

Outcomes for the SNAP Next Step (SNAP/WIOA) Program¹

This data has been provided by Ashley Mathers, Program Coordinator, Greater Nebraska Workforce Development Area as follow-up information requested by the Nebraska Workforce Development Board on March 8, 2019.

Table 1. Program participant involvement since program start

Status	Number of participants	Percentage of participants
Active	41	24.70%
Dropped	63	37.95%
Successful	62	37.35%
Total	166	100.00%

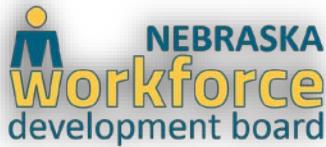
Table 2. Program activities successfully completed by program participants

Program activity	Number of participants	Percentage of participants
On-the-job training/work experience	7	11.29%
Job search	47	75.81%
Occupational skills training – degree	1	1.61%
Occupational skills training – certificate	7	11.29%
Total	62	100.00%

Table 3. Program activities currently in-progress by program participants

Program activity	Number of participants	Percentage of participants
On-the-job training/work experience	0	0.00%
Job search	10	24.39%
Occupational skills training – degree	21	51.22%
Occupational skills training – certificate	10	24.39%
Total	41	100.00%

¹ Data derived from the SNAP Next Step Program Report dated May 31, 2019.



Nebraska Workforce Development Board
Meeting Minutes
March 8, 2019
Administrative Services Building
Development Center, Lower Level
1526 K Street, Lincoln, Nebraska 68508

Agenda item 1. Call to Order

Chair Mark Moravec called the meeting of the Nebraska Workforce Development Board (the Board) to order on March 8, 2019 at approximately 9a at the Administrative Services Building, located at 1526 K Street, Lincoln, Nebraska.

Agenda item 2. Roll Call

Lindsey Sullivan called the roll and determined that a quorum was established.

Members in attendance

- | | | |
|----------------------|-----------------------|-----------------------|
| 1. John Albin | 6. Susan Martin | 11. Jennifer Sedlacek |
| 2. Brian Deakin | 7. Mark Moravec | 12. Dannette Smith |
| 3. Jason Feldhaus | 8. Don Nordell | 13. Becky Stitt |
| 4. Allan Hale | 9. Terri Ridder | 14. Lisa Wilson |
| 5. James Hanson, Jr. | 10. Bradley Schroeder | |

Members absent

- | | | |
|---------------------------|------------------|------------------|
| 1. Governor Pete Ricketts | 3. Michael Geary | 5. Carol Swigart |
| 2. Senator Joni Albrecht | 4. Dave Rippe | |

Nebraska Department of Labor (NDOL) Board support staff in attendance

1. Stan Odenthal, Director, Office of Employment & Training
2. Brian Potters, Workforce Services Administrator, Office of Employment & Training
3. Erin Cooper, Workforce Services Administrator, Office of Employment & Training
4. Libby Elder, Attorney III, Office of the General Counsel
5. Dawn Carrillo, WIOA Program Analyst, Office of Employment & Training
6. Deb Andersen, WIOA Policy Coordinator, Office of Employment & Training
7. Lindsey Sullivan, Administrative Assistant II, Office of Employment & Training

Guests in attendance

1. Phil Baker, NDOL
2. Scott Hunzeker, NDOL
3. Shauna Smith, NDOL
4. Madhavi Bhadbhade, Nebraska Department of Health and Human Services
5. Valentina Obafunwa, Nebraska Department of Economic Development

6. Shari Clausen, Job Corps
7. Jody Stutzman, Proteus
8. Jan Norlander-Jensen, Greater Lincoln Workforce Development Area
9. Michelle Olson, Greater Lincoln Workforce Development Area
10. Kelsey Miller, Greater Nebraska Workforce Development Area
11. Ashley Mathers, Greater Nebraska Workforce Development Area
12. Karly Hernandez, Greater Nebraska Workforce Development Area
13. Susan Nickerson, Greater Nebraska Workforce Development Area
14. Joanna McGarvey, Greater Omaha Workforce Development Area
15. Andy Huls, Greater Omaha Workforce Development Area

Agenda item 3. Notice of Publication

Lindsey Sullivan 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 and on the State of Nebraska Public Meeting Calendar.

Agenda item 4. Approval of Minutes

James Hanson, Jr. motioned to approve the minutes of the December 14, 2018 meeting of the Board (Handout 1), and Brian Deakin seconded the motion. Members of the Board in attendance voted by voice vote on the motion, which carried unanimously.¹

Agenda item 5. WIOA – Update

Stan Odenthal provided an update to the Board on waivers submitted by NDOL regarding certain legislative and regulatory requirements established under the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations. Stan reminded the Board of waivers which were submitted in 2018: a waiver of the prohibition against stand-alone Wagner-Peyser offices (denied) and a waiver of the prohibition against assigning a local workforce development area to more than one planning region (approved). Stan advised the Board of six additional waivers NDOL would be submitting at the end of March:

1. waiver of the requirements established under WIOA Sec. 129(a)(4)(A) and 20 CFR § 681.410, which mandate that not less than 75 percent of funds allotted to states under WIOA Sec. 127(b)(1)(C), reserved under WIOA Sec. 128(a), and available for statewide activities under WIOA Sec. 129(b) must be used to provide youth workforce investment activities for out-of-school youth (OSY); and available to local workforce development areas (local areas) under WIOA Sec. 129(c) must be used to provide youth workforce investment activities for OSY;
2. waiver to expand the definition of recognized postsecondary credential, which is defined under WIOA Sec. 3(52) as an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal government, or an associate or baccalaureate degree; and a waiver of the requirements outlined in WIOA Sec. 116(b)(2) and 20 CFR § 677.155(a) as they relate attainment of recognized postsecondary credentials during participation in a Title I program or within one year after program exit;

¹ Agendas, minutes, and handouts for meetings of the Nebraska Workforce Development Board are available electronically and accessible at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/NWDB>.

3. waiver of requirements of WIOA Secs. 116 and 122 and 20 CFR §§ 677.230 and 680.400 – 680.530 mandating the collection and reporting of performance data on all students participating in training programs listed on the Nebraska’s Eligible Training Provider List;
4. waiver of the one-stop operator requirements of WIOA Sec. 121(d) and 20 CFR § 678.600, which require that each local area have a separate entity carrying out its one-stop operator duties;
5. waiver of the determination to exclude certain other one-stop partner programs from being counted towards the co-location requirement of WIOA Sec. 303; and
6. waiver of the definition of new local area as mentioned 20 CFR § 683.125(c) for the purposes of minimum allocation provisions.

Discussion was heard on the proposed waivers. Don Nordell asked about the timing of submission of waivers, whether there was a submission deadline. Stan advised that states may submit waivers at any time.

Agenda item 6. Subcommittee Assignments and Meetings

Chair Mark Moravec directed the Board’s attention to Handout 2, roster of members of the Board’s three newly formed subcommittees: Evaluation and Review; Policy and Oversight; and Strategy and Innovation. Chair Moravec reminded the Board that the first meeting of the subcommittees would be held immediately following adjournment of the Board’s meeting. Chair Moravec stated that future subcommittee meetings would likely be held immediately after each quarterly meeting of the Board and asked if there were questions or concerns on that approach to subcommittee meetings. No questions were asked or concerns voiced.

Agenda item 7. Possible State Plan Modification – Discretionary Allocation Methodology

Stan Odenthal advised the Board on the possibility of modification of Nebraska’s Combined State Plan. The modification would, if approved, implement a discretionary allocation methodology for Nebraska’s WIOA youth and adult programs, as permitted under WIOA Secs. 128(b)(3) and 133(b)(3), respectively. In both cases, allocations made to local workforce development areas (local areas) for the programs would be based on a discretionary methodology.

Currently, program funds are allocated to local areas based on formulas defined under WIOA Secs. 128 (b)(2) and 133(b)(2). Under a discretionary methodology, 70 percent of the funds allocated to local areas for the programs would be allocated based on the formulas defined in WIOA Sec. 128 (b)(2) and 133(b)(2), with the remaining 30 percent allocated on the basis of formulas that:

- incorporate additional factors relating to
 - excess youth poverty in urban, rural, and suburban local areas; and
 - excess unemployment above the state average in urban, rural, and suburban local areas; and
- were developed by the Board and approved by the Secretary as part of the state plan.

Discussion was heard on the proposed plan modification. Jason Feldhaus asked about the purpose of the modification. Stan explained that NDOL feels the discretionary methodology would more effectively distribute funds within Nebraska based on conditions that are specific to Nebraska, ultimately improving the impact of the programs. John Albin indicated agreement with Stan’s remarks. Brian Deakin commented similarly, saying he felt the discretionary methodology would likely result in greater impact. Jason agreed with Brian’s remarks. Regarding the factors to

be identified by the Board, James Hanson commented that the data used to determine allocation amounts should be based on current data rather than year-old data.

Agenda item 8. Nebraska Industry Partnership Grant Program

Valentina Obafunwa and Brian Potters presented to the Board on the proposed Nebraska Industry Partnership Grant Program. Valentina directed the Board's attention to Handout 3, a copy of the PowerPoint presentation. Valentina provided an overview of past and ongoing efforts regarding sector partnerships in Nebraska. Valentina described the focus of the proposed grant program, to provide matching financial support for emerging and active sector partnerships across Nebraska. Brian advised the Board on the status of the proposed program, saying that grant guidelines, applications, and forms were currently under review by NDOL Legal. Brian also described next steps and timelines regarding program implementation, including planned technical assistance for potential grant applicants.

Discussion was heard on the proposed grant program. Dan Curran asked if potential applicants would be provided with examples of sector partnership initiatives. Valentina stated that examples are provided in the grant guidelines and would be discussed during technical assistance. John Albin asked if other states have implemented such a grant program. Valentina indicated that Colorado, Pennsylvania, and Oregon have sector partnership grants programs similar to Nebraska's proposed grant program. Jason Feldhaus asked if the financial match to be made by the potential applicants could be based on in-kind contributions. Valentina advised that the required financial match must be a cash match. Mark Moravec asked when NDOL Legal was expected to complete its review of the grant guidelines, applications, and forms. Libby Elder estimated that the review would be completed within three weeks.

Agenda item 9. JAG Nebraska

Erin Cooper presented to the Board on JAG Nebraska. Erin advised the board that JAG Nebraska was established to help high-barrier youth graduate from high school and make successful transitions to postsecondary education or meaningful employment. Nebraska began implementation of the Jobs for America's Graduates (JAG) model in the fall of 2018; and in January 2019, three sites were launched with nearly 75 youth enrolled. By 2020, JAG Nebraska is planning to have 12 sites. JAG Nebraska serves high-barrier youth through an in-school, for-credit course consisting of more than 80 competencies leading to successful outcomes. These competencies focus on building workplace skills and life skills necessary to graduate high school and obtain employment or transition to another positive post-graduation outcome (military enlistment, college enrollment, etc.). The combination of workplace readiness and life skills training, coupled with intensive supportive services, has proven successful for more than 1.25 million youth in 35 states since 1980. These high-barrier youth, often labeled "at-risk" and unlikely to complete high school, have beat the odds with the support of JAG. Nationally, the JAG Class of 2017 had a graduation rate of greater than 95 percent. In addition to high graduation rates, JAG graduates are 2.3 times more likely to be employed full time compared to the general population of 18- to 20-year olds. Further, research conducted by Drexel University on post-high school employment outcomes for JAG graduates shows significant gains in weekly earnings, higher hourly wages, and better non-wage compensation, including health insurance and retirement benefits.

Discussion was heard on JAG Nebraska. Lisa Wilson asked for a definition of "at-risk youth." Erin stated that there are 40 criteria used to identify at-risk youth. Youth that meet any one of the 40 criteria would be considered "at-risk." Dannette Smith asked how the parents of the JAG Nebraska students are supported during their children's participation in the program. Erin

indicated that parents are provided support through community providers. John Albin asked if JAG Nebraska is a year-round program. Erin confirmed that it is year-round. Terri Ridder asked if the JAG Nebraska students are co-enrolled in other programs. Erin confirmed that they are whenever possible. Mark Moravec asked if information on JAG Nebraska is available online. Erin stated that those who are interested may access information at jjag.org.

Agenda item 10. Local Area Reports

Representatives of Nebraska's local workforce development boards presented to the Board regarding their respective adult programs, addressing three topics described in Handout 4:

1. program design and services;
2. program funding; and
3. one successful program initiative implemented by the local board during Program Year 2017 (July 1, 2017 – June 30, 2018).

Michelle Olson presented on behalf of the Greater Lincoln Workforce Development Board (Handout 5); Ashley Mathers presented on behalf of the Greater Nebraska Workforce Development Board (Handout 6); and James Hanson, Jr. and Joanna McGarvey presented on behalf of the Greater Omaha Workforce Development Board (Handout 7).

Discussion was heard on the local area reports. Regarding the Greater Nebraska report, John Albin asked how individuals are selected for participation in the SNAP/WIOA Program. Ashley indicated that the Nebraska Department of Health and Human Services (NDHHS) refers individuals who are receiving SNAP benefits to the SNAP/WIOA Program. Jason Feldhaus asked if there are eligibility criteria for participation in the program. Ashley indicated that the individuals must meet eligibility requirements for participation in the WIOA Title I program. Mark Moravec asked if data is collected on programmatic outcomes. Ashley indicated that programmatic outcomes are tracked by NDHHS and that she would provide statistics on outcomes following the meeting.

Agenda item 11. Member Updates

Chair Moravec asked Members of the Board for updates on their respective industries or organizations and local workforce development area activities for the Members who also serve on local workforce development Boards. Members of the Board provided updates as requested.

Agenda item 12. Public Comment

Chair Moravec opened the floor for public comment. No public comments were made.

Agenda item 13. Adjournment

Chair Moravec asked for a motion to adjourn the meeting. Bradley Schroeder motioned that the meeting be adjourned, and Lisa Wilson seconded the motion. Members of the Board in attendance voted by voice vote on the motion, which carried unanimously. The meeting adjourned at approximately 11:30a.

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 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 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, ~~as described in Sec. 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) ~~—(H)~~, 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 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 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) Commissioner of the Nebraska Department of Education, representing the Adult Education and Family Literacy Act program authorized under Title II of WIOA;
- ~~(d)~~ Director of the Nebraska 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 be appointed~~ 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 (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 Sec. 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-State Board (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 Secs. 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 Sec. 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, Cum. Supp. 20158)) (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 Sec. 4.2(b) of these Bylaws, 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 annual report 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.

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~~ 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, 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 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. §§ Sees. 49-1499 – 49-14,103.03 ~~of the Nebraska Open Meetings Act.~~
- (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) subcommittees of the State Board:
- (i) Policy and Oversight Subcommittee
 - (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.

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 Policy and Oversight Subcommittee;
 - (iv) the chair of the Strategy and Innovation Subcommittee;
 - (v) the chair of the Evaluation and Review Subcommittee;
 - (vi) a representative of ~~the a~~ labor organization from the workforce category;
 - (vii) a representative of ~~the an organization serving~~ youth from the workforce category;
 - (viii) the Commissioner of the Nebraska Department of Labor;
 - (ix) the Commissioner of the Nebraska Department of Education; and
 - (x) two (2) 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 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 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, Strategy and Innovation Subcommittee, and the Evaluation and Review Subcommittee:

- (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 § 679.1010(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 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, development of Nebraska's WIOA state plan, public sector partnerships, 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.

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 Strategy and Innovation Subcommittee shall be a subcommittee of the State Board. This subcommittee shall be assigned duties and responsibilities associated with strategy and innovation regarding employer engagement, industry 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 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.

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 ~~December 3, 2018~~ May 28, 2019. These Bylaws of the State Board were adopted by a vote of ~~twelve~~ (12) 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 ~~December 14, 2018~~ June 7, 2019, at the regular meeting of the State Board.

Mark Moravec, Chair, Nebraska Workforce Development Board

Date