

Bylaws for the Town of Hempstead/City of Long Beach Local Workforce Development Board

ARTICLE I – NAME AND AUTHORITY

Section 1. Name

The name of this body shall be the Town of Hempstead/City of Long Beach Local Workforce Development Board hereinafter referred to as the LWDB. The LWDB is established by the Multi-Jurisdictional Chief Elected Officials Agreement between the Town of Hempstead and the City of Long Beach, dated May 12, 2015, and certified by the Governor of the State of New York, pursuant to the Workforce Innovation and Opportunity Act of 2014, hereinafter referred to as WIOA. The Chief Elected Official of the Town of Hempstead shall be referred to hereinafter as CEO.

Section 2. Authority

The LWDB shall act on behalf of the Town of Hempstead Local Workforce Development Area (herein referred to as LWDA) and shall provide policy guidance for and exercise oversight over the LWDA as set forth in WIOA. The authority of the LWDB shall include the determination and approval of policies and procedures for the operation of the WIOA Program in the LWDA.

Section 3. Principal Location

The address of the principal office of the LWDB is: Town of Hempstead/City of Long Beach Local Workforce Development Board, c/o Town of Hempstead Department of Occupational Resources, 50 Clinton Street, Suite 400, 50 Clinton Street, Hempstead, New York 11550.

ARTICLE II – PURPOSE AND FUNCTION

Section 1. Purpose

The LWDB represents a wide variety of individuals, businesses, and organizations throughout the local area. The LWDB serves as a strategic convener to promote and broker effective relationships between the chief elected official (CEO) and economic, education, and workforce partners.

The LWDB must develop a strategy to continuously improve and strengthen the workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs to promote economic growth. LWDB members must establish a platform in which all members actively participate and collaborate closely with the required and other partners of the workforce development system, including public and private organizations. This is crucial to the LWDB's role to integrate and align a more effective, job-driven workforce investment system.

Section 2. Functions

The functions of the LWDB shall include:

- A. Development and approval of a local plan consistent with WIOA Sec. 108;
- B. Workforce research and regional labor market analysis;
- C. Development of a budget for the activities of the LWDB consistent with the LWDA Plan and duties of the LWDB, subject to approval of the CEO;

- D. Convening, brokering and leveraging local workforce development stakeholders;
- E. Leading efforts to engage with a diverse range of employers and entities in the region;
- F. Negotiation of local performance measures;
- G. Leading efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education and supportive services that are needed by adults and youth, particularly individuals with barriers to employment;
- H. Identifying and promoting proven and promising practices;
- I. Developing strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers and jobseekers;
- J. Designating, with agreement of the CEO, of the Career Center operator, youth providers and identification of eligible training providers;
- K. Provision of program oversight and consumer choice requirements, in partnership with the CEO;
- L. Coordination with education providers;
- M. Development of a budget for activities of the LWDB;
- N. Oversight of an annual assessment of the physical and programmatic accessibility in accordance with WIOA Sec. 188 and the Americans with Disabilities Act of 1990 of all one-stop centers in the local area; and
- O. Certification of one-stop centers;
- P. Collaboration as needed on regional, local and state initiatives.

ARTICLE III – MEMBERSHIP

Section 1. Composition

All members shall be nominated and appointed in conformance with WIOA Sec. 107(b) (1) and (2). The composition of the LWDB shall be as follows:

- A. An elected Chairperson, who shall be a business representative;
- B. A majority of the members must be business representatives;
- C. 20% of the members must be workforce representatives (which must include two organized labor representatives and one apprenticeship representative; and may include representatives from Community Based Organizations and organizations with experience serving youth);
- D. One Title III Wagner -Peyser representative;
- E. One Title II Adult Education and Literacy representative;
- F. One Higher Education representative;
- G. One Economic and Community Development representative; and
- H. One Title IV Vocational Rehabilitation representative.

Section 2. Tenure

- A. Board members may serve for a term not to exceed five(5) years, except where extended by the CEO;
- B. The CEO shall fix the term of individual members at the time of their appointments.
- C. Term appointments will be staggered for four (4) to five (5) years to ensure only a portion of memberships expire in a given year;
- D. In order to ensure a prompt nominee, the process used to notify the CEO of a board member vacancy will be memorandum from the Workforce Development Board Director, hereinafter WDB Director; and
- E. The CEO will provide nominations for appointment or membership on the State Board as deemed appropriate by the CEO.

Section 3. Compensation

In accordance with WIOA sections 101(h)(3) and 107(f)(3), the Local WDB Director and staff are subject to the limitations on the payment of salary and bonuses described in WIOA section 194(15).

Section 4. Rights and Powers of Members

Members shall have and may exercise the following powers, in addition to the powers and functions set forth in Article II, such as approval and interpretation of the statement of mission and philosophy of the LWDB, and to require the LWDB to operate in conformance with such statement.

Section 5. Removal of Members

Membership shall be terminated in case of resignation, removal for cause, disqualification, or failure to attend the meetings of the LWDB. The right of a member to vote and all his/her rights and responsibilities in the affairs of the WIB shall cease upon termination of membership. The following additional conditions regarding termination of membership shall apply:

- A. Members are subject to termination for failure to attend six (6) consecutively scheduled meetings of the LWDB, excluding excusable absences. It shall be assumed that members missing six (6) consecutive meetings have other business commitments, which preclude active LWDB participation. Therefore, in order to maintain full representation, and in the best interest of the LWDB as a whole, said member will receive a letter from the WDB Director concerning their availability to continue service as a member.
- B. The termination of any member shall be a matter of record.
- C. Any member or alternate may resign from the LWDB by submitting a written letter of resignation to the WDB Director.
- D. Any member or alternate may be removed from the LWDB by the affirmative vote of two-thirds of the members present at a duly constituted meeting for conduct detrimental to the interest of the LWDB or for refusal to render reasonable assistance in carrying out the stated purposes of the LWDB.

- E. In addition, the CEO may initiate the removal of a LWDB member if it is deemed to be in the best interest of the LWDA

ARTICLE IV – MEETINGS

Section 1. Frequency

- A. The LWDB shall meet no less than three (3) times a year at such places as the LWDB Chairperson may designate on the day set by resolution for the transaction of such business as may properly come before the LWDB.
- B. At every meeting of the LWDB, each member shall be entitled to one vote per issue. All elections and most customary issues shall be decided by majority vote of the persons present at a duly constituted meeting in which there is a quorum present.
- C. Except in emergencies, not less than ten (10) working days before the LWDB meeting, notice of time, place, and purpose of the meeting shall be served, in writing, upon each member whose name appears in the records of the LWDB and to the address as recorded by the LWDB.
- D. Special meetings of the LWDB may be called at any time by the Chairperson upon notice to members of record.
- E. Except in an emergency, notice of special meetings stating the time, place and purpose(s) shall be served in writing upon each member not less than ten (10) working days before such a meeting and/or by telephone within forty-eight hours of the meeting time.

Section 2. Attendance

As stated in Article III., Section 5 a. supra, members are subject to termination for failure to attend six (6) consecutively scheduled meetings of the LWDB. Attendance at full membership and committee meetings shall be recorded on a sign-in sheet and maintained with the records of the meeting.

Section 3. Quorum

The members present at a duly authorized meeting, at which a quorum was determined to be present, may continue to transact business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum. Teleconferencing or e-mails cannot be used for Quorum purposes. Videoconferencing may be utilized for Quorum purposes providing that public notices of the meeting indicate that videoconferencing will be used, identify the locations of the videoconferencing sites and indicate that the public may attend at any of the locations. A minimum of five (5) members must either be present or have submitted proxies in order for a quorum to exist at a particular meeting.

Section 4. Proxies

When a member of the LWDB is unable to attend a meeting, the member to be absent may designate another member to vote on his/her behalf at a specific meeting. This assignment the designated member will become official once the member to be absent has signed and submitted a proxy form indicating the designated member's name.

Section 5. Procedure

- A. The rules contained in the current edition of Robert’s Rules of Order, as revised, shall govern the LWDB in all cases to which they are applicable and in which they are not inconsistent with these Bylaws, WIOA, Federal Regulations or any Special Rules of Order the LWDB may adopt.
- B. The order of Business to be generally adopted for all meetings shall consist of:
 - i. The opening Call to Order by the Chairperson citing the nature of the meeting;
 - ii. The introduction of members and invited guests;
 - iii. The approval of the minutes of the last meeting;
 - iv. Agenda items;
 - v. Committee reports;
 - vi. Unfinished business consisting of carry-over items from previous meetings;
 - vii. New business;
 - viii. Input on matters of concern to members;
 - ix. Adjournment.
- C. The LWDB Recording Secretary or support staff shall keep minutes of the regular, adjourned regular and special meetings and shall provide a copy of the minutes to each member.
- D. LWDB meetings shall be made accessible to the public. Seating at the LWDB table shall be restricted to LWDB members or their designee. A separate section will be reserved for visitors. Participation in LWDB meetings by the public shall be limited to the role of observers in deliberations and discussions that may come before the LWDB.

Section 6. Voting

All required board members must have voting privileges. The CEO may give voting privileges to non-required members. Voting rights allow the required board members to have an effect on the Local Board's key decisions and initiatives. This will enable the required board members to effectively represent the individuals and organizations of their communities.

Section 7. Use of Technology

The LWDB will make available to the public, on a regular basis, information regarding the activities of the LWDB through electronic means, as required by WIOA Sec. 107(c)(13)(e).

ARTICLE V – COMMITTEES

Section 1: Ad Hoc Subcommittees

Ad Hoc subcommittees established at the discretion of the LWDB Chairperson and membership may include representatives from outside the LWDB. All subcommittees will be chaired by the LWDB Chairperson or the Chairperson’s member designee to perform a special task, to secure information, to investigate a situation, and perform any assignment that is the concern of the LWDB in any particular end or purpose. An Ad Hoc committee shall cease to function after completing its duties and issuing a report of findings and recommendations to the Executive Committee and then to the LWDB members.

Section 2: Listing of Subcommittee Membership

The name, address and telephone number of each member of a subcommittee, together with all papers, subcommittee meeting minutes, information or other data bearing on the subject or question to be considered by the subcommittee shall be maintained by the LWDB Chairperson, DOOR and the Subcommittee Chairperson and shall be supplied to the LWDB membership upon request.

Section 3: Standing Subcommittees

Standing subcommittees shall be established and named by the LWDB and have a continuing function and responsibility to further their designated activity assignments. The LWDB Chairperson shall appoint members of the subcommittee which shall be composed of a majority of duly appointed members of the LWDB. Minutes will be recorded for subcommittee meetings. The subcommittee minutes and all reports shall be presented to the Executive Committee prior to distribution to the general LWDB.

Section 4: Executive Committee

The Executive Committee shall be composed of the LWDB Chairperson, Vice Chairperson, Corresponding Secretary and the Commissioner of DOOR. The functions of the Executive Committee shall include:

- A. Recommending agenda items for the LWDB;
- B. Recommending LWDB goals and policies;
- C. Development of Bylaws;
- D. The Executive Committee may act for the LWDB in all matters.

Section 5: Officers

The Officers shall be the LWDB Chairperson and Vice Chairperson, and, Corresponding/Recording Secretary. The officers shall perform duties prescribed by these Bylaws, by Federal Regulations and by the parliamentary authority adopted by the LWDB.

The Chairperson shall be elected by the LWDB for an eight (8) year term. The Vice Chairperson shall be appointed by the Chairperson for an eight (8) year term. The Chairperson and the Vice Chairperson shall be representatives from the business composition of the membership. The LWDB Chairperson's duties shall include, but not be limited to, conducting and directing meetings, fulfilling the capacity of chief administrative officer for the LWDB, maintaining order, approving meeting dates, and recommending agenda items for discussion, representing the LWDB with regard to other organizations and appointing temporary or permanent subcommittees as required, with ratification by the LWDB required by all permanent (standing) committees. The Vice Chairperson shall be a representative of business. The Vice Chairperson shall fulfill all of the roles and duties of the Chairperson in the Chairperson's absence.

ARTICLE VI – CONFLICT OF INTEREST

A member of a Local Board, or a member of a standing committee, may not: (1) vote on a matter under consideration by the Local 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. It shall be the right of a member to vote on all matters before the LWDB except where there is a clear conflict of interest as defined in the Federal Regulations governing WIOA and/or New York State General Municipal Laws and as specified herein. A member shall not vote on matters that inure to his benefit and/or that of his or her immediate family. A member shall not vote on any matter which has a direct bearing on services or on any matter which would have a financial benefit to the member or any organization that member represents or is associated with as an officer, member or employee. The member shall disclose the affiliation causing any potential conflict of interest and shall not vote on the subject. The results of all voting should be recorded in the meeting minutes. Furthermore, it shall be the right of a member to hold office (except as provided in these Bylaws) and to represent the interests of the LWDB when properly authorized to represent that body.

ARTICLE VII – AMENDMENTS TO THE BYLAWS

Amendments or revisions to the “Town of Hempstead LWDB Bylaws” may be required to maintain the smooth operation of the LWDB, or may arise due to changes in federally or state mandated requirements. In either case, all proposed amendments to the BYLAWS shall be developed in writing by the Executive Committee. After transcription of the meeting minutes citing the proposed BYLAWS changes, the approval of the amendments shall be accomplished by a majority vote of the members present and voting at the next scheduled meeting of the LWDB. The Executive Committee will mail the proposed revised BYLAWS to the full LWDB for their review and comments. Each LWDB member will be afforded a period of thirty (30) days from the date that the proposed revisions are mailed to submit comments. Any comments are to be submitted to the following address: Town of Hempstead Department of Occupational Resources, 50 Clinton Street, Suite 400, Hempstead, New York 11550, Att: WDB Director. Any comments received shall be presented to the Executive Committee. The Executive Committee will present the revised BYLAWS at a meeting at the full board.

ARTICLE VIII – RECORDS MAINTENANCE AND ACCESSIBILITY

Section 1: Process

LWDB records, including meeting minutes, membership, information files, correspondence, reports and other records shall be maintained by the Town of Hempstead Department of Occupational Resources, hereinafter DOOR, as prescribed by the WIOA statute and regulations, and in accordance with relevant U.S. Office of Management and Budget Circulars, as well as Federal and State policy.

Section 2: Duration of Retention

LWDB records shall be maintained for not less than three (3) years from the date of close-out of a program year.

Section 3: Public Access

LWDB records shall be made available to the public according to the following process:

- A. Minutes of the full membership and standing committees shall be posted to the HempsteadWorks web site;
- B. Solicitations for procured services shall be posted to the HempsteadWorks web site and published in the newspaper;
- C. Additional records may be posted to the HempsteadWorks web site at the discretion of the WDB Director;
- D. Requests for records not posted to the HempsteadWorks web site and/or published in the newspaper will be processed through the Town of Hempstead's Freedom of Information Law (FOIL) procedure.

ARTICLE IX – MISCELLANEOUS

Section 1. Gender and Number

All nouns and pronouns herein, and any variations thereof, shall be deemed to refer to the masculine, feminine, singular or plural as the identity of the person or persons may require.

Section 2. Transparency

The LWDB will make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the LWDB, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the LWDB. LWDB meetings shall be made accessible to the public. Seating at the LWDB table shall be restricted to LWDB members or their designee. A separate section will be reserved for visitors. Participation in LWDB meetings by the public shall be limited to the role of observers in deliberations and discussions that may come before the LWDB. The public shall be notified of all scheduled LWDB meetings. Such notification will be established by the posting of the legal notice on the HempsteadWorks website.

Permission to address the LWDB by individuals other than WIOA Grant Subrecipient staff or One-Stop Operator must submit their request, no less than five (5) days prior to the meeting date, and directed to the attention of the Chairperson and the WDB Director. The matter to be introduced must be germane to LWDB responsibility and a definitive written summary of the topic to be presented must accompany the request. In the event that less than ten (10) days of notice is provided, then the request will be considered for the following meeting.

Section 3. Hold Harmless/Indemnification

All contracts for services rendered in the LWDA shall include a clause stating that the contractor agrees to indemnify and hold harmless the LWDB against any and all claims, demands, causes of action including claims for personal injury and/or death, damages (including damages to TOWN property), costs and liabilities, at law or in equity, of every kind and nature whatsoever, directly or proximately resulting from the contract.

DATE ADOPTED

The Town of Hempstead/City of Long Beach Local Workforce Development Board, convened on 12/9/15, with quorum present and by way of vote agreed to adopt the Bylaws expressed herein. The effective date of these Bylaws shall be 12/9/15.

Henry Graber, C.P. A.
LWDB Chairperson

12/9/15

Date