

# **THE KENTUCKY WORKFORCE INNOVATION BOARD**

## **BY-LAWS**

### **ARTICLE I**

#### **NAME AND AUTHORITY**

The Kentucky Workforce Innovation Board ("Board") has been established in accordance with the Workforce Innovation and Opportunity Act and is the State Workforce Development Board for Kentucky. The principal office of the Board shall be located at 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601. The Board serves as the Governor's advisory board for the Kentucky workforce development system. The Board was reestablished through Executive Order 2020-857, dated October 7, 2020, which is attached and hereby incorporated by reference. The following By-Laws contain the requirements specified in 20 C.F.R. § 679.110(d).

### **ARTICLE II**

#### **GOALS AND PURPOSE**

**SECTION 1.** The primary goals of Kentucky's workforce development system are to create and retain jobs in the Commonwealth by enabling Kentucky residents to acquire the competencies, skills, supportive services, and education necessary to support themselves and their families, and to provide Kentucky employers with a skilled and educated workforce to remain competitive in a dynamic global economy.

**SECTION 2.** The Board's purpose is to assist the Governor in creating an integrated statewide strategic plan for the workforce development system of Kentucky which will link workforce policies, education and training programs, and funding with the economic development needs of the Commonwealth and its areas and regions. Specifically, in accordance with 20 C.F.R. § 679.130, the Board will assist the Governor with:

- (1) Development, implementation, and modification of the 4-year State Plan;
- (2) Review of statewide policies, programs, and recommendations on actions that must be taken by the State to align workforce;
- (3) Development and continuous improvement of the workforce development system which includes:
  - Identification of barriers and methods to remove barriers to better coordinate, align, and avoid duplication among workforce development programs;
  - Development of strategies to build career pathways for

priority of service participants with workforce investment activities, education and supportive services to enter or retain employment;

- Development of strategies to provide effective outreach and improved access for individuals and employers who benefit from the workforce development system;
- Expansion of strategies to meet the needs of employers, workers, and job seekers through industry or sector partnerships related to Kentucky's High Demand Industry Sectors;
- Identification of regions, including planning regions for WIOA Local, Regional & State Plan efforts, and the designation of local areas, in consultation with the Local WDBs and chief elected officials;
- Provide assistance to Local Workforce Development Boards (WDBs), One-Stop Operators, and Providers on continuous improvement of the one-stop delivery system in the local areas, including assistance with planning and delivering services, training and supportive services to support an effective delivery of services to workers, job seekers and employers;
- Development of strategies to support staff training and awareness across the workforce development system and its programs.
- Develop and update comprehensive State performance and accountability measures to assess core program effectiveness under WIOA sec. 116(b);

**(4) Identification and dissemination of information on best practices, including best practices for:**

- Effective operation of one-stop centers relating to the use of business outreach, partnerships, and service delivery strategies for serving individuals with barriers to employment;
- Effective training programs that respond in 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 for adaptability, to support placement into employment or career pathways
- Development of effective Local WDBs, which may include information on factors that contribute to enabling Local WDBs to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measure of effectiveness;

**(5) Development and review of statewide policies affecting the coordinated provision of services through the State's One-Stop**

delivery system described in WIOA sec. 121(e);

- (6) Development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in WIOA sec. 121(e), including the development of:
  - Objective criteria and procedures for use by Local WDBs in assessing the effectiveness, physical and programmatic accessibility and continuous improvement of the one-stop centers. Where a Local WDB serves as the One-Stop operator, the State WDB must use criteria to assess and certify the one-stop center;
  - Guidance for the allocation of one-stop center infrastructure funds under WIOA sec. 121(h); 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 the system;
- (7) 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;
- (8) 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;
- (9) Development of allocation formulas for the distribution of funds for employment and training activities for adults and youth workforce investment activities, to local areas as permitted under WIOA secs. 128(b)(3) and 133(b)(3);
- (10) In conjunction with the Department of Workforce Development, preparation of the annual reports described in paragraphs (1) and (2) of WIOA sec. 116(d);
- (11) Development of the statewide workforce and labor market information system described in sec. 15(e) of the Wagner-Peyser Act; and
- (12) Development of other policies as may promote statewide objectives for and enhance the performance of the workforce development system in the State.

**SECTION 3.** The Board shall develop and issue policies, guidance, and manuals in coordination

with the Governor and the Department of Workforce Development.

The Office of the Kentucky Workforce Innovation Board (OKWIB), which provides administrative support and policy guidance to the Board, is located within the Education and Labor Cabinet's Department of Workforce Development (DWD). Under this structure, the OKWIB and the DWD staff shall assist the Board with the following required functions:

- 1) The One-Stop Certification process for all Kentucky Career Centers (KCC) shall be reviewed by appropriate DWD staff after completion by the Local Workforce Development Boards, and the Board shall vote to re-certify all Comprehensive, Affiliate, and Access Point sites after the DWD has determined the submitted certification applications contain all required information;
- 2) The Partnership Memorandum of Agreements and Infrastructure Funding Agreements (IFA) shall be negotiated by all partners in the respective KCCs for each local area and approved, as to form and legality, by the Education and Labor Cabinet's Workforce Development Legal Division. DWD and the Office of Administrative Services for the Education and Labor Cabinet will review and approve the IFAs submitted by the Local WDBs. All policy and guidance related to IFA formulas and identification of shared non-personnel costs to be included within the IFA shall be jointly issued by the Board and the DWD.

The DWD and the Board shall jointly issue policy/guidance at a regular interval regarding negotiated levels of performance. The negotiation of local area performance measures with the Local WDBs shall be conducted by Division of Technical Assistance in DWD. Any additional measurements for high performing Local WDBs will be issued jointly by the Board and the DWD and disseminated to the Local WDBs.

- 3) The Board and the DWD shall jointly issue the allocation formulas for the distribution of funds for employment and training activities for adults and youth workforce investment activities as permitted under WIOA sections 128(b)(3) and 133(b)(3).
- 4) The Board, relying on the technical expertise of the Kentucky Center for Statistics and their longitudinal data system, and Labor Market Information system, will jointly develop statewide workforce data collection tools and LMI systems described in sec 15(e) of the Wagner-Peyser Act.

### **ARTICLE III GENERAL MEMBERSHIP**

**SECTION 1.** The composition of the Board and length of members' staggered terms is specified in Executive Order 2020-857 and aligns with the requirements of the Workforce Innovation and Opportunity Act. Members of the Board were initially appointed by the Governor to serve staggered terms and thereafter shall serve terms of three

(3) years. Board members representing the business and workforce categories shall not serve more than two (2) full, consecutive three-year terms. Any vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members of the Board may continue to serve beyond the expiration of their terms until their successors are appointed. Should a member retire, or leave the industry in which they represent, the Governor's Office of Boards and Commissions will assess whether the member still meets the business and industry requirements for membership.

**SECTION 2.** The membership of the Board shall include thirty-one (31) voting members and nine (9) non-voting members appointed by the Governor. The Board membership shall reflect statewide geographic and diverse population representation. Members of the Board, and non-members serving on committees or workgroups, shall serve without compensation, but may be reimbursed for all actual and necessary expenses incurred in connection with their duties in accordance with state travel expenses and reimbursement administrative regulation.

**SECTION 3.** Board Member nominations shall be directed to the Governor's Office of Boards and Commissions, who shall bring forth eligible candidates for consideration by the Governor. The Governor shall appoint the Chairperson of the Board ("Board Chair") from the business representative membership to serve at the pleasure of the Governor. The Board Chair shall appoint a Vice-Chair and an Executive Committee. Executive Committee members shall serve a term of two (2) years, and no member shall remain on the Executive Committee for more than two (2) consecutive terms. The Executive Committee shall have at least seven (7) members and may have up to nine (9) members at the discretion of the Board Chair.

**SECTION 4.** As a general condition of Board membership, each appointed member or any authorized designee must have optimum policy-making authority as defined in 20 C.F.R. § 679.120. A member cannot represent an entity in more than one (1) of the following three (3) categories: business representatives, workforce representatives, or government representatives. Except where a single government agency is responsible for multiple required programs, a member shall not represent more than one (1) entity within a category.

**SECTION 5.** A Board member may resign at any time by filing a written resignation with the Board Chair, the Executive Director of the Office of the Kentucky Workforce Innovation Board ("Executive Director"), and the Governor's Office of Boards and Commissions. All vacancies shall be immediately reported, in writing, to the Executive Director, who shall notify the Commissioner of the Department of Workforce Development, the Secretary of the Kentucky Education and Labor Cabinet, and the Governor's Office of Boards and Commissions within five (5) business days of receiving notice of the vacancy.

**ARTICLE IV  
ETHICS AND CONFLICTS OF INTEREST**

- SECTION 1.** Board members and the non-members serving on committees and workgroups of the Board are subject to the provisions of Executive Orders 2008-454 and 2009-882 as well as the gift and conflict of interest rules for Executive Branch public servants set forth in KRS Chapter 11A. Any unresolved conflict of interest issue shall be submitted to the Ethics Officer for the Kentucky Education and Labor Cabinet for review and recommendation.
- SECTION 2.** A member of the Board may not vote on a matter under consideration regarding the provision of services by such member (or by an entity that such member represents) or that would provide direct financial benefit to such member or the immediate family of such member.
- SECTION 3.** If a matter before the Board presents a conflict of interest for a Board member, she or he shall bring the conflict of interest to the attention of the Board Chair and shall recuse himself or herself from participating in discussion and/or voting on the matter by leaving the meeting. The member's recusal shall be reflected in the meeting minutes. The member may return to the meeting once the discussion and voting on the matter has concluded.
- SECTION 4.** It shall not be a conflict of interest for a Board member to serve on a Local Workforce Development Board, as defined by section 107 of Workforce Innovation and Opportunity Act. Members are required to adhere to Article IV, Section 3 of these By-Laws if a matter before the Board presents a conflict of interest with members' membership on a Local Workforce Development Board.

**ARTICLE V  
BOARD MEETINGS**

- SECTION 1.** The Board shall meet at least four times each calendar year at such time and place as designated by the Board Chair in coordination with the Executive Director. In order to promote Board member participation at the meetings, members may attend in-person or through web-based video conferencing software (e.g., Zoom).
- SECTION 2.** The Executive Director shall provide members with a written schedule of all regular meetings for the upcoming year. Special meetings of the Board may be called by the Board Chair as circumstances require.

- SECTION 3.** Meeting information, including the dates, times, locations, video conference links, and agendas, for all Board meetings, Board committees and task forces, shall be posted on the Kentucky Workforce Innovation Board website.
- SECTION 4.** The Board Chair shall approve an agenda for each meeting. Members shall submit a written request for consideration of an agenda item to the Board Chair and Executive Director no less than five business days in advance of the meeting. The agenda item may be placed on the meeting's agenda at the discretion of the Board Chair in consultation with the Executive Director.
- SECTION 5.** If a Board member is unable to attend a meeting, he/she may assign a proxy or designee to attend the meeting on his/her behalf if the designee meets the requirements of 20 C.F.R. § 679.110(d)(4) and 20 C.F.R. § 679.120. If a member assigns a designee to attend a meeting, that member must notify the Board's Chair and Executive Director in writing at least 24 hours prior to the meeting date of the name of the designee and attest that the designee meets the applicable requirements of 20 C.F.R. § 679.110(d)(4) and 20 C.F.R. § 679.120.
- SECTION 6.** The Executive Director shall keep proper records of all meetings in typewritten form and maintain all records in accordance with the General Records Retention Schedule for State Agencies. The written minutes approved by the Board, Committee or Task Force shall be the official record. A copy of the official minutes shall be posted on the Kentucky Workforce Innovation Board website.
- SECTION 7.** In addition to attending Board meetings, Board members are invited and encouraged to participate in all workforce activities across the Commonwealth and in their respective areas, such as employer-focused meetings, hiring functions, and employer round table meetings. These activities aim to engage members in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities.

## **ARTICLE VI QUORUM AND ATTENDANCE**

At all Board meetings, a quorum shall be a majority of the members appointed to the Board. Attendance is required at all meetings. Board members who miss more than two regularly scheduled Quarterly Business Meetings of the Board in a 12-month period may be subject to replacement at the discretion of the Governor upon the advice of the Board Chair and Executive Director as appropriate.

## **ARTICLE VII VOTING & NEW BUSINESS/MOTIONS**

**SECTION 1.** New business orders or motions must be filed in writing with the Executive Director and Board Chair at least five business days before a regularly scheduled meeting of

the Board in order to be included on the agenda for that meeting. Orders or motions so filed with the Executive Director and Board Chair will be placed on the agenda and copies will be supplied to Board members in advance of the meeting. Requests for new business orders or motions filed later than five business days before the regularly scheduled meeting shall be placed on the agenda at the discretion of the Board Chair in consultation with the Executive Director.

**SECTION 2.** Votes of the Board shall be taken by voice vote.

**SECTION 3.** Any member may request immediate consideration of any matter on the agenda. If any member objects, objects to immediate consideration, the matter must be referred to the Chair for action at the next meeting, unless two-thirds of the members present approve immediate consideration.

#### **ARTICLE VIII OPEN MEETINGS**

**SECTION 1.** The Board shall adhere to Open Meeting requirements as specified in the Kentucky Open Meetings Act, KRS 61.800 *et seq.*

**SECTION 2.** All meetings of the Board shall be open to the general public. Those members of the public in attendance at any meeting of the Board may address the Board only with the prior approval or at the request of the Board Chair.

#### **ARTICLE IX COMMITTEES AND TASK FORCES**

**SECTION 1.** The Board shall establish an Executive Committee. The Executive Committee shall be made up of the Board Chair (who shall also be chair of the Executive Committee), the Vice Chair and include private industry and workforce representatives appointed by the Board Chair to ensure representation of the major groups identified in the Workforce Innovation and Opportunity Act. The Executive Committee is empowered to meet on an interim basis between regular full Board meetings and make emergency or time-sensitive decisions when necessary. The Executive Committee shall monitor the work of other Board committees, task forces, and the Board staff and make policy recommendations to the Board. Specifically, the Executive Committee may provide guidance and recommendations to the Board in the areas of strategic planning, legislation, operations, and other areas. The Executive Committee may also assist in the development of board meeting agendas.

**SECTION 2.** Issues that are of importance to the Board may be referred to a committee or task force. The Board Chair may appoint, authorize, or abolish committees, task forces



or other bodies to serve the Board. The Board may invite non-members, to be approved by the Board Chair, to serve on committees and task forces created by the Board.

**SECTION 3.** The Board Chair will appoint chairs to Board committees and task forces. Each committee or task force will have a specific mandate with clear timelines for addressing the questions put to them by the membership or the appointing authority. Board staff shall provide a resource person for each committee upon consultation with the committee chairperson. The committees may be staffed and attended by other workforce partners, education partners, or interested non-profit partners who express an interest in the subject matter but are not full members of the Board.

**SECTION 4.** Meetings of committees may be called by the committee chairperson. Committees may hold meetings concurrently with other committees. All committee members shall be notified in writing as to the date and time of the committee meeting.

**SECTION 5.** All recommendations of these committees and task forces will be referred to the full Board membership.

#### **ARTICLE X CONDUCT OF MEMBERS**

**SECTION 1.** When a member speaks, he or she shall address the Board Chair and confine his or her remarks to the question under debate.

**SECTION 2.** No member shall be interrupted while speaking except by their consent or by a point of order; nor shall there be any conversation among the members while a question is being stated, while a member is speaking, or while there is a presentation before the Board.

**SECTION 3.** Board members shall strive to make their remarks succinct and productive to the discussion while speaking on any question where debate is unlimited. The Board Chair shall control Board discussions and may limit the amount of time a member may speak on a topic.

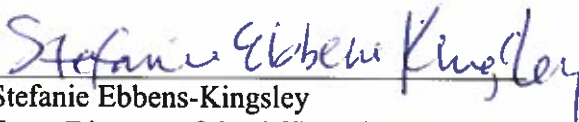
#### **ARTICLE XI PARLIAMENTARY PROCEDURE**


The Board shall be governed based upon the general premises of Robert's Rules of Order, in all questions of parliamentary procedure not provided for by these By-Laws. Board members may ask questions during meetings as a point of order or point of clarification.

**ARTICLE XII  
ADOPTION AND AMENDMENT OF BY-LAWS**

- SECTION 1.** These By-Laws were discussed and voted on at the August 19, 2022 meeting of the Board and became effective on August 20, 2022. The By-Laws became effective with the approval of a majority of members present and voting.
- SECTION 2.** The membership shall have the power and authority to alter, amend, or repeal these By-Laws at a subsequent regularly scheduled Board meeting by the majority vote of the Board members present. Advance notice of intent to alter, amend or repeal the By-Laws must be given in writing to the members at least twenty (20) business days prior to the scheduled vote.
- SECTION 3.** Advance notice of intent to alter, amend, or repeal any policies, procedures, or guidance shall be provided by the Executive Director to the Commissioner of the Department of Workforce Development, the Secretary for the Education & Labor Cabinet, and the Governor's Office.

  
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Governor Andy Beshear

  
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Stefanie Ebbens-Kingsley  
Exec. Director of the Office of the Board

  
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Kim Menke, Board Chair