

# **CAPITAL AREA WORKFORCE DEVELOPMENT BOARD BYLAWS**

## **ARTICLE I Name and Purpose**

### **Section 1. NAME**

The name of this organization shall be the Capital Area Workforce Development Board (hereinafter referred to as the "Board").

### **Section 2. PURPOSE AND RESPONSIBILITIES**

The purpose and responsibilities of the Board shall be to:

- A. Develop and submit local plan to the Governor, a comprehensive 4-year local plan, in partnership with the chief elected official;
- B. Perform workforce research and regional market analysis;
- C. Convene local workforce development system stakeholders to assist in the development of the local plan and identify non-Federal expertise and resources to leverage support for workforce development activities;
- D. Lead efforts to engage with a diverse range of employers and with entities in the region involved;
- E. Lead efforts with representatives of secondary and postsecondary education programs 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;
- F. Lead efforts in the local area to identify proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers in the local workforce system, and to identify and disseminate information on promising practices carried out in other local areas;
- G. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and jobseekers;
- H. Conduct program oversight;
- I. Negotiate and reach agreement on local performance accountability measures;

- J. Designate or certify one-stop operators and may terminate for cause the eligibility of such operators;
- K. Coordinate activities with education and training providers in the local area;
- L. Develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board, subject to the approval of the chief elected official;
- M. Access annually the physical and programmatic accessibility the provisions of the Americans with Disabilities Act of 1990 of all one-stop centers in the local area.

## ARTICLE II

### Members

#### Section 1. APPOINTMENT

Members of this organization shall be appointed by the following procedure: The Chief Elected Official (Chairman of the Wake County Board of Commissioners, hereinafter referred to as the CEO) shall appoint members based on nominations from the following: local business organizations; local education agencies; vocational education institutions, community-based organizations, and higher educational institutions; and private and proprietary schools; state or local labor organizations and other interested organizations. The number of private sector nominees shall be at least 51 percent of the number of individuals to be appointed and are appointed from amongst individuals nominated by local business organizations and business trade associations. The nominated candidate or company must be a member of the nominating organization.

#### Section 2. COMPOSITION

This board shall be composed of a majority of members who are representatives of businesses in the local area.

This Board shall also include representatives, not to constitute less than 20 percent, of labor organizations, a representative from a joint labor-management apprenticeship program or apprenticeship program in the area, and may include representatives of community-based organizations demonstrating experience addressing employment barriers for adults, veterans, and individuals with disabilities and employment, training, and the education needs of eligible youth. This board shall include a representative of eligible providers administering adult education and literacy activities, a representative of institutions of higher

education, a representative of economic and community development, a representative from the State employment service office under that Wagner-Peyser Act, a representative of the programs carried out under title I of the Rehabilitation Act of 1973 and may include representatives of community-based organizations, local educational agencies, representatives of agencies administering housing, transportation and public assistance, and philanthropic organizations serving the local area.

This board may include such other individuals or representatives of entities as the chief elected official determine appropriate.

### Section 3. TENURE

All appointments will be for a two-year term to expire on June 30th of each respective term. However, the first year of the 2015 WIOA program year, board members with one year remaining of WIOA appointment will serve a term of one year. No member shall serve more than three (3) consecutive terms (6 years) or a total of five (5) terms (10 years) in any one appointed position. An individual whose initial appointment is to fill an unexpired term or an initial staggered term of less than two years, shall be eligible to serve the number of full-length terms other members are eligible to serve, unless, prior to the time for reappointment that individual has already served six consecutive years. Members may be re-appointed at the pleasure of the CEO.

### Section 4. TERMINATION FOR CAUSE

By simple majority vote of the membership or by action of the Chief Elected Official, a member may be removed for cause from the Board. Cause would be for such actions as malfeasance, misfeasance, misconduct, or any action which would be deemed not in the best interest of the Board.

### Section 5. RESIGNATION

Letters of resignation must be submitted to the Capital Area Workforce Development Board Chair. Three consecutive absences without justification will be considered defacto resignation. Justification must be submitted in writing. The Board Chair has the authority to accept or deny justification.

### Section 6. VACANCIES

Upon vacancy of any position on this Board, the procedure in Article II, Section 1, will be followed to provide replacement representation to complete the remainder of that term of appointment. Vacancies will be communicated to the Chief Elected official through the Wake County Clerk's office as well as a notice to the Johnston County Clerk's office. All vacancies are listed on Wake County Government "Citizen Advisory Boards and Commissions" page.

### ARTICLE III Meetings

#### Section 1. REGULAR MEETINGS

The Board shall meet at such time and place as determined by the Chairperson. The Board will meet no less than four times per year. Normal Quarterly Board meetings are face to face; however, board members may access meetings via conference call, video communications and other alternative methods. The board Chair or Committee Chair may call additional meetings to be held via conference call, video communications or other alternative media sources as deemed necessary. Five working days' notice shall be delivered to each member stating a reasonable time, date and place of the meeting and the meeting's purpose. All board meetings will be held in accessible facilities with accessible materials available upon prior request.

#### Section 2. SPECIAL MEETINGS

The Chairman of the Board and Committee Chairmen may, when deemed necessary, call a special meeting of the Board via conference call, video communications, or alternative media sources for transacting any business designated in the call.

#### Section 3. QUORUM

At all meetings (regular or special) of the Board, 51% of the Board membership constitutes a quorum for transacting business.

#### Section 4. CONDUCT OF MEETINGS

All meetings of this Board shall be conducted in accordance with the latest edition of Robert's Rules of Order.

#### Section 5. OPEN MEETINGS

All full board meetings shall be open to the public.

#### Section 6. PROXY REPRESENTATION AND VOTING

A member may designate a representative to attend in his/her absence. The representative may participate in discussions but may not make or second motions or vote. A member providing written voting instructions to the Chairman may have his/her representative cast a vote in accordance with the instructions on the specific item(s).

Section 7.      **CONFLICT OF INTEREST AND VOTING**

CAWD Board members shall not cast a vote, or take interest in, any decision-making capacity on the provision of services by such Individual (or any organization which that Individual directly represents), nor on any issue which would provide any direct monetary benefit to that Individual.

No CAWD Board member shall participate in a governmental decision including voting on a matter (including recommendations, appointments, obligating, or committing the CAWD to a course of action) when such action influences a decision or exercises judgment in making a decision. Any CAWD Board member with a potential or actual conflict of interest shall comply with requirements for public disclosure and recusal.

Each Board member shall annually confirm a statement that affirms such person:

1. has received a copy of the CAWD's Conflict of Interest Policy;
  2. has read and understands the policy; and,
  3. has agreed to comply with the policy.
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**ARTICLE IV  
ORGANIZATION**

Section 1.      **OFFICERS**

The officers of this Board shall be a chairman, a vice-chairman, and a secretary.

Section 2.      **ELECTION OF OFFICERS**

Officers of this Board shall be elected in June for two-year terms. The Chairman and Vice-Chairman will be elected from among the members who are representatives of the private sector. The secretary will be elected from among all members.

Section 3.      **CHAIRMAN**

The Chairman shall preside at Board meetings, designate standing and ad hoc committees deemed appropriate and appoint their chairmen and members.

Section 4.      **VICE-CHAIRMAN**

The Vice-Chairman shall assume all duties and responsibilities of the Chairman in his/her absence from meetings. In the event that the office of Chairman is vacated

before the end of the term, the Vice-Chairman shall assume the office in an acting capacity until such time as the Board elects a new Chairman.

Section 5. SECRETARY

The Secretary shall be responsible for proper notification of meetings and review and submission to the Board of the minutes and shall carry out any other duties deemed appropriate by the Chairman. Local Area staff will serve as support personnel in performing these tasks.

Section 6. EXECUTIVE COMMITTEE

The Executive Committee shall consist of the Chairman, Vice Chairman, Secretary (from a sector other than private), previous Chair or Vice Chair. As determined by the chairman of the board, chairs of board committees will attend Executive Committee meetings. Responsibilities of the Executive Committee are as follows: make standing committee assignments and coordination among committees, prepare recommendations to Board on state and national issues, act as needed between regularly scheduled Board meetings, and develop immediate and long-range goals for Board concurrence. If the executive committee acts on items between board meetings, the full board will be alerted at the next full board meeting.

Section 7. STANDING COMMITTEES

Committees are created and appointed by the Executive Committee. The only standing committee is the Executive Committee of the board. All other committees are established annually based on the board's strategic plan and/or annual retreat. The Chair shall appoint committee Chairpersons and committee members as needed or as required by the Act. Committees shall consist of board members and community partners responsible for the implementation of Workforce Development Board priorities and strategies. Committees shall be chaired by Capital Area Workforce Development Board members. Local Area staff will serve as support personnel to the standing committees.

Section 8. VACANCY

If an office becomes vacant, the Board shall elect a successor at its next meeting.

ARTICLE V  
**Amendments**

Section 1. AMENDMENT PROCEDURE

Board Bylaws can be amended at any regular Board meeting provided the

proposed amendment(s) has been submitted in writing to the Board members at least two weeks prior to the meeting.

Section 2. VOTE NEEDED

The Bylaws shall be amended upon affirmative vote by a simple majority of the Board.

ARTICLE VI  
**Severability**

In the event that any of the rules, regulations, restrictions, covenants, or conditions of these Bylaws are held to be partially or wholly invalid or unenforceable for any reason, such holding shall not affect, alter, modify, or impair in any manner any of the other terms, provisions, rules, regulations, restrictions, covenants, or conditions contained herein.

Adopted 6/25/15 by Capital Area Workforce Development Board

Amended this 27th day of June, 2019.

Signed:



Pat E. Sturdivant

Executive Director,

Capital Area Workforce Development Board

8/15/19  
Date

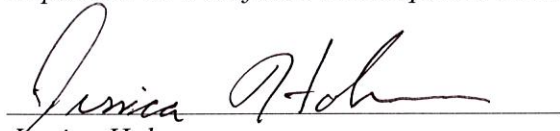


Stephen Miller

Chair,

Capital Area Workforce Development Board

11 JUL 2019  
Date



Jessica Holmes

Chair,

Wake County Commissioners

7/23/19  
Date