

By Laws of the Maine State Workforce Board

Article I Name and Mission

Section 1. Name

The name of the organization is the “State Workforce Board” (SWB).

Section 2. Goal

The goal of the SWB is to “ensure that the State’s workforce development system helps Maine people and businesses compete successfully in the global economy” (Title 26 M.S.R.S. Section 2006).

Section 3. Mission

The SWB achieves its goals by:

- a) Recommending policy actions to both public and private institutions and creating coalitions to achieve their implementation.
- b) Working with workforce development system partners to integrate workforce development into the decision-making of employers, economic developers, educators, and human resource professionals.
- c) Raising public awareness of the importance of workforce development for Maine’s economic future.
- d) Ensuring public accountability by evaluating the effectiveness of the overall workforce development system.

Section 4. Authorization

The SWB is authorized under Maine Law (Title 26 M.S.R.S. Sections 2004 to 2006).

Section 5. Annual report

The SWB shall make an annual report to the Governor and Legislature at such time as required under the Workforce Innovation & Opportunity Act (WIOA) describing the state of Maine’s workforce and making recommendations for public and private action related to workforce development. This report shall also address annual report requirements in state law for disabilities, apprenticeship, WIOA, and youth.

Article II Powers

The powers of the SWB include:

- Performing all duties and responsibilities of the State Workforce Board as defined in the United States Workforce Innovation & Opportunity Act of 2014, United States Code, Title 1, Section 102;
- Overseeing the work of its other statutorily authorized subcommittees (women, veterans, older workers, and youth transitions) and any other ad hoc subcommittees it authorizes.

- Advising the Governor and Legislature on the full range of issues related to workforce development.

Article III Members of the SWB

Section 1. Appointment.

The Governor shall appoint all members of the SWB.

Section 2. Terms

The Governor shall appoint members for three-year terms in order to stagger arrivals and departures. There is no limit to the number of terms of office a member may serve.

Section 3. Representation

Members shall include all required partners and programs according to the Workforce Innovation & Opportunity Act, Title I, subtitle A, chapter 1, section 101 and Maine Revised Statutes.

- The Governor
- Representatives of businesses
- One member of each chamber of the state legislature
- Chief Local Elected Officials– one representative for each Local Workforce Development Board in Maine
- Representatives of labor organizations
- Individuals with experience in the delivery of workforce investment activities including Community Based Organizations
- State agencies and programs representing required partners listed in the Workforce Innovation & Opportunity Act, Title I, subtitle A, chapter 1, section 101.
- Representative of Maine Department of Economic and Community Development

Representatives of Government and public higher education (non-voting)

- Representative of Maine Department of Corrections
- Representative of Maine Department of Health and Human Services
- Representative of Maine Department of Transportation
- Representative of Maine Department of Education
- Representative of University of Maine System
- Representative of Maine Community College System

A majority of all members must either be employers or represent the business community and at least 20% must be representatives of the workforce within the State as specified in Workforce Innovation & Opportunity Act, Title I, subtitle A, chapter 1, section 101.

The Governor may appoint as many members as are needed to fulfill the duties of the SWB and to meet applicable federal and state laws.

Section 4. Removal

If a Board member fails to attend more than two meetings, or otherwise fails to contribute to the work of the SWB over a 12-month period, the Governor, in consultation with the Chair of the SWB and the Commissioner of the Maine Department of Labor, may remove the member from the SWB.

Section 5. Replacement

If a Board member resigns or must otherwise be replaced, the new appointment shall follow the same procedure as that described in Section 1 above. The newly appointed member shall fill out the remainder of the departing member's term.

Article IV Meetings of the SWB

Section 1. Attendance

SWB members are required to attend SWB meetings. If they are unable to be present in person, members may attend the meeting by teleconference to promote SWB member participation. No SWB proxy or alternate designee is allowed.

Section 2. Announcements

Meeting notices for the SWB and all of its committees shall be posted on the SWB web site (<http://www.maine.gov/SWB>) at least two weeks prior to the meeting. In addition, electronic mail to members and interested parties will be sent out at least two weeks before any meeting of the full SWB or its Committees. Any member of the public can be put on this mailing list upon request. Agenda and meeting packet will be sent out to Board members at least one week before any meeting of the Board.

Section 3. Quorum

A quorum for taking action shall be a majority of appointed members. At least 50% of the quorum shall be representatives of the business community.

Section 4. Decisions

Decisions shall be made by a vote of the majority present.

Section 5. Methods of Voting

Votes shall be taken by a show of hands, voice vote, or roll call at SWB meetings. SWB members attending a meeting by teleconference shall have their votes taken and counted.

Section 6. Participation of non-members

All SWB meetings and meetings of committees are open to the public. The Chair shall provide opportunities for non-SWB members to speak on issues of concern at each meeting, as each issue is discussed, according to the Chair's discretion.

Section 7. Conflict of interest

A conflict of interest arises when a Board member, any member of that individual's (or partner's) immediate family, or an organization which employs (or is about to employ) any of the above, has a financial or other interest in a firm or organization selected for an award, grant, or contract by the SWB. Members of the SWB shall not cast votes nor participate in any decision-making capacity on the provision of services by such member (or any organization which that member represents), nor on any matter which would provide financial benefit to that member. Members who violate this standard of conduct will be disciplined by exclusion from the SWB meetings for a period of 9 months.

Every voting member will be required to sign a conflict of interest form.

Section 12. Minutes

Minutes for each meeting shall be recorded by staff to the SWB and brought to the next SWB meeting for approval. Minutes will be posted to the SWB website upon approval.

**Article V
Officers of the SWB**

Section 1. Principal officers

The principal officers shall be a Chair and a Vice-Chair.

Section 2. Eligibility

The Chair must be either a Maine business owner or manager, or a representative of a Maine business organization.

Section 3. Appointment

The Governor shall appoint both the Chair and Vice-Chair.

Section 4. Term

The Chair and Vice-Chair shall serve for one, two, or three-year terms, as determined by the Governor.

Section 5. Duties

The Chair, in consultation with the Commissioner of the Maine Department of Labor, shall call meetings of the full SWB, set agendas for those meetings, and preside at such meetings. The Chair may also remove members of the SWB who have not participated in any meeting or otherwise contributed to the work of the Board over a 12-month period. The Vice-chair shall perform the duties of the Chair in the event that the Chair is absent, resigns, or is unable to perform his or her duties.

Section 6. Resignations and vacancies

Any officer of the board may resign his or her position by notifying the Commissioner of the Maine Department of Labor. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the Commissioner. Any vacancy in any office shall be filled by the Governor.

Article VI Committees of the SWB

Section 1. Types

The SWB shall have five types of committees:

- Executive Committee
- Program Policy Committee
- Statutory Committees
- Ad hoc Committees
- Temporary Committees.

Section 2. Executive Committee

- a) **Defined** - The Executive Committee acts on behalf of the SWB
- b) **Function** - The Executive Committee makes decisions and takes actions on behalf of the SWB.
- c) **Authority** - The Executive Committee has the authority to schedule full SWB meetings, and other meetings necessary to make decisions of a time sensitive nature or urgent nature in all matters except such as are restricted by statute or these bylaws to the full SWB. Normal business will be conducted at the quarterly SWB meetings. The Executive Committee will survey the membership to gather feedback to take action between meetings.
- d) **Members** - The Governor, the Chair of the SWB, and the Vice-Chair of the SWB are the members of the Executive Committee.
- e) **Member responsibilities** - The Executive Committee members are responsible for attending regular and Executive Committee meetings, reading materials and staying informed, and by promoting the SWB's workforce goals and policies.
- f) **Chair** - The Governor shall be the Chair of the Executive Committee.
- g) **Meetings** - Meetings shall be called as needed on an urgent or time sensitive basis. The Executive Committee shall notify the full SWB that it will be meeting and/or making a decision of an urgent or time sensitive nature.
- h) **Staff** - The Director of the SWB shall staff the Executive Committee.

Section 3. Program Policy Committee

- a) **Function** - The Program Policy Committee does the detailed work on analyses, reports, and recommendations for workforce development in Maine; and coordinates the work of other SWB subcommittees.

- b) **Authority** - The Program Policy Committee is responsible for assisting in the preparation of the annual report to the Governor and Legislature; developing recommendations for the Governor, Legislature, Cabinet Commissioners, and others; monitoring the performance of the workforce development system in Maine; and receiving and acting upon reports and recommendations received from other SWB Committees.
- c) **Members** - Members shall be drawn from the required partners and programs listed in the Workforce Innovation & Opportunity Act, Title I, subtitle A, chapter 1, section 101.
- Wagner-Peyser Act
 - Adult Education and Literacy
 - Title I of the Rehabilitation Act of 1973
 - Section 403(a)5 of the Social Security Act
 - Title V of the Older Americans Act of 1965
 - Carl D. Perkins Vocational and Technology Education Act
 - Chapter 2 of Title II of the Trade Act of 1974
 - Chapter 41 of Title 38, United States Code
 - Employment and Training Activities carried out under the Community Services Block Grant
 - Employment and Training Activities carried out by the Department of Housing and Urban Development
 - Programs authorized under State unemployment compensation laws
- d) **Appointment** - Members shall be appointed jointly by the SWB Chair and the Commissioner of the Maine Department of Labor and shall serve for one year from that appointment. Members may be reappointed as often as the Chair and Commissioner desire.
- e) **Member responsibilities** - Members are responsible for attending meetings, reading materials and staying informed, and promoting workforce goals in other settings. Members may advocate for policies that have been rejected or not adopted by the full Program Policy Committee but must make clear in such cases that they are not speaking as members of the SWB.
- f) **Chair** - The Chair of the Program Policy Committee shall be appointed by the Chair of the SWB and the Commissioner of the Maine Department of Labor under the same procedures as other members (part d above). The Program Policy Committee Chair, in consultation with the SWB Chair and SWB staff shall set meeting dates, agendas, and conduct meetings.
- g) **Meetings** - Meetings shall be called as frequently as is needed. Meetings shall be conducted according to the same decision-making procedures as the SWB. A quorum for taking action shall be 50% of appointed Program Policy Committee members. Program Policy Committee members will be represented by the vote of the Program Policy Committee Chair in actions taken by the SWB.
- h) **Staff** - The Maine Department of Labor shall provide staff to support the Program Policy Committee's work.

Section 4. Statutory Committees

- a) **Defined** - Statutory committees are those Committees of the SWB that are required by law. Statutory committees include: (1) Apprenticeship Council; (2) Younger Workers; (3) Commission on Disability and Employment; (4) Women's employment issues; (5) Older Workers; (6) Veterans Employment and (7) Program Policy Committee.
- b) **Function** - Statutory Committees conduct research and analysis and project coordination within their areas of expertise.
- c) **Authority** - Statutory Committees have the authority to perform the functions described in Maine law. All policy recommendations and public outreach activities from Statutory Committees must be forwarded to the SWB for final action.
- d) **Members** - Non SWB members may serve on each Committee.
- e) **Appointment** - Committee Chairs will invite individuals or organizations to participate and join the committee as members.
- f) **Member responsibilities** - Members are responsible for attending meetings, reading materials and staying informed, and by promoting workforce goals in other settings. Members may advocate for policies that have been rejected or not adopted by the full Statutory Committee, the SWB or the Program Policy Committee, but must make it clear in such cases that they are not speaking as members of the SWB.
- g) **Chair** - The Chairs of the Statutory Committees shall be appointed by the Chair of the SWB and the Commissioner of the Maine Department of Labor, under the same procedures as are described above. The Statutory Committee Chairs, in consultation with their staff, shall set meeting dates, agendas, and conduct meetings.
- h) **Meetings** - Meetings shall be called as frequently as is needed. Meetings shall be conducted according to the same quorum and decision-making procedures as the SWB Program Policy Committee, with the exception of the Apprenticeship Council, which must have a majority of its members and all groups (Management, Labor and Public) represented.
- i) **Staff** - The Maine Department of Labor shall provide staff to the Apprenticeship, Women's Employment Issues, and Commission on Disability and Employment Committees. The Maine Department of Education shall provide staffing for the Younger Worker's subcommittee.
- j) **Removal** - If a Statutory Committee member fails to attend more than two meetings, or otherwise fails to contribute to the work of the SWB over a 12-month period, the Chair of the Committee, in consultation with the Chair of the SWB, may remove the member from the Committee.
- k) **Methods of Voting** - The same methods of voting permitted for the SWB under Article IV in these bylaws are also permitted for the Statutory Committees.
- l) **Proxy Votes** - The same provisions on proxy votes that are applied to the SWB under Article IV in these bylaws are also applied to Statutory Committees.
- m) **Attendance** - The same methods of attendance permitted for the SWB under Article IV these bylaws for the SWB are permitted for the Statutory Committees.
- n) **Commission on Disability and Employment** - In any case where Sec. 3. 26 MRSA §2006, sub-§5-B conflicts with these bylaws, the statute's authority will supersede that of these bylaws.

Section 5. Ad hoc Committees

- i) **Defined** - Ad hoc Committees are those Committees of the SWB that are not required by law.
- j) **Established** - Ad hoc Committees shall be established by a vote of the SWB.
- k) **Function** - Ad hoc Committees do detailed policy analysis and project coordination within their areas of expertise.
- l) **Authority** - Ad hoc Committees have the authority to perform the functions described in Maine law. All policy recommendations and outreach activities from Ad hoc Committees must be forwarded to the SWB for final action.
- m) **Members** - At least one member of each Ad hoc Committee shall be drawn from the SWB; additional non-SWB members may serve on Ad hoc Committees.
- n) **Appointment** - Members shall be appointed jointly by the Chair of the SWB and the Commissioner of the Maine Department of Labor and shall serve for one year from that appointment. Members may be reappointed as often as the Chair and Commissioner desire.
- o) **Member responsibilities** - Members are responsible for attending meetings, reading materials and staying informed, and by promoting workforce goals in other settings. Members may advocate for policies that have been rejected or not adopted by the full Ad hoc Committee, the SWB or the Program Policy Committee, but must make it clear in such cases that they are not speaking as members of the SWB.
- p) **Chair** - The Chairs of the Ad hoc Committees shall be appointed by the Chair of the SWB and the Commissioner of the Maine Department of Labor, under the same procedures as are described above. The Ad hoc Committee chairs, in consultation with their staff, shall set meeting dates, agendas, and conduct meetings.
- q) **Meetings** - Meetings shall be called as frequently as is needed. Meetings shall be conducted according to the same quorum and decision-making procedures as the SWB Program Policy Committee.
- r) **Staff** - Each Ad hoc Committee shall make its own staff arrangements. The Maine Department of Labor is not expected to provide staff to Ad hoc Committees.

Section 6. Temporary Committees

From time to time the Chair of the SWB, in consultation with the Commissioner of the Maine Department of Labor, may set up a time-limited Committee to work on a particular task. Such Temporary Committees may have any structure but shall serve strictly in an advisory capacity to the SWB.

Section 7. Apprenticeship Council

The Apprenticeship Council is not a standing committee of the SWB. The Apprenticeship Council shall cooperate, consult, and coordinate with workforce development entities and maintain a collaborative partnership with the SWB, providing policy analysis and project coordination within its area of expertise. Pursuant to 26 MRSA, Chapter 37, §3209, The Apprenticeship Council will represent the Maine Apprenticeship Program to the SWB, and upon the request of the SWB, the Apprenticeship Council will cooperate on developing and implementing the state workforce development strategic plan. The SWB will designate a staff person or member to attend Apprenticeship Council meetings and act as a liaison between the SWB and the Apprenticeship Council.

Article VII

Approval and Amendments

Section 1. Governor's approval

In accordance with Maine law, the Governor of Maine must approve the by-laws of the SWB before they can become effective.

Section 2. Adoption and Amendment

These by-laws shall be adopted, and may be amended, by the SWB. Amendments must be approved by a vote of the SWB membership.