

GOLDEN SIERRA WORKFORCE DEVELOPMENT BOARD
BYLAWS AS AMENDED APRIL 4, 2018

These Bylaws are hereby created by the Golden Sierra Workforce Development Board (formerly referred to as “Workforce Investment Board” or “WIB”) and the Governing Body of the Golden Sierra Job Training Agency (“Governing Body”).

RECITALS

- A. The Counties of Alpine, El Dorado, and Placer have created the Golden Sierra Job Training Agency, herein referred to as “Golden Sierra,” a joint powers agreement, to administer workforce development programs within their boundaries.
- B. The Governing Body consists of three members, i.e., one chief elected official from each of the Boards of Supervisors of Alpine, El Dorado, and Placer Counties.
- C. The State of California, pursuant to the Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. § 3101 *et seq.* (which supersedes the Workforce Investment Act of 1998, 29 U.S.C. § 2801 *et seq.*), hereinafter called the “Act,” has designated the Golden Sierra Job Training Agency as a “Workforce Development Area” (formerly a “Workforce Investment Area”) for the system building and delivery of workforce development programs at the local level, and provides funding thereto.
- D. The State and Federal rules and regulations promulgated pursuant to the Act provide for program activities and require that the Governing Body establish the Workforce Development Board, to be as follows:

ARTICLE I
NAME

The name of this body shall be the Golden Sierra Workforce Development Board, hereinafter referred to as the “WDB.”

ARTICLE II
PURPOSE AND FUNCTION

2.1. The purpose of the WDB, in partnership with the Governing Body, shall be to establish and oversee the workforce development system for the Counties of Alpine, El Dorado, and Placer.

2.2. Vision: A fully integrated workforce system that capitalizes on the expertise of industry and workforce partners to continuously meet the needs of business, and facilitate pathways to success for students, workers and job seekers.

2.3. Mission: The Golden Sierra Workforce Board convenes industry leaders and key partners to identify workforce initiatives, create innovative solutions, and measure the success of systems' ability to meet industry and workforce needs.

2.4. It shall be the duty of the WDB to do all of the following:

2.4.1. Engage with a diverse range of employers, and with entities in the region:

2.4.1.1. To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the WDB;

2.4.1.2. To develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce development activities;

2.4.1.3. To ensure that workforce development activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and

2.4.1.4. To develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

2.4.2. Convene local workforce development system stakeholders to assist in the development of the local workforce development plan and in identifying non-Federal expertise and resources to leverage support for workforce development activities.

2.4.3. Develop and submit a local workforce development plan to the Governor.

2.4.4. Collaborate with Regional Planning Unit to develop and submit a regional plan to the Governor.

2.4.5. Designate or certify one-stop operators, consistent with Title 1 of the Act.

2.4.6. Award grants or contracts to eligible providers of youth activities in the local area on a competitive basis, consistent with the Act

2.4.7. Identify, consistent with Title 1 of the Act, eligible providers of training services in the local area.

2.4.8. Identify eligible providers of career services and, when the one-stop operator does not provide career services to the local area, award contracts to those providers.

2.4.9. Coordinate with the State to ensure that there are sufficient numbers and types of providers of career services and training services serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities, consistent with the Act.

2.4.10. Oversee programs including:

2.4.10.1. Conduct oversight for local youth workforce development activities, local employment and training activities, and the one stop delivery system in the local area;

2.4.10.2. Ensure the appropriate use and management of funds for the local youth workforce development activities, local employment and training activities, and one-stop delivery system; and

2.4.10.3. Ensure the appropriate use, management, and investment of funds to maximize performance outcomes related to workforce development activities.

2.4.11. Negotiate with the Governing Body and the Governor on local performance measures for the local area.

2.4.12. Negotiate with the Governing Body and required partners on the methods for funding the infrastructure costs of the one-stop centers in the local area.

2.4.13. Conduct research, data collection, and analyses to assist in the development and implementation of the local workforce development plan, including, but not limited to:

2.4.13.1. Analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities in the region;

2.4.13.2. Assist in the development of a statewide workforce and labor market information system by the collection, analysis, and utilization of workforce and labor market information for the region; and

2.4.13.3. Conduct other research, data collection, and analysis as necessary as determined by the WDB.

2.4.14. Lead efforts 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, especially individuals with barriers to employment.

2.4.15. Lead efforts in the local area to:

2.4.15.1. Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers in the local workforce development system; and

2.4.15.2. Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs, including providing physical and programmatic accessibility.

2.4.16. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by:

2.4.16.1. Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;

2.4.16.2. Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;

2.4.16.3. Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system; and

2.4.16.4. Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

2.4.17. Coordinate activities with education and training providers in the local area.

2.4.18. Develop a budget for the purpose of carrying out the duties of the WDB, consistent with the local workforce development plan, subject to the approval of the Governing Body.

2.4.19. Annually assess the physical and programmatic accessibility of all one-stop centers in the local area.

2.5. The WDB, in order to carry out its functions:

2.5.1. May designate standing committees to provide information and assist the WDB in carrying out its activities.

2.5.2. May employ additional staff to carry out the functions of the WDB, consistent with Act.

2.5.3. May solicit and accept contributions and grant funds from other sources.

2.5.4. Shall not provide training services unless the Governor grants a written waiver of this provision.

2.5.5. Shall not provide career services or be designated or certified as a one-stop operator without the agreement of the Governing Body and the Governor.

ARTICLE III MEMBERSHIP

3.1. Pursuant to provisions authorized by the Act, the Governing Body has established the initial membership and structure of the WDB, and appoints/reappoints new members to the WDB. Changes to the initial structure shall maintain business representation at a minimum of 51% of total membership. Should such business representation drop below 51%, recruitment will immediately go into effect.

3.2. The Governing Body has determined that the WDB shall be a maximum of 26 members, who are comprised of the following:

3.2.1. **Business Representatives:** At least 51% of the members shall be representatives from the business community (a) appointed from among individuals nominated by local business organizations and business trade associations; (b) chief executive officers, chief operating officers, or owners of businesses, or other business executives or employers with optimum policy making or hiring authority; and (c) from businesses or organizations, including small businesses, that provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration.

3.2.2. **Workforce Representatives:** At least 20% of WDB members shall be representatives of the workforce within the local area; and

3.2.2.1. Of those, at least 15% of the WDB members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members; labor organization representatives shall include:

(A) representatives of labor organizations who have been nominated by local labor federations or other representatives of employees;

(B) a member of a labor organization or a training director from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists.

3.2.2.2. The remaining Workforce Representatives may include representatives of community-based organizations serving populations with barriers to employment, including organizations that serve veterans and individuals with disabilities; and may include representatives of organizations that address the employment, training, or education needs of youth, including out-of-school youth.

3.2.3. **Education and Training Representatives:** At least two (2) members that are representatives of entities administering education and training activities in the local area; and

3.2.3.1. shall include a representative of eligible providers administering adult education and literacy activities pursuant to the Act;

3.2.3.2. shall include a representative of institutions of higher education providing workforce development activities; and

3.2.3.3. may include representatives of local educational agencies, and of community-based organizations that address the education or training needs of individuals with barriers to employment.

3.2.4. **Governmental Representatives:** At least three (3) members that are representatives of governmental and economic and community development entities serving the local area; and

3.2.4.1. shall include a representative of economic and community development entities; and

3.2.4.2. shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act;

3.2.4.3. shall include an appropriate representative of the programs carried out under Title 1 of the Rehabilitation Act of 1973;

3.2.4.4. may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistances; and

3.2.4.5. may include representatives of philanthropic organizations serving the local area.

3.2.5. Members can act as representatives to more than one of the sectors identified above.

3.2.6. May include such other individuals or representatives of entities as the Governing Body may determine to be appropriate.

3.3. Terms of Appointment. WDB members shall serve for fixed terms; term lengths shall be for four years from the July 1st immediately preceding the appointment/re-appointment date. All WDB terms shall expire on June 30th, except that members may continue to serve after the end of their term until a successor is appointed.

Initial WDB membership was approved on February 6, 2016, and established staggered terms to balance membership expiration dates.

3.4. Resignations. Any WDB member may resign by submitting written notice to the WDB Chairperson.

3.5. Removal for Cause. Any member may be removed from the WDB for cause if a majority of the WDB recommends such action at a legally constituted meeting, and this action is approved by the Governing Body.

“Cause” shall be defined as a determination by the WDB that the member is unable to effectively represent the categorical seat to which he/she is appointed. Absence at three (3) consecutive regular meetings shall result in that position being reviewed for vacancy by the WDB, and possible recommendation for removal.

3.6. Notification & Recruitment Process. Upon a vacancy on the Workforce Board, Golden Sierra support staff will utilize approved policy to initiate notification and recruitment steps.

3.7. Designation of Proxy. At the first meeting of each fiscal year, WDB members may designate a proxy to cast votes on their behalf in their absence. Changes to the proxy designation at any other time throughout the year shall be made in writing to the Chairperson at least seventy-two (72) hours prior to the scheduled Board meeting at which the newly-designated proxy is intended to cast a vote on behalf of an absent Board Member. All proxies shall self-certify, in writing, their compliance with 20 C.F.R. 679.110(d)(4) and 20 C.F.R. 679.320 prior to casting any vote.

ARTICLE IV OFFICERS

4.1. The presiding officers of the WDB shall be called Chairperson and Vice Chairperson and shall have two year terms of office beginning July 1st of each even year and ending on June 30th, two years later.

4.2. The WDB shall elect, by majority vote of the WDB members present, its Chairperson and Vice Chairperson. Election shall occur prior to July 1st of each two-year office. The WDB Chairperson and Vice Chairperson shall be from its business sector representatives, and they may succeed themselves if so reelected.

4.2.1. Nominating Committee. No later than March of each election year, a nominating committee shall be appointed by the Chairperson.

The committee shall consist of the Chairperson and three WDB members with as many counties being represented as possible.

No WDB member who wishes to run for election shall sit on the nominating committee.

4.2.2. Duties of the Nominating Committee. The nominating committee shall poll WDB members for prospective nominees.

It shall be the duty of the nominating committee to interview each of the candidates prior to placing their names on the ballot and secure their pledges to serve faithfully if elected.

At least twenty (20) calendar days prior to the WDB meeting where elections are to occur, the committee shall mail a list of all nominees to each WDB member.

The nominating committee shall then present names to the WDB no later than June of each election year.

4.2.3. Elections. All voting to elect officers of the WDB shall be by open vote and the ballot shall list nominees by officer position in an order drawn randomly.

The WDB shall elect officers by majority vote of the WDB members present.

4.3. In the absence of the Chairperson, the elected Vice Chairperson shall serve as the presiding officer. In the absence of both the Chairperson and Vice Chairperson, the WDB shall, at the beginning of its meeting, designate by majority vote of the WDB members present, a Chairperson Pro-Tem to serve as presiding officer of that meeting.

4.4. The Chairperson shall have the responsibility of preparing the agenda for WDB meetings.

ARTICLE V MEETINGS AND QUORUMS

5.1. The WDB shall meet at a minimum of four (4) times annually.

5.2. Special meetings of the WDB may be called by the WDB Chairperson or by a majority of WDB members.

5.3. All meetings of the WDB shall be conducted and noticed in conformance with the Ralph M. Brown Act, California Government Code 54960 et seq., as amended (the "Brown Act").

5.4. Notice of all meetings of the WDB shall be given by any means reasonably calculated at least seventy-two (72) hours before the meeting. Notices of meetings shall advise WDB members of the general nature of business to be transacted at such meeting.

5.5. A quorum to conduct business of the regular WDB shall require a majority of the WDB members present both in person or by teleconference connection, consistent with the provisions of the Brown Act.

5.6. Each member of the WDB shall have one vote.

5.7. Action may be taken by a majority vote of the WDB members present, unless otherwise required by law.

5.8. The WDB in all its actions and meetings shall be governed by the Act and these Bylaws.

ARTICLE VI COMMITTEES

6.1. Committee definitions:

6.1.1. Standing Committee. Composed of less than a quorum of the full board, include non-WDB members, have a continuing subject matter, meeting schedule is fixed by formal action, and is subject to Brown Act requirements.

6.1.2. Ad-Hoc Committee. Comprised solely of less than a quorum of the full WDB, has a limited or single purpose, is not perpetual, is dissolved once the specific task is completely, and is not subject to Brown Act requirements.

6.2. The WDB Chairperson, with the approval of the WDB, shall create committees of the WDB.

6.3. The WDB Chairperson shall appoint committee chairpersons from the WDB membership.

6.3.1. Committee chairpersons must be WDB members

6.4. Committee members shall be appointed by the WDB Chairperson, with the approval of the WDB.

6.4.1. Committees may include WDB members.

6.4.2. Committees shall be supplemented by non-WDB members who the WDB has determined have the appropriate experience and expertise.

6.5. With the exception of the Executive Committee, all committee members, both WDB and non-WDB membership, have equal voting rights.

6.6. Action may be taken by a WDB committee by majority vote of the committee members present, unless otherwise required by law.

6.7. Action may be taken by a majority vote of the WDB members present, unless otherwise required by law

6.8. All actions of a WDB committee shall be advisory to the full WDB, unless the full WDB has expressly delegated "final authority" to a given committee on a given issue or matter.

6.9. The WDB shall have one standing committee:

6.9.1. Executive Committee. The Executive Committee shall consist of six (6) voting members: WDB Chairperson, Vice Chairperson, three (3) additional WDB members, one of which shall be from the business community, and one (1) non-WDB as identified in 6.3.2. The Golden Sierra Executive Director shall sit as an ex-officio non-voting member of the Executive Committee, and will not be used in determining the existence of a quorum. The WDB Chairperson may also invite WDB committee chairpersons to participate in Executive Committee meetings as non-voting members. The membership term shall be the same as the chair term.

The function of the Executive Committee shall be to coordinate the establishment and content of WDB agendas, proposals, communications to and from the Governing Body, review and make recommendations on workforce board membership to the Governing Body, and other supportive activities and functions as may be directed by the WDB or the Governing Body.

The Executive Committee may exercise the powers of the full WDB when timely action is necessary to ensure the best interest of the WDB, its program and services.

All Executive Committee actions shall be reported to the WDB at its next meeting.

ARTICLE VII STAFFING AND SUPPORT OF WDB

7.1. The Governing Body shall be asked to provide, from funds made available under the Act, Golden Sierra support staff and necessary office and material support for the WDB.

7.2. Golden Sierra support staff assigned to WDB responsibilities shall coordinate WDB activities with the WDB Chairperson. Notwithstanding the foregoing, such staff shall remain Golden Sierra employees at all times.

7.3. The Governing Body and WDB will maintain the consolidated office and material support necessary for both to properly discharge their responsibilities under the Act.

7.4. Authority for any decision to hire, evaluate, or discharge any staff assigned to the WDB shall rest with the Governing Body.

7.5. The WDB shall not directly operate programs.

ARTICLE VIII CONFLICT OF INTEREST

8.1. A WDB and/or committee member shall recuse him or herself from making, participating in making, or in any way attempting to use his or her official position to influence a decision of any matter which would financially benefit such member or his/her immediate family member or any organization such member represents. Such member must declare his or her conflicts for the official record.

8.2. WDB members shall avoid organizational conflict of interest, and they and their personnel, employees, or agents shall avoid personal conflict of interest or appearance of conflict of interest in awarding financial assistance, and in the conduct of procurement activities involving funds under the Act.

8.3. Members of the WDB shall comply with the California Political Reform Act of 1979 (commencing with Section 87300 of Chapter 7, Title IX, of the California Government Code) and any other conflicts of interest or financial disclosure requirements which the State may require.

**ARTICLE IX
AMENDMENTS**

9.1. Amendments to these Bylaws may be approved by an affirmative majority vote of the WDB members at any regular meeting of the WDB; provided however, that the amendments proposed had been submitted in writing at the previous regular meeting or included in the call to the meeting. Amendments proposed to these Bylaws must be received by the WDB membership no less than seventy two (72) hours prior to their consideration by the WDB.

9.2. To take effect, amendments to these Bylaws must also have concurrence by an affirmative majority vote of the Governing Body.

**ARTICLE X
EFFECTS**

10.1. These Bylaws shall become effective upon adoption by an affirmative majority vote of the WDB and the Governing Body, and shall remain in effect, as amended by Article IX above, until dissolution of the WDB and/or the Governing Body.

10.2. In any conflict arising between the provisions of the Act, applicable State law, and or other implementing regulations, the legal provisions of law and regulations shall prevail, except as these Bylaws represent allowable discretion by the Governing Body and the WDB in interpretation and implementation of law and regulation.

[signatures on following page]

APPROVED/ACCEPTED:



Rick Larkey, Chairperson
Golden Sierra Workforce Development Board

APPROVED/ACCEPTED:



Katherine Rakow, Chairperson
Golden Sierra Governing Body

Date: 04.19.18

Date: 4-4-18

