

Southwestern Area Workforce Development Board

Special Bylaws Committee Meeting Agenda

Virtual Meeting via Zoom or Phone

To join meeting by phone, dial: (346) 248-7799, then enter Meeting ID: 843 4934 8862

To join meeting online via Zoom, go to:
<https://us02web.zoom.us/j/84349348862>

Thursday, September 24, 2020 at 2:00 p.m. (MDT)

*Vacant—Chair
Vacant—Vice-Chair*

- I. Call to Order**
- II. Welcome**
- III. Roll Call and Abstentions**
- IV. Approval of Agenda**
- V. Discussion or Motion for Recommendation Items**
 - a. Election of Committee Chair and Vice-Chair
 - b. Bylaws amendment
- VI. **Public Comment (3-Minute Limit)**
- VII. Member Input**
- VIII. Next Meeting**
- IX. Adjournment**

****Public comments can be emailed to angela1@sccog-nm.com before September 24, 2020 at 2:00 p.m. (MDT). All public comments will be read at the meeting in the order received.**

AGENDA ITEM SUMMARY	
Southwestern Area Workforce Development Board Special Bylaws Committee Meeting	September 24, 2020
Agenda Item Election of Committee Chair and Vice-Chair	
SUMMARY OF AGENDA ITEM <ul style="list-style-type: none">• Presently, the committee does not have a Chair or Vice-Chair. The bylaws of the board allow for any member of the committee to serve in either office.• At the meeting, the committee will need to nominate and elect members to the positions. ###	

AGENDA ITEM SUMMARY	
Southwestern Area Workforce Development Board Special Bylaws Committee Meeting	September 24, 2020
Agenda Item Bylaws amendment	
SUMMARY OF AGENDA ITEM <ul style="list-style-type: none">• The bylaws committee is responsible for reviewing and recommending changes to the bylaws to ensure that they are aligned with federal and state regulations. It also provides the committee the opportunity to introduce other changes that will benefit the board and program.• Initial changes have been made to the bylaws to comply with Workforce Guidance Letter: DWS 16-003. The committee will discuss these and other changes they would like to recommend.• The committee may then vote on a recommendation as a proposed amendment to the board or meet again to address additional changes. ###	

Bylaws of the Southwestern Area Workforce Development Board

ARTICLE I ESTABLISHMENT

- A. The Southwestern Area Workforce Development Board of the State of New Mexico is established in accordance Section 107 of ~~with the Workforce Innovation and Opportunity Act, and the State of New Mexico Workforce Development Act (WDA) Statutes and Regulations.~~

ARTICLE II NAME

- A. The name of this Board shall be The Southwestern Area Workforce Development Board, hereinafter referred to as the SAWDB.

ARTICLE III PURPOSE

A. The Workforce Innovation and Opportunity Act of 2014, hereinafter referred to as WIOA, intends for the local boards to represent a wide variety of individuals, businesses, and organizations throughout the local area. The vision for the SAWDB is to serve as a strategic leader and convener to promote effective relationships between the local Chief Elected Officials and economic, education, and workforce partners throughout the local area.

A.B. It shall be the purpose of the SAWDB to set policy for, and provide operational oversight of, the local workforce system geographically comprised of the counties of Catron, Socorro, Grant, Sierra, Luna, Doña Ana, and Hidalgo for the State of New Mexico.

B.C. The purpose of the SAWDB shall not preclude direct relationships between any local government and any other regional job development organization, public or private.

C.D. The SAWDB shall remain autonomous with each of the local governments in the SAWDB and retain all rights and authority provided to them under their charters and ordinances, the laws of the State of New Mexico, or any other procedures and regulations not in conflict with state or federal law.

D.E. The intent of the SAWDB is to carry out functions and responsibilities according to the Act and its Regulations under WIOA.

E.F. The SAWDB shall assist the Governor, recommend, comment, plan, coordinate, review, identify, provide, develop, monitor, advise, and report as follows:

- 1) Provide a forum to facilitate the development of workforce training and development under the WIOA and [the State of New Mexico Workforce Development Act hereinafter referred to as](#) WDA.
- 2) Increase the capacity of each local government to assist in the development of programs that will provide meaningful job opportunities to ~~all of~~ its citizens.
- 3) Provide and support workforce development initiatives to the New Mexico Legislature, the Governor of New Mexico, the New Mexico Department of Workforce Solutions (NMDWS), and other local, state, and federal executive and legislative branches of government.
- 4) Enhance productivity of business competitiveness of New Mexico Business and Industry.

ARTICLE IV DUTIES AND RESPONSIBILITIES

- A. The SAWDB will carry out its duties and responsibilities according to the federal WIOA, the New Mexico WDA, and all federal and State regulations duly promulgated under these acts.
- B. Specifically, as set forth in the WDA, the SAWDB shall:
 - 1) Advise the New Mexico State Workforce Development Board (hereinafter referred to as the "State Board") on issues relating to regional and local workforce development needs.
 - 2) Develop and submit to the State Board and the Governor a Southwestern Area ~~five~~[four](#)-year workforce plan that shall be updated and revised annually in accordance with the WIOA.
 - 3) Designate or certify one-stop program operators in accordance with the WIOA.
 - 4) Terminate, for cause, the eligibility of one-stop operators.
 - 5) Select providers and provide grants to youth activity providers in accordance with the WIOA.
 - 6) Identify eligible training and intensive service providers in accordance with the WIOA.
 - 7) Develop a budget subject to the approval of the chief elected officials of the SAWDB.
 - 8) Develop and negotiate local performance measurements, as described in the WIOA, with the chief elected officials of the Southwestern Area and the Governor.
 - 9) Ensure linkages with economic development activities.
 - 10) Encourage employer participation and assist employers in meeting their hiring needs.

- 11) Conduct oversight of; local programs and youth programs, in partnership with the chief elected officials, authorized pursuant to the WIOA; employment and training activities pursuant to the WIOA; and the one-stop delivery system in the [Southwestern Area](#).

~~12) Southwestern Area.~~

C. Provide information regarding the following:

- 1) The Southwestern Area ~~Local p~~Plan
- 2) Membership of the SAWDB
- 3) Designation and certification of one-stop operators; and the award of grants or contracts to eligible providers of youth activities.

D. The SAWDB shall also:

- 1) Review and evaluate the performance of all Southwestern Area Workforce Development activities and state agencies involved with workforce development.
- 2) Develop coordination with the State Board regarding its linkages with the State Board of Education to ensure coordination and no duplication of vocational education, apprenticeship, adult education, and vocational rehabilitation programs with other workforce development and training programs.
- 3) Provide policy advice, in coordination with the State Board, regarding the application of federal or state laws that pertain to workforce development.
- 4) Provide information for the annual report for the State Board and the Governor.
- 5) Annually review, for potential inclusion in the Southwestern Area ~~five~~four-year plan, any goals, objectives, and policies submitted by state agencies involved in workforce development activities in the Southwestern Area.
- 6) Administer WIOA funds allocated to the Southwestern Area ~~for~~ workforce activities ~~[JO1]~~ pursuant to the WIOA and WDA.
- 7) Contract with public entities to further the directives of the WIOA and WDA as deemed necessary.
- 8) Assist with statewide employment statistics system under Wagner-Peyser.

ARTICLE V MEMBERSHIP

A. Membership of the SAWDB: Pursuant to Section 107 of the WIOA, Southwestern Area membership shall include the following:

- 1) Board members shall be appointed by the chief elected officials of the SAWDB, based on criteria established by the Governor and the State Board. The staggered terms are determined by the chief elected officials and are generally for a period of two years. There are no term limits.
- 2) The composition of the SAWDB shall be in compliance with Section 107 (b) (2)(A),(B), and (C) of the WIOA.
- 3) The SAWDB shall contain “a minimum of fifty-one percent (51%) of its members coming from the private sector and shall also include representatives of education, labor, government, economic development, and community-based organizations, and others as appropriate.”
- 4) Terms of Appointments pursuant to Section 107 (c)(2) of the WIOA, the Governor shall certify the membership of the SAWDB once every two years.
- 5) Board member appointments shall be staggered so that a portion of the memberships expire in alternate years.
- 6) Consideration of all appointments shall include gender, ethnicity, categorical representation, and geographic diversity.
- 7) The mandatory orientation for new members pursuant to the Act shall include specific duties and responsibilities of individual board members.
- 8) The SAWDB members, who miss three consecutive scheduled Board and/or Committee meetings without cause, will be considered to have resigned their Board position. Their name shall be submitted to the Chief Elected Officials in writing for replacement to be made. Exceptions are based on absences for a special reason, as determined by the SAWDB Chair. The affected member may request their retention in writing and receive written approval from the [Administrative Entity](#), with approval from the SAWDB Chair.
- 9) A vacancy/replacement on the SAWDB shall be filled in the same manner as regular appointments.
- 10) A majority of members of the SAWDB shall be from the private sector. Preference shall be given to persons who are owners of businesses, Chief Executive Officers

(CEO's), or Chief Operating Officers (CEO's) of business and other business executives or employers with optimum policymaking or hiring authority.

11) Vacancies on the SAWDB shall exist upon the death, resignation, or removal of a member.

12) A person selected to fill a vacancy as provided in these bylaws shall hold office for the unexpired term of her/his predecessor or until her/his death, removal, or resignation.

B. Membership Responsibilities:

1) Members shall have the responsibility to inform the SAWDB, through her/his designated representative, of any changes in status which would affect their categorical representation.

2) All members must go through the "Mandated Training Certification" process to complete membership on the Board.

C. Committee Service:

1) Members shall serve on committees, subcommittees, and taskforces as appointed by the SAWDB Chair. SAWDB members may serve on more than one committee. The board chair will be a member of all committees.

2) Once a committee meeting date has been set by the Committee Chair and its Members, the committee date can only be changed with that Committee Chair's prior approval before it can be rescheduled.

D. Conflict of Interest:

1) All members of the SAWDB, including the Chair, shall have the authority to vote on all matters that come before the Board where there is no conflict, or the appearance of a conflict of interest. The ~~Code of Conduct/ Conflict of Interest Policy was approved and signed by the SAWDB and the CEO's on September 22, 2004. This Code of Conduct/~~ Conflict of Interest Policy applies to the members of the SAWDB, the CEO's, the SCCOG, Administrative Entity, Fiscal Agent, and all Adult and Youth Providers.

E. Compensation/Reimbursement of Expenses:

1) Members of SAWDB shall not receive any salaries or wages for their services, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties. Every claim for reimbursement for per diem and travel, as allowed by the Per Diem and Mileage Act of the State of New Mexico, shall be submitted on a travel voucher and in accordance with the appropriate rules,

formats, and informational requirements of the State Department of Finance and Administration.

- 2) Per House Bill 220 relating to reimbursement for per diem and mileage expenses increasing rates; providing for the reimbursement of members of the Southwestern Area Workforce Development Board (SAWDB) will receive a fixed and regular travel reimbursement of \$95.00 per meeting day for Board and all approved committee meetings in place of per diem and mileage.
- 3) Non-voting board members, and government employees using government vehicles and receiving government compensation, are excluded from the \$95.00 fixed and regular reimbursement.
- 4) Board members traveling to special events and/or events at the request of the SAWDB, Board Chairman, or their designee will be reimbursed for expenses by submitting regular travel request forms.

F. Liability:

- 1) Members of the SAWDB and staff, while acting under the direction of the SAWDB, shall not be held personally liable for the debts, decisions, liabilities, or other obligations of the SAWDB.

G. Gifts and Contributions:

- 1) SAWDB members may not accept any contribution, gift, bequest, or devise of any property whatsoever that would personally or professionally benefit the member. Contributions, gifts, bequests, or other devises of property directly benefiting the WIOA mission and participants may be accepted without reimbursement of any kind to the donor.

H. Representation of the SAWDB:

- 1) Members appointed to the SAWDB are considered representatives of the State in matters of workforce development programs in the Southwestern area and are entitled to any rights attendant to membership on the SAWDB; however, no SAWDB member may take any action or carry out any activity on behalf of the SAWDB not permitted to be taken or carried out without the approval, by vote, of the SAWDB.

I. Staff:

- 1) Staff support for the SAWDB shall be provided as determined by resolution of the membership at scheduled meetings. Contract with staff shall include specific duties of administrative support staff.

J. Operating Procedures:

- 1) Operating procedures shall be adopted by the SAWDB for committees, staff, and the SAWDB.

ARTICLE VI OFFICERS

- A. The officers of the SAWDB, including the Chair and Vice-Chair, shall be members from the private sector and shall be nongovernmental persons:

- 1) **Chair:** The SAWDB Chair shall be elected by a majority of the SAWDB members present at scheduled meetings. The term of office of the Chair shall be for one (1) year and he/she shall preside at all meetings of the SAWDB and perform general and active management of the administrative business of the SAWDB. It shall also be the Chair's duty to:
 - (a) Perform all duties that are incidental to his/her office and such other duties as may be required by the WIOA and the WDA, of which may be prescribed by the SAWDB.
- 2) Preside at meetings of the SAWDB and the executive committee
- 3) Execute legal documents when authorized by the SAWDB, the WIOA, and the WDA
- 4) Appoint all committees subject to the approval of the SAWDB, except as otherwise provided by the WIOA and WDA.
- 5) **Vice-Chair:** The term of the Vice-Chair shall be for one (1) year. The Vice-Chair shall also perform additional duties from time to time as assigned by the Chair.
 - (b) In the absence of the Chair or in the event of their inability or refusal to act, or if the office of Chair is vacant, the Vice-Chair shall perform all the duties of the Chair and, when so acting, shall have all the powers and be subject to all the restrictions of the Chair.
 - (c) The Vice-Chair shall have such other powers and perform such other duties as may be prescribed by the WIOA, the WDA, these bylaws, or the SAWDB.
- 6) In accordance with Section 107(b)(3) of the Workforce Innovation and Opportunity Act, only members of the private sector shall be qualified to serve as Chair and Vice-Chair to be voted on at the first meeting of the program year.
- 7) The start date for the Chair and Vice-Chair shall begin on September 1 of each year.
- 8) Upon approval of the SAWDB, the Chair may continue in office for two consecutive terms.

- 9) The SAWDB may elect such other officers as it deems appropriate and such officers shall serve such terms, have such authority, and perform such duties as may be prescribed by the SAWDB.
- 10) Any SAWDB Chair or Vice-Chair may be removed for cause by a two-thirds majority of the SAWDB at any scheduled or special meeting. Any board member, Chair, or Vice-Chair may resign at any time by giving written notice to the Chair or Vice-Chair. Any such resignation shall take effect on the date of such notice or any time specified therein and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. In these events, the Board will appoint a temporary Chair and Vice-Chair to preside over the next meeting to have an election to fill the positions of Chair and Vice-Chair.
- 11) In the event of a vacancy of any office, other than that of Chair, the vacancy may be filled temporarily by appointment of the Chair until such time as the SAWDB shall fill that vacancy.
- 12) In the event that the Chief Elected Officials do not appoint the sitting Chair or Vice-Chair, at the next Board meeting there would be a special election held to fill the position of Chair and Vice-Chair.
- 13) In addition to the Chair and Vice-Chair, the Board may also appoint other board members to have signature authority for the purpose of banking and contracts.

ARTICLE VII MEETINGS

A. Regular and Other Meetings:

- 1) The SAWDB shall meet at least once each quarter. The time and location will be determined at a prior meeting. The State Board, the Chair, or a majority of SAWDB members, at his/her/their discretion, may call special meetings. The time and location shall be determined by the individual(s) calling the meeting. All meetings shall be held in the Region 4 (Southwestern Area) of New Mexico.
- 2) The SAWDB member may participate in a meeting of the public body by means of a telephonic conference or other similar communications equipment as set forth in the New Mexico's Open Meetings Act, Section 10-15-1, and NMSA 1978 Compilation.

B. Open Meeting Requirements:

- 1) All meetings shall be in compliance with New Mexico's Open Meetings Act, Section 10-15-1, and NMSA 1978 Compilation. An open meetings s resolution shall be adopted each year to establish reasonable notice of meetings.

C. Meeting Announcement:

- 1) Once the meeting date, time, and location are established and the agenda developed, a written announcement along with the agenda will be transmitted to all SAWDB members.

(d) All SAWDB members shall receive notice of any meetings at least ten (10) days prior to the date of the meeting. All SAWDB members shall receive notice of any special meetings s at least three (3) days prior to the date of the meeting. It shall be presumed that the addressee will receive the notice emailed or otherwise transmitted from the SAWDB office on the following business day.

(e) ~~Notice of all m~~The meetings agenda shall specify the nature of business to be conducted at such meeting. No action can be taken except on business specified in the ~~notice~~agenda. New business, not specified in the ~~notice~~agenda, may be raised; no vote or action shall be taken on such business at that time.

D. Quorum:

- 1) A quorum of the SAWDB shall consist of a simple majority of the currently appointed membership. A quorum of a committee shall consist of a simple majority of the members of the specific committee. If a quorum is present, the affirmative vote of the majority shall be the official act of the SAWDB. A quorum of the SAWDB has been determined to be a simple majority of the respective membership, and a minimum of three members for committees.

E. Minutes:

- 1) Minutes of the proceedings for each SAWDB Board and Committee meeting shall be recorded and maintained in the permanent files for the SAWDB. In compliance with New Mexico's Open Meetings Act, Section 10-15-1, II.G, Aa draft summary of the recorded minutes will be prepared and distributed to each member ~~two weeks~~ within ten working days after a scheduled ~~Board~~ meeting. The minutes and agenda, as well as supporting and informational material ~~of any meeting of the SAWDB~~, shall be made available to the public upon written request. ~~Minutes for the committee meetings shall be recorded and made available upon request and will be maintained in the permanent files of the SAWDB.~~

F. Voting:

- 1) All members of the SAWDB, including the Chair, shall have the authority to vote on all matters that come before the Board where there is no conflict of interest or appearance of a conflict of interest.
- 2) As stated in the ~~Code of Conduct/~~Conflict of Interest Policy, ~~approved and signed by the SAWDB and the CEO's on September 22, 2004,~~ a member of the SAWDB, the CEO's, the SCCOG, Administrative Entity, Fiscal Agent, and all Adult and Youth Providers shall not vote on a matter under consideration by the Board relating to provision of services by the member, or by the entity the member represents, if such provisions of services might provide personal, private, or professional benefit to the member or his or her immediate family or business represented.
- 3) A member shall abstain from any evaluation of an affiliate organization with which that member is associated.
- 4) In accordance with the NMAC 11.2.4.12, local boards are not permitted to use proxies or alternates as a delegation of local board duties.

ARTICLE VIII COMMITTEES

A. Committee Selection:

- 1) The SAWDB shall establish an Executive Committee and may establish such other committees or advisory groups as it deems necessary in order to carry out its duties and discharge its responsibilities. The Chair shall define the duties and responsibilities of all committees, subject to approval of the SAWDB. The Chair shall appoint committee members of all committees, but all such committee members and Chairs must be certified by a majority vote of a quorum of SAWDB members.
- 2) Appointments to all committees shall encompass categorical and geographical representations as broadly as possible to ensure that each committee reasonably represents the membership of the SAWDB.
- 3) When appointing committee members, the SAWDB Chair shall do so considering the knowledge, experience, and preference of the particular members so appointed.
- 4) The SAWDB Chair shall serve as an ex-officio member on all committees; however, the SAWDB Chair at his/ her discretion may appoint the Vice-Chair to serve as ~~an~~ ex-officio on all or part of the committees.

- 5) Committees shall elect their own Chair and Vice-Chair, in the event a Committee Chair resigns or is no longer a Board member, the Vice-Chair shall be Acting Chair until such time the committee elects a new Chair. ~~The meeting of each committee to appoint its own Chair shall be at a time and place selected by the SAWDB Chair.~~ [JO2]

B. Executive Committee:

- 1) The Executive Committee ensures consistency of policies and action with the mission statement, core values, and strategic priorities of the Southwestern Area Workforce Development Board (SAWDB).
- 2) Membership:
 - (a) The Executive Committee shall consist of the Board Chair, the Vice-Chair, and the Chair of all standing committees. The SAWDB Chair may add one at-large voting member and non-voting advisory members as necessary. The Chair may appoint Ad Hoc committees as needed to support the work of the Board. Ad Hoc committees organized for addressing temporary work or issues are not considered standing committees.
 - (b) The SAWDB Chair shall act as the Executive Committee Chair and will exercise the power to vote on the Executive Committee only to break a tie vote.
 - (c) Terms on the Executive Committee are naturally staggered as officers and committee chairs change. In the event of interim vacancies, the Chair, with ratification of the Board, will appoint individuals to temporarily serve in the respective roles.
 - (d) In the event of vacancy in the Chair position, the Vice-Chair will assume the responsibilities of the Chair until the position is filled.
- 3) Committee Responsibilities:
 - (a) The Executive Committee shall act on behalf of the SAWDB on business that cannot wait until the next regularly scheduled meeting as determined by the Chair. The Executive Committee may exercise all such powers in a manner consistent with the Board's mission statement and in the best interest of the Board.
 - (b) All meetings of the Executive Committee will be held in accordance with the Open Meetings Act.

- (c) Meetings of the Executive Committee shall be called by the Chair and held in locations the Chair designates as appropriate.
- (d) A quorum consisting of a simple majority of the members of the Executive Committee is required to take official action on behalf of the Board. Proxies shall not be used to constitute a quorum.
- (e) The Executive Committee shall review and coordinate the work of the other committees prior to the Chair of those committees reporting to the SAWDB. The Executive Committee may recommend to the Chairs of the other committees that additional work be completed before reporting to the Board, but it may not block the Committee Chairs from reporting to the Board.

4) Limitations:

- (a) The Executive Committee is accountable to report all actions taken to the Board. Any action taken by the Executive Committee must be in accordance with the Board's mission statement and is subject to ratification by the Board. Ratification may include revisions by the Board, provided that such revision does not affect any officer, employee, or third party that took action based on direction from the Executive Committee.
- (b) The Executive Committee shall not have the power or authority of the Board to elect, appoint, or remove any member of the Board, or any officer required to be elected by the Board; or in reference to amending or repealing of Board approved policies or bylaws; in addition, the Executive Committee shall not have the power or authority of the Board in reference to any matter which under these Bylaws or the Workforce Innovation and Opportunity Act is vested exclusively in the SAWDB or the CEO's.

C. Other Standing Committee Descriptions:

- 1) **Disabilities Committee:** This committee will provide information and assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

~~1) **Executive Committee:** This committee has the responsibility for reviewing and coordinating the work of the other committees prior to the Chair of those committees reporting to the SAWDB. This committee is accountable to and reports all actions taken to the Board. Any action taken by the Executive Committee must be in accordance with the Board's mission statement and is subject to ratification by the Board.~~ [103]

~~2) **Planning Committee:** This committee has responsibility for reviewing and making recommendations pertaining to workforce development planning and operation. This includes reviewing state and local plans, resources for those workforce areas, and identification of education needs for services and training. The Planning Committee shall develop a five-year plan with Board approval and CEO concurrence and annually review and update said plan as necessary, as outlined in the local plan.~~

3) **Monitoring/Performance Committee:** The responsibility of this committee is to oversee and evaluate workforce development areas and local programs for compliance with rules and regulations to determine program success or failure. Additionally, it will review and approve state and local performance goals, review monitoring and performance reports, make recommendations for recognition, award incentive grants for program success, take corrective action, and/or impose sanctions for non-compliance or program failure. The goal of this committee is to assure the continuous improvement of State training programs.

~~4) **Disabilities Committee:** This committee will provide information and assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.~~

3) **One-Stop Partner Committee:** This committee will facilitate the integration of all the One-Stop Workforce Connections Centers in the Southwest area. They will make efforts to minimize program duplication, facilitate coordination and communication between agencies, employers, and training providers. The committee will research and identify employment and training activities, services available, and facilitate the interaction between the government and private sector to assure they do not overlap and are effective and efficient to promote a clear strategy leading to program success.

- 4) **Planning Committee:** This committee has responsibility for reviewing and making recommendations pertaining to workforce development planning and operation. This includes reviewing state and local plans, resources for those workforce areas, and identification of education needs for services and training. The Planning Committee shall develop a five-year plan with Board approval and CEO concurrence and annually review and update said plan as necessary, as outlined in the local plan.
- 5) **Policy Committee:** This committee is responsible for reviewing and recommending local board policy to the SAWDB that supports the objectives of the Workforce Innovation and Opportunity Act. The local policies provide direction to service providers, other partners within the public workforce system, and the public. The committee reviews requests for new policies, modifications, or rescissions. The committee will meet semi-annually or more frequently.
- 6) **Youth and Young Adult Committee:** This committee will provide recommendations to the SAWDB on matter related the WIOA Youth program, its related policies, measures, and practices. The committee shall also review the youth services provider's performance reports, to include quarterly performance measures.

ARTICLE IX ANNUAL REPORT

- A. Annual Report:
 - 1) SAWDB shall submit information to the WIOA State Administrative Entity to include in the annual report to the Governor, the New Mexico Legislature, the Chief Executive Officers of the counties and municipalities of the Southwestern Area, and to such other federal, state, and local government units as deemed appropriate.

ARTICLE X PARLIAMENTARY AUTHORITY

- A. Rules:
 - 1) Where not otherwise provided for in these bylaws, rules similar to Robert Rules of Order may be followed to maintain order in conducting all meetings of the SAWDB and its committees. The SAWDB Chair shall appoint a parliamentarian for the SAWDB and its committees as appropriate.

ARTICLE XI AMENDMENT OF BYLAWS

A. First Revision:

- 1) The bylaws as contained herein have been revised and amended in accordance with the provision for amendment contained in Section B herein, and these bylaws, as amended, shall replace all bylaws previously enacted by the Southwestern Area Workforce Development Board, and shall constitute the duly enacted and governing bylaws of the Southwestern Area Workforce Development Board.

B. Amendments:

- 1) These bylaws may be amended or repealed by a two-thirds (2/3) majority vote at any regular, or special business meeting at which a quorum is present, after notification of such an amendment to the SAWDB Membership, in compliance with Article VII of these bylaws. A committee may be appointed by the SAWDB Chair to review these bylaws on an as needed basis. ~~This committee shall also review and recommend policies and procedures, as needed, for committees, staff, and the SAWDB for board approval.~~

ARTICLE XII DISSOLUTION

A. Dissolution:

- 1) Upon any dissolution of the SAWDB, the Southwestern Board shall, after paying or making provision for payment of liabilities, dispose of all of the assets in accordance with the WIOA and the WDA and any other applicable laws of the State of New Mexico.

ARTICLE XIII COMPLIANCE WITH LAW

A. Compliance:

- 1) The SAWDB, in execution of its business, shall comply with all applicable New Mexico Statutes and regulations including, but not limited to, the State Procurement Code, the State Open Meetings Act, as provided in Section 10-15-1, NMSA 1978 Compilation, and the State Mileage and Per Diem Act.

This amendment to the Bylaws was approved in accordance with Article XIV. B. of the Bylaws on ~~July 9, 2015~~October 1, 2020.

ATTESTED BY:

| ~~Gary Whitehead~~ Joshua Orozco, Chair

New Mexico Department of Workforce Solutions (NMDWS) Workforce Innovation and Opportunity Act (WIOA) State Administrative Entity (SAE)	Workforce Guidance Letter: DWS 16-003
	Subject: Local Governance
	Date: February 20, 2017

PURPOSE. This policy provides guidance on the appointment of local boards and outlines the roles, responsibilities and authority of the chief elected officials and the local boards in regard to the local workforce system.

REFERENCE(S).

- Workforce Innovation and Opportunity Act of 2014, Sec. 107, Local Workforce Development Boards.
- Workforce Innovation and Opportunity Final 20 CFR Part August 19, 2016, 20 CFR Sections 679.300 through 679.430.
- TEGL No. 27-14, WIOA Transition Authority for Immediate Implementation.
- Local Workforce Development Board Grant Agreements.
- Office of Management and Budget (OMB) Uniform Guidance on Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR 200.

BACKGROUND. The Workforce Innovation and Opportunity Act of 2014 intends for the Local boards to represent a wide variety of individuals, businesses, and organizations throughout the local area. The Local board serves as a strategic convener to promote and broker effective relationships between the Chief Local Elected Officials and economic, education, and workforce partners throughout the local area. The Local board is responsible for developing a strategy to continuously improve and strengthen the workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs to promote economic growth. Local board members must actively participate and collaborate closely with the required and other partners of the workforce development system, including public and private organizations. This is crucial to the Local board's role to integrate and align a more effective, job-driven workforce development system. The Local board must work to develop a comprehensive and high-quality workforce development system by collaborating with its workforce, education, and economic development partners to improve and align employment, training, and education programs under WIOA. This policy establishes criteria the Chief Local Elected Official must follow for the appointment of a WIOA-compliant Local board.

DEFINITIONS.

Chief Elected Official means the chief executive officer of a unit of general local government in a local area; and in a case in which a local area includes more than (1) unit of general local government, the individuals designated under an agreement that specifies the respective roles of the individual chief elected officials in both the appointment of the members of the local board and in the carrying out of any other responsibilities assigned to such officials.

Lead Chief Elected Official is the individual selected by the participating chief elected officials who may act on behalf of the other chief elected officials in a given local workforce development area (local area).

Unit of General Local Government means any general purpose political subdivision of a State that has the

power to levy taxes and spend funds, as well as general corporate and police powers.

Optimum Policy-Making Authority for purposes of selecting representatives to LWDBs means a representative with “*optimum policy-making authority*” is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.

Demonstrated experience and Expertise for the purposes of selecting representatives to LWDBs means an individual who is a workplace learning advisor as defined in WIOA sec. 3(70); contributes to the field of workforce development, human resources, training and development, or a core program function; or the LWDB recognizes for valuable contributions in education or workforce development related fields.

REQUIREMENTS.

LOCAL BOARD VISION AND PURPOSE:

The *vision* for the Local WDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The Local WDB partners with employers and the workforce development system to develop policies and investments that support public workforce system strategies that support regional economies, the development of effective approaches including local and regional sector partnerships and career pathways, and high quality, customer centered service delivery and service delivery approaches.

The *purpose* of the LWDB is to:

- provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to help develop a comprehensive and high-quality workforce development system in the local area and larger planning region;
- assist in the achievement of the State’s strategic and operational vision and goals as outlined in the Combined State Plan; and
- maximize and continue to improve the quality of services, customer satisfaction, effectiveness of the services provided.

LOCAL BOARD MEMBERSHIP: The LWDB is appointed by the chief elected official(s) in each local area every 2 years. All members must be individuals with *optimum policy-making authority* within the entities they represent. An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation; however, individuals representing more than one category must have *optimum policy making authority* within each of the entities they are representing. All required LWDB members must have voting privilege. The chief elected official may convey voting privileges to non-required members. The Local WDB must elect a chairperson from among the business representatives on the LWDB. **Appendix I**, Local Board Member Requirements, attached, details the membership criteria for each category of representation.

CEO REQUIREMENTS AND RESPONSIBILITIES:

If a local area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement to describe their responsibilities for carrying out the roles and responsibilities (per WIOA sec. 107(c)(1)(B)). If the chief elected officials are unable to reach agreement after a reasonable effort, the Governor may appoint the members of the LWDB from the nominated or recommended individuals.

The CEO must establish by-laws, consistent with State policy for LWDB membership, that at a minimum address:

- The nomination process used by the CEO to select the LWDB chair and members;
- The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;
- The process to notify the CEO of a LWDB member vacancy to ensure a prompt nominee;
- The proxy and alternative designee process that will be used when a LWDB member is unable to attend a meeting and assigns a designee (per 20 CFR Part 679.110(d)(4);
- The use of technology, such as phone and Web-based meetings, that will be used to promote board member participation;
- The process to ensure LWDB members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities; and
- A description of any other conditions governing appointment or membership on the LWDB as deemed appropriate by the CEO.

BYLAWS: The local board/CEO must establish bylaws that include, at a minimum, the following sections.

- **Establishment.** Acknowledge that the local board is established in accordance with WIOA Section 107.
- **Name.** Identify the name of the local board.
- **Purpose.** Acknowledge the establishment of the local board consistent with WIOA sections 107(a) and (b).
- **Duties and responsibilities.** Acknowledge the duties and responsibilities as outlined in the WIOA, and in the partnership agreement between the chief elected officials and the local board.
- **Membership.** Include a description of membership as outlined in WIOA 107(b) and in the chief elected official agreement, as required by this policy.
- **Local board chair election.** Describe the process used to elect a local board chair, including term details.
- **Election of officers.** Outline officer positions, the process used to elect officers, officer terms, removal of officers, and specific officer roles and responsibilities.
- **Meetings.**
 - Information on how often local board and committee meetings will be held.
 - Acknowledgement of open meeting requirements and compliance.
 - Description of the process of announcing regular and special meetings.
 - Acknowledgement that a quorum must consist of at least a simple majority of the currently appointed membership.
 - Clarification as to whether phone and web-based meetings will be permitted.
- **Delegation of local board duties.** Acknowledge that local board members will not be permitted to delegate any local board duties to proxies or alternates.
- **Committees.** Include a list of standing committees including the descriptions for each and composition, and description of the process for having ad hoc committees.
- **Conflict of interest.** Acknowledge that local board members must adhere to the following in regard to conflict of interest.
 - A local board member may not vote on any matter that would provide direct financial benefit to the member or the member's immediate family, or on matters of the provision

- of services by the member or the entity the member represents.
- A local board member must avoid even the appearance of a conflict of interest. Prior to taking office, local board members must provide to the local board chair a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the local board. Such declarations must be updated annually or within 30 days to reflect any changes in such business interests or relationships. The local board must appoint an individual to timely review the disclosure information and advise the local board chair and appropriate members of potential conflicts.
- Prior to a discussion, vote, or decision on any matter before a local board, if a member, or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization, or property that would be affected by any official local board action, the member must disclose the nature and extent of the interest or relationship and must abstain from discussion and voting on or in any other way participating in the decision on the matter. All abstentions must be recorded in the minutes of the local board meeting and be maintained as part of the official record.
- It is the responsibility of the local board members to monitor potential conflict of interest and bring it to the local board's attention in the event a member does not make a self-declaration.
- In order to avoid a conflict of interest, a local board must ensure that the local board's workforce service providers must not employ or otherwise compensate a current or former local board member or local board employee who was employed or compensated by the local board or its administrative entity, fiscal agent, or grant recipient anytime during the previous 12 months.
- Local board members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner. To avoid conflict of interest, a local board must ensure that the local board, its members, or its administrative staff do not directly control the daily activities of its workforce service providers, workforce system partners or contractors.
- **Compensation and reimbursement of expenses.** A description of the policy on compensating local board members and reimbursing expenses must be included.
- **Amendment.** Include a description of the process for amending the bylaws.
- **Compliance with law.**
 - Acknowledgement stating, in execution of its business, the local board must comply with all applicable New Mexico statutes and regulations including, but not limited to, the state Procurement Code, the state Open Meetings Act, as provided in Section 10-15-1, NMSA 1978 Compilation, and the state Mileage and Per Diem Act.
 - Acknowledgement stating, in execution of its business, the local board must comply with the WIOA and regulations as well as state policies and directives.

STANDING COMMITTEES:

LWDB are strongly encouraged to establish standing committees to provide information and assist the board in carrying out its responsibilities under WIOA sec. 107. Standing committees must be chaired by a member of the LWDB, may include other members of the LWDB, and must include other individuals appointed by the LWDB who are not members of the LWDB and who have demonstrated experience and

expertise in accordance with 20 CFR Part 679.340(b) and as determined by the LWDB. The following three standing committees should be created.

- 1) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include representatives of the one-stop partners.
- 2) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which must include community-based organizations with a demonstrated record of success in serving eligible youth.
- 3) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

LWDBs may designate an entity in existence as of the date of the enactment of WIOA, such as an effective youth council, to serve as a standing committee as long as the entity meets the requirements of WIOA sec. 107(b) (4). In addition, LWDBs may designate other standing committees, as appropriate.

LOCAL BOARD ROLES AND RESPONSIBILITIES:

CEO-LWDB Partnership. The following partnership between the chief elected officials and their respective LWDBs should exist.

- LWDBs, in partnership with the chief elected official(s), must set policy for the workforce development system within the local area, consistent with State policies.
- LWDBs and their chief elected official(s) must enter into an agreement that describes the respective roles and responsibilities of the respective parties.
- LWDBs, in partnership with their chief elected official(s), must develop the local plan consistent with WIOA, the State Combined Plan, and other administrative entity requirements, performs the following functions (per WIOA sec. 107(d) and 20 CFR Part 679.370).

LWDB Functions. The local board must fulfill the following roles and responsibilities and describe the implementation of these functions in the agreement with its chief elected official(s), to include acknowledgement of the agreement requirement, as well as required partnership and approval elements.

- Develop and submit a four-year local plan for the local area, in partnership with the chief elected official (per WIOA sec. 108);
- Conduct workforce research and regional labor market analysis to include:
 - analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development, including –
 - education and training activities,
 - strengths and weaknesses, and
 - the capacity to provide services to address the identified education and skill needs of the workforce and the employment needs of employers;
 - assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and
 - other research, data collection, and analysis related to the workforce needs of the regional economy after receiving input from a wide array of stakeholders, as necessary;

- Convene local workforce development system stakeholders to assist in the development of the local plan (per 20 CFR Part 679.550) and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the LWDB and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the LWDB;
- Lead efforts to engage with a diverse range of employers and other entities in the region to –
 - promote business representation on the LWDB;
 - develop effective linkages, including the use of intermediaries, with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;
 - ensure workforce investment 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
 - develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers, such as the establishment of industry and sector partnerships, 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;
- With representatives of secondary and postsecondary education programs, 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, particularly individuals with barriers to employment;
- Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs;
- Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and job seekers, by:
 - 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;
 - facilitating access to services provided through the one-stop delivery system involved, including access in remote areas;
 - 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, such as improving digital literacy skills; and
 - leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment;
- In partnership with the chief elected official for the local area:
 - conduct oversight of youth workforce investment activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134(c) and (d), and the entire one-stop delivery system in the local area;
 - Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area; and

- Ensure the appropriate use management, and investment of funds to maximize performance outcomes under WIOA sec. 116;
- Negotiate and reach agreement on local performance indicators with the chief elected official and the Governor;
- Negotiate with CEO and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area (per 20 CFR Part 678.715) or must notify the Governor if they fail to reach agreement at the local level and will use a State infrastructure funding mechanism;
- Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:
 - Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established); however, if the LWDB determines there is an insufficient number of eligible training providers in a local area, the LWDB may award contracts on a sole-source basis as per the provisions at WIOA sec. 123(b);
 - Providers of training services consistent with the criteria and information requirements established by the Governor and WIOA sec. 122;
 - Providers of career services through the award of contracts, if the one-stop operator does not provide such services; and
 - One-stop operators in accordance with 20 CFR Parts 678.600 through 678.635 of the regulations;
- Work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities (per WIOA sec. 107(d)(10)(E));
- Coordinate activities with education and training providers in the local area, including:
 - reviewing applications to provide adult education and literacy activities under WIOA title II for the local area to determine whether such applications are consistent with the local plan;
 - making recommendations to the eligible agency to promote alignment with such plan; and
 - replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;
- Develop a budget for the activities of the LWDB, with approval of the chief elected official and consistent with the local plan and the duties of the LWDB;
- Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area (per WIOA sec. 188), if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*); and
- Certification of one-stop centers (per 20 CFR Part 678.800) and applicable state guidance letters.
- Produce an annual report that must be submitted to the state administrative entity, per guidelines established by the state administrative entity.
- Promote workforce connection center programs and activities.
- Conduct business in an open manner by making available to the public information about the activities of the local board, per the Transparency Section below.

CHIEF ELECTED OFFICIAL AGREEMENT: As noted in WIOA Sec. 107 (c)(1)(B) and 20 CFR Part 679.310(e), if a local area includes more than one unit of general local, the chief elected officials of such units must execute a written agreement that specifies the respective roles and liability of the individual chief elected officials. If the chief elected officials are unable to reach agreement after a reasonable effort, the Governor may appoint the members of the LWDB from individuals nominated or recommended (per WIOA sec. 107(b).NMDWS, as the designated representative of the Governor, provides the following guidance on this agreement.

Required Inclusions. Chief elected officials must enter into an agreement with each other that, at a minimum, includes the following sections.

- **Liability of funds.** Acknowledge financial liability as noted in WIOA 107(d)(12)(B)(i)(I) and outline the process for determining each chief elected officials' share of responsibility as laid out in the CEO agreement (per 20 CFR Part 679.310(e). This determination could be based on allocation, population, expenditures, or other criteria determined by the chief elected officials.
- **Grant recipient and signatory.** Acknowledgement that the chief elected officials are the grant recipient for all local WIOA funds or have designated grant recipient authority to the local board (per WIOA 107(d)(12)(B)(i)). If the chief elected officials will serve as the grant recipient, they must outline the process they will use to sign contracts and enter into agreements related to WIOA. This may be accomplished by designating signatory authority to a lead chief elected official.
- **Fiscal agent designation.** To assist in the administration of the grant funds, the chief elected officials may designate an entity to serve as a local fiscal agent (per 20 CFR Part 679.420) and describe the process for designating a local fiscal agent within the guidelines required by state and local procurement laws and policies.
- **Local board budget approval.** Describe the process for reviewing and approving the local board annual budget (per WIOA 107(d)(12)(A) and 20 CFR Part 679.370(o)).
- **Participating chief elected officials.** The agreement must contain the name, representation, contact information, and signature of each participating chief elected official in the local area.
- **Election of a new chief elected official.** Within 120 days of when a new chief elected official is elected within the local area, either participating as a signatory on the agreement or as a participating chief elected official, the local board must ensure the individual submits to the local board a written statement acknowledging that he or she:
 - has read, understands, and will comply with the current chief elected official agreement; and
 - reserves the option to request negotiations to amend the chief elected official agreement at any time during the official's tenure as a chief elected official.
- **Amendment or change to the chief elected official agreement.** Outline the process that will be used for amendments or changes to the chief elected official agreement. All amendments or changes must be maintained at the local administrative entity office and available for monitoring by the state administrative entity.

Recommended Inclusions. To improve the coordination and functionality of the local workforce system, chief elected officials should also address the following items in their agreement.

- **Designation of a lead chief elected official.** Chief elected officials are liable for all WIOA funds in the local area and are required by WIOA to approve or provide guidance on a number of local

board activities. The SAE encourages chief elected officials to select a lead chief elected official (lead) who will act on behalf of the other chief elected officials. If a lead is appointed, the following information must be sent to the local administrative entity and kept on file for review by the SAE.

- Appointment process and term of the lead.
- Designate the lead to serve as the signatory for the chief elected officials.
- Outline decisions that may be made by the lead on behalf of the chief elected officials.
- Include name, title, and contact information of the appointed lead.
- **Local board member representation.** Outline how chief elected officials will ensure local board representation is fair and equitable across the local area.
- **Communication.** Describe how the chief elected officials will communicate with each other regarding local board activities. Determine how many times a year the chief elected officials will meet and how often a joint meeting with the local board will be held. The state encourages chief elected officials to meet at least once a year just as chief elected officials and once a year with the local board.

CHIEF ELECTED OFFICIAL AND LOCAL BOARD PARTNERSHIP AGREEMENT: In accordance with WIOA 107(b), the state must establish criteria for the appointment of local board members by the chief elected officials. To ensure the criteria established by the state are acknowledged by both the chief elected officials and the members of the local board, a partnership agreement is required. The DWS, as the designated representative of the governor, provides the following guidance on this agreement.

Required Inclusions. The local board and chief elected officials must enter into a partnership agreement that, at a minimum, addresses the following sections.

- **Local board membership.** The WIOA Section 107(c)(1) authorizes chief elected officials to appoint the members of the local board in accordance with the criteria established under WIOA Section 107(b) and the guidelines in this policy. Chief elected officials must appoint business representatives that meet the criteria established by the state on behalf of the governor in partnership with the state board. Authority to appoint members to the local board lies solely with the chief elected officials.
 - Terms of local board member appointments must be outlined ensuring the terms are staggered so that only a portion of membership expires in a given year.
 - For each local board member position that requires a nomination, the nominating organization must submit to the appointing chief elected officials of the local area a document or letter signed by the chief executive officer or designee identifying the individual being nominated. The document or letter must also acknowledge the nominee's *optimum policy making authority* and include documentation of curriculum vitae, resume or work history supporting the qualifications of the nomination.
 - Local board member appointments must be signed by the appointing chief elected official and submitted to the local administrative entity.
 - Local board acknowledgement that members who no longer hold the position or status that made them eligible local board members must resign or be removed by the chief elected officials immediately as a representative of that entity.
 - Local board members replacing out-going members in the middle of a term will serve the remainder of the out-going member term.
 - Local board vacancies must be filled within 120 days of the vacancy. The chief elected officials in a local area are authorized to make all reappointments of members.

Reappointments must be made within 120 days of the term expiration. Any action taken by a local board, with a vacancy or term expiration beyond the 120 day period is void unless the local board has an approved waiver from the state administrative entity prior to the local board meeting. Waivers are to be requested in writing with an explanation of why a vacancy was not filled in the 120 day timeframe and a description of the process underway to fill the vacancy.

- Local board members must be removed by the chief elected officials if any of the following occurs: documented violation of conflict of interest; failure to meet local board member representation requirements defined in WIOA and this policy; or documented proof of fraud or abuse. Local board members may be removed for other reasons outlined in the local board bylaws such as lack of attendance. Local boards must define the specific criteria that will be used to establish just cause and the process for such removal. The state reserves the right to conduct an investigation regarding allegations of wrong doing that result in the removal of a board member. Chief elected officials will be formally notified of the results of any investigation.
- **Relationship between chief elected officials and the local board.** Establish roles and responsibilities of the chief elected officials and the local board along with a description of the partnership and specific responsibilities.
 - Describe how the local plan will be developed in partnership between the chief elected officials and the local board.
 - As referenced in WIOA 107(d)(12)(A), describe how the local board will develop the local area budget and the process for obtaining the chief elected officials' approval.
 - Establish the guidelines that will be followed by the local board for selection of a local workforce system operator in accordance with WIOA and 20 CFR Part 678 Subpart D, One-Stop Operators, and applicable state policy guidance letters, including the process for getting chief elected official agreement on the selection.
 - Describe the process for approving local workforce policy.
 - Describe process for demonstrating chief elected official agreement on the memorandum of understanding between workforce system partners and the local board.
 - Describe process for demonstrating agreement between chief elected official(s) and the local board on the methods for funding the infrastructure costs of one-stop centers in the local area (per 20 CFR Part 678.715).
 - Describe process for demonstrating agreement between chief elected official(s) and the local board on local performance indicators.
 - Describe process for demonstrating chief elected official agreement on the appropriate use of funds and oversight of adult, dislocated worker, and youth workforce investment activities (per WIOA secs. 134 (c) and (d)), and the entire one-stop delivery system in the local area; and the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA sec. 116.
- The partnership agreement must be signed by the current chief elected officials that have been identified as participating in the chief elected official agreement and by the local board chair at the time of the signing.
- Any amendment or change to the partnership agreement, notice of an election of a new chief elected official, or notice of an election of a new local board chair must be maintained at the local administrative entity office and available for monitoring by the state administrative entity. If a new chief elected official or local board chair is elected within the local area, the newly elected individual must submit to the local board a written statement acknowledging the following.
 - Read, understands, and will comply with the current partnership agreement.

- Reserves the option to request negotiations to amend the partnership agreement at any time during the individual's tenure.

Recommended Inclusions and Communication. Establish requirements for informing the chief elected officials on a regular basis regarding activities, performance outcomes, and budgets with at least one joint meeting held annually between the chief elected officials and the local board.

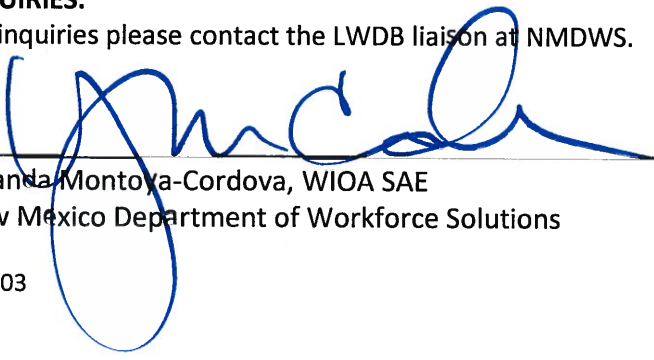
TRANSPARENCY:

The Local WDB must conduct its business in an open manner as required by WIOA sec. 107(e), by making available to the public, on a regular basis through electronic means and open meetings, information about the activities of the LWDB, including:

- information about the local plan, or modifications to the local plan, before submission of the plan;
- list and affiliation of LWDB members;
- selection of one-stop operators;
- award of grants or contracts to eligible training providers of workforce investment activities including providers of youth workforce investment activities;
- minutes of formal meetings of the LWDB; and
- LWDB by-laws (per 20 CFR Part 679.310(g)).

INQUIRIES:

For inquiries please contact the LWDB liaison at NMDWS.



Yolanda Montoya-Cordova, WIOA SAE
New Mexico Department of Workforce Solutions

16-003

APPENDIX I – Local board Member Requirements

LWDB Members	Who May Satisfy The Requirement
<p>Representatives of Business (WIOA Sec. 107(b)(2)(A))</p>	<p>The majority of the members of the Local board must be representatives of business in the local area. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Business representatives serving on local boards may also serve on the State Board. Each business representative must meet the following criteria:</p> <ul style="list-style-type: none"> • be an owner, chief executive officer, chief operating officer, or other individual with <i>optimum policymaking or hiring authority</i>; • provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA section 3(23);

APPENDIX I – Local board Member Requirements

LWDB Members	Who May Satisfy The Requirement
	<p>and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others (in the case of organizations representing business as per WIOA Sec. 107(b)(2)(A)(ii); and</p> <ul style="list-style-type: none"> are appointed from among individuals nominated by local business organizations and business trade associations. <p><i>Note: Appointments of organizations that represent employers, as well as the individuals from those organizations, that are seeking to fulfill the Business Representative requirement, must to be vetted through the SAE for approval prior to their appointments to LWDBs, both for new appointments and reappointments, to ensure the appointment appropriately meets the intent of WIOA requirements. This requirement does not preclude employer organizations from serving on local boards in a different capacity, as CEOs retain the authority to appoint additional members, beyond the required members, in meeting the needs of local area employers and job seekers.</i></p>
<p align="center">Representatives of the Workforce (WIOA Sec. 107(b)(2)(B))</p>	<p>Not less than 20 percent of the members of the local board must be workforce representatives. These representatives:</p> <ul style="list-style-type: none"> must include two or more representatives of labor organizations, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives; must include one or more representatives of a joint labor-management, or union affiliated, registered apprenticeship programs within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists. <p>In addition to the above representatives, the board may include the following to contribute to the 20 percent requirement:</p> <ul style="list-style-type: none"> one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and one or more representatives of organizations with demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.
<p align="center">Representatives of Education and Training</p>	<p>The balance of Local board membership must include:</p> <ul style="list-style-type: none"> At least one eligible provider administering adult education and

APPENDIX I – Local board Member Requirements

LWDB Members	Who May Satisfy The Requirement
(WIOA Section 107(b)(2)(C))	<p>literacy activities under WIOA title II;</p> <ul style="list-style-type: none"> • At least one representative from an institution of higher education providing workforce investment activities, including community colleges; and • May include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.
<p align="center">Representatives of Governmental and Economic and Community Development Entities (WIOA Sec. 107(b)(2)(D))</p>	<p>Each local board must include at least one appropriate representative from:</p> <ul style="list-style-type: none"> • Economic and community development entities; • The state Employment Service Office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and • The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or Part C of that title, serving the local area, and <p>May include representatives from:</p> <ul style="list-style-type: none"> • Agencies or entities administering programs serving local area relating to transportation, housing, and public assistance; • Philanthropic organizations serving the local area; and • Other appropriate individuals deemed appropriate by the chief elected official.
<p align="center">Other Recommended Entities</p>	<p>Each local board should include representatives from the core and combined State Plan workforce system partner programs, if not already serving in another capacity, as follows:</p> <ul style="list-style-type: none"> • Adult Program (WIOA Title I) • Dislocated Worker Program (WIOA Title I) • Youth Program (WIOA Title I) • Adult Education and Family Literacy Act Program (WIOA Title II) • Wagner-Peyser Act Program (Wagner-Peyser Act, as amended by title III) • Vocational Rehabilitation Program (Title I of the Rehabilitation Act of 1973, as amended by Title IV) • Senior Community Service Employment Program (Title V of the Older Americans Act of 1965) <p>Other members can include representatives from any of the following workforce system partner programs, as appropriate, if not already serving in another capacity, as follows:</p> <ul style="list-style-type: none"> • Career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) • Temporary Assistance for Needy Families program (42 U.S.C. 601 et seq.)

APPENDIX I – Local board Member Requirements

LWDB Members	Who May Satisfy The Requirement
	<ul style="list-style-type: none"> • Employment and Training programs under the Supplemental Nutrition Assistance Program (programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4))) • Work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)) • Trade Adjustment Assistance for Workers programs (activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.)) • Jobs for Veterans State Grants program (programs authorized under 38, U.S.C. 4100 et. seq.) • Unemployment Insurance programs (programs authorized under State unemployment compensation laws in accordance with applicable Federal law) • Employment and training activities carried out by the Department of Housing and Urban Development • Community Services Block Grant (Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.)) • Reintegration of Ex-Offenders program³ (programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532))

Program Year 20-21

JULY S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	AUGUST S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SEPTEMBER S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
OCTOBER S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	NOVEMBER S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	DECEMBER S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
JANUARY S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	FEBRUARY S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	MARCH S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
APRIL S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	MAY S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	JUNE S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30