

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 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 and to carry out such functions as shall be authorized under Neb. Rev. Stat. § 81-407 to assist in establishing strategies and initiatives designed to develop Nebraska's workforce through the use of a workforce development grant program.

Section 1.4 Compliance

The Nebraska Workforce Development Board shall operate in compliance with all applicable federal and state laws, regulations and guidance as may be amended from time to time.

ARTICLE II. MEMBERSHIP

Section 2.1 Appointment

- (a) The Governor may seek nominations from Nebraska business organizations, business trade associations, and labor federations, as needed, prior to the appointment of individuals to the State Board.
- (b) The Governor shall make all appointments to the State Board, which shall conform to the requirements of WIOA Sec. 101(b), 20 CFR § 679.110 and other applicable federal and state laws, regulations and guidance.
- (c) The Speaker of the Nebraska Unicameral Legislature ("Legislature") shall appoint one (1) member of the Legislature to the State Board.
- (d) 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 20 CFR § 679.110.

Section 2.2 Term of Appointments

- (a) All Governor-appointed members serve at the pleasure of the Governor and shall be appointed for a term no longer than four years.

- (b) Notwithstanding Subsection (a) of this Section, Governor-appointed members may, at the discretion of the Governor, be appointed for any length of term necessary to ensure only a portion of State Board membership expires in a given year.
- (c) All Governor-appointed members shall be eligible for reappointment for an unlimited number of consecutive or non-consecutive terms.

Section 2.3 Participation

To ensure State Board members participate in convening Nebraska's workforce development system stakeholders, broker relationships with a diverse range of employers, leverage support for workforce development activities, and participate in the submission of workforce development grants for the Commissioner of Labor's consideration, members of the State Board may be appointed to one or more additional committees or similarly designated groups of the State Board in accordance with these Bylaws.

Section 2.4 Removal

- (a) The Governor may remove any State Board member appointed by the Governor at any time for any reason.
- (b) The Speaker of the Nebraska Legislature may remove the member of the Legislature appointed to the State Board at any time for any reason.
- (c) The State Board may ask the Governor to remove any Governor-appointed member of the State Board:
 - (i) by recommendation of any officer, of the State Board; or
 - (ii) by a majority vote of the full membership of the State Board pursuant to a motion to request removal for good cause as recorded in the minutes of the relevant meeting of the State Board.
- (d) "Good cause" for the request for removal of a Governor-appointed 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 2.5 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 State Board (hereafter, the Chair) and the Commissioner of Labor.
- (b) When a member appointed by the Speaker of the Legislature deems it necessary to resign from the State Board, such member shall tender resignation in writing to the presiding Speaker of the Legislature, with a copy tendered to the Chair and to the Commissioner of Labor.
- (c) When an individual appointed by the Chair to serve as a chair or member of a committee, subcommittee, special committee, ad hoc committee, task force, or similarly designated group of the State Board deems it necessary to resign, such individual shall tender his or her resignation to the Chair in writing.
- (d) All such resignations tendered in accordance with Sec. 2.5 of these Bylaws shall be deemed effective, as applicable, upon the acceptance of the
 - (i) Governor for Governor-appointed members;

- (ii) Speaker of the Legislature for appointments made by the Speaker; or
 - (iii) Chair for Chair-appointed members of committees, subcommittees, special committees, ad hoc committees, task forces, or similarly designated groups of the State Board.
- (e) In the event that the Chair resigns, the Vice-Chair of the State Board (hereafter, the Vice-Chair), shall serve as acting Chair until a new Chair is appointed by the Governor.

Section 2.6 Vacancy

- (a) In the event of a vacancy of a Governor-appointed member of the State Board, the Chair or another designated individual shall promptly notify the Governor of the vacancy in writing. The Governor shall appoint another individual to serve on the State Board in accordance with Sec. 2.1 of these Bylaws.
- (b) In the event of a vacancy of the member appointed by the Speaker of the Legislature the Speaker of the Legislature shall appoint another individual to serve on the State Board in accordance with Sec. 2.1 of these Bylaws.
- (c) In the event of a vacancy of a chair of a committee, subcommittee, special committee, ad hoc committee, task force, or similarly designated group of the State Board pursuant to Sec. 2.5(c) of these Bylaws, the Chair shall appoint another member of the State Board to serve as chair of such committee, subcommittee, special committee, ad hoc committee, task force, or similarly designated group of the State Board in accordance with Sec. 6.4 of these Bylaws.

Section 2.7 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 Bylaws of the Nebraska Workforce Development Board

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. In the event the Chair and Vice-Chair are absent from a meeting, a member of the Executive Committee as described in Sec. 6.1 of these Bylaws shall serve as Acting Chair 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 as needed. Additional meetings may be held at the call of the Governor, the Chair, the Executive Committee, or at the request of the Commissioner of Labor. Meetings may be rescheduled at the call of the Governor, the Chair, the Executive Committee or at the request of the Commissioner of Labor.

Section 4.2 Meeting Notice

- (a) Written notice of a State Board 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 a State Board member is unable to attend a meeting of the State Board, such member may assign a designee to attend the meeting on such member's behalf in accordance with this section of the 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.
- (d) If a State Board member assigns a designee to attend a State Board meeting on such member's behalf, the State Board member shall, to the extent possible, give notice of the planned designee's attendance at least twenty-four (24) hours before the meeting to the Chair or to such individual as the Chair may designate.

Section 4.3 Annual Meeting

- (a) The annual meeting of the State Board will be held in March each year, subject to Sec. 4.1 of these Bylaws.
- (b) The agenda of the annual meeting of the State Board shall include review of workforce development grant proposals as described in Sec. 7.1 of these Bylaws, review of the WIOA annual performance report narrative pursuant to Neb. Rev. Stat. § 48-3304, and any additional business that may be conducted by the State Board.

Section 4.4 Public Meetings

All meetings of the State Board and the Executive Committee established in accordance with Article VI 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) 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. At the discretion of the presiding officer of State Board meetings, unless otherwise prescribed by rules adopted by majority vote of the State Board, may limit the amount of time for discussion on any particular agenda item, and such limit shall be announced at the time that the agenda item is brought up for discussion.
- (b) 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.
- (c) The rules contained in the current edition of Robert's Rules of Order 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.
- (d) Use of technology for any meeting of the State Board or the Executive Committee must meet requirements Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act.

Section 4.6 Quorum

- (a) A majority of voting members shall constitute a quorum, except as otherwise provided by law.
- (b) Members of the State Board who are absent from a meeting of the State Board shall not be considered for purposes of determining quorum.
- (c) Designees of State Board members, as provided for under Secs. 4.2(c) and 4.2(d) of these Bylaws, shall be considered for purposes of determining quorum.

Section 4.7 Manner of Voting

- (a) Except as specified in Subsection (b) of this Section, voting on all questions before the State Board
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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) The following motions shall be adopted if approved by a majority of voting members present, by means of voice vote:
 - (i) A motion to adjourn.
 - (ii) A motion to approve minutes of a prior State Board meeting.
- (c) Proxy voting is permitted by members of the State Board through a designee provided for under Secs. 4.2(c) and 4.2(d) of these Bylaws.

ARTICLE V. CONFLICT OF INTEREST

- (a) A State Board member shall not vote on a matter under consideration by the State Board regarding the provision of services by such member (or by an entity that such member represents) or that would provide a direct financial benefit to such member or the immediate family of such member or engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State Plan.
- (b) All State Board members, as applicable, shall comply with the provisions of Neb. Rev. Stat. §§ 49-1499 through 49-14,103.03.
- (c) No State Board member may receive anything of value resulting from a benefit conferred by the State Board upon any person, business, or organization.
- (d) 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.
- (e) When a potential conflict of interest exists, the affected 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.

ARTICLE VI. COMMITTEES AND SUBCOMMITTEES

Section 6.1 Executive Committee

- (a) There shall be an Executive Committee consisting of members appointed by the Governor.
- (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. Executive Committee membership must include:
 - (1) the Chair;
 - (2) the Vice Chair;
 - (3) two (2) representatives from the business category;
 - (4) one (1) representative of a labor organization from the workforce category;

- (5) one (1) representative of an organization serving youth from the workforce category; and
- (6) the Commissioner of the Nebraska Department of Labor.
- (c) The Chair shall serve as chair of the Executive Committee.
- (d) 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.
- (e) The provisions of Secs. 4.4 through 4.7 of these Bylaws apply to the conduct of all Executive Committee meetings.

Section 6.2 Other Committees

- (a) 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.
- (b) Individuals who are not members of the State Board may be appointed by the Chair to committees, special committees, ad hoc committees, task forces, or similarly designated groups.

Section 6.3 Committee 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 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, subcommittee, special committees, ad hoc committees, task forces, or similarly designated groups created pursuant to Secs. 6.2, 6.3, and 6.4 of these Bylaws shall be by a majority vote of the quorum present.

Section 6.4 Committee Meetings

- (a) Committees, subcommittees, special committees, ad hoc committees, task forces, or similarly designated groups created pursuant to Article Six 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) Except with regard to the Executive Committee described in Sec. 6.1 of these Bylaws, committees, subcommittees, special committees, ad hoc committees, task forces, or similarly designated groups created under these Bylaws, pursuant to Neb. Rev. Stat. § 84-1409(1) of the Nebraska Open Meetings Act:
 - (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.
- (c) 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 subject to the requirements described in Sec. 4.5(e) of these Bylaws.

ARTICLE VII. Workforce Development Grant Proposals

Section 7.1 Purpose

The State Board shall have the responsibility to review, select, and submit workforce development grant proposals to the Commissioner of Labor on an annual basis, in accordance with the State Board's strategic planning goals and statutory duties.

Section 7.2 Solicitation of Proposals

The State Board may solicit grant proposals ideas from its members and non-members, including but not limited to local workforce development area boards and local area navigators, educational institutions, community organizations, business and labor union representatives, and other relevant stakeholders.

Section 7.3 Submission Deadline

All grant proposals intended for consideration must be submitted to the State Board no later than February 1st of each year. Proposals submitted after this deadline shall not be considered for that calendar year review process unless otherwise approved by a majority vote of the Executive Committee.

Section 7.4 Review and Selection Process

At its annual meeting, the State Board shall review and select up to eighteen (18) grant proposals for submission to the Commissioner of Labor. Each submitted proposal must include a description of the purpose of the proposed grant and the desired outcome and must also include a method of measuring success for the proposed grant. The State Board shall take into consideration the following when reviewing all submitted proposals:

- (a) Alignment with state workforce development priorities, strategies and initiatives designed to develop Nebraska's workforce.
- (b) Feasibility of implementation.
- (c) Whether the submitted proposals, in totality, provide representation to all of Nebraska's local workforce development areas.

Section 7.5 Submission to the Commissioner of Labor

Following the annual meeting, the selected proposals shall be compiled and formally submitted by the State Board to the Commissioner of Labor for his or her consideration. The Commissioner of Labor may approve, reject, or modify any grant proposal submitted by the State Board. If the Commissioner rejects or modifies any grant proposal submitted by the board, the Commissioner must provide written notice of the decision to the Chair of the State Board and include rationale for the rejection or modification.

Section 7.6 Recordkeeping

The State Board shall maintain records of all proposals submitted, reviewed, and selected during the selection process.

ARTICLE VIII. AMENDMENT OF BYLAWS

Section 8.1 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 8.2 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 VIX. 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 X. EFFECTIVE DATE OF BYLAWS

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.

Notice of these Bylaws was sent to the members of the State Board on September 5, 2025. These Bylaws of the State Board were adopted by a vote of fifteen (15) in favor, none (0) in opposition, and none (0) abstaining, the same constituting more than two-thirds (2/3) of those members of the State Board present on September 19, 2025 at the regular meeting of the State Board.

Bradley Schroeder, Acting Chair, Nebraska Workforce Development Board

Date