

Section 1 — General

Ohio Area 8 Workforce Development Board

Bylaws

Article I Responsibility and Purpose  
of the Board

To provide the guidance and oversight needed to provide workforce development services in Ohio Area 8.

Section 2 — Purpose

To create a user friendly system responsive to our private and public sector constituents, enhancing our workforce, delivering services in an efficient and cost effective manner, thereby encouraging the retention and attraction of business to our community and improving the quality of life for our citizens.

Section 3 — Objectives

- 1) To leverage and focus Workforce Innovation and Opportunities Act (including Adult, Dislocated Worker, National Reserve, Incentive, Adult Education, Vocational Rehabilitation and Wagner-Peyser, Temporary Assistance for Needy Families, Community Action Programs, Trade Readjustment Act, Unemployment Insurance, and other state and local partners' fund sources thereby expanding the universe of individuals who can access and receive workforce services in order to meet the required skills needs of local employers•.
- 2) To create and lead a local and regional workforce system that will:
  - facilitate the transition of the unemployed to employment and the employed to other and better jobs, by eliminating barriers to employment, encouraging and funding new skill acquisition, and providing workforce services in a flexible and responsive environment
  - market the advantages of the community to our youth to persuade and promote their commitment to the area so as to prevent a skills drain within the workforce
  - offer services to the universal population while still targeting those most in need, proactively encouraging skill acquisition in a manner which will meet the needs of area employers
- 3) To foster a cooperative effort between county and state agencies, employers, education and economic development, in which a workforce investment system can flourish.
- 4) To be accountable to the community for the qualitative and quantitative aspects of the system services.

Section 1 - Members

- 1) All individuals considered for membership shall be recommended by the constituency the member is to represent (in accordance with the Workforce Innovation and Opportunity Act of 2014, all relevant state laws and policies).
- 2) All members to the board shall be appointed by the member's Board of Commissioners and certified by the Governor. All appointments must meet the criteria established by law.
- 3) Business Representatives - A majority membership of the board (51 %) shall represent private sector business with the balance being appointed from the public sector. Business representatives shall be appointed from among individual nominated by local business organization and trade associations. There will be three (3) business members each from Auglaize and Mercer counties and two (2) members each from Hardin and Van Wert counties.
- 4) Workforce Representatives — Not less than 20% of the Board must be workforce representatives that include:
  - a. Three (3) labor representatives nominated by local labor federations,
  - b. One (1) representative who is a member of a labor organization or training director from a join labor management apprenticeship program, and
  - c. One (1) representative of community based organizations with demonstrated expertise in addressing the employment needs of individuals with barriers to employment and/or serving eligible youth.
- 5) Education and Training Representatives — Two (2) education and training representatives that include:
  - a. One (1) representative of eligible WIOA Title II Adult education providers nominated from among all eligible providers in the local area, and,
  - b. One (1) representative, ideally a chancellor or campus president of postsecondary institutions that provide workforce development activities nominated from among all such institutions in the local area.
- 6) Government and Economic and Community Development Entity Representatives. Three (3) representatives of governmental and economic and community development entities that include:
  - a. One (1) representative of economic and community development entities nominated by those local organizations (this slot will rotate annually by county beginning each January);
  - b. One (1) representative from the State employment service nominated by the state;
  - c. One (1) representative from vocations rehabilitation nominated by the State:
- 7) Dual Representation— A board member may represent more than one category of membership providing all other conditions for each category are met.
- 8) All members shall serve at the pleasure of the appointing authority.
- 9) Non-business members appointed shall be considered at-large members and will represent all counties.
- 10) Members from business or organizations with 25 or more employees may designate an Alternate from within their organizations as long as that person meets the criteria established by law. Economic development, education and labor organizations have alternates established from the same type of agency from another county within the Area. Alternates in attendance, in the absence of the member, shall vote and count towards quorum.

Section 2 - Officers

- 1) The Officers shall include a Chairperson, and a Vice Chairperson representing each Member County, as identified in Section 3.
- 2) The Officers shall be elected for two year terms at the first meeting of the fiscal year.

- 3) The Officers must represent each of the Counties.

### Section 3 — Duties of Officers

- 1) Chairperson: The Chairperson shall be the principal officer of the board and shall in general supervise and control the business and affairs of the board. The Chairperson shall preside at meetings and in general shall perform all duties incident to the office of Chairperson and such other duties as assigned by the board. The Chairperson must be selected from the Private Sector members.
- 2) 1st Vice Chairperson: In the absence of the Chairperson; or in the event of the inability of the Chairperson to act; the 1st Vice Chairperson shall perform the duties of Chairperson and shall have all the powers granted to that position contained herein.
- 3) 2nd Vice Chairperson: In the absence of the Chairperson and 1st Vice Chairperson the 2nd Vice Chairperson shall perform the duties of Chairperson and shall have all the powers granted to that position as contained herein.
- 4) 3rd Vice Chairperson: In the absence of the Chairperson, 1st Vice Chairperson and 2nd Vice Chairperson, the 3rd Vice Chairperson shall perform the duties of Chairperson and shall have all the powers granted to that position as contained herein
- 5) 4<sup>th</sup> Vice Chairperson: In the absence of the Chairperson, and other Vice Chairpersons, the 4<sup>th</sup> Vice Chairperson shall perform the duties of the Chairperson and shall have all the powers granted to that position as contained herein.
- 6) Should a Vice Chairperson not be eligible, by reason of the sector they are appointed from, to permanently assume the duties of the Chairperson, they shall only hold that position until a qualified successor can be selected,

### Section 4 — Voting Rights of Members

Members or Alternates shall have the right to vote on all matters coming before the board as long as it is not a matter of vested interest (See Article III, Section 2, #3 for more information). Each member is entitled to one vote for each matter submitted to the Board for a vote at each meeting. Proxy voting is not permitted.

### Section 5 — Resignations/Replacement

A board member may resign at any time by giving written notice to the appointing Board of County Commissioners and to the Chairperson of the board. Said resignation shall become effective upon the date of receipt of the resignation or as designate by the resigning member. The appointed Board of County Commissioners shall select a replacement in the same manner as the original appointment.

## Article III. Meetings and Procedures

### Section 1 - Regular and Special Meetings

- 1) Regular Meetings: The board shall meet on a time and day determined by its membership at the first meeting of the new fiscal year. The purpose of the meetings shall be to discuss matters regarding workforce development, receive reports and conduct such other business as is necessary for the board to fulfill its functions and responsibilities. If there is no business to be conducted, a scheduled meeting may be canceled. The board shall meet a minimum of four times per year.
- 2) Special Meetings: Special meetings may be called by the Chairperson or by the board (for such purposes as a quorum of its members' request). Such meeting shall require twenty-four (24) hour notice by telephone.

- 3) Notices: Notice of all regular meetings will be given at least seven (7) days previous thereto by written communication, mailed or delivered personally to each member at his/her business address. The agenda will be included as well as other information available at the time of notification.
- 4) All members shall serve on the board without compensation, unless prior approval is obtained by a unanimous vote of the members.

## Section 2 — Procedures

- 1) Quorum: The quorum for the board shall be 40% of the membership slots.
- 2) Voting: A vote of at least 51% of the members in attendance and voting shall be the act of the board.

which he or she (or his/her employer) has a vested interest. Furthermore, members shall abstain from voting on or discussions of items where members of the community and others may feel there is the appearance of a vested interest.
- 4) Disclosure— Upon becoming a member, each member shall file with the board an adequate written Conflict Of Interest statement.
- 5) Execution of Contracts and other Documents — Unless otherwise ordered by the membership, all written contracts and other documents entered into by the board shall be executed on behalf of the Board by the Chairperson

## Article IV. Committees

The Chairperson shall have the power to appoint such committees as deemed necessary to conduct the business of the board. Any appointed committee should have the powers and authority as are explicitly delegated to it by the board. Committee Chairs must be members of the Board. If the Board designates any committee, non-board members whom the Board determines has the appropriate experience and expertise shall be included.

### Section 1 — Executive Committee

There shall be established an Executive Committee whose members shall include the elected officers of the Board and the Chairs of each active Committee. In cases where action needs to be taken between Board meetings, the Executive Committee will be authorized to act on behalf of the full board and must report any such actions to the full Board at the next scheduled meeting.

## Article V. By-Law Amendments

Amendments to these By-laws may be made whenever it is felt necessary for the best interest of the board. Such amendments proposed, shall be voted upon at the next scheduled regular meeting, unless declared an emergency by 2/3 of the members voting at a duly constituted meeting.

Effective 7/20/16

Action Item

Motion to approve an amendment to WIOA Area 8 bylaws to include due process procedures for program complaints, discrimination complaints, and fraud and abuse complaints as well as appeals to program determinations, attached.

Pursuant to recommendation from both the Department of Labor audit as well as state audit, WIOA Area 8 must have in place due process procedures for both appeals and complaints. While serving as the Workforce Investment Act (WIA), Area 8 complied with state policies concerning due process. It is recommended that under the Workforce Innovation & Opportunity Act (WIOA), effective July 1, 2015, each area have in place bylaws to address these matters. Last year, WIOA Area 8 did address one appeal arising from Van Wert County. The matter was successfully resolved after administrative hearing.

Make the motion:\_\_\_Rob Radway\_\_\_\_\_

Second: \_Julie Miller\_\_\_\_\_

Vote \_\_7\_\_ aye \_\_\_\_nay \_\_\_\_ abstain \_\_X\_\_motion carries \_\_\_\_motion rejected

October 20, 2016

1. WIOA Program Complaint

If an individual or entity believes a program rule or process was not properly applied to the situation, the following procedure applies:

A. A complaint may be filed in writing with the local WIOA agency providing the service. It must be filed within one year from the date of the incident. Upon the filing of a complaint, an informal conference will be held within 10 days. If there is not resolution, a

formal hearing will be held and a decision rendered within 60 days of the filing date. The decision may be appealed to the state level. If no decision was rendered, a complaint may be filed with the state so long as it is filed within one year of the date of the original incident.

B. An appeal of the local decision must be filed with the Ohio Department of Job & Family Services, Office of Workforce Development, 4020 E. Fifth Avenue, Columbus, Ohio 43219 within 10 days of the date of the local decision. A review of the local decision will be conducted and a decision rendered within 60 days of the state appeal filing date.

C. If resolution of the initial complaint is not met at the local or state level, a final appeal may be made in writing to the U.S. Department of Labor (DOL), Office of the Secretary, Attention ASET, Washington, D.C. 20210.

2. WIOA Program Appeal

If an individual or entity believes a program rule or process has been met, but circumstances exist that may merit an extension of time limits, or an increase in services, the following procedure applies:

A. An appeal may be filed in writing with the local WIOA agency providing the service. It must be filed within 60 days from the date of the incident. Upon the filing of an appeal, an informal conference will be held within 10 days. If there is not resolution, a formal hearing will be held and a decision rendered within 60 days of the filing date.

3. WIOA Discrimination Complaint

If an individual believes discrimination occurred based on race, age, religion, national origin, sex, political affiliation or belief, disability or citizenship status as a lawfully admitted immigrant authorized to work in the United States, a complaint may be filed at either the state or federal level, and the following procedure applies:

A. If filing with the state level, a complaint should be sent to the Ohio Department of Job & Family Services, Office of Workforce Development, 4020 E. Fifth Avenue, Columbus, Ohio 43219 within 180 days of the discriminatory act or treatment.

B. If filing at the federal level, a complaint should be sent to the U.S. Department of Labor (DOL), Civil Rights Center, 200 Constitution Avenue, N.W., Room N-4123, Washington, D.C. 20210.

C. A complaint will be reviewed, and, if accepted, the opportunity for Alternative Dispute Resolution must be provided. If there is no resolution through the alternative dispute resolution process, then the bureau of Civil Rights will investigate. A Final Report must be issued within 90 days from the complaint receipt.

4. WIOA Fraud and Abuse Complaint

If an individual believes discrimination occurred based on race, age, religion, national origin, sex, political affiliation or belief, disability or citizenship status as a lawfully admitted immigrant authorized to work in the United States, a complaint may be filed at either the state or federal level, and the following procedure applies:

A. A complaint must be filed with the U.S. Department of Labor (DOL), Office of Inspector General, Office of Investigations, 200 Constitution Avenue, N.W., Room S-5514, Washington, D.C. 20210.