

By Laws of the State Workforce Development Board

Article I Name and Mission

Section 1. Name The name of the organization is the “State Workforce Development Board” (SWDB).

Section 2. Goal The goal of the SWDB 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 SWDB 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 business people, 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 SWDB is authorized under Maine Law (Title 26 M.S.R.S. Sections 2004 to 2006).

Section 5. Annual report The SWDB shall make an annual report to the Governor and Legislature at the beginning of each calendar year 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, the Workforce Innovation & Opportunity Act, and youth.

Section 6. Cabinet participation The Commissioner of the Maine Department of Labor shall be primarily responsible for the staffing and operations of the SWDB. The Commissioner of the Maine Department of Education, and the Commissioner of the Maine Department of Economic and Community Development, shall appoint representatives to serve on their behalf on the SWDB, and shall work closely with the Commissioner of the Maine Department of Labor in supporting the SWDB and in implementing its policy recommendations.

Article II Powers

The powers of the SWDB include:

- Performing all of the duties and responsibilities of the State Workforce Development Board as defined in the United States Workforce Innovation & Opportunity Act of 2014, United States Code, Title 1, Section 102;
- Overseeing the Apprenticeship Council in its planning and guidance of apprenticeship programs in Maine
- Overseeing the Commission on Disability and Employment in its research, reporting, and recommendations;
- 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 SWDB

Section 1. Appointment. The Maine Governor shall appoint all members of the SWDB.

Section 2. Terms The Governor may appoint members for one, two, or three years 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 be appointed to include: All required partners and programs according to the Workforce Innovation & Opportunity Act, Title I, subtitle A, chapter 1, section 101.

- The Governor
- Representatives of businesses
- One member of each chamber of the state legislature (Ex-Officio/non voting)
- Chief Local Elected Officials
- 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.

At least 51% of all members should either be business people or represent the business community.

The Governor may appoint as many members as are needed to fulfill the duties of the SWDB, 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 SWDB over a 12-month period, the Chair of the SWDB, in consultation with the Commissioner of the Maine Department of Labor, may remove the member from the SWDB.

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 SWDB

Section 1. Attendance SWDB members are required to attend SWDB meetings. If they are unable to be present in person, members may attend the meeting by teleconference, web-based technology, or interactive television. Members may attend by designating a proxy, if they have notified in advance the Chair of the SWDB or the SWDB Director.

Section 1. Annual meeting There shall be an annual meeting at which time the SWDB shall receive an update on progress that has been made in the past year on workforce issues. Workshops and educational programs will be held, and the SWDB shall take any official actions that are needed with regard to the Workforce Innovation & Opportunity Act and other state and federal programs.

Section 2. Policy meeting There shall be a policy meeting, at which time the SWDB will receive an update on workforce development issues in Maine, and at which time the SWDB shall set broad policy goals for the coming year.

Section 3. Special meetings Other special meetings may be called from time to time by the Chair, in consultation with the Commissioner of the Maine Department of Labor.

Section 4. Announcements Meeting notices for the SWDB and all of its Committees shall be posted on the SWDB web site (<http://www.maine.gov/swdb>) at least two weeks prior to the meeting. In addition, electronic mail to members, interested parties, and press will be sent out at least two weeks before any meeting of the full Council or its Committees. Any member of the public can be put on this mailing list upon request.

Section 5. Quorum A quorum for taking action shall be 50% of appointed members. At least 50% of the quorum shall be representatives of the business community.

Section 6. Decisions Decisions shall be made by a vote of the majority present.

Section 7. Procedural rules Decision-making votes shall be conducted according to Robert's Rules of Order. Educational and informational portions of meetings shall be conducted according to the preference of the Chair, in consultation with the Commissioner of the Maine Department of Labor.

Section 8. Methods of Voting Votes shall be taken by a show of hands, voice vote, or roll call at SWDB meetings. SWDB members attending a meeting by telephone conference call, internet streaming, interactive television, or other media that allow participation by an off-site presence shall have their votes taken and counted through those media. At the discretion of the Chair, votes submitted by other media, including ground mail, email, text messaging, or social networking will be considered valid and shall be counted. The Chair can also call for a vote using those media between regularly scheduled meetings. The SWDB can impose a limit on the period of time members have to submit their votes by those media.

Section 9. Proxy Votes SWDB members may designate a proxy to vote for them in the event they are unable to attend a meeting. The proxy must be an appointed member of the SWDB in good standing and must be designated by the principal prior to the meeting by informing the Chair or Director

Section 10. Participation of non-members All SWDB meetings and meetings of Committees are open to the public. The Chair shall provide opportunities for non-SWDB members to speak on issues of concern at each meeting, as each issue is discussed, according to the Chair's discretion.

Section 11. 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 SWDB. Members of the SWDB 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 SWDB 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 SWDB, and brought to the next public meeting for approval.

Article V Officers of the SWDB

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 SWDB, set agendas for those meetings, and preside at such meetings. The Chair may also remove members of the SWDB 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 may be filled by the Governor.

Article VI Committees of the SWDB

Section 1. Types The SWDB shall have five types of Committees: an Executive Committee, a Program Policy Committee, Statutory Committees, Ad hoc Committees, and Temporary Committees. The nature of each is described below.

Section 2. Executive Committee

- a) **Defined** The Executive Committee acts on behalf of the SWDB
- b) **Function** The Executive Committee makes decisions and takes actions on behalf of the SWDB.
- c) **Authority** The Executive Committee has the authority to schedule full SWDB 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 SWDB. Normal business will be conducted at the quarterly SWDB meetings. The Executive Committee will survey the membership to gather feedback to take action between meetings.
- d) **Members** The Governor, the Chair of the SWDB, and the Vice-Chair of the SWDB 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 SWDB'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 SWDB that it will be meeting and/or making a decision of an urgent or time sensitive nature.
- h) **Staff** The Director of the SWDB 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 SWDB 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 SWDB 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 SWDB 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 it clear in such cases that they are not speaking as members of the SWDB.
- f) **Chair** The Chair of the Program Policy Committee shall be appointed by the Chair of the SWDB 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 SWDB Chair and SWDB 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 SWDB. 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 SWDB.
- 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 SWDB 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 detailed policy 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 SWDB for final action.
- d) **Members** Non SWDB 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 SWDB or the Program Policy Committee, but must make it clear in such cases that they are not speaking as members of the SWDB.
- g) **Chair** The Chairs of the Statutory Committees shall be appointed by the Chair of the SWDB 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 SWDB 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 SWDB over a 12-month period, the Chair of the Committee, in consultation with the Chair of the SWDB, may remove the member from the Committee.
- k) **Methods of Voting** The same methods of voting permitted for the SWDB 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 SWDB under Article IV in these bylaws are also applied to Statutory Committees.
- m) **Attendance** The same methods of attendance permitted for the SWDB under Article IV these bylaws for the SWDB 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 SWDB that are not required by law.
- j) **Established** Ad hoc Committees shall be established by a vote of the SWDB.
- 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 SWDB for final action.
- m) **Members** At least one member of each Ad hoc Committee shall be drawn from the SWDB; additional non-SWDB members may serve on Ad hoc Committees.
- n) **Appointment** Members shall be appointed jointly by the Chair of the SWDB 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 SWDB or the Program Policy Committee, but must make it clear in such cases that they are not speaking as members of the SWDB.
- p) **Chair** The Chairs of the Ad hoc Committees shall be appointed by the Chair of the SWDB 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 SWDB 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 SWDB, 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 SWDB.

Section 7. Apprenticeship Council The Apprenticeship Council is not a standing committee of the SWDB. The Apprenticeship Council shall cooperate, consult, and coordinate with workforce development entities and maintain a collaborative partnership with the SWDB, 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 SWDB, and upon the request of the SWDB, the Apprenticeship Council will cooperate on developing and implementing the state workforce development strategic plan. The SWDB will designate a staff person or member to attend Apprenticeship Council meetings and act as a liaison between the SWDB 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 SWDB before they can become effective.

Section 2. Adoption and Amendment These by-laws shall be adopted, and may be amended, by the SWDB. Amendments must be approved by a vote of the SWDB membership.