

**INDIANA BALANCE OF STATE WORKFORCE INVESTMENT BOARD
(BOS WIB) BYLAWS**

Approved by BOS WIB

September 16, 2010

Pursuant to Indiana Statute 22-4-18.1-3 and 29 U.S.C. 2801 et seq. (Workforce Investment Act of 1998), the Balance of State Workforce Investment Board has been formed to serve as the workforce investment board for Indiana's balance of state workforce service area.

**ARTICLE I
NAME AND ADMINISTRATIVE SUPPORT**

Section 1. The name of this organization is the Balance of State Workforce Investment Board, which for the purposes of these bylaws shall be referred to as the BOS WIB.

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

Balance of State Workforce Investment Board
Indiana Department of Workforce Development
10 N. Senate Avenue
Indianapolis, Indiana 46204-2277

Section 3. The Indiana Department of Workforce Development's Senior Deputy Commissioner for Policy and Performance shall serve as the Executive Director for the BOS WIB.

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

ARTICLE II PURPOSE AND MISSION

The Balance of State Workforce Investment Board's purpose is to develop and implement an efficient, effective and integrated workforce development system throughout Indiana's balance of state workforce service area. The comprehensive system will provide employment, education and training programs, and services to insure that all customers have the skills and opportunities necessary to earn a living wage. A skilled workforce will be critical in meeting future business needs of the local areas, and will encourage growth of business and industry. The BOS WIB works closely with Regional Workforce Boards to determine workforce development needs throughout the balance of state workforce service area and developing ways to meet those needs while maximizing federal funds and avoiding duplication of effort.

ARTICLE III POWERS, FUNCTIONS AND OVERSIGHT RESPONSIBILITIES

Consistent with the functions required in Section 117(d) of the Workforce Investment Act of 1998 (WIA), the BOS-WIB was established to perform the following:

- (1) Development of local workforce investment strategic plan. Consistent with the requirements in Section 118 of WIA, the BOS WIB will develop a local plan in collaboration with the chief elected official of the balance of state workforce service area and the regional workforce boards (RWB) within the eleven regions which comprise the balance of state workforce service area. As is required by WIA regulations, this local plan will be consistent with the State of Indiana's Strategic Workforce Investment Plan.
- (2) Selection of OneStop Operators. Consistent with Section 121(d) of WIA, the BOS WIB will collaborate with RWBs to select OneStop Operators (Regional Operators) within each of the balance of state's eleven regions;
- (3) Selection of Youth Providers. Consistent with Section 123 of WIA, the BOS WIB shall collaborate with RWBs to identify and competitively procure eligible providers of youth activities in the balance of state workforce service area, based on the recommendations of the BOS Youth Council.
- (4) Identification of Eligible Providers of Training Services. Consistent with Section 122 of WIA, the BOS WIB, in collaboration with RWBs, and following the process established by the State Workforce Innovation Council, shall identify eligible providers of training services throughout the balance of state workforce service area.
- (5) Budget.—The BOS WIB shall collaborate with RWBs to develop a budget for the purpose of carrying out the federally-mandated duties of the local board under Section 117 of WIA.
 - (a) As is required by IC 22-4.5-8-1, the BOS WIB shall distribute its federal workforce development and employment and training services funds to RWBs.

(6) Oversight and Technical Assistance. The BOS WIB shall provide oversight of all workforce investment activities carried out in the balance of state workforce service area. The BOS WIB will collaborate with RWBs to ensure that all WIA activities are regularly monitored for both compliance and performance outcomes, and where needed, the BOS WIB will provide technical assistance to RWBs.

(7) Compliance. The BOS WIB will insure that the eleven regions which comprise the balance of state workforce service area are implementing and operating workforce investment activities in compliance with applicable State and Federal Law, Regulations, and Policy.

ARTICLE IV MEMBERSHIP

The membership of the BOS WIB will conform to the requirements for local boards, established in WIA Section 117(b), and shall represent the geographic diversity of the balance of state's eleven regions.

ARTICLE V APPOINTMENTS & TERMS

Section 1. Members of the BOS WIB are appointed by, and serve at the pleasure of, the balance of state's Chief Elected Official, the Governor of Indiana. Appointments to the BOS WIB are for two (2) year terms. The Chief Elected Official shall promptly make an appointment to fill any vacancy but only for the duration of the unexpired term.

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

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

ARTICLE VI OFFICERS & ELECTION OF OFFICERS

Section 1. The BOS WIB shall select a chairperson from among the business representatives of the board. The chair shall serve as a member of the Executive Committee.

Section 2. Term of Office. The Chairperson will be selected annually.

Section 3. The BOS WIB shall select an individual from among the business representatives of the board to serve as vice chairperson who shall act as chairperson in the absence of the chair, and to serve as a member of the Executive Committee.

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

ARTICLE VII MEETINGS, QUORUM & VOTING

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

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

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

ARTICLE VIII ATTENDANCE

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

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

ARTICLE IX COMMITTEES

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

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

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

The Executive Committee shall:

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

Section 4. The Educational Review Committee.

The Educational Review Committee shall, among other duties:

- (1) Recommend curricula for WorkOnes (intensive services), following guidance from the State Workforce Innovation Council;
- (2) Evaluate the efficacy of occupational training programs on the Approved Training List for the balance of state workforce service area, and provide feedback to Regional Workforce Boards;
- (3) Decide approval for recommended additions to the Approved Training List; and
- (4) Review quarterly outcome data.

Section 5. The Grants Committee.

The Grants Committee shall:

- (1) Collaborate with Regional Workforce Boards to ensure that regional requests for State Discretionary Funds are submitted to the State Workforce Innovation Council;
- (2) Provide sub-grants to Regional Workforce Boards for State Discretionary funds that are granted to the BOS WIB.
- (3) Collaborate with Regional Workforce Boards to promote the development and submission of proposals, throughout the balance of state workforce service area, to grant competitions announced by the United States Department of Labor or other funding sources.

Section 6. The Oversight and Performance Committee.

The Oversight and Performance Committee shall:

- (1) Insure WIA documentary and systemic regulations pertaining to the BOS WIB are followed, including certification of RWB membership.
- (2) Develop a common RFP for the procurement of regional operators, and oversee on behalf of the BOS WIB the vetting and contracting for regional operators;
- (3) Establish performance metrics for Regional Workforce Boards, insuring alignment with the outcomes metrics established by the Educational Review Committee and the State Workforce Innovation Council;
- (4) Review oversight reports provided by DWD or contracted compliance staff;
- (5) Review performance, expenditure, and outcome reports from RWBs, and direct corrective action be taken as appropriate.

Section 7. The Youth Council

The BOS WIB Youth Council is established in compliance with the requirements found in Section 117(h) of WIA. It's membership shall be appointed by the BOS WIB Chairperson, and shall cohere will Youth Council membership requirements found in Section 117(h)(2) of WIA. It shall, among other duties:

- (1) Develop a common RFP for the procurement of youth service providers, and oversee on behalf of the BOS WIB the vetting and contracting for youth service providers;
- (3) Establish performance metrics for youth services throughout the balance of state workforce service area, insuring alignment with the outcomes metrics established by the Performance and Compliance Committee and the State Workforce Innovation Council;
- (4) Review oversight reports with respect to youth activities provided by DWD or contracted compliance staff; and
- (5) Conduct all other duties as required in Section 117(h)(4) of WIA.

Section 8. The Employer Development and Marketing Committee.

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

- (1) Following the guidance of the State Workforce Innovation Council and in collaboration with Regional Workforce Boards, develop programs, services and instruments to improve reliability and visibility of the workforce development system within the employer community;
- (2) Provide oversight to Regional Workforce boards surrounding the outcome metrics for business services staff established by the State Workforce Innovation Council, and provide technical assistance, where needed;
- (3) Advise the Regional Workforce Boards on the execution of statewide strategies to market the workforce investment system's programs and services.

Section 9. Committee Meetings, Quorum, and Voting

Committees shall meet at the call of the chair to conduct their business. Meetings shall be held at such places as determined by the chair. All meetings will be open to the public.

Each committee member shall be entitled to one (1) vote for each matter submitted to the membership for a vote.

Section 10. Requirements for Conducting BOS WIB Committee Business

Committees shall ensure the following requirements are met when conducting official committee business:

- (a) Requirements for Public Notice of Meetings:
 - (1) Committees must provide notice of meeting at least 48 hours before the meeting
 - (2) Committees must post notice at the building where the meeting is to be held, at the Indiana Department of Workforce Development central office, and on the DWD/BOS WIB website
 - (3) If agenda is prepared, committees must post a copy of it
- (b) Requirements for Open Door Rules:
 - (1) Meetings must be open to allow the public to observe and record

- (2) Meetings must be accessible to individuals with disabilities
- (3) Public does not have the right to speak unless committee allows time for public comment
- (c) Requirements for Actions at the Meeting:
 - (1) Committee procedures must follow Roberts Rules of Order
 - (2) Members may attend either in person or via conference call or other electronic medium (video/internet conferencing)
 - (3) Quorum (over 50% of members) must attend either in person or via telephone or other electronic medium to take any official action/votes
 - (A) Members voting via electronic medium must mail a signed statement verifying their vote within five business days of meeting
 - (4) Committee members may not designate a proxy to participate in meeting on his/her behalf
 - (5) No secret ballot votes are allowed
- (d) Requirements for Keeping Meeting Minutes:
 - (1) Meeting minutes must be kept with the following information:
 - (A) Date, time, and place of meeting
 - (B) Committee members present or absent
 - (C) General substance of all matters proposed, discussed, or decided
 - (D) Record of all votes taken
 - (2) Meeting minutes must be made public (via website) within a reasonable timeframe following the meeting
 - (3) Meeting minutes must be available for public inspection and copying
- (e) Role of DWD Staff Persons:
 DWD staff persons will serve as staff to each of the BOS WIB Committees. They will work with the chairperson and committee members to ensure the following tasks are completed:
 - (1) Scheduling meetings
 - (2) Posting meeting notices and agendas
 - (3) Keeping meeting minutes
 - (4) Posting meeting minutes
 - (5) Other required administrative duties.

Section 11. Use of Electronic Media in Committee Business

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

**ARTICLE X
AMENDMENTS TO THE BYLAWS**

These bylaws may be approved, amended, or repealed through adoption of BOS WIB action by a 2/3 vote of the members present at any regular meeting

providing the proposed changes do not conflict with existing federal or state laws, regulations or guidelines.

ARTICLE XI PARLIAMENTARY PROCEDURE

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

ARTICLE XII INDEMNIFICATION

The BOS WIB and all committees there of, shall operate within the applicable state and federal laws. The State of Indiana shall indemnify every member of the BOS WIB and his/her executors and administrators against all expenses reasonably incurred by or imposed on him/her in connection with any actions, suit or proceeding at which he/she may be made part by reason of being or having been a member or officer of the BOS WIB, except in relation to matters as to which he/she shall be finally adjudged in such conduct, suit, or proceeding to be liable for negligence or misconduct, and in the absence of such final adjudication indemnification shall be provided only in connection with such matters as to which the BOS WIB members are advised by legal counsel that the person to be indemnified committed no such breach of duty. The foregoing right of indemnification shall not be exclusive of any other rights to which such person may be entitled.

ARTICLE XIII

CONFLICT OF INTEREST

BOS WIB members shall disclose any potential or real conflict at the earliest possible time and remove themselves from any key decisions or debates where the outcome may or will have an impact on related activities. BOS WIB members shall scrupulously avoid undisclosed conflicts of interest between the interests of the State of Indiana and the BOS WIB, and personal, professional, and business interests. This includes avoiding potential and actual conflicts of interest, as well as perceptions of conflicts of interest. Upon or before appointment, each BOS WIB member will make a full, written disclosure of interests, relationships, and holdings that could potentially result in a conflict of interest. This written disclosure will be kept on file and updated as appropriate.

In the course of meetings or activities, a board member shall disclose any interests in a transaction or decision where he/she or his/her family and/or significant other, employer, close associates, including business or other nonprofit affiliations, will receive a benefit or gain. A board member that identifies a potential conflict of interest must notify DWD's Chief Ethics Officer and seek an advisory opinion from the State Ethics Commission by filing a

written description that details the nature and circumstances of the particular matter. After disclosure, State Ethics Commission will issue a written determination whether the conflict affects the integrity of the services the State expects from the board member. Until the State Ethics Commission issues its determination, the board member will be asked to abstain from discussion and votes regarding the matter.

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

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

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

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