

THE STATE WORKFORCE INNOVATION COUNCIL BYLAWS
DRAFT Modifications – 5/15/12

Pursuant to Indiana Statute 22-4-18.1-3 and 29 U.S.C. 2801 et seq. (Workforce Investment Act of 1998), a state workforce innovation council has been established, hereby known as the State Workforce Innovation Council.

ARTICLE I
NAME AND ADMINISTRATIVE SUPPORT

Section 1. The name of this organization is the State Workforce Innovation Council (SWIC). For purposes of these bylaws, the SWIC shall be referred to as the Council.

Section 2. The Indiana Department of Workforce Development shall provide administrative support to the council. All correspondence for the council may be addressed in care of:

State Workforce Innovation Council
Indiana Department of Workforce Development
10 N. Senate Avenue
Indianapolis, Indiana 46204-2277

Section 3. The Indiana Department of Workforce Development's ~~Senior~~ Deputy Commissioner for Policy, ~~Education and Training and Performance~~ shall serve as the Executive Director for the Council.

- (a) The duties of the Executive Director shall include:
- (1) Coordinating with the Council chair to establish the calendar of meetings and agendas for each meeting;
 - (2) Developing informational and supporting materials needed for the prosecution of Council business;
 - (3) Ensuring compliance with the United States Department of Labor's reporting requirements as they pertain to workforce development concerns;
 - (4) Ensuring compliance with the statutory and regulatory stipulations as defined in the Workforce Investment Act and Wagner-Peyser;
 - (5) Convening the Council's Executive Committee; and
 - (6) Providing oversight to the Council's Youth Council.

ARTICLE II
PURPOSE AND MISSION

The State Workforce Innovation Council's purpose is to develop and implement an efficient, effective and integrated state workforce development system. The comprehensive system will provide employment, education and training programs, and services to insure that all Hoosiers have the skills and opportunities necessary to earn a living wage. A skilled workforce will be critical

in meeting future business needs of the state, and will encourage growth of business and industry. The Council advises the Governor of workforce development needs and recommends ways to meet those needs, while maximizing federal funds and avoiding duplication of effort.

ARTICLE III POWERS, FUNCTIONS AND OVERSIGHT RESPONSIBILITIES

Section 1. The council acts in an advisory capacity to the Governor of the State of Indiana and to the programs and departments administering programs under the council's oversight. Oversight is defined within the scope of activities and programs, included in Sections 2 and 3 below.

Section 2. The council is established to do the following:

- (a) Review the services and use of funds and resources under applicable federal programs and advise the governor on methods for coordinating the services and use of funds and resources consistent with the laws and regulations governing the particular applicable federal programs.
- (b) Advise the governor on:
 - (1) the development and implementation of state and local standards and measures; and
 - (2) the coordination of the standards and measures; concerning the applicable federal programs.
- (c) Perform the duties as set forth in federal law of the particular advisory bodies for applicable federal programs described in IC 22-4-18.1-4.
- (d) Identify the workforce needs in Indiana and recommend to the governor goals to meet the investment needs.
- (e) Recommend to the governor goals for the development and coordination of the human resource system in Indiana.
- (f) Prepare and recommend to the governor a strategic plan to accomplish the goals developed.
- (g) Monitor the implementation of and evaluate the effectiveness of the strategic plan described above.
- (h) Advise the governor on the coordination of federal, state, and local education and training programs and on the allocation of state and federal funds in Indiana to promote effective services, service delivery, and innovative programs.
- (i) Administer the minority training grant program and the back home in Indiana program established in IC 22-4-18.1
- (j) Any other function assigned to the council by the governor with regard to the study and evaluation of Indiana's workforce development system.
- (k) Administer postsecondary proprietary educational institution accreditation under IC 22-4.1- 21.**

Section 3. The council shall serve as the state advisory body required under the following federal laws:

- (1) 29 U.S.C. 2801 et seq. Workforce Investment Act of 1998 including reauthorizations of the Act;
- (2) 29 U.S.C. 49 et seq., Wagner Peyser Act;
- (3) 29 U.S.C. 2301 et seq., Carl D. Perkins Vocational and Applied

Technology;

(4) 20 U.S.C. 9201 et seq., Adult Education and Family Literacy Act.

~~(b) In addition, the council may be designated to serve as the state advisory body required under any of the following federal laws upon approval of the particular state agency directed to administer the particular federal law:~~

~~(1) 42 U.S.C. 12501 et seq., The National and Community Service Act of 1990;~~

~~(2) 42 U.S.C. 601 et seq., Part A of Title IV of the Social Security Act;~~

~~(3) 7 U.S.C. 2011, The employment and training programs established under the Food Stamp Act of 1977~~

Comment [D1]: These duties have not been given to the SWIC since the inclusion of this section. It is currently unnecessary, and could be added in some format again if these duties are ever transitioned.

ARTICLE IV MEMBERSHIP

The council membership is established in IC 22-4-18.1.

ARTICLE V APPOINTMENTS & TERMS

Section 1. Members of the council other than the governor, senators, representatives, and commissioners, or their designees, are appointed by the Governor and serve at the pleasure of the Governor. Pursuant to 22-4-18.1-6, appointments to the council are for two (2) year terms. The Governor shall promptly make an appointment to fill any vacancy but only for the duration of the unexpired term.

Section 2. The Governor shall ensure that individuals appointed to the council have sufficient expertise to effectively carry out the duties of the council. This expertise includes: knowledge of the long-term needs of individuals preparing to enter the workforce; the needs of state and regional labor markets; and the methods for evaluating the effectiveness of training programs in serving varying populations.

Section 3. Pursuant to Indiana Code 4-2-6-1(a)(16), all SWIC members are considered to be special state appointees, defined as “individuals elected to an authority, a board, a commission, a committee, a council, a task force, or other body that is authorized by statute or executive order,” and must abide by all statute or regulations which govern special state appointees.

ARTICLE VI OFFICERS & ELECTION OF OFFICERS

Section 1. The Governor shall appoint as chairman of the council a member meeting the criteria found at 29 U.S.C. 2821(c). The chair shall serve as a member of the Executive Committee.

Section 2. Term of Office. The Chair will be appointed annually.

Section 3. The Governor shall appoint an individual from among the council’s membership to serve as vice chairman who shall act as chair in the absence of the chair.

Section 4. Term of Office. The Vice Chairman shall serve for a one-year term.

ARTICLE VII MEETINGS, QUORUM & VOTING

The council shall hold no less than four meetings annually. The council shall meet at the call of the chair to conduct its business. Meetings shall be held at such places as determined by the chair and shall include teleconference convenience for members unable to attend in person. All meetings will be open to the public.

A majority of the appointed members attending in person constitutes a quorum.

Each member shall be entitled to one (1) vote for each matter submitted to the membership for a vote at each meeting of the membership. Members attending a meeting via teleconference may cast their vote by so stating on the telephone. Members voting by teleconference shall also mail a signed statement to the chair declaring their vote(s) not more than five days after the date of the meeting.

ARTICLE VIII ATTENDANCE

Section 1. A council member who misses more than one face-to-face or teleconference council meeting will have their attendance reviewed by the Executive Committee for removal from the council.

Section 2. These attendance rules do not apply to meetings of committees. However, council members are expected to participate to the best of their abilities on committees and at the meetings of committees.

ARTICLE IX COMMITTEES

Section 1. The council has established an Executive Committee and the standing committees to conduct its business.

Section 2. The council chair will appoint the chairs of the standing committees.

Section 3. The Executive Committee is made up of the council chair, vice chairman and the chairs of the standing committees. All council members may attend any executive committee meeting.

The Executive Committee shall:

- (1) have duties and powers assigned by the council
- (2) have the authority to take action on behalf of the council (when lacking necessary quorum; in case of an emergency, etc.)
- (3) report to the council, in a timely fashion, on actions taken on behalf of the council
- (4) supervise the affairs of the council between regular meetings.
- (5) bring issues of concern to the Legislature on behalf of the Council.

Section 4. The Educational Review Committee.

The Educational Review Committee shall, among other duties:

- (1) Recommend curricula for WorkOnes (intensive services);
- (2) Evaluate the efficacy of occupational training programs on the Approved Training List, and provide feedback to local workforce investment boards;
- (3) Decide final approval for recommended additions to the Approved Training List;
- (4) Review and approve, as appropriate, program plans for Carl Perkins post-secondary career and technical education providers;
- (5) Develop, implement, and review of career pathways and assessment of skills standards;
- ~~(6) Establish outcome metrics for intensive services and occupational training; insuring alignment with the outcomes metrics established by the Performance and Compliance Committee;~~
- (7) Review quarterly outcome data; and
- (8) Provide oversight to the adult education program, including development of common assessment instruments and program delivery.

Comment [D2]: New duty required in transition of ABE to DWD/SWIC

Comment [D3]: Moved to Performance and Compliance Committee

Section 5. The Grants and Finance Committee.

The Grants and Finance Committee shall, among other duties:

- (1) Develop and approve the allocation formulas for the distribution of Adult, Dislocated Worker, and Youth Funds to local areas;
- (2) Oversee the development of request for proposals for state discretionary funds, defining the criteria used to evaluate and rate each proposal in accordance with SWIC policies and priorities;
- ~~(3) Oversee the development of an RFP for the on-the-job training fund, defining the criteria used to evaluate and rate each proposal;~~
- (4) Review and score each proposal submitted for state discretionary funds and the on-the-job training fund, and determine awardees (for grants greater than \$1M, approval of the full SWIC will be required); and
- (5) Notify awardees of grants.

Comment [D4]: This activity is required in Section 111 of WIA

Comment [D5]: There currently is no "on-the-job training fund."

Section 6. The Oversight, Performance, and Employer Relations Committee.

The Oversight and Performance Committee shall, among other duties:

- (1) Insure WIA documentary and systemic regulations pertaining to the SWIC are followed, including certification of SWIC and local workforce investment board membership.
- (2) Establish performance metrics for the workforce development system, insuring alignment with the outcomes metrics established by the Educational Review Committee;
- (3) Develop programs, services, and instruments to improve reliability and visibility of the workforce development system within the employer community;
- (4) Establish outcome metrics for intensive services, occupational training, and business services;
- (5) Review oversight reports produced by the agency's compliance unit; and

Comment [D6]: Transferred from Employer Relations and ERC

- (6) Review performance, expenditure, and outcome reports from grant-awardees, and direct corrective action be taken as appropriate.

Section 7. The Youth Committee

The Youth Committee shall, among other duties:

- (1) Define the statewide strategic vision for youth activities;
- (2) Identify the criteria to be used by local boards in awarding grants for WIA youth service provision;
- (3) Establish performance metrics for youth services, insuring alignment with the outcomes metrics established by the Performance and Compliance Committee;
- (4) Review oversight reports produced by the agency's compliance unit with respect to youth activities; and
- (5) Provide oversight of the co-curriculum for secondary programs and post-secondary bridge programs for Career and Technical Education.

Comment [D7]: Duty required by Section 115 of WIA

~~*Section 8. The Employer Development and Marketing Committee:*~~

~~The Employer Development and Marketing Committee shall, among other duties:~~

- ~~(1) Develop criteria for a robust re-employment program, and provide program oversight;~~
- ~~(2) Develop programs, services and instruments to improve reliability and visibility of the workforce development system within the employer community;~~
- ~~(3) Establish outcome metrics for business services staff, and provide oversight;~~
- ~~(4) Review and decide applications to the JOBS funds, and provide program oversight; and~~
- ~~(5) Advise the agency's marketing unit on the development and execution of strategies to market the workforce investment system's programs and services.~~

Section 8. The Career and Technical Schools Accreditation Committee

The Career and Technical Schools Accreditation Committee shall, among other duties:

- (1) Provide oversight/oversee The Office for Career and Technical schools;
- (2) Adopt reasonable rules to implement accreditation of postsecondary proprietary educational institutions;
- (3) Decide final approval for accreditations of postsecondary proprietary educational institutions;
- (4) Administer the Student Assurance Fund;
- (5) Administer the Proprietary Educational Institution Accreditation Fund; and
- (6) Issue agent's permits.

Section 9. Committee Meetings, Quorum, and Voting

Committees shall meet at the call of the chair to conduct their business. Meetings shall be held at such places as determined by the chair and shall include teleconference convenience for members unable to attend in person. All meetings will be open to the public.

Each committee member shall be entitled to one (1) vote for each matter submitted to the membership for a vote. Members attending a meeting via teleconference or other electronic medium may cast their vote by so stating. Members voting by teleconference or other electronic medium shall also mail a signed statement to the chair declaring their vote(s) not more than five days after the date of the meeting.

Section 10. Requirements for Conducting SWIC Committee Business
Committees shall ensure the following requirements are met when conducting official committee business:

- (a) Requirements for Public Notice of Meetings:
 - (1) Committees must provide notice of meeting at least 48 hours before the meeting
 - (2) Committees must post notice at the building where the meeting is to be held, at the Indiana Department of Workforce Development central office, and on the DWD/SWIC website
 - (3) If agenda is prepared, committees must post a copy of it
- (b) Requirements for Open Door Rules:
 - (1) Meetings must be open to allow the public to observe and record
 - (2) Meetings must be accessible to individuals with disabilities
 - (3) Public does not have the right to speak unless committee allows time for public comment
- (c) Requirements for Actions at the Meeting:
 - (1) Committee procedures must follow Roberts Rules of Order
 - (2) Members may attend either in person or via conference call or other electronic medium (video/internet conferencing)
 - (3) Quorum (over 50% of members) must attend either in person or via telephone or other electronic medium to take any official action/votes
 - (A) Members voting via electronic medium must mail a signed statement verifying their vote within five business days of meeting
 - (4) Committee members may not designate a proxy to participate in meeting on his/her behalf
 - (5) No secret ballot votes are allowed
- (d) Requirements for Keeping Meeting Minutes:
 - (1) Meeting minutes must be kept with the following information:
 - (A) Date, time, and place of meeting
 - (B) Committee members present or absent
 - (C) General substance of all matters proposed, discussed, or decided
 - (D) Record of all votes taken
 - (2) Meeting minutes must be made public (via website) within a reasonable timeframe following the meeting
 - (3) Meeting minutes must be available for public inspection and copying
- (e) Role of DWD Staff Persons:

DWD staff persons will serve as staff to each of the SWIC Committees. They will work with the chairperson and committee members to ensure the following tasks are completed:

 - (1) Scheduling meetings

- (2) Posting meeting notices and agendas
- (3) Keeping meeting minutes
- (4) Posting meeting minutes
- (5) Other required administrative duties.

Section 11. Use of Electronic Media in Committee Business

Committee members may use email or other electronic media to communicate regarding SWIC Committee business between scheduled meetings. Discussion of business via email or other electronic medium does not constitute official business. However, all votes or the discussion of votes can only be conducted during an open meeting.

**ARTICLE X
AMENDMENTS TO THE BYLAWS**

These bylaws may be approved, amended, or repealed through adoption of Board action by a 2/3 vote of the members present at any regular meeting providing the proposed changes do not conflict with existing federal or state laws, regulations or guidelines.

**ARTICLE XI
PARLIAMENTARY PROCEDURE**

Only parliamentary procedures as laid out in *Roberts Rules of Order, Newly Revised*, shall prevail in all regularly scheduled and special meetings of the Board and any standing or ad hoc committees thereof.

**ARTICLE XII
SOVEREIGN IMMUNITY**

The SWIC and its committees are governmental entities and instrumentalities of the state; and as such are entitled to the protections and immunity afforded other governmental entities or public employees when acting within the scope of their appointment pursuant to IC 34-13-3-3. In addition, pursuant to IC 34-13-3-5, civil actions relating to acts taken by the SWIC may only be brought against the SWIC and not against an individual member of the SWIC so long as such an individual member was acting within the scope of the individual member's appointment as a member of the SWIC. Any lawsuit alleging that a member acted within the scope of the appointee's appointment bars an action by the claimant against the member personally.

**ARTICLE XIII
CONFLICT OF INTEREST**

Board members shall disclose any potential or real conflict at the earliest possible time and remove themselves from any key decisions or debates where the outcome may or will have an impact on related activities. Board members shall scrupulously avoid undisclosed conflicts of interest between the interests of the State of Indiana and the Board, and personal, professional, and business

interests. This includes avoiding potential and actual conflicts of interest, as well as perceptions of conflicts of interest. Upon or before appointment, each Board member will make a full, written disclosure of interests, relationships, and holdings that could potentially result in a conflict of interest. This written disclosure will be kept on file and updated as appropriate.

In the course of meetings or activities, a board member shall disclose any interests in a transaction or decision where he/she or his/her family and/or significant other, employer, close associates, including business or other nonprofit affiliations, will receive a benefit or gain. As required by IC 4-2-9, a board member that identifies a potential conflict of interest must notify DWD's Chief Ethics Officer and seek an advisory opinion from the State Ethics Commission by filing a written description that details the nature and circumstances of the particular matter. After disclosure, State Ethics Commission will issue a written determination whether the conflict affects the integrity of the services the State expects from the board member. Until the State Ethics Commission issues its determination, the board member will be asked to abstain from discussion and votes regarding the matter.

Each board member will be asked to sign a conflict of interest policy document stating his/her understanding that this policy is meant to supplement good judgment, and he/she will respect its spirit as well as its wording.

Additionally, as required by DWD Policy 2009-04, as special state appointees, all SWIC members are required to complete training on the following topics:

1. Ethics;
2. Sexual Harassment Prevention;
3. Information Resource Use Agreement (IRUA); and
4. Any other training as required by DWD.

The Department of Workforce Development Human Resources staff will ensure that all members of the SWIC are notified of the availability of this training, and that all members have access to completing the training at his/her convenience in a timely manner.