Arkansas Workforce Development Board
By-Laws

Est. June 9, 2015
Amended: October 9, 2018

Article I: Appointments

Section 1. Authority

The Arkansas Workforce Development Board is organized under provisions of Arkansas Annotated Code 15-4-3704, the Arkansas Workforce Innovation and Opportunity Act, and Public Law 113-128, the Workforce Innovation and Opportunity Act of 2014. Membership and duties of the Board are as defined in those Acts and in these by-laws.

Section 2. Term of Appointment

The initially appointed members of the Board shall draw lots to determine service terms as follows:

(1) One-fourth shall be appointed for a term of one year.
(2) One-fourth shall be appointed for a term of two years.
(3) One-fourth shall be appointed for a term of three years.
(4) One-fourth shall be appointed for a term of four years.
(5) As each initial appointment term expires, all appointments made by the Governor will be for four (4) years.

Section 3. Vacancies

In accordance with Arkansas Annotated Code 15-4-3704(g), in the event of a vacancy on the Board in one (1) of the appointed positions, the vacancy shall be filled for the unexpired portion of the term by appointment by the original appointing authority of a person meeting the same qualifications required for initial appointment.

Members shall continue to discharge the duties of the board, although their term has expired, until a qualified successor has been appointed, pursuant to §15-4-3704(b).

Section 4. Attendance

1) **Attendance required.** In order to ensure broad representation and a quorum, all board members have a responsibility to attend all regular or special meetings of the board or commission.
2) **Excessive absences.** A board member shall be subject to removal from the board in the event the member shall fail to present to the Governor a satisfactory excuse for his absence. Unexcused absences from three (3) successive regular meetings, without attending any intermediary called special meetings, shall constitute sufficient cause for removal. (According to

Arkansas Code Annotated § 25-16-804, the Governor may remove a board or commission member for good cause.)

Arkansas Code Annotated § 25-16-804 (a)(1) ***Good Cause*** *includes:*

a. *Conduct constituting a criminal offense involving moral turpitude;*
b. *Gross dereliction of duty;*
c. *Gross abuse of authority; or*
d. *The unexcused absence of a board or commission member from three (3) successive regular meetings without attending any intermediary called special meetings.*

3) **Notice and removal procedures.** Removal of board members shall be in accordance with the following:

a. Within thirty (30) days after each regular board meeting, the Executive Director of the board shall notify, in writing, the Governor of any member who has been absent from three (3) successive regular meetings, without attending any intermediary called special meetings. The Executive Director's notice to the Governor shall include a copy of all meeting notices and attendance records for the past year.
b. Within sixty (60) days after receiving the notice and supporting documentation from the Executive Director, the Governor shall notify, in writing, the board member of his intent to remove the member for cause.
c. Within twenty (20) days of the date of the Governor's notice, the member may request an excused absence as provided by this section or may file within the Governor's Office notice that the member disputes the attendance records and the reasons thereby.
d. The Governor shall grant an excuse for illness of the member when verified by a written sworn statement by the attending physician, or other proper excuse as determined by the Governor.
e. After twenty (20) days of the date of the Governor's notice, if no rebuttal is received or other adequate documentation submitted, the member may be removed in accordance with the provisions set forth.

4) **Reimbursements withheld.** Any board or commission member referred to the Governor because of excessive absences under the provisions of this section shall not be entitled to any stipend payments for attending meetings of the board until the board or commission receives notification from the Governor that the member has been excused for the absences.

Article II: Officers

Section 1. Chair

The Governor shall select annually on June 1 a chair for the Board from among the representatives of business described in A.C.A 15-4-3704. The Chair shall preside at all meetings of the Board and Executive Committee and shall have such other duties, powers, and responsibilities as are assigned by the Board or these by-laws.

Section 2. Vice-Chair

The Governor shall annually select by July 1 a Vice-Chair from among the members of the Board. The Vice-Chair shall act as Chair in the absence or disability of the Chair and shall have such other duties, powers and responsibilities as are assigned by the Chair, the Board, or these by-laws.

The Vice Chair shall continue to discharge the duties of the board, although their term has expired or until a qualified successor has been appointed.

Section 3. Line of Succession

In the event that neither the Chair nor Vice-Chair are available to preside at all meetings of the Board and Executive Committee, the line of succession is as follows:

1. Strategic Planning Committee Chair
2. Program and Performance Evaluation Committee Chair
3. TANF Oversight Committee Chair.

Article III: Powers and Functions

Section 1. Powers and Functions

The Arkansas Workforce Development Board shall have specific responsibilities as provided in A.C.A. 15-4-3706. The Board also shall have any other responsibilities identified in Public Law 113-128, or assigned by the Governor.

Article IV: Meetings

Section 1. Regular Meetings

The Board shall meet at least quarterly at such time and location as the Chair may select. The Executive Committee shall meet as needed between the quarterly board meetings at the call of the chair of the executive committee or upon the request of seventy-five percent (75%) of the executive committee members, and the chair of the executive committee shall report any actions of the executive committee to the board at the quarterly meetings. Each other committee shall meet at such times and locations as called by the committee chair and consistent with applicable provisions of the Administrative Procedures Act. Communications requesting consideration by the Board from persons not members thereof shall be in writing to the Board Director at least twenty (20) days prior to a regularly scheduled Board meeting. Items brought by Board members may be added to the agenda with a two-thirds (2/3) vote of the members present.

The Board and its Committees may utilize technologies to promote greater participation among its members. Such technologies may include, but not limited to: teleconferences, webinars, and other web-based meeting tools. All meeting locations shall be publicly noticed and accessible to the public.

Section 2. Special Meetings

Special meetings of the Board for any purpose may be called by the Chair of the Board or upon the written request of a majority of the membership of the Board.

Section 3. Notice of Meetings

Written notice stating the place, day and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall be deposited in the mail, hand delivered, or sent by way of electronic mail or fax not less than seven (7) days before the date of a regular meeting and not less than one (1) day before the date of a special meeting. Such notice shall be sent to Board members, the media and individuals who have submitted a written request to be notified of meetings.

Section 4. Order of Business

The regular order of business at all meetings of the Board shall be as follows:

A. Roll call
B. Action on the minutes of the preceding meeting(s)
C. Report of the Chair
D. Report of the staff director
E. Report of the Executive Committee
F. Report of the standing committees
G. Report of any *ad hoc* committees
H. Other specified agenda items
I. Communications, petitions and miscellaneous
J. Adjournment

Section 5. Rules

Meetings of the Board and its committees shall be conducted in accordance with the policies specified in these by-laws and generally recognized procedures (e.g., Robert's Rules of Order, the process used by the Arkansas General Assembly, or other common methods of proceeding). Any objections to procedure must be made at the time an action is taken by the Board or committee.

Article V: Committees

Section 1. Enumeration and Selection

There shall be four (4) standing committees of the Board and such other committees as the Board or the Chair may determine from time to time to be necessary or appropriate. Unless otherwise specified, committee members and chairs shall be appointed by the Chair of the Board. The standing committees are as follows:

A. Executive Committee
B. Strategic Planning Committee
C. Program and Performance Evaluation Committee

D. Temporary Assistance for Needy Families Oversight Committee

Section 2. Executive Committee

The Executive Committee shall be formed and meet as needed between the quarterly board meetings at the call of the chair of the executive committee or upon the request of seventy-five percent (75%) of the executive committee members. Upon the initial meeting of the Workforce Development Board, the Chair shall name an interim Executive Committee, which shall expire after six months. The Board shall select an Executive Committee to take effect the seventh month.

The Executive Committee shall have the authority of the Board to act during the interim between Board meetings but shall defer to the Board, whenever practical, action on matters of major policy implications. Executive Committee decisions will be implemented immediately and will be ratified at the next full Board meeting. Between Board meetings the Executive Committee shall review and coordinate the work of the other committees. All Board functions not specifically enumerated and assigned to another committee by these by-laws shall be the responsibility of the full Board and the Executive Committee, unless the function is assigned by the Chair to another standing or ad hoc committee.

The membership of the Executive Committee shall include:

- At least five (5) members representing businesses;
- At least one (1) chief elected official;
- At least two (2) representatives of workers;

The Arkansas Department of Workforce Services shall provide staff support to the board.

Section 3. Strategic Planning Committee

The Strategic Planning Committee shall act in an advisory capacity to the Board to carry out the following functions:

- The development, implementation, and modification of the state workforce development plan
- The review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the state to align workforce development programs in the state in a manner that supports a comprehensive and streamlined workforce development system in the state, including the review and provision of comments on the state plan, if any, for programs and activities of one-stop partners that are not core programs;
- The development and continuous improvement of the workforce development system in the state, including:
    - The identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system;

  - The development of strategies to support the use of 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;
  - The development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;
  - The development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;
  - The identification of regions, including planning regions, after consultation with local boards and chief elected officials;
- The development of strategies to support staff training and awareness across programs supported under the workforce development system;
- The development and review of statewide policies affecting the coordinated provision of services through the state's one-stop delivery system, including the development of—
  - Guidance for the allocation of one-stop center infrastructure funds; and
  - 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 such system;
- The 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 such improvements to:
  - Enhance digital literacy skills;
  - Accelerate the acquisition of skills and recognized postsecondary credentials by participants;
  - Strengthen the professional development of providers and workforce professionals; and
  - Ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas;
- The development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities, to local areas.

The Committee also will perform other functions related to strategic planning activities. To the extent feasible, appointments to the Strategic Planning Committee shall be similar to the categorical representation of the Board as a whole.

Section 4. Program and Performance Evaluation Committee

The Program and Performance Evaluation Committee shall act in an advisory capacity to the Board to carry out the following functions:

- The 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 with planning and delivering services, including training services and supportive services, to support effective delivery of services to workers, jobseekers, and employers;
- The development and updating of comprehensive state performance accountability measures, including state adjusted levels of performance, to assess the effectiveness of the core programs in the state;
- The identification and dissemination of information on best practices, including best practices for:
    - The 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;
    - The 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; and
    - 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, and that evaluate such skills, and competencies for adaptability, to support efficient placement into employment or career pathways;
- Objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers;
- The preparation of an annual report;
- The development of the statewide workforce and labor market information system;
- The development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the state; and
- The 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 the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs).

To the extent feasible, appointments to the Program Performance and Evaluation Committee shall be similar to the categorical representation of the Board as a whole.

Section 5. Temporary Assistance for Needy Families Oversight Committee

Temporary Assistance for Needy Families Oversight Committee provides oversight of the Temporary Assistance for Needy Families Program and ensures that all program participants are receiving the assistance, information, and the services needed to help these low-income parents prepare for and connect with employment that will lead to a self-sufficient wage.

The member of the committee shall include:

- At least five (5) members representing businesses;
- At least one (1) chief elected official;
- At least one (1) member from among those members representing workers;
- The director of the Department of Workforce Services;
- The director of the Division of County Operations of the Department of Human Services as a standing voting committee member who is also not a member of the Arkansas Workforce Development Board

Section 6. Combined Committee Meetings

In the event that it appears that an insufficient number of Committee members are able to attend an upcoming meeting, the Board Chair may determine that it is in the best interest of the Board that a combined committee meeting is held.

This decision will be made after staff has polled committee members and provided notification to the Board Chair that a quorum will not be present.

Article VI: Quorum, Proxies, Voting, and Official Minutes

Section 1. Quorum

A simple majority of the members shall constitute a quorum at Board or committee meetings. Board or committee action shall require a simple majority of those members present during a meeting at which a quorum is present. The Chair may determine the method of voting, except that any member may request individual polling. Secret balloting shall not be allowed. Any member may request that his/her vote or abstention be made part of the minutes.

Section 2. Proxies

Proxy representation and proxy voting for non-governmental Board members will not be allowed. However, proxy representation for agency directors who are unable to be present is expected. Agency directors must notify the Board Chair and Executive Director, in writing, of their designee and certify that this person has the authority to serve and function as a Board member on the official's behalf. This notification must be made at least seven (7) calendar days prior to the meeting.

Section 3. Voting

Each member of the Board shall have one vote. Proxy voting is permitted for representatives of agency directors who have provided written notification of their proxy to the Executive Director, in accordance with the Board by-laws.

Section 4. Official Minutes

The Board and Committee Chairs will sign all official meeting minutes of their respective entities. In the event that the Board or Committee Chairs are unavailable, the Director of the Arkansas Workforce Development Board shall sign.

Article VII: Public Information

Section 1. Official Pronouncements

The Chair of the Board or his/her designee is the only member of the Board authorized to make official pronouncements for the Board. The staff director, or the agency providing staff support, is authorized to speak for the Board and its membership.

Section 2. Releases and General Information

The staff director, or the agency providing staff support, may issue such news releases, general information and other communications regarding the business of the Board as will serve its interest.

Article VIII: Open and Public Meetings

Section 1. Public Business

The Arkansas Workforce Development Board exists to serve the public interest. Actions of the Board and its meetings shall be conducted openly and in compliance with the Arkansas Freedom of Information Act, ACA 25-19-101, *et seq.*, as amended.

Article IX: Amendments

Section 1. Method of Amendment

These by-laws may be amended or repealed at any regular meeting of the Board by a two-thirds affirmative vote of the Board during a meeting at which a quorum is present, provided that copies of such amendments shall be submitted in writing to each member at least seven (7) days before the meeting at which time they are to be proposed; provided, however, that these by-laws may be adopted initially by a two-thirds affirmative vote of the full Board without regard to the seven (7) day notification period. Amendments must be proposed in writing and may be offered by any member of the Board or by the staff director.

Article X: Conflict of Interest

Section 1. **Voting Prohibitions**

Section 101 of WIOA prohibits a member of the Board from voting on a matter under consideration by the Board when:

1. the matter concerns the provision of services by the member or an entity that the member represents; or
2. the matter would provide direct financial benefit to the member or the immediate family of the member; or
3. the matter concerns any other activity determined by the Governor to constitute a conflict of interest as specified in the State Plan.

Section 2. **Board Member Code of Conduct**

Members of the Board are expected to avoid unethical behavior in the course of performing their official duties. The Board not only expects its members to avoid impropriety, but also avoid the appearance of impropriety whether it actually exists. Members must avoid:

1. using their position for private gain;
2. giving preferential treatment to any person or entity;
3. losing their independence or impartiality in making decisions; or
4. acting in any way that might erode public confidence in the integrity of the Board.

Section 3. **Abstention**

Board members should individually abstain from voting on issues and matters that will result in a direct or indirect conflict of interest. Abstentions and the general reasons therefore, should be duly recorded in the minutes of the meeting.

Section 4. **Compliance with State law**

Board members shall comply with all relevant aspects of the laws of the state of Arkansas with regard to conflict of interest.

Article XI: Confidentiality

Section 1. All information, whether transmitted orally or in writing, that is of such a nature that it is not, at that time, a matter of public record or public knowledge is deemed confidential by the Board. Members shall not disclose confidential information obtained in the course of or by reason of his or her membership on the Board to any person or entity not directly involved with the business of the Board.

Furthermore, no member of the Board shall use confidential information obtained in the course of or by reason of his or her membership on the Board in any matter with the intent to obtain financial gain for:

a. the member.
b. the member's immediate family,
c. any business the member or their immediate family is associated, or
d. any other person.

Article XII: Non-Discrimination

Section 1. The Board shall not discriminate against any employee, agent or provider of consulting or contract services, or applicant for employment, agency or consulting or contract services on the basis of race, color, religion, sex, national origin, disability or veteran status. It shall be the policy and practice of the Board to comply fully with federal and state laws, regulations and requirements in respect of non-discrimination, affirmative action, equal employment and civil rights.

Article XIII: Amendments

Section 1. The bylaws may be amended at any regular meeting of the Board with prior written notice having been given to all members of the Board at least thirty (30) days in advance. Approval of any amendment to the by-laws require two-thirds vote of the members present.

Tom Anderson, Board Chair
Arkansas Workforce Development Board

Arnell Willis, Workforce Development Board Director
Department of Workforce Services