

**KERR-TAR**

**WORKFORCE DEVELOPMENT BOARD**

**BY-LAWS**

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**ARTICLE I. NAME AND SERVICE DELIVERY AREA.**

Section 1. Name. The organization shall be called the Kerr-Tar Workforce Development Board, hereinafter referred to as the Kerr-Tar WDB.

Section 2. Local Area Delivery. The area to be served by the Kerr-Tar WDB shall be the Kerr-Tar Local Area (LA). The Kerr-Tar LA comprises the counties of Vance, Warren, Franklin, Granville, Person, and Caswell.

**ARTICLE II. ESTABLISHMENT.**

Section 1. Establishment. Under the Governor’s Executive Order No. 90, dated December 5, 1995, Private Industry Councils operating in the sub-state service delivery areas under provisions of the Federal Job Training Partnership Act and as replaced by the USDOL Workforce Investment Act (WIA), Public Law 105-220, 8/98 and as amended; were designated and established as North Carolina’s local or regional Workforce Development Boards for continuing purposes of the Federal WIA and as the governance boards for the JobLink (One-Stop) Career Centers. As per the purposes of the Executive Order, the Kerr-Tar Private Industry Council (PIC) transitioned into the Workforce Development Board.

**ARTICLE III. PURPOSE.**

Section 1. In Partnership. The Kerr-Tar WDB shall work in partnership with the Interlocal Cooperative Consortium for Job Training (Consortium) (County Commissioners) to enhance and address workforce development training, placement, and retention issues in the Kerr-Tar Region.

The purpose of the Kerr-Tar WDB is

*“Seeing workforce needs...Envisioning workforce solutions”*

The Kerr-Tar WDB will carry out its responsibilities in a manner that reflects the following values and principles:

- Accountability in all of our work
  - Respect for each other
  - Honesty and integrity above all
  - Meet customer expectations
- Value and know our stakeholders
- Embrace diversity (do right for the right reasons)
- Improve the quality of life for our citizens
- Partner with community to provide capable, skilled and productive workforce
- Demand driven to meet employer and employee needs

## **ARTICLE IV. DUTIES AND RESPONSIBILITIES.**

Section 1. Workforce Development Training and Services: Plan and oversee the delivery of all workforce development programs specified as responsibilities of the workforce development boards and/or workforce investment boards under the Federal Job Training Partnership Act and the *Workforce Investment Act of 1998*; to include:

- in agreement with Consortium select a grant recipient and administrative entity for carrying out the functions of the WDB
- development of local Job Training Plan
- *designate and certify one-stop JobLink operators*
  - *terminate for cause the eligibility of one stop, JobLink operators*
- *identify eligible providers of youth activities in the area*
- *identify eligible providers of training services for adults and dislocated workers in the area*
- *procure the services of eligible job training providers*
- *develop a budget for the purposes of carrying out the duties of the WDB*
- *conduct over site to local employment and training activities and the one-stop JobLink delivery system*
- *provide avenues of performance measures to meet state performance standards*
- *establish and maintain employer and economic development linkages*

A. Job Training Plan – Development: In accordance with the LA’s Chief Elected Official/WDB Agreement and Sections 103 and 118 of the Job Training Partnership Act, as amended, and Workforce Investment Act of 1998, respectively to:

(1) determine procedures for the development of the Job Training Plan:

(2) the job training plan shall include at a minimum identification of the workforce needs of employers, job/training seekers, and workers in the local area; current and projected employment opportunities in the local area; job skills necessary to obtain such employment opportunities; description and assessment of the type and availability of adult and dislocated worker, and youth employment and training activities in the local area; *identification of eligible providers of workforce development services; and a description of one-stop delivery system (referred to as JobLink Career Center) to include:*

(a) JobLink (one-stop) Career Center System:

- *development and coordination of area JobLink Career Center systems (key partners); a plan to insure the continuous improvement of eligible providers of services through the*

- system and to ensure that such providers meet the employment needs of local employers and participants;*
- *insure and provide documentation of each copy of 'memorandum of understanding' (MOU) between the WDB and the applicable one-stop JobLink Partners concerning the operation of the JobLink system in the area; to include at a minimum:*
  - *description of customer services*
  - *system for cost of services and operating cost of services*
  - *referral methods*
  - *duration of MOU*
- *establish a set of performance criteria;*
- *provide 'time limited' Charters of Certification that acts as the Center's business license*

Section II. Information and Dissemination. Advise, as applicable, local elected officials, employers, local education agencies, and community colleges, State and local employment and training agencies and citizens about policy, programs, and other information relative to their service area workforce.

Section III. Communication on Workforce Needs. Serve as a point of contact for business, industry, and the public sector to communicate their workforce needs.

Section IV. Labor Market Data Information. Develop industry or sector cluster analysis in order to set training priorities in the Local Area.

Section V. Economic Development. Develop linkages with regional and local economic development efforts and activities in the Local Area and promote cooperation and coordination among public organizations, community organizations, education agencies, and private businesses.

## **ARTICLE V. ADMINISTRATION AND EXPENSES.**

Section I. Funding Sources. The operating budget for professional and administrative support to the Kerr-Tar WDB shall derive from the Workforce *Investment Act of 1998*; and from other applicable federal, state, and private program funding sources.

## **ARTICLE VI. WDB MEMBERSHIP.**

Section I. General. Kerr-Tar WDB Members shall be selected in a manner consistent with Section 102 of the Job Training Partnership Act; *and service delivery area, state designation procedures (grand fathering existing PICs) as applicable to the Workforce Investment Act.*

Section II. Membership. The WDB shall consist of no more than 25 members. Members are to be appointed by the Chief Elected Official(s) of each county in the Local Area. All members appointed shall be involved or have an interest in workforce development issues and initiatives. Fifty one percent (or more) shall represent the private sector; and not less than fifteen percent shall represent organized labor and community based organizations. Membership composition shall be so designated:

Private Sector: A minimum of thirteen (13) members representative of growth and stabilized business and industries located within the Local Area – six counties; who are owners, chief executives, operating officers, and other business executives or employers with policy making or hiring authority.

Community Based & Organized Labor: Four (4) members representative of organized labor and community based organization.

Other: The remaining eight (8) seats shall be filled to represent (where possible) at least one or more of the following categories: education, vocational rehabilitation, social services, public job service, other *JobLink one-stop partner(s)*, and economic development.

Participation Expectation: Acceptance of an appointment to membership on the Kerr-Tar WDB carries with it a commitment to fulfill definite responsibilities. The successful operation of Kerr-Tar WDB to meet the mandates of the law, the purpose of the Board, and the needs in the region is dependent upon the active participation of each Board member to the fullest extent possible. Unless each Board member is willing and able to participate actively in Board activities, consideration should be given to step aside to allow another appointee to actively fill the position.

Committee Members: To allow for expertise on all standing and ad hoc committees, non-Board members may serve on committees as defined.

### Section III. Nominations and Selections.

- A. Private Sector. Private sector representatives on the WDB shall be selected from among individuals nominated by general purpose business organizations after consulting with, and receiving recommendations from, other business organizations in the service delivery area. Such nominations and the individuals selected from such nominations shall represent the industrial and demographic composition of the business community. Whenever possible, at least one-half of such business and industry representatives shall be representatives of small business and minority business.
- B. Education. Education representatives must be selected from among individuals nominated by local education agencies, vocational education institutions, institutions

of higher education, and private and proprietary schools or general organizations of such schools in the LA.

- C. Community-Based Organization Representatives & Organized Labor. Organized Labor representatives must be selected from among individuals recommended by recognized state and local labor organizations or appropriate building trades councils.
- D. Other. The remaining representatives shall be selected from individuals recommended by interested organizations.

Section IV. Term of Service. The initial terms of members shall expire one year from date of appointment. Thereafter, all WDB members shall be appointed for two year terms.

Section V. CEO Chairperson. The CEO Chairperson of the Interlocal Cooperative Consortium for Job Training shall serve as an ex-officio member of the Kerr-Tar WDB.

## **ARTICLE VII. OFFICERS.**

Officers shall consist of the Chairperson, Vice Chairperson Secretary/Treasurer. These officers shall have the following duties:

- 1) Chairperson:

The Chairperson shall be elected from among the private sector members of the Kerr-Tar WDB in accordance with Section 117 of the Workforce Investment Act. The Chairperson shall preside at meetings of the Kerr-Tar WDB and Executive Committee. S/he shall appoint the Chairpersons and members of all committees and be an ex-officio member of all other committees. S/he is the designated spokesperson for the Kerr-Tar WDB.

- 2) Vice Chairperson:

In the absence of the Chairperson, or in the event of his/her inability to act, or if that office is temporarily vacant, the Vice Chairperson shall exercise all the powers and perform all the duties of the Chairperson. The Vice Chairperson shall have such additional powers and perform such other duties as may be assigned to him/ her from time to time by the Chairperson. The Vice Chairperson must be from the private sector. It is expected that the private sector Vice Chairperson will succeed the Chairperson.

Section IV. Term of Office for Officers. The term of office of the Chairperson, Vice Chairperson and Secretary/Treasurer shall be effective as of the date elected. The officers shall serve for a period of one year or until the date of the next election of officers. Officers may succeed themselves; however, the officers may not serve more than three (3) consecutive terms.

Section V. Elections. Election of officers shall be held at the last regular meeting prior to July 1.

### **ARTICLE VIII. STAFF TO THE WDB.**

Section 1. Kerr-Tar WDB Support Staff. The Kerr-Tar WDB shall be supported in the performance of its duties by the administrative entity, grant recipient as listed in the CEO/WDB Agreement. The staff of the administrative entity, grant recipient shall be responsive to the needs, roles, and functions of the WDB.

### **ARTICLE IX. ORGANIZATION.**

Section I. Executive Committee. The Executive Committee shall include the Chairperson, Vice Chairperson, and chairs of the board's standing and Adhoc Committees of the Kerr-Tar WDB. The Chairperson may appoint additional WDB members on the Executive Committee.

- a. Duties. Duties of the Executive Committee shall be those assigned by the Kerr-Tar WDB as a whole and can include—authorization to act on behalf of the board in matters concerning Local Area policy, development of the Job Training Plan, over site, and operator performance.
- b. All actions of the Executive Committee shall be recorded and reported at the next scheduled Kerr-Tar WDB meeting.

Section II. Committees. The Kerr-Tar WDB shall, as necessary, be organized into committees to carry out its functions and responsibilities. Committee chairs shall be designated by the WDB Chairperson. WDB committees can represent such functions as board and membership development, planning, marketing, performance and accountability, and one-stop JobLink systems development. It is understood that committee functions and types may change subject to the needs, roles, and functions of the WDB.

Section III. Committee Meetings. Committees, other than the Executive Committee, shall meet at times and places to be designated by their respective chairpersons. Each committee member shall have one vote (in committee) and no proxy votes be allowed.

*Section IV. Youth Council. The Kerr-Tar Workforce Development Board Youth Council, hereinafter, WDB Youth Council, shall act as a subgroup of the WDB. Members to the*



*Youth Council shall be appointed by the WDB in cooperation with the Interlocal Cooperative Consortium – chief elected officials. The Chairperson of the Workforce Development Board shall appoint a member to chair the Youth Council.*

*1. Terms of membership. Membership terms of the youth council shall be in one to two year – staggered terms.*

**A. Youth Council Purpose.** *The WDB Youth Council shall be established as a sub group to the WDB. Members shall work with the WDB in developing, planning, implementing, and providing over site to youth training, education, and career/workforce development programs and activities. Programs and activities shall be geared toward the benefit of **eligible youth 14 – 21 to:***

- provide youth seeking assistance in achieving academic and employment success, effective and comprehensive activities, which shall include a variety of options for improving educational and skill competencies and provide effective connections to employers;*
- ensure on-going mentoring opportunities for eligible youth with adults committed to providing such opportunities;*
- provide opportunities for career development training;*
- provide continued supportive services for eligible youth;*
- provide incentives for recognition and achievement;*
- provide opportunities in activities related to leadership, development, decision making, citizenship, and community service.*

*In the planning and implementation of youth services, youth Council duties shall include:*

- working with the Kerr-Tar LA in the development of youth job training plan; activities, summer youth and year round remedial and occupational skills training, services, education enhancement, JobLink 'one-stop' services, policy, procurement, implementation, and performance over site.*
- recommending youth training activities*

**B. Membership to the Youth Council.** *The Youth Council members shall represent individuals with a special interest in positive youth development; and/or with special expertise in youth policy. The WDB Youth Council Membership shall not exceed seventeen (17) members. Members shall be representative of agencies and/or persons to include:*

- WDB member(s) who have special interest or expertise in youth policy*
- public schools*
- community colleges*

- *youth service agencies to include juvenile justice and local law enforcement*
- *public housing authorities*
- *parents of eligible youth seeking assistance under WIA*
- *special youth interest groups, including youth*
- *youth training agencies, to include the Job Corps*
- *agencies involved in the child foster care system*

C. *Youth Council Meetings:*

*Meetings of the Youth Council shall be held quarterly in sequence with the WDB regularly scheduled meetings. The WDB Youth Council shall report to the WDB at their regular scheduled meetings.*

**ARTICLE X. MEETINGS.**

Section I. Regular Meetings of the Kerr-Tar WDB. The Kerr-Tar WDB shall be scheduled to meet quarterly on the first Tuesday of second month of each quarter. A meeting notice shall be mailed in advance of the scheduled meeting. When the first Tuesday falls on a holiday, the Kerr-Tar WDB shall meet the following Tuesday. Members shall be notified if a scheduled meeting is cancelled or changed.

Section II. Regular Meetings of the Executive Committee. The Executive Committee shall be scheduled to meet as the need arises. Notification of the meeting shall be provided.

Section III. Special Meetings. The Chairperson may call special meetings of the WDB. Notice of special meetings, including agenda items, shall be provided the Kerr-Tar WDB members at least 48 hours prior to the convening of a special meeting.

Section IV. Quorum. A majority of the Kerr-Tar WDB's current membership shall constitute a quorum for the transaction of business.

Section V. Voting. All actions of the WDB shall be determined by a majority vote of the members present and voting, except in the adoption and amendment(s) of the bylaws. (See Article XI.) Each member of the WDB shall have one vote and no proxy votes are allowed.

Section VI. Conflict of Interest. No member of the WDB 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.

## CONFLICTS OF INTEREST:

The members shall avoid conflicts of interest by observing the following requirements:

### A) Financial Interest:

No member of the Kerr-Tar WDB may vote on a matter under consideration by the local Board:

- 1) Regard the provision of services by such member (or by an entity that such member represents); or
- 2) That would provide direct financial benefit to such member or the immediate family of such member;
- 3) Also, no member shall engage in any other activity determined by the Governor to constitute a Conflict of Interest as specified in the State Plan.

See Code of Ethics Attachment A

### B) Non-Financial Interest:

Employees of non-profit organizations may participate in the process leading to an award of a contract to their organization. Each employee shall disclose his or her status to the Kerr-Tar WDB and exercise his or her discretion as to participation in discussion and voting regarding matters pertaining to their organization by the Kerr-Tar WDB. Any question as to a potential conflict of interest shall be decided by a majority vote of the Kerr-Tar WDB.

Section VII. Attendance: Each voting member shall be expected to attend the regularly scheduled Kerr-Tar WDB meetings and the regularly scheduled committee meetings of which s/he is a member. Members are expected to attend 75% of all scheduled board meetings annually. If after missing more than 25% of scheduled board meetings annually as unexcused, the Kerr-Tar WDB Chairperson will send a letter to the respective County/Chief Elected Official (CEO) for private sector members requesting replacement of the delinquent member.

Resignation: Any member may resign at any time by giving written notice to the Chairperson who will then notify the respective County and the Kerr-Tar WDB. Members are requested to provide thirty (30) days written notice. In the event that a

member does not provide written notice, the Board Chairperson shall provide notice to the member that it is assumed that they have tendered their resignation.

Section VIII. Order of Business. The Chairperson shall be responsible for orderly business of the Kerr-Tar WDB and for calling items of the agenda. During the course of considering items on the agenda, only members of the WDB shall participate in the discussion except by prior arrangement with the Chairperson, upon request of a member of the WDB, or during a public participation period.

Section IX. Agenda. The agenda of the Kerr-Tar WDB meetings shall be developed by the staff of the administrative entity in consultation with the Chairperson. The agenda shall be sent with the meeting notification.

Section X. Rules. All procedures of the board not set forth in these bylaws shall be governed by the rules set forth in the current edition of Robert's Rules of Order, New Revised.

Section XI. Open Meetings. All meetings of the Kerr-Tar WDB shall be open and accessible to the general public.

Section XII. Minutes. The WDB meetings shall be recorded and maintained by the administrative staff and mailed/provided to WDB members.

#### **ARTICLE XI. BYLAWS AMENDMENT PROCEDURE.**

These Bylaws may be amended at any regular meeting of the Kerr-Tar WDB by a two-thirds vote of the members present, provided the proposed amendment has been submitted in writing to the board members thirty (30) days prior to the meeting.

#### **ARTICLE XII – CODE OF ETHICS**

For the Kerr-Tar WDB, the Code of Ethics is part of the By-Laws, and is included as Attachment A.

#### **ARTICLE XIII. EFFECTIVE DATE.**

These Bylaws shall be effective as of \_\_\_\_\_  
Date

KERR-TAR WORKFORCE DEVELOPMENT BOARD

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CHAIRPERSON

DATE

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ATTESTED BY

DATE

## ATTACHMENT A

### CODE OF ETHICS

Section 1. Pursuant to the provisions of General Law, the Workforce Investment Act (WIA) and policies established by the State, the Kerr-Tar Workforce Development Board (Kerr-Tar WDB) recognizes that there are rules of ethical conduct for members, which must be observed if public confidence is to be maintained in bodies responsible for public funds. It is the purpose of this resolution to establish the rules of ethical conduct for the members of the Kerr-Tar WDB and these rules shall serve as a guide for official conduct of the members of the Board. The rules of ethical conduct of this resolution as adopted, shall not conflict with, but shall be in addition to any other general or special law related to ethical conduct and interest in contracts for county officers and employees.

Section 2. "Definition"

- (a) "Member" means a member of the Kerr-Tar WDB, whether paid or unpaid.
- (b) "Interest" means a pecuniary or material benefit accruing to a member unless the context otherwise requires.

Section 3. "Standards of Conduct". Every member of the Kerr-tar WDB shall be subject to and abide by the following standards of conduct:

- (a) "Gifts". Members shall not directly or indirectly, solicit any gift; or accept or receive any gift having a value of twenty-five dollars (\$25.00) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the member in the performance of the members' official duties, or was intended as a reward for any official action on the member's part.
- (b) "Confidential Information". A member shall not disclose confidential information required by him in the course of his official duties as a member to use such information to further his

personal/business interest that the member represents.

- (c) "Representation before any agency for a contingent fee". A member shall not receive, or enter into any agreement, expressed or implied for compensation for services to be rendered in relation to any matter before the Kerr-Tar WDB whereby the member's compensation is to be dependent or contingent upon any action by the Kerr-Tar WDB with respect to such matter.
- (d) "Disclosure of interest". To the extent that the member knows thereof, a member who participates in the discussion or gives official opinion to the Kerr-Tar WDB on any matter before the Workforce Development Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest that the member has in such matter. No member shall cast a vote on the provisions of services by that member or any organization, which that member represents, or vote on any matter, which would provide direct benefits, financial or otherwise, to that member or that organization.

Members who are an officer, stockholder or employee of any business, firm, corporation or association in which a member holds an interest, must fully disclose his private interest in any contract authorized by the Kerr-Tar WDB prior to the vote. Members must in addition disclose their financial interest in Kerr-Tar WDB grants and contracts, in writing, to the governing body of the municipality of which they are an officer or employee.

Section 4. "Distribution of Code of Ethics". The Code of Ethics shall be incorporated into the Kerr-Tar WDB's By-Laws.

Section 5. "Penalties". In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be removed from office in the manner provided by law.