

# State Workforce Development Board

## BYLAWS

### Article I – Name

This body has been established in accordance with the Workforce Innovation and Opportunity Act and is known as the State Workforce Development Board (hereinafter referred to as the “Board”). The Board was established through Executive Order #46 on June 30, 2015.

### Article II – Purpose

**Section 1.** The primary responsibility of the Board is to advise the Governor on all matters of workforce development strategy for the state of Tennessee. The Board shall not operate or provide services directly. All recommendations by the Board shall be subject to approval by the Governor.

**Section 2.** In the absence of statutory prohibition, the Board may also carry out the duties and functions of other existing State councils as described under laws relating to federal and state workforce development programs where the Governor and Commissioner of the State department responsible for the administration of such program jointly agree to include the program within the jurisdiction of the Board.

**Section 3.** The Board shall identify the workforce development needs of the State, analyze and assess new federal policy and program initiatives, and make recommendations toward improving statewide policies, goals, and guidelines for the coordination of all workforce education, employment, and training programs. Such recommendations should transcend traditional organizations and program boundaries and focus rather on providing quality services to those citizens who use such services, and on the needs of the employers who increasingly depend upon the workforce development system to secure qualified workers. The Board shall advise the Governor on these matters and attend to those specific tasks which may be delegated to the board from time to time by the Governor.

**Section 4.** The Board shall review the provision of services and the use of funds and resources under applicable Federal workforce development programs and advise the Governor on methods of improving and coordinating the use of such funds and resources. Where necessary, the Board shall develop and implement appropriate State and local performance measures to ensure that such resources and funds are being used effectively.

**Section 5.** The Board shall make an annual report to the Governor which shall be a public document. It shall issue such other studies, reports, or documents as it deems advisable to assist in improving the delivery of workforce development services and in carrying out the purposes of the State Workforce Development System.

**Section 6.** The Board shall identify the employment and training and vocational education needs throughout the state; assess the extent to which employment and training, vocational education, rehabilitation services, economic development, temporary assistance for needy families, and other federal, state, and local programs and services represent a consistent, integrated, and coordinated approach to meeting such needs.

**Section 7.** The Board shall review plans of all state agencies providing employment, training, and related services, and provide comments and recommendations to the Governor, the state legislature, the state agencies, and the appropriate federal agencies on the relevancy and effectiveness of employment and training, and related service delivery systems in the state.

### **Article III – Membership**

**Section 1.** The Board shall consist of 24 members:

- a. The Governor, or designee, a member of the Senate, appointed by the Speaker of the Senate, and a member of the House, appointed by the Speaker of the House.
- b. The Commissioner of the Department of Labor and Workforce Development, the Commissioner of the Department of Human Services, the Commissioner of the Department of Economic and Community Development, and the Commissioner of the Department of Education, or their designees, and
- c. 17 members appointed by the Governor:
  - i. Two mayors, one city and one county,
  - ii. Two representatives of organized labor, for which the Governor shall consult with state labor organizations and may pick from a list of nominees submitted by such groups,
  - iii. One representative of a community-based organization that has demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive, integrated employment for individuals with disabilities,
  - iv. One training director who is representative of an apprenticeship program, and
  - v. 11 members who are owners, chief executive officers, or executives with policy-making or hiring authority in businesses that, at a minimum, provide employment training opportunities that include high-quality, work-relevant training and development in major industry sectors or occupations in this state. The Governor shall consult with relevant state business organizations and trade associations when making these appointments and may pick from a list of nominees submitted by such groups. At a minimum, one such member

must represent small businesses as defined by the U.S. Small Business Administration.

**Section 2.** Terms of the Governor and the members of the Senate and the House shall run coterminous with their terms in office. Commissioners shall serve ex officio. All other members shall serve terms of 4 years, except that initial appointments shall be made as follows: the city mayor, the training director who represents an apprenticeship program, and two business representatives shall serve initial terms of 1 year. One labor representative and three business representatives shall serve initial terms of 2 years. The community-based organization representative, one labor representative, and three business representatives shall serve initial terms of 3 years. The county mayor and three business representatives shall serve initial terms of 4 years. Members shall serve until reappointed or replaced. Members may succeed themselves.

**Section 3.** Members wishing to resign from the board shall notify the Commissioner of the Department of Labor and Workforce Development in writing of their intent to resign. The Department shall notify the Governor's office of any vacancies resulting from resignation, death, or any other reason.

**Section 4.** The Commissioner of the Department of Labor and Workforce Development, the Commissioner of the Department of Human Services, the Commissioner of the Department of Economic and Community Development, and the Commissioner of the Department of Education may each choose a designee who may serve in their stead. They should notify the Board and Governor in writing of who they have chosen to serve in this capacity. The Governor may also choose a designee to serve in his or her stead. Designees for commissioners and the Governor must have demonstrated experience and expertise and optimum policy-making authority. All other members of the board may send a proxy if they are unable to attend a meeting themselves. They must notify the Board of their intent to do so by submitting the appropriate form prior to the date of the meeting. Proxies for business representatives must have optimum policy-making or hiring authority. In addition, any Board member may proxy to another Board member once per calendar year. A Board member accepting such proxy must be in good standing with the State Workforce Development Board. In good faith, this Board member will vote in alliance with the absent Board member.

**Section 5.** No member shall cast a vote on the provision of services by that member or any organization which that member directly represents, or vote on any matter which would provide direct financial benefit to that member.

#### **Article IV – Officers**

**Section 1.** The Governor shall appoint a Chair and a Vice Chair from the business representatives on the board. The Governor may choose from a list of 3 names that shall be submitted by the Commissioner of the Department of Labor and Workforce Development. These officers shall perform the duties prescribed in these bylaws and by the parliamentary authority adopted by the Board.

**Section 2.** The Chairperson of the Board shall preside at all meetings of the Board if present; execute instruments, when authorized by the Board, in the name of the Board; call special meetings of the Board, or reschedule a regular meeting of the Board; be a member of all standing committees, and he/she shall be Chairperson of the Executive Committee; exercise and perform

such other powers and duties as may be assigned to him/her by the Governor, or the Board, or prescribed by the bylaws; and, in general, to perform all the duties incidental to the office of Chairperson.

**Section 3.** In the absence of the Board Chairperson, the Vice-Chairperson shall perform all the duties of the Chair, and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the Chairperson. The Vice-Chairperson shall have such other powers, and perform such other duties, as may be prescribed by the Board or the Bylaws.

**Section 4.** In the absence of the Chairperson and Vice-Chairperson, the Chairperson shall designate a member of the Board to preside over the regularly scheduled meeting.

### **Article V- Meetings**

**Section 1.** The regular meetings of the Board shall be held at least quarterly at a time and place determined by the Chairperson. Meetings shall be publicly announced, open, and accessible to the public as required by the Americans with Disabilities Act of 1990. The Board may elect to meet more frequently in order to address the issues confronting the Workforce Development System.

**Section 2.** Special meetings may be called by the Chairperson or the written request of five members of the Board. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least three days notice shall be given for special meetings.

**Section 3.** A quorum shall be constituted by forty (40) percent of the State Board's membership, plus one (1) at a meeting. The Board members present at a duly called or held meeting at which a quorum has been established at the beginning of the meeting, may continue to do business until adjournment.

**Section 4.** Technology will be used to the extent possible to increase board member participation. Strategies may include sending out appropriate meeting materials, including agendas and previous minutes, prior to all board meetings as well as maintaining communication via email between meetings when necessary.

**Section 5.** In addition to attending board meetings, board members are invited and encouraged to participate in all workforce activities across the state and in their respective areas, such as employer-focused meetings, hiring functions, and employer round table meetings. These activities aim to engage members in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities.

**Section 6.** Any board member absent, in person or by proxy, for two (2) consecutive regularly scheduled meetings shall be contacted by the Workforce Development staff. Any Board member absent for three (3) consecutive regularly scheduled meetings shall be considered to have resigned unless there is notification of extenuation circumstances approved by the Chairperson. The Department of the Board shall request the governor to fill the vacant position.

## **Article VI – Executive Committee**

**Section 1.** The officers of the Board and the Chairperson of each committee established under Article VII shall constitute the Executive Committee.

**Section 2.** The Executive Committee shall have supervision of the affairs of the Board between its business meetings, and conduct necessary business to ensure compliance with the Workforce Innovation and Opportunity Act (P.L. 113—128) as may be amended from time to time, and applicable state and federal regulations. The Executive Committee may make recommendations to the Board, and perform such other duties as are specified in the bylaws. The Executive Committee shall be subject to the order of the Board, and none of its acts shall conflict with these bylaws or policies of the Board.

**Section 3.** The Board Chairperson shall chair the Executive Committee and call meetings when necessary at a date, time, and place of his/her choosing. The Chairperson shall call a special meeting upon the written request of three members of the Executive Committee.

## **Article VII – Committees**

**Section 1.** The Chairperson may create such other committees that shall have, and may exercise, such powers as shall be conferred or authorized by resolution of the Board. A majority of any such committee may determine its action, and fix the time and place of its meetings, unless the Board shall otherwise provide. The Board, by such affirmative vote, shall have power, at any time, to change the powers, and to dispose of, any such committee.

**Section 2.** Committees shall meet as necessary to fulfill their responsibilities.

**Section 3.** The Chairperson of the Board shall have the authority to designate members of the Board to sit on committees, at the chair's discretion. The Chairperson of the Board shall have the authority to appoint committee Chairpersons.

## **Article VIII– Parliamentary Authority**

The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the Board in all questions which are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Board may adopt.

## **Article IX – Amendment of Bylaws**

| Bylaws may be changed by the Governor.

Amended by the State Workforce Development Board on October 23, 1998, in Nashville, Tennessee.

Amended by the State Workforce Development Board on March 11, 2005, in Clarksville, Tennessee.

Amended by the Governor's Office on September 8, 2015 to bring into compliance with the Workforce Innovation and Opportunity Act.