 was also revised to reduce the total minimum number of State Board members serving on the Executive and improve the likelihood that the Executive Committee could establish quorum if it convenes. This revision also maximizes the total number of State Board members available for appointment to subcommittees. The proposed membership of the Executive Committee complies with requirements relating to majority business representation and workforce representation (at least 20 percent).

and

~~(viii)~~(vi) the Commissioner of the Nebraska Department of Labor;

~~(ix) two (2) representatives from the general membership of the State Board who must be representatives from business and industry; and~~

~~(x) one (1) representative from the general membership of the State Board who must be a representative from the workforce category.~~

- (b) 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.
- (c) 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 Sec. 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 Sec. 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 Sec. 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 designated group that currently exists or that may be created by the Governor or the Chair, as provided in Sec. 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 Sec. 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 Sec. 84-1409(1) of the Nebraska Open Meetings Act, except with regard to the

Commented [DA7]: Sec 5.6(c) was revised in relation to the elimination of the Evaluation and Review Subcommittee.

Sec. 5.6(c)ii was also revised, separating subsection (ii) into two subsections for clarity.

Executive Committee as stated in Sec. 5.8 of these Bylaws, committees, subcommittees, special committees, ad hoc committees, task forces, or similarly designated groups created under these Bylaws, including the Policy and Oversight Subcommittee, and Strategy and Innovation Subcommittee, ~~and the Evaluation and Review Subcommittee:~~

(i) may take no formal action;

(ii) have no policymaking authority; and

~~(i)(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 § 679.110(d)(5), subject to the requirements described in Sec. 4.5(e) of these Bylaws.

Section 5.7 CONDUCT OF MEETINGS

The provisions of Secs. 4.4 – 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 Sec. 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 POLICY AND OVERSIGHT SUBCOMMITTEE

There shall be a Policy and Oversight Subcommittee consisting of members appointed by the Chair in accordance with Sec. 5.3 of these Bylaws. The Chair shall appoint the chair of this subcommittee, ~~who must be a representative from business and industry pursuant to Sec. 5.2 of these Bylaws~~, from among the members of the State Board appointed to the subcommittee. The Policy and Oversight Subcommittee shall be a subcommittee of the State Board. This subcommittee shall be assigned duties and responsibilities associated with policy development and oversight regarding the workforce development and one-stop delivery system, including development of Nebraska's WIOA state plan, ~~public sector partnerships, review of the WIOA annual performance report narrative, WIOA Title I funding allocation formulas~~, and other duties as assigned by the Chair. The Policy and Oversight Subcommittee, 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.

Commented [DA8]: Sec 5.9 was revised to reflect the reassignment of Evaluation and Review Subcommittee responsibilities and eliminate the requirement that subcommittee chairs be business representatives.

Section 5.10 STRATEGY AND INNOVATION SUBCOMMITTEE

There shall be a Strategy and Innovation Subcommittee consisting of members appointed by the Chair in accordance with Sec. 5.3 of these Bylaws. The Chair shall appoint the chair of this subcommittee, ~~who must be a representative from business and industry pursuant to Sec. 5.2 of these Bylaws~~, from among the members of the State Board appointed to the subcommittee. The Strategy and Innovation Subcommittee shall be a subcommittee of the State Board. This subcommittee shall be assigned duties and responsibilities

Commented [DA9]: Sec 5.10 was revised to reflect the reassignment of Evaluation and Review Subcommittee responsibilities and eliminate the requirement that subcommittee chairs be business representatives.

associated with strategy and innovation regarding employer engagement, industry sector and public sector partnerships, career pathways, connecting workforce efforts, workforce-related grants, system-related grants, technology solutions, data priorities, continuous improvement, and other duties as assigned by the Chair. The Strategy and Innovation Subcommittee, 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 5.11 EVALUATION AND REVIEW SUBCOMMITTEE**~~

~~There shall be an Evaluation and Review Subcommittee consisting of members appointed by the Chair in accordance with Sec. 5.3 of these Bylaws. The Chair shall appoint the chair of this subcommittee, who must be a representative from business and industry, from among the members of the State Board appointed to the subcommittee. The Evaluation and Review Subcommittee shall be a subcommittee of the State Board. This subcommittee shall be assigned duties and responsibilities associated with evaluation and review of funding resources, the WIOA Title I annual report, WIOA Title I funding allocation formulas, the statewide labor market information system, and other duties as assigned by the Chair. The Evaluation and Review Subcommittee, 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.~~

Commented [DA10]: Sec 5.11 was deleted to effect the elimination of the Evaluation and Review Subcommittee

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 ~~August 28, 2019~~ <date>, 2020. These Bylaws of the State Board were adopted by a vote of ~~twenty~~ < > (20 < >) in favor, ~~none~~ < > (< >) in opposition, and ~~none~~ < > (< >) abstaining, the same constituting more than two-thirds (2/3) of those members of the State Board present on ~~September 13, 2019~~ <date>; at the regular meeting of the State Board.

Mark Moravec, Chair, Nebraska Workforce Development Board

Date

DRAFT

2020 Workforce Development Excellence Award

Presenter

Dr. Marjorie Kostelnik

University of Nebraska – Lincoln

Faculty Ombud and Professor, Child, Youth and
Family Studies

2020 Workforce Development Excellence Award

Recipient

Ann Chambers

Central Community College – Grand Island
Adult Education Director

Combined State Plan for Nebraska's Workforce System

(PY 2020-2023)



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Overview

- Under the Workforce Innovation and Opportunity Act (WIOA), the Governor of each State must submit a Unified or Combined State Plan (CSP) to USDOL that outlines a four-year strategy for the State's workforce development system.
- Nebraska's current CSP covers WIOA Program Years (PY) 2020-2023
 - July 1, 2020 to June 30, 2024

Overview

- The CSP is a comprehensive 312-page document. Today we will examine the **Common Elements** section of the plan.
- NDOL will host subsequent technical assistance meeting(s) with plan partners and subcommittee chairs to discuss:
 - Roles in facilitating the implementation of the plan
 - Recommended next-steps

Overview

- The **Common Elements** section analyzes the State's current economic environment and identifies the State's overall vision for its workforce development system.
- Required common elements allow the State to develop data-driven goals for preparing an educated and skilled workforce, and align partner programs to support economic growth.

Common Elements

- Active involvement from partners and board subcommittees is crucial for successful implementation of Nebraska's CSP. Action items can be divided into two basic categories:
 1. Goals and strategies
 2. Assessments and evaluations

Goals

- Vision: Nebraska's vision is to be a national model for the delivery of workforce development services.
- Goals: Nebraska's two-part statewide goal for preparing an educated and skilled workforce that meets the needs of employers includes:
 - » Selection and prioritization of development of **career pathways**
 - » **Alignment** of the state's workforce development system

Career Pathway Goals

Goals for Career Pathways

Through collaboration with the state board, local boards, one-stop partners, and other workforce system partners across the state, all plan partners will work together to:

- 1) Select and prioritize development of career pathways for three or more in-demand sectors or occupations
- 2) Identify three or more barriers to participation in the selected pathways among job seekers, workers, and individuals with barriers to employment
- 3) Identify five or more key barriers to participation in the selected pathways by employers and industry sector partnerships
- 4) Determine methods for addressing identified barriers to participation in the selected career pathways for both workers and employers

Career Pathway Strategies

Strategies for Career Pathways

Plan partners will identify best practices for the development of new and existing career pathways, including:

- 1) Industry, public, and private sector partnerships that create customized workforce solutions and work-based training opportunities
- 2) Registered Apprenticeship programs, pre-apprenticeship programs, on-the-job training, and internships

Plan partners will use data to select and prioritize development of pathways for three or more in-demand sectors or occupations.

Career Pathway Strategies

During the selection and prioritization process, plan partners will coordinate and collaborate with:

- 1) Entities developing and implementing career pathways for in-demand sectors and occupations (DED, CPAP, Blueprint Nebraska, etc.)
- 2) The Strategy and Innovation Subcommittee of the State Board, local boards and local area administrative entities, one-stop partners, and training providers

Career Pathway Strategies

Identification of Barriers to Participation in Selected and Prioritized Career Pathways

Partners will identify five or more key barriers to participation among workers, employers, and industry sectors. To identify methods for addressing barriers, partners will work with:

- 1) The Strategy and Innovation Subcommittee of the State Board
- 2) Local boards and administrative entities
- 3) Required one-stop partners
- 4) Employers and industry sector partnerships
- 5) Training providers

Alignment Goals

Goals for Alignment

Through collaboration with the state board, local boards, one-stop partners, and other workforce system partners across the state, all plan partners will work together to:

- 1) Coordinate workforce development activities statewide, regionally, and locally
- 2) Identify solutions for technology integrations
- 3) Broaden use of state's common intake system
- 4) Develop policies that support program and technology alignment
- 5) Develop and disseminate online resources and information to support fully integrated customer service
- 6) Develop and implement state-level cross training and TA
- 7) Further the efforts of the state's public sector partnership (Nebraska Partner Council)

Alignment Strategies

1) Coordination of Workforce Development Activities

The State will work to align partner programs, one-stop programs, and other resources by:

- Coordinating activities across planning regions and local areas
- Inventory and coordinate services statewide
- Identifying technological resources that will support integration of supportive services throughout the one-stop system and participation in career pathway programs by workers, employers, and industry sectors

Alignment Strategies

2) Technology Integration

The State will continue work to integrate technology across plan partner programs and other required and optional one-stop partners to:

- Improve data sharing to initiate services across workforce system programs
- Assess service delivery and performance-reporting requirements
- Support program refinements necessary for continuous improvement

3) Common Intake System

Core partners will develop procedures for use of the common intake system by state and locally administered core programs to increase system integration and use

Alignment Strategies

4) Policy Development

Work individually and collectively to develop state-level policies that support program and technology alignment at all levels regarding:

- Memorandums of Understanding and funding agreements
- Common intake
- Co-enrollment of participants
- Funding coordination
- Priority populations and priority of service

5) Online Resources

Continue to develop and disseminate online resources and information for all plan partner programs and other required and optional one-stop programs to support integrated customer services

Alignment Strategies

6) Cross Training and Technical Assistance

Individually and collectively work to develop and implement state-level cross training and technical assistance for state, regional and local area administrative staff and required/optional one-stop programs. Cross training will focus on:

- Workforce system initiatives
- Technology
- Program policies
- Program eligibility, services, and terminology
- Performance
- Best practices

Assessments

Assessment of the **overall effectiveness of Nebraska's workforce development system** in relation to the state's vision and goals will involve the collaborative efforts of plan partners. Data analysis will allow partners to identify trends in workforce system performance and initiate necessary program refinements.

Data will be collected and analyzed by partners, to include:

- Employment rates
- Median earnings
- Credential attainment rates
- Measurable skills gained
- Employer services
- Other

Data will be derived from the plan partners' respective management information system(s), as well as the Nebraska Longitudinal Data System (NELDS).

Assessments

Assessment of **core programs** will occur annually based on the State's performance accountability measures, and broken down by core program provider. Assessments will be based on the core program's performance reports regarding negotiated levels of performance. Assessment data may also be derived from NELDS.

Assessments of **one-stop partner programs** will also be assessed annually, and will be based on a standardized self-assessment form that will be distributed annually by the local area one-stop operators to local-level plan partner programs and other one-stop partner programs.

Core program and one-stop partner program assessments will be facilitated by the Nebraska Workforce Development Board in collaboration with the core partners and the Nebraska Department of Labor.

Evaluation

Core partners will coordinate with the state board, local boards, and state agencies responsible for core programs. Coordination will focus on evaluations and research projects on activities of core programs.

To identify areas where technical assistance or additional resources may be needed, Nebraska will utilize the Federal Evaluation Readiness Assessment Tool and the Evaluation Design Assessment Tool to:

- Develop a clear understanding of the State's readiness to conduct evaluations
- Identify strengths and deficiencies
- Establish feasible steps to improve capacity to meet WIOA evaluation requirements
- Highlight major design and implementation issues to consider when planning evaluation projects

Conclusion

- Active involvement by state board subcommittees and plan partners is crucial in developing next-steps and implementing our state plan.
- An accessible version of the Combined State Plan for Nebraska's Workforce System (PY20-PY23) can be found on the Nebraska Department of Labor's [website](#).

Questions?

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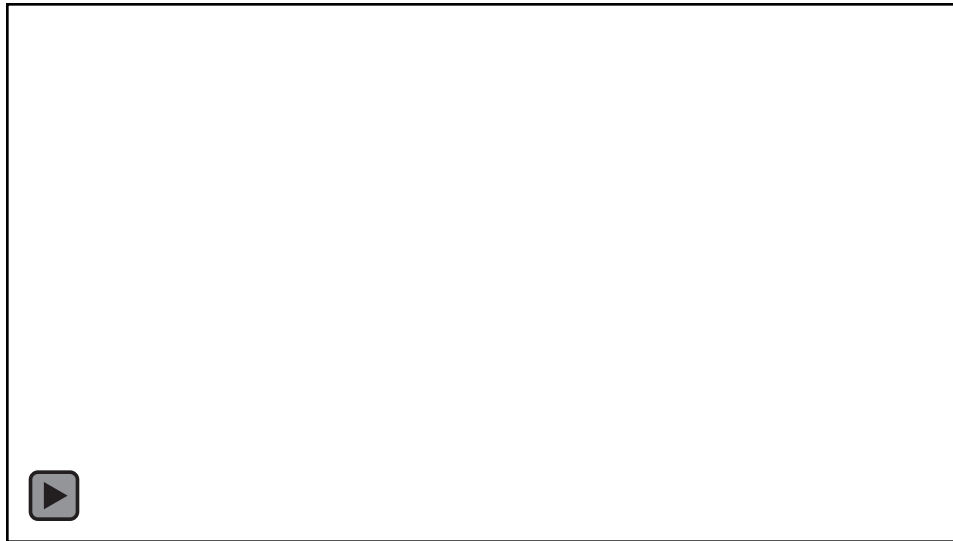
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Workforce Retraining Initiative (WRI)

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WRI Overview



Eligibility for Scholarships

- ✓ Eligible students are unemployed or underemployed individuals who have been negatively impacted by COVID-19.

- ✓ Eligible students must be in at least one of the following employment situations:
 - ❑ Unemployed on or after March 13, 2020, as a result of COVID-19;
 - ❑ Unemployed starting between January 1, 2020, and March 13, 2020, and are now unable to find employment as a result of COVID-19;
 - ❑ Employed for less than 40 hours a week at a job which provides the majority of their income (Primary Job) because of COVID-19 and wish to be employed full time;
 - ❑ Employed temporarily at their Primary Job because of COVID-19 but wish to be employed permanently; or
 - ❑ Furloughed or laid off from a Primary Job on or after March 13, 2020, because of COVID-19 (or had to close their own business, which provided the majority of their income, because of COVID-19) and are now employed at a new Primary Job with lower wages than their previous employment.

- ✓ Eligible students must be US citizens or legal residents.

Training Program Requirements

- ✓ Upskill and retrain unemployed or underemployed;
- ✓ Provide a recognizable credential;
- ✓ Lead to a high-demand and high-skill job;
- ✓ Provide a work-based learning experience with a local employer;
- ✓ Provide comprehensive career coaching services; and
- ✓ Complete training program by May 31, 2021.

Training Programs Available

- ✓ 200+ programs approved
- ✓ For-credit and non-credit programs
- ✓ Variety of occupational trainings related to:
 - Agriculture
 - Automotive Technician
 - Commercial Truck Driver
 - CompTIA
 - Contact Tracer
 - Design & Drafting
 - Electrical Fundamentals
 - Forklift Operator
 - Machining & Manufacturing Automation
 - Nursing Assistant
 - Welding Technology

Awarded Funds

\$1,450 WRI Scholarship Maximum Award (Per Eligible Student)

(\$1,100)

- ✓ Tuition
- ✓ Program Fees
- ✓ Exam Fees

(\$350)

- ✓ Books
- ✓ Required Tools

Administrative funds available to Colleges

- ✓ Personnel/Career Coaches
- ✓ Technology/Equipment
- ✓ Classroom Design/Space
- ✓ Marketing/Promotion of Scholarships

Scholarships

4,000 applications received

1,500 awarded

7,500 scholarships available

Stay Connected

<https://getnebraskagrowing.nebraska.gov/workforce-retraining-initiative-scholarships/>

WRI@Nebraska.gov

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Handout 5



Proposed meeting dates and locations for 2020 – 2021:

- December 4, 2020, 9a – 12p
 - Administrative Services Building, 1526 K Street, Lincoln, Nebraska 68508
- March 5, 2021, 9a – 12p
 - Nebraska Educational Telecommunications (NET) facility (AKA Terry M. Carpenter Telecommunications Center), 1800 North 33rd Street, Lincoln, NE 68503
- June 11, 2021, 9a – 12p
 - Nebraska Educational Telecommunications (NET) facility (AKA Terry M. Carpenter Telecommunications Center), 1800 North 33rd Street, Lincoln, NE 68503
- September 10, 2021, 9a – 12p
 - Nebraska Educational Telecommunications (NET) facility (AKA Terry M. Carpenter Telecommunications Center), 1800 North 33rd Street, Lincoln, NE 68503

Note: Locations are subject to availability.