



Membership Manual

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network

Preface

This manual provides information you need to know to serve successfully as a Member of the Nebraska Workforce Development Board.¹ The information in this manual is based on laws, rules, regulations, and other guidance relating to the purposes of the Board. This manual is organized in general-to-specific order but can be read in any order.

If you have questions about or comments on this manual, contact Deb Andersen by email at deb.andersen@nebraska.gov or by phone at 402.471.0284.

¹ A digital version of this manual is accessible on the NWDB page at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/NWDB>.

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1. Introduction

Congratulations on your appointment to the Nebraska Workforce Development Board!

The Board is mandated under Section 101 of the Workforce Innovation and Opportunity Act of 2014² (WIOA) and established under Executive Order No. 15-03,³ signed by Governor Pete Ricketts on April 1, 2015. The Board fills the critical role of leading and guiding Nebraska's implementation of WIOA, which requires states to:

- align Federal investments in job training;
- integrate service delivery across programs; and
- ensure that workforce investments are job-driven and that they match employers with skilled workers.

The Board serves as strategic convener of state, regional, and local workforce development system partners to:

- enhance the capacity and performance of the workforce development system;
- align and improve employment, training, and education programs; and
- through these efforts, promote economic growth.

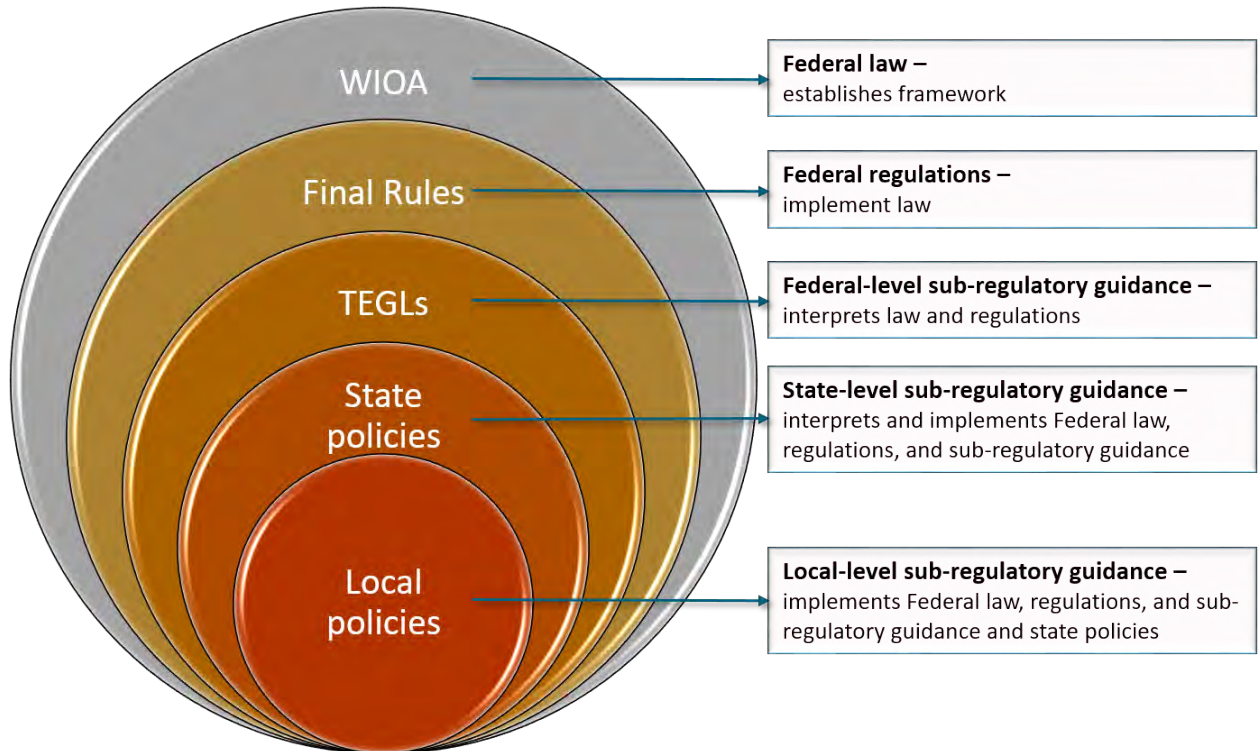
The Board's role as convener of key stakeholders and partnerships can be accomplished only if each Board Member actively participates in the business of the Board. Member engagement is crucial to the Board's role in helping to integrate and align a more effective job-driven workforce development system that invests in the connection between education and career preparation.

² The Workforce Innovation and Opportunity Act is accessible at <https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>.

³ Executive Order No. 15-03 is included with this manual as [Appendix 1](#).

2. Legislative and regulatory structure

The WIOA legislative and regulatory structure begins with the law itself and ends with local policies established and implemented by local workforce development boards (local boards).



The remainder of this section explains how the legislative and regulatory structure works.

a. WIOA

WIOA, as Federal law, provides the framework for the state's workforce development system and local one-stop delivery systems and programs. It defines the *must's*, *may's*, and *cannot's* of WIOA implementation.

What's the difference between a workforce development system and a one-stop delivery system?

A workforce development system is the **framework** through which workforce development programs are made available. A one-stop delivery system is the **mechanism** through which workforce development programs are accessed by job seekers, workers, and employers, including career and training services and business services.

b. Final Rules

The final rules, as they are commonly known, are Federal regulations that implement WIOA. There are two primary final rules that implement WIOA: the Joint Final Rule and the Labor-only Final Rule.

The *Joint Final Rule* was issued mutually by the US Departments of Education and Labor in 2016. It defines rules for one-stop delivery systems; implements workforce, education, and employment **system reforms** established under WIOA; and strengthens state workforce development systems. The Joint Final Rule applies to 17 required one-stop partner programs.⁴

The *Labor-only Final Rule* was issued solely by the US Department of Labor (USDOL) in 2016. It defines rules for certain USDOL-funded programs and implements the **program reforms** established under WIOA. The Labor-only Rule applies to grant recipients and subrecipients for seven USDOL-funded programs:

- Youth, Adult, and Dislocated Worker programs;
- Wagner-Peyser Employment Service;
- Native American Programs;
- Migrant and Seasonal Farmworker programs;
- Job Corps;
- National Dislocated Worker Grant programs; and
- YouthBuild programs.

c. Training and Employment Guidance Letters (TEGLs)

TEGLs are Federal sub-regulatory guidance documents issued by the USDOL Employment and Training Administration (ETA). TEGLs interpret Federal requirements established under WIOA and the final rules. TEGLs also provide Federal technical requirements for the establishment of one-stop delivery systems and implementation of:

- Youth, Adult, and Dislocated Worker programs;
- Wagner-Peyser Employment Service;
- Jobs for Veterans State Grant programs;
- Trade Adjustment Assistance programs; and
- other ETA-funded programs.

⁴ *Required one-stop partners* are workforce system partners whose programs must be made accessible through American Job Centers. You will find a list of the required one-stop partners in [Appendix 2](#), as well as contact information for Nebraska's American Job Centers.

d. State policies

The state's WIOA policies are state-level sub-regulatory guidance documents issued jointly by the Board and the Nebraska Department of Labor (NDOL).⁵ State policies interpret state-level requirements established under WIOA, the final rules, and TEGs. The policies also provide state-level technical requirements for the establishment and implementation of:

- local one-stop delivery systems;
- local Youth, Adult, and Dislocated Worker programs;
- Wagner-Peyser Employment Service;
- Jobs for Veterans State Grant program; and
- Trade Adjustment Assistance program.

e. Local policies

Local WIOA policies are local-level sub-regulatory guidance issued by local boards (or their designees). Local policies implement Federal- and state-level requirements established under WIOA, the final rules, TEGs, and state policies. Local policies also provide local-level technical requirements for implementation of local Youth, Adult, and Dislocated Worker programs.

⁵ WIOA state policies are accessible at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/Policies>.

3. Nebraska's Combined State Plan

WIOA requires the governor of each state to submit either a unified or combined state plan to the Secretary of Labor, outlining a four-year strategy for the state's workforce development system. States must have approved state plans in place to receive funding for the *core programs* under WIOA:

- Youth, Adult, and Dislocated Worker programs;
- Adult Education and Family Literacy Act program;
- Wagner-Peyser Employment Service; and
- Vocational Rehabilitation programs.

States must submit, at a minimum, a unified state plan that includes the core programs. However, states are encouraged to submit a combined state plan, which must include the core programs, plus one or more of the following partner programs:

- Career and Technical Education programs;
- Community Services Block Grant Act programs (i.e., community action programs);
- Housing and Urban Development employment and training programs;
- Jobs for Veterans State Grant programs;
- Second Chance Act (re-entry) programs for offenders;
- Senior Community Service Employment Programs;
- Supplemental Nutrition Assistance Program employment and training programs;
- Temporary Assistance for Needy Families programs;
- Trade Adjustment Assistance programs; and
- Unemployment Insurance programs.

During initial planning for WIOA implementation, Nebraska elected to develop a combined state plan, knowing that coordination across multiple Federal programs provides a wider range of coordinated and streamlined services to the jobseekers and employers. Nebraska's combined state plan partners include:

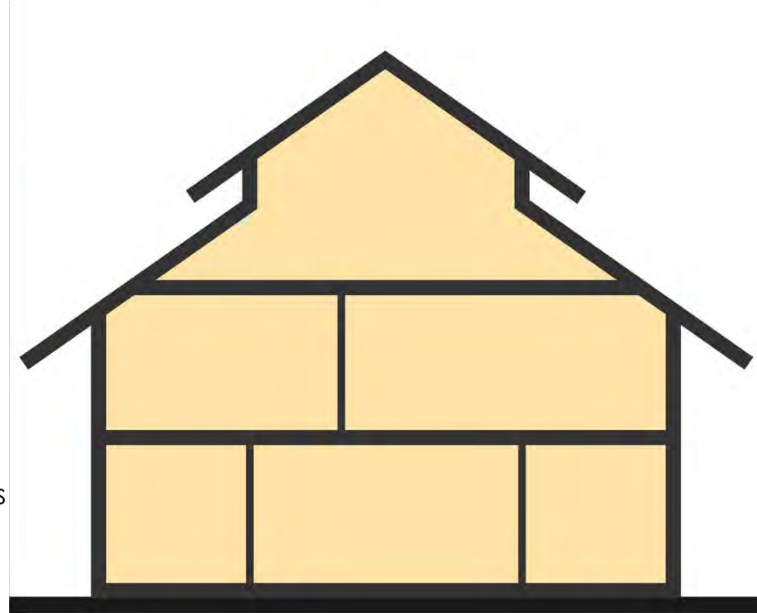
- core programs:
 - Youth, Adult, and Dislocated Worker programs, administered at the state-level by the Nebraska Department of Labor;
 - Adult Education and Family Literacy Act program, administered at the state-level by the Nebraska Department of Education;
 - Wagner-Peyser Employment Service, administered at the state-level by the Nebraska Department of Labor;
 - Vocational Rehabilitation programs, administered at the state-level by:
 - Nebraska Vocational Rehabilitation Program; and
 - Nebraska Commission for the Blind and Visually Impaired;
- Jobs for Veterans State Grant program, administered at the state-level by the Nebraska Department of Labor;
- Senior Community Service Employment Program, administered at the state-level by the Nebraska Department of Health and Human Services;
- Temporary Assistance for Needy Families program, administered at the state-level by the Nebraska Department of Health and Human Services;
- Trade Adjustment Assistance program, administered at the state-level by the Nebraska Department of Labor; and
- Unemployment Insurance program, administered at the state-level by the Nebraska Department of Labor.

The purpose of the combined state plan is to communicate the state's vision for Nebraska's public workforce development system and serve as a vehicle for developing, aligning, and integrating Federal programs across the system. In short, the combined state plan creates the **framework** for Nebraska's workforce development system.

Nebraska's
Combined
State Plan
**builds the
house...**

↓

based on
WIOA,
regulations,
TEGLs, and
state policies



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4. Regional and local plans

WIOA requires each local board, in partnership with the local chief elected official (CEO), to submit to the Governor a plan for its local workforce development area⁶ (local area) that outlines the local board's four-year strategy for its local one-stop delivery system. The local board must submit its local plan as part of a regional plan for the planning region to which it is assigned.⁷ Each local board must have an approved regional and local plan in place to receive funding for its local Youth, Adult, and Dislocated Worker programs.

The regional and local plan is a four-year action plan to develop, align, and integrate the regional and local job-driven one-stop delivery system. The regional and local plan provides the **mechanism** to achieve the local board's vision and strategic and operational goals.

Because the regional and local plan is only as effective as the partnerships that operationalize it, the plan must represent a collaborative process that creates:

- a shared understanding of regional and local workforce investment needs;
- a shared vision of how the one-stop delivery system can be designed to meet those needs; and
- agreement on key strategies for realization of this vision.

The one-stop delivery system is the mechanism that brings together workforce development, educational, and other human resource services in a seamless customer-focused service delivery network that enhances access to the programs and services and improves long-term employment outcomes for individuals receiving assistance. One-stop partners administer separately funded programs as a set of integrated streamlined services to customers.

⁶ You will find information about Nebraska's local areas in [Appendix 3](#).

⁷ [Appendix 3](#) also includes information on Nebraska's planning regions.

The regional and local plan creates the **mechanism** that drives the local one-stop delivery system based on the framework established under the combined state plan.



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Regional and local plans
make it a home...



based on the framework of the Combined State Plan and WIOA, regulations, TEGLs, state policies, and local policies

5. Board purpose and functions

a. Purpose

The purpose of the Board is to convene state, regional, and local workforce development system partners to:

- enhance the capacity and performance of Nebraska's workforce development system;
- align and improve the outcomes and effectiveness of Federally-funded (and other) workforce programs and investments;
- promote economic growth;
- engage workforce development system representatives, including businesses, education providers, economic development, labor representatives, and other stakeholders to help the workforce development system achieve the purposes WIOA; and
- assist in the achievement of the state's vision and strategic and operational goals as described in the combined state plan.

b. Functions

Under WIOA, the Board is required to assist the Governor by performing certain functions.⁸ The required functions focus on two topics, the:

- **workforce development system** (refer to Table 1); and
- **one-stop delivery system** (refer to Table 2).

The combined state plan partners support the Board in the performance and fulfillment of its required functions, as indicated in the *Responsible party* columns of Tables 1 and 2.

The remaining required functions represent strategic planning opportunities for the Board.

⁸ 20 CFR § 679.130

Table 1. Required functions of the Board: Workforce development system

Focus: Workforce development system – the framework	Responsible party
1. Development, implementation, and modification of the combined state plan	<ul style="list-style-type: none"> ▪ Combined state plan partners coordinate plan development, implementation, and modification ▪ Facilitated through administrative support provided by NDOL
2. Review of statewide policies, programs, and making recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system	Facilitated through administrative support provided by NDOL
3. Development of other policies that may promote statewide objectives for and enhance the performance of the workforce development system	The Board
4. Development and continuous improvement of the workforce development system, including: <ul style="list-style-type: none"> a. identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among programs and activities b. development of strategies to support career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment, including individuals with disabilities, with workforce investment activities, education, and supportive services to enter or retain employment c. development of strategies for effective outreach to and improved access for individuals and employers who could benefit from the workforce development system d. development and expansion of strategies to meet the needs of employers, workers, and job seekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations e. development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers, including assistance with planning and delivering services, including training and supportive services, to support effective delivery of services to workers, job seekers, and employers f. development of strategies to support staff training and awareness across the workforce development system and its programs 	The Board
5. Identification of planning regions and designation of local areas, after consultation with local boards and CEOs	Facilitated through administrative support provided by NDOL

Table 2. Required functions of the Board: One-stop delivery system

Focus: One-stop delivery system – the mechanism	Responsible party
1. Development and updating of comprehensive state performance and accountability measures to assess core program effectiveness under WIOA Sec. 116(b)	The Board
2. Identification and dissemination of information on best practices, including best practices for: <ul style="list-style-type: none"> a. effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment b. development of effective local boards, which may include information on factors that contribute to enabling local boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness c. effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences for adaptability, to support efficient placement into employment or career pathways 	Facilitated through administrative support provided by NDOL
3. Development and review of statewide policies affecting the coordinated provision of services through the one-stop delivery system, including the development of: <ul style="list-style-type: none"> a. objective criteria and procedures for use by local boards in assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers b. guidance on the allocation of funds under the state funding mechanism c. policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system 	Facilitated through administrative support provided by NDOL
4. Development of strategies for technological improvements to facilitate access to and improve the quality of services and activities provided through the one-stop delivery system, including improvements to: <ul style="list-style-type: none"> a. enhance digital literacy skills b. accelerate acquisition of skills and recognized postsecondary credentials by participants c. strengthen professional development of providers and workforce professionals d. ensure technology is accessible to individuals with disabilities and individuals residing in remote areas 	Facilitated through administrative support provided by NDOL
5. Development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including: <ul style="list-style-type: none"> a. design implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes b. incorporation of local input into the design and implementation to improve coordination of services across one-stop partner programs 	Facilitated through administrative support provided by NDOL

6. Board membership and structure

a. Membership

Board membership is established by the Governor in accordance with the requirements of WIOA Sec. 101(b)(1), which are reflected in the Board's bylaws.⁹

(b) MEMBERSHIP.—

(1) IN GENERAL.—The State board shall include—

- (A) the Governor;
- (B) a member of each chamber of the State legislature (to the extent consistent with State law), appointed by the appropriate presiding officers of such chamber; and
- (C) members appointed by the Governor, of which—
 - (i) a majority shall be representatives of businesses in the State, 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 board described in section 107(b)(2)(A)(i);
 - (II) represent businesses (including small businesses), or organizations representing businesses described in this subclause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and
 - (III) are appointed from among individuals nominated by State business organizations and business trade associations;
 - (ii) not less than 20 percent shall be representatives of the workforce within the State, who—
 - (I) shall include representatives of labor organizations, who have been nominated by State labor federations;
 - (II) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the State, such a representative of an apprenticeship program in the State;
 - (III) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment,

⁹ The Board's bylaws are provided as [Appendix 4](#).

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, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth; and

(iii) the balance—

(I) shall include representatives of government, who—

(aa) shall include the lead State officials with primary responsibility for the core programs; and

(bb) shall include chief elected officials (collectively representing both cities and counties, where appropriate); and

(II) may include such other representatives and officials as the Governor may designate, such as—

(aa) the State agency officials from agencies that are one-stop partners not specified in subclause (I) (including additional one-stop partners whose programs are covered by the State plan, if any);

(bb) State agency officials responsible for economic development or juvenile justice programs in the State;

(cc) individuals who represent an Indian tribe or tribal organization, as such terms are defined in section 166(b); and

(dd) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

WIOA Secs. 101(b)(2) and (3) establish two additional requirements.

(b) MEMBERSHIP.—

(2) DIVERSE AND DISTINCT REPRESENTATION.—The members of the State board shall represent diverse geographic areas of the State, including urban, rural, and suburban areas.

(3) NO REPRESENTATION OF MULTIPLE CATEGORIES.—No person shall serve as a member for more than 1 of—

(A) the category described in paragraph (1)(C)(i); or

(B) 1 category described in a subclause of clause (ii) or (iii) of paragraph (1)(C).

Subclauses (3)(A) and (B) require that no individual is permitted to serve as a member representing more than one of the described subcategories of each of the business, workforce, and government categories.¹⁰

b. Structure

Officers

WIOA Sec. 101(c) requires that the Chair of the Board be appointed by the Governor from among the representatives of business.

Section 3.2 of the bylaws of the Board requires that the Vice-Chair of the Board be appointed by the Governor from among the representatives of business.

Committees and subcommittees

Article V of the bylaws of the Board define requirements for committees and subcommittees of the Board.

¹⁰ Refer to 20 CFR § 679.110(f)(1) for additional information. 20 CFR Part 679 is part of the Labor-only Rule. You may access the Labor-only Rule on the WIOA Resources page at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/Resources>, under the *Legislative, Regulatory, and Subregulatory* category.

7. Administrative information

a. Sunshine Provision and the Nebraska Open Meetings Act

WIOA Sec. 101(g) requires state workforce development boards to adhere Sunshine Provision requirements.

- (g) SUNSHINE PROVISION.—The State board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the State board, including information regarding the State plan, or a modification to the State plan, prior to submission of the plan or modification of the plan, respectively, information regarding membership, and, on request, minutes of formal meetings of the State board.¹¹

In addition, the Board is subject to the requirements of the Nebraska Open Meetings Act,¹² which is provided as Appendix 5.

b. Compensation and expense reimbursement

Under Section 2.12 of the bylaws of the Board, Members of the Board are not eligible to receive compensation for their services but may be reimbursed for actual and necessary expenses directly related to the discharge of the Board's affairs.

c. Meetings

In general, the Board meets on a quarterly basis. Meeting dates are determined annually by the Members of the Board. Sections 4.1 through 4.5 of the bylaws of the Board address requirements for Board meetings in greater detail.

d. NDOL contacts

NDOL staff support the Board in the fulfillment of its purposes.

- Brian Potters, Workforce Services Administrator, Office of Employment and Training, 402-473-7018, brian.potters@nebraska.gov
- Dawn Carrillo, WIOA Program Analyst, Office of Employment and Training, 402.471.9735, dawn.carrillo@nebraska.gov
- Deb Andersen, WIOA Policy Coordinator, Office of Employment and Training, 402.471.0284, deb.andersen@nebraska.gov
- Lindsey Sullivan, Administrative Assistant II, Office of Employment and Training, 402.471.9828, lindsey.sullivan@nebraska.gov

¹¹ Information on meetings of the Board is available to the public and accessible at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/NWDB>.

¹² Neb. Rev. Stat. §§ 84-1407 to 84-1414

Appendix 1. Executive Order No. 15-03



STATE *of* NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

EXECUTIVE ORDER
No. 15-03

NEBRASKA WORKFORCE INNOVATION AND OPPORTUNITY ACT

WHEREAS, the effective, efficient operation of state government requires workforce development activities and efforts to be considered and managed as a strategic resource; and

WHEREAS, goals and guidelines among workforce partners should be established; and

WHEREAS, the variety of employment and training programs available in Nebraska present numerous opportunities to more effectively manage, through coordination, the workforce development needs of the employer and applicant community; and

WHEREAS, workforce development requires the alignment of workforce development, education, and economic development systems and a partnership among multiple state agencies to properly educate, train, and prepare the workforce to create high-skilled applicants for in demand industries; and

WHEREAS, one agency needs to be designated as the lead agency for acting as the grant recipient for the purpose of administering and monitoring the expenditure of grant funds received by the State of Nebraska under pursuant to the Workforce Innovation and Opportunity Act; and

WHEREAS, a State Workforce Development Board should be formed to bring together the broad range of stakeholders to provide state-level coordination and integration among federal and state workforce development policies and programs, and to establish goals and guidelines for the development of a single state plan for the delivery of workforce development services and make recommendations to the Governor and the Legislature on the effective use of resources.

NOW, THEREFORE, I, Pete Ricketts, Governor of the State of Nebraska, do hereby issue the following Executive Order:

1. The Nebraska Department of Labor shall act as grant recipient for the Governor for grant funds received under the Workforce Innovation and Opportunity Act (WIOA), P.L. 113-128. On behalf of the Governor, the Department shall monitor and review organizations and agencies engaged in and facilities used for the administration or delivery of job training programs under Title I of WIOA; and provide staff support and adopt such methods of administration as are necessary for the proper and efficient operation of the duties and functions provided in WIOA.

2. Pursuant to section 101 of WIOA, the Nebraska Workforce Development Board (NWDB) is hereby created.

3. Membership of the NWDB shall be consistent with the requirements of Section 101 of WIOA and comprised as follows:

A. The Governor, one representative from the Nebraska Legislature appointed by the Speaker of the Legislature, and

B. Representatives appointed by and serving at the pleasure of the Governor as follows:

I. A majority of the NWDB shall be representatives of businesses in Nebraska, who meet the following criteria:

i. Are owners of business, chief executives or operating officers of businesses, or other business executives or employers with optimum policy-making or hiring authority;

ii. Represent businesses (including small businesses), or organizations representing businesses described in this sub-clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupation in the State; and

iii. Are appointed from among individuals nominated by State business organizations and business trade associations;

II. At least 20 percent of the board shall consist of representatives of the workforce within Nebraska that meet the following criteria:

i. Representatives of labor organizations who have been nominated by Nebraska labor federations; and

ii. A representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program;

iii. May also include a representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities;

iv. May also include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of school youth; and

III. The balance of the board shall consist of the following:

i. Shall include representatives of government, who meet the following criteria:

a. Shall include the lead State officials with primary responsibility for the core programs as defined at section 3, paragraph 12 of WIOA (youth, adult dislocated worker, adult education and literacy, Wagner-Peyser); and

b. Shall include chief elected officials (collectively representing both cities and counties, where appropriate); and

ii. May include such other representatives and officials as the Governor may designate, such as:

a. The State agency officials from agencies that are one-stop partners not primarily responsible for the core programs;

b. State agency officials responsible for economic development or juvenile justice programs in the State;

c. Individuals who represent an Indian tribe or tribal organization, as such terms are defined in section 166(b); and

d. State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

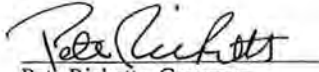
5. The NWDB shall include members that represent diverse geographic areas of the State including urban, rural, and suburban areas.

6. No member of the NWDB shall serve as member of more than one of the required categories.

7. The Governor shall appoint a chairperson for the NWDB from among the business members of the board who is the owner of a business, the chief executive or operating officer of a business, or other business executive or employer with optimum policy-making or hiring authority.

This Executive Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the Great Seal of the State of Nebraska to be affixed this 1st day of April, 2015.


Pete Ricketts, Governor
State of Nebraska

Attest:


John A. Gale, Secretary of State
State of Nebraska



Appendix 2. Required one-stop partners; American Job Centers

a. Required one-stop partners

1. Youth, Adult, and Dislocated Worker programs
2. Adult Education and Family Literacy Act programs
3. Wagner-Peyser Employment Service
4. Vocational Rehabilitation programs
5. Career and technical education programs at the postsecondary level
6. Community Services Block Grant employment and training programs (i.e., community action programs)
7. Housing and Urban Development employment and training programs
8. Job Corps
9. Jobs for Veterans State Grant programs
10. Migrant and Seasonal Farmworker programs
11. Native American programs
12. Second Chance Act (re-entry) programs for offenders
13. Senior Community Service Employment Program
14. Temporary Assistance for Needy Families programs
15. Trade Adjustment Assistance programs
16. Unemployment Insurance programs
17. YouthBuild programs

b. American Job Centers and affiliate sites

Greater Omaha Workforce Development Area
(Serving Douglas, Sarpy, and Washington Counties)

<http://www.hws-ne.org/>

American Job Center
5752 Ames Avenue
Omaha, NE 68104

Greater Lincoln Workforce Development Area
(Serving Lancaster and Saunders Counties)

<https://lincoln.ne.gov/city/urban/workforce/onestop.htm>

American Job Center
1111 O Street
Suite 205
Lincoln, NE 68508

Greater Nebraska Workforce Development Area
(Serving the remaining 88 Nebraska counties)

<https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/LocalWorkforceDevelopmentAreas>

American Job Center
5109 West Scott Road, Suite 413
Beatrice, NE 68310

American Job Center
203 East Stolley Park Road, Suite A
Grand Island, NE 68801

Affiliate sites

- 505A Broadway, Suite 300, Scottsbluff, NE 69361
- 2246 Jackson Street, Sidney, NE 69162
- 306 E 6th St, Suite 140, North Platte, NE 69101
- 3100 23rd St, Suite 22, Columbus, NE 68601
- 105 E Norfolk Ave, Suite 120, Norfolk, NE 68701

Appendix 3. Local areas; planning regions

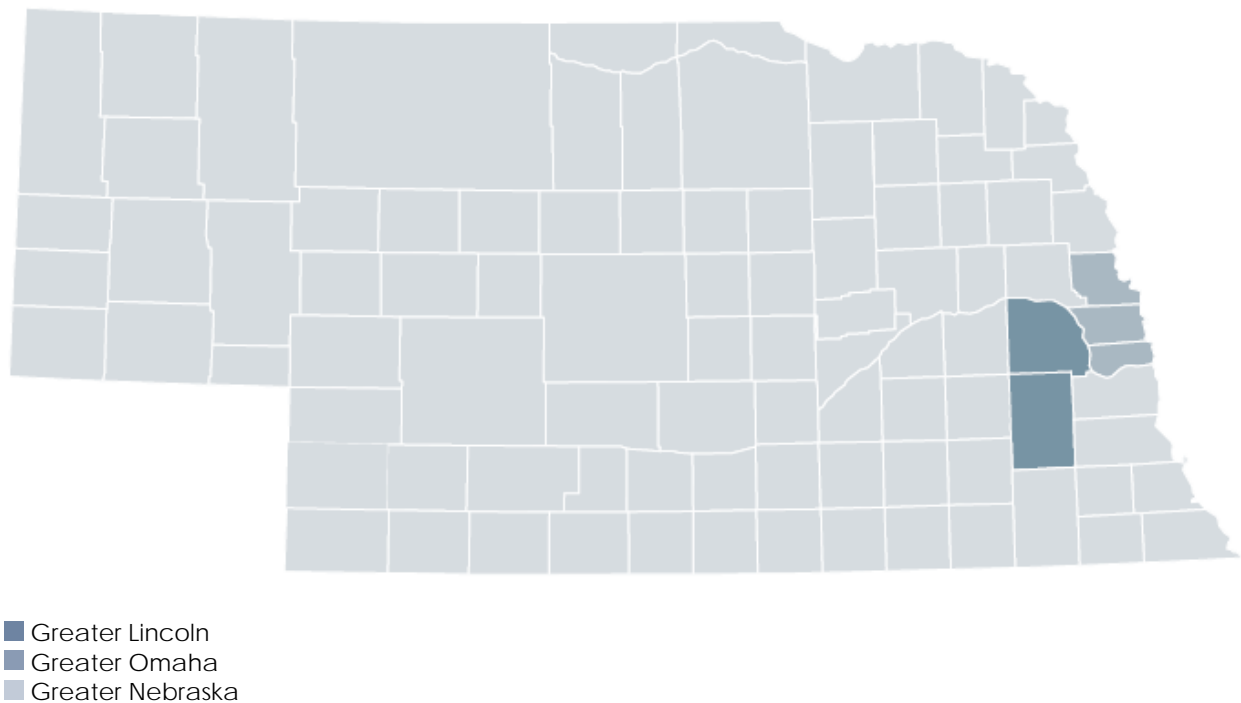
a. Local areas

WIOA Sec. 106(b) requires that the Governor designate local areas. Nebraska has three local areas.

1. Greater Omaha Local Workforce Development Area: Serves Douglas, Sarpy, and Washington counties
2. Greater Lincoln Local Workforce Development Area: Serves Lancaster and Saunders counties
3. Greater Nebraska Local Workforce Development Area: Serves the remaining 88 Nebraska counties

Nebraska's local area structure has not changed from that established under WIA, pursuant to WIOA Sec. 106(b)(2).

WIOA Local Workforce Development Areas



b. Planning regions

WIOA Sec. 106(a) requires that the Governor identify planning regions after consultation with local boards and CEOs, based on the extent to which the local areas in a region share a single labor market; share a common economic development area; and possess Federal and non-Federal resources, including appropriate education and training institutions, to administer activities authorized under WIOA Title I.¹³ In addition, other factors are considered, including population centers, commuting patterns, labor force conditions, and geographic boundaries.

Planning regions must consist of one local area, two or more contiguous local areas in a single state, or two or more contiguous local areas in two or more states and are subject to regional planning requirements.¹⁴

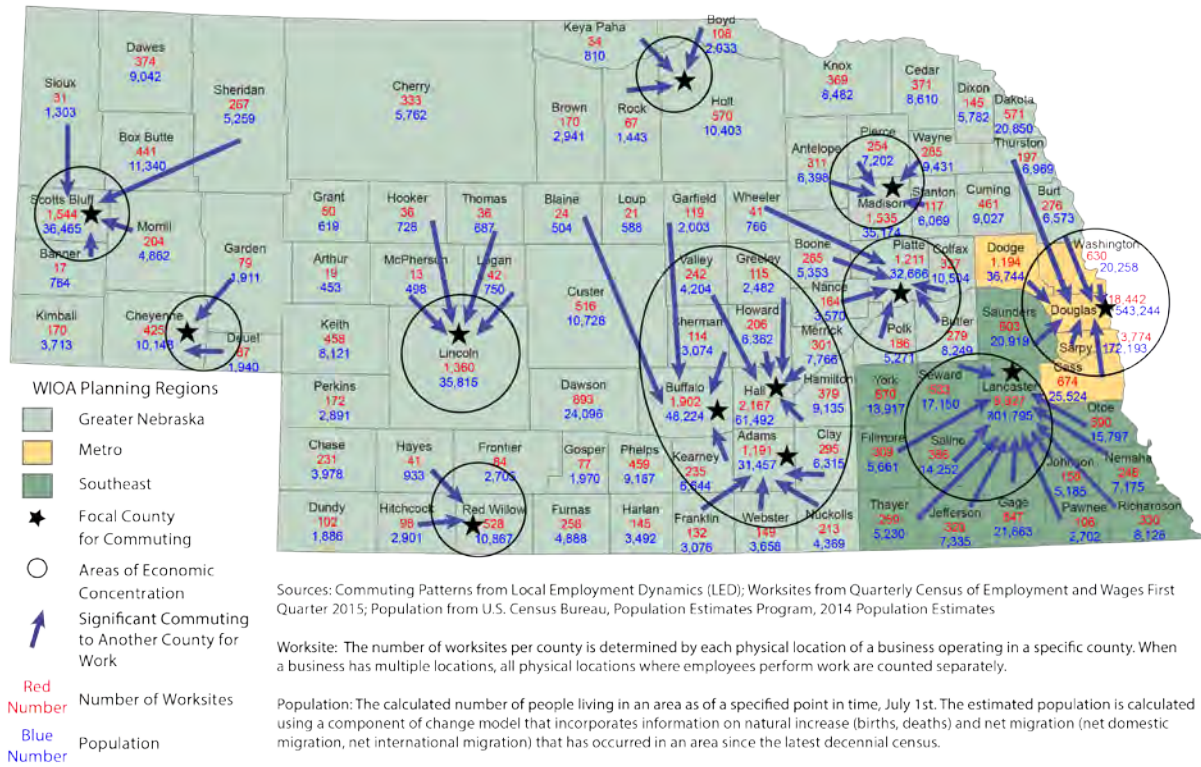
Nebraska has three planning regions.

1. Metro Region: Covers Cass, Dodge, Douglas, Sarpy, and Washington Counties, with Douglas County being the target area of economic concentration
2. Southeast Region: Covers Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Saline, Saunders, Seward, Thayer, and York Counties, with Lancaster County being the target area of economic concentration
3. Greater Nebraska Region: Covers the remaining 74 counties

¹³ 20 CFR § 679.210

¹⁴ For information on regional planning, refer to 20 CFR § 679.510 and the state's current policy on regional and local plans.

WIOA Planning Regions



Sources: Commuting Patterns from Local Employment Dynamics (LED); Worksites from Quarterly Census of Employment and Wages First Quarter 2015; Population from U.S. Census Bureau, Population Estimates Program, 2014 Population Estimates

Worksite: The number of worksites per county is determined by each physical location of a business operating in a specific county. When a business has multiple locations, all physical locations where employees perform work are counted separately.

Population: The calculated number of people living in an area as of a specified point in time, July 1st. The estimated population is calculated using a component of change model that incorporates information on natural increase (births, deaths) and net migration (net domestic migration, net international migration) that has occurred in an area since the latest decennial census.

Appendix 4. Bylaws

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;
 - (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) 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 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 (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 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. 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 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 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. §§ 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) 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 a labor organization from the workforce category;
 - (vii) a representative of 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 designed 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 § 679.110(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 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

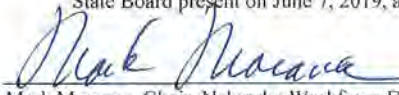
Section 7.1 SUSPENSION OF BYLAWS

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 May 28, 2019. These Bylaws of the State Board were adopted by a vote of fifteen (15) 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 June 7, 2019, at the regular meeting of the State Board.


Mark Moravec, Chair, Nebraska Workforce Development Board

7-25-19
Date

Appendix 5. Nebraska Open Meetings Act

The Nebraska Attorney General's Office provides an online outline of the Nebraska Open Meetings Act at <https://ago.nebraska.gov/open-meetings>.

An annotated version of the Nebraska Open Meetings Act (Neb. Rev. Stat. §§ 84-1407 through 84-1414 (2014, Cum. Supp. 2018)) is provided in this appendix.

84-1407. Act, how cited.

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

Source: Laws 2004, LB 821, § 34.

84-1408. Declaration of intent; meetings open to public.

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

Source: Laws 1975, LB 325, § 1; Laws 1996, LB 900, § 1071; Laws 2004, LB 821, § 35.

Annotations

- Nebraska's public meetings laws do not apply to school board deliberations pertaining solely to disputed adjudicative facts. *McQuinn v. Douglas Cty. Sch. Dist. No. 66*, 259 Neb. 720, 612 N.W.2d 198 (2000).
- The primary purpose of the public meetings law is to ensure that public policy is formulated at open meetings. *Marks v. Judicial Nominating Comm.*, 236 Neb. 429, 461 N.W.2d 551 (1990).
- The public meetings law is broadly interpreted and liberally construed to obtain the objective of openness in favor of the public, and provisions permitting closed sessions must be narrowly and strictly construed. *Grein v. Board of Education of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- A county board of equalization is a public body whose meetings shall be open to the public. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

84-1409. Terms, defined.

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

Source: Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws 1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB 821, § 36; Laws 2007, LB296, § 810; Laws 2011, LB366, § 2.

Annotations

- A township is a political subdivision, and as such, a township board is subject to the provisions of the public meetings laws. *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- A county agricultural society is a public body to which the provisions of the Nebraska public meetings law are applicable. *Nixon v. Madison Co. Ag. Soc'y*, 217 Neb. 37, 348 N.W.2d 119 (1984).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).
- As an administrative agency of the county, a county board of equalization is a public body. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- The electors of a township at their annual meeting are a public body under the Open Meetings Act. *State ex rel. Newman v. Columbus Township Bd.*, 15 Neb. App. 656, 735 N.W.2d 399 (2007).
- The meeting at issue in this case was a "meeting" within the parameters of subsection (2) of this section because it involved the discussion of public business, the formation of tentative policy, or the taking of any action of the public power district. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).
- Informational sessions in which the governmental body hears reports are briefings. *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (1993).

84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then

intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

Source: Laws 1975, LB 325, § 3; Laws 1983, LB 43, § 2; Laws 1985, LB 117, § 1; Laws 1992, LB 1019, § 125; Laws 1994, LB 621, § 1; Laws 1996, LB 900, § 1072; Laws 2004, LB 821, § 37; Laws 2004, LB 1179, § 1; Laws 2006, LB 898, § 1; Laws 2011, LB390, § 29; Laws 2012, LB995, § 17.

Annotations

- There is no absolute discovery privilege for communications that occur during a closed session. *State ex rel. Upper Republican NRD v. District Judges*, 273 Neb. 148, 728 N.W.2d 275 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- The public interest mentioned in this section is that shared by citizens in general and by the community at large concerning pecuniary or legal rights and liabilities. *Grein v. Board of Education*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Hearing in closed executive session was contrary to this section since there was no showing of necessity or reason under subdivision (1)(a), (b), or (c), but did not result in reversal of board decision. *Simonds v. Board of Examiners*, 213 Neb. 259, 329 N.W.2d 92 (1983).
- Negotiations for the purchase of land need not be conducted at an open meeting but the deliberations of a city council as to whether an offer to purchase real estate should be made should take place in an open meeting. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Public meeting law was not violated where the Board of Regents of the University of Nebraska voted to hold a closed session to consider the university president's resignation, and also discussed the appointment of an interim president during such session. *Meyer v. Board of Regents*, 1 Neb. App. 893, 510 N.W.2d 450 (1993).

84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of

more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

- (a) Reasonable advance publicized notice is given;
- (b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;
- (c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;
- (d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference; and
- (e) No more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of the Nebraska Brand Committee may be held by telephone conference call if:

- (a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, Nebraska Brand Committee, or member public agencies of the entity or pool covers more than one county;
- (b) Reasonable advance publicized notice is given which identifies each telephone conference location at which an educational service unit board member, a council member, a member of a community college board of governors, a member of the governing body of a public power district, a member of the governing body of a public power and irrigation district, a member of the Nebraska Brand Committee, or a member of the entity's or pool's governing body will be present;
- (c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;

(g) The telephone conference call lasts no more than two hours; and

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that a governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

Source: Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2; Laws 2012, LB735, § 1; Laws 2013, LB510, § 1; Laws 2017, LB318, § 1.

Cross References

- **Intergovernmental Risk Management Act**, see section 44-4301.
- **Interlocal Cooperation Act**, see section 13-801.
- **Joint Public Agency Act**, see section 13-2501.
- **Municipal Cooperative Financing Act**, see section 18-2401.

Annotations

- Under subsection (1) of this section, the Legislature has imposed only two conditions on the public body's notification method of a public meeting: (1) It must give reasonable advance publicized notice of the time and place of each meeting and (2) it must be recorded in the public body's minutes. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- An emergency is "(a)ny event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition." *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- An agenda which gives reasonable notice of the matters to be considered at a meeting of a city council complies with the requirements of this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- When notice is required, a notice of a special meeting of a city council posted in three public places at 10:00 p.m. on the day preceding the meeting is not reasonable advance publicized notice of a meeting as is required by this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Teacher waived right to object to lack of public notice in board of education employment hearing by voluntary participation in the hearing without objection. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- A county board of commissioners and a county board of equalization are not required to give separate notices when the notice states only the time and place that the boards meet and directs a citizen to where the agendas for each board can be found. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- A county board of equalization is a public body which is required to give advanced publicized notice of its meetings. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Notice of recessed and reconvened meetings must be given in the same fashion as the original meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- True notice of a meeting is not given by burying such in the minutes of a prior board proceeding. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- An agenda notice which merely stated "work order reports" was an inadequate notice under this section because it did not give interested persons knowledge that plans for a 345 kv transmission line through the district was going to be discussed and voted upon at the meeting. Inadequate agenda notice under this section meant there was a substantial violation of the public meeting laws; however, later actions by the board of directors cured the defects in notice, and such actions were in substantial compliance with the statute. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

84-1412. Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other in-state locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(8) Public bodies shall make available at the meeting or the in-state location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

Source: Laws 1975, LB 325, § 5; Laws 1983, LB 43, § 4; Laws 1985, LB 117, § 2; Laws 1987, LB 324, § 5; Laws 1996, LB 900, § 1073; Laws 2001, LB 250, § 2;

Laws 2004, LB 821, § 39; Laws 2006, LB 898, § 3; Laws 2008, LB962, § 1.

Annotations

- To preserve an objection that a public body failed to make documents available at a public meeting as required by subsection (8) of this section, a person who attends a public meeting must not only object to the violation, but must make that objection to the public body or to a member of the public body. *Stoetzel & Sons v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003).

84-1413. Meetings; minutes; roll call vote; secret ballot; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

Source: Laws 1975, LB 325, § 6; Laws 1978, LB 609, § 3; Laws 1979, LB 86, § 9; Laws 1987, LB 663, § 26; Laws 2005, LB 501, § 1; Laws 2009, LB361, § 3; Laws 2015, LB365, § 2; Laws 2016, LB876, § 1.

Annotations

- If a person present at a meeting observes and fails to object to an alleged public meetings laws violation in the form of a failure to conduct rollcall votes before taking actions on questions or motions pending, that person waives his or her right to object at a later date. *Hauser v. Nebraska Police Stds. Adv. Council*, 264 Neb. 944, 653 N.W.2d 240 (2002).
- Subsection (2) of this section does not require the record to state that the vote was by roll call, but requires only that the record show if and how each member voted. Neither does the statute set a time limit for recording the results of a vote, after which no corrections of the record can be made. If no intervening rights of third persons have arisen, a board of county commissioners has power to correct the record of the proceedings had at a previous meeting so as to make them speak the truth, particularly where the correction supplies some omitted fact or action and is done not to contradict or change the original record but

- to have the record show that a certain action was taken or thing done, which the original record fails to show. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).
 - There is no requirement that a public body make a record of where notice was published or posted. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Source: Laws 1975, LB 325, § 9; Laws 1977, LB 39, § 318; Laws 1983, LB 43, § 5; Laws 1992, LB 1019, § 126; Laws 1994, LB 621, § 2; Laws 1996, LB 900, § 1074; Laws 2004, LB 821, § 40; Laws 2006, LB 898, § 4.

Annotations

- The Legislature has granted standing to a broad scope of its citizens for the very limited purpose of challenging meetings allegedly in violation of the Open Meetings Act, so that they may help police the public policy embodied by the act. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010).
- Any citizen of the state may commence an action to declare a public body's action void. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).

- The reading of ordinances constitutes a formal action under subsection (1) of this section. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- Under the Public Meetings Act, a county lacks capacity to maintain an action to declare its official conduct "void" for noncompliance with the act. *County of York v. Johnson*, 230 Neb. 403, 432 N.W.2d 215 (1988).
- When a petitioner under this section is successful in the district court, that court may allow attorney fees. *Tracy Corp. II v. Nebraska Pub. Serv. Comm.*, 218 Neb. 900, 360 N.W.2d 485 (1984).
- Informal discussions between the Tax Commissioner and the State Board of Equalization in which instructions were clarified, with such clarification leading to the amendment of hearing notices, did not constitute a public meeting subject to the provisions of this section. *Box Butte County v. State Board of Equalization and Assessment*, 206 Neb. 696, 295 N.W.2d 670 (1980).
- The right to collaterally attack an order made in contravention of the Public Meeting Act must occur within a period of one year as is specifically provided by this section. *Witt v. School District No. 70*, 202 Neb. 63, 273 N.W.2d 669 (1979).
- Statutory change, requiring "publicized notice" for board of education employment hearings, occurring between dates meeting scheduled and conducted, held not to void proceedings. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. Once a meeting has been declared void pursuant to Nebraska's public meetings law, board members are prohibited from considering any information obtained at the illegal meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Actions by the board of directors were merely voidable under this section, and not void. Pursuant to subsection (3) of this section, the plaintiffs were awarded partial attorney fees because they were successful in having the court declare that the board of directors was in substantial violation of the statute, even though the plaintiffs did not get the relief requested of having the board's actions declared void. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

Appendix 6. Membership roster

The membership roster, as of June 7, 2019, is provided below.

Table 3. Nebraska Workforce Development Board membership roster

Last	First	Title	Organization	Category
Ricketts	Pete	Governor	State of Nebraska	Governor
Albrecht	Joni	Senator	Nebraska State Legislature	Legislative
Adams	Greg	Executive Director	Nebraska Community College Association	Workforce
Albin	John	Commissioner	Nebraska Department of Labor	Government (Labor, WIOA Titles I and III)
Arganbright	Kyle	Mayor	City of Valentine	Local Chief Elected Official
Babcock	Elizabeth	Director of Communication and Talent Development	Adams Land & Cattle, LLC	Business
Bakken	Phil	Chief of Staff	University of Nebraska	Workforce, Youth
Blomstedt	Matthew	Commissioner	Nebraska Department of Education	Government (Education, WIOA Title II)
Brooks	Troy	Vice President and General Manager	Nucor Steel Nebraska	Business
Deakin	Brian E	HR Manager	BD Medical - Holdrege	Business
Dixon, Jr	Gary D.	Financial/Secretary-Treasurer	Steamfitters and Plumbers Local 464	Workforce, Apprenticeship
Feldhaus	Jason	Vice President of Connected Youth Initiatives	Nebraska Children and Families Foundation	Workforce, Youth
Foley	Lindy	Director	Nebraska Vocational Rehabilitation Program	Government (WIOA Title IV)
Geary	Michael	Owner	CMG Holdings	Business
Hale	Allan F	Executive Director	National Electrical Contractors Association	Workforce, Labor Organization
Hanson, Jr.	James	Owner/Founder	inTouch Communications	Business
Martin	Susan	President/Secretary-Treasurer	Nebraska State AFL-CIO	Workforce, Labor Organization
Moravec	Mark	Business Development Manager	Chief Industries, Inc.	Business
Nixon	Kyle J.	General Manager	Novozymes	Business
Nordell	Don	Director	Black Hills Energy	Business
Ridder	Terri	HR Director	Franciscan Care Services, Inc.	Business
Rippe	Dave	Director	Nebraska Department of Economic Development	Government (NDED)
Schroeder	Bradley	Director of Total Rewards	Children's Hospital & Medical Center	Business
Sedlacek	Jennifer	Senior Director, PTC Operations	Union Pacific Railroad	Business

Last	First	Title	Organization	Category
Smith	Dannette R	Chief Executive Officer	Nebraska Department of Health and Human Services	Government (DHHS)
Stitt	Becky L	Regional Human Resources Manager	Western Sugar Cooperative	Business
Swigart	Carol A.	Owner/President	Hillaero Modification Center	Business
Turman	Paul	Chancellor	Nebraska State College System	Workforce
Wilson	Lisa	Plant HR Manager	Case New Holland Industrial (CNHI)	Business
Vacancy	-	-	-	Business
Vacancy	-	-	-	Local Chief Elected Official

Appendix 7. Meeting calendar and locations

Meeting dates for 2019 and 2020 will be decided during the September 13, 2019 meeting of the Board.