



Indiana State Workforce Innovation Council

BYLAWS

Pursuant to the Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. § 3101 et seq., and Indiana Code 22-4-18.1-3, a state workforce development board has been established, which shall be known as the State Workforce Innovation Council.

ARTICLE I.

NAME and ADMINISTRATIVE SUPPORT

A. Name

The legal name of this organization shall be the State Workforce Innovation Council (SWIC), hereinafter referred to as the Council.

B. Administrative Support

The Indiana Department of Workforce Development (DWD) shall provide administrative support to the Council. An executive-level staff person from DWD shall serve as the Executive Director for the Council. The duties of the Executive Director shall include:

- 1) Coordinating with the Council chair to establish the calendar of meetings and agendas for each meeting;
- 2) Developing informational and supporting materials needed for Council business;
- 3) Ensuring compliance with the United States Department of Labor's reporting requirements as they pertain to workforce development concerns;
- 4) Ensuring compliance with the statutory and regulatory stipulations as defined in all titles of WIOA; and
- 5) Providing oversight, staff support, and coordinating efforts for committees or taskforces of the Council.

All correspondence for the Council may be addressed in care of:

Executive Director, State Workforce Innovation Council
Indiana Department of Workforce Development
10 North Senate Avenue
Indianapolis, Indiana 46204-2277

C. Option to Hire Staff

Pursuant to IC 22-4.1-22, the Council **may** employ an Executive Director and other staff to be responsible for day-to-day operations subject to the approval of the DWD commissioner, state personnel department, and the state budget agency. All such employment must be by action of the Chair, with the concurrence of the Council.

ARTICLE II. **PURPOSE and MISSION**

A. Purpose

The Council's purpose is to:

- Assist the Governor in creating a unified or combined statewide plan for Workforce Development that links workforce policies and education programs to the economic needs of the state and its regions and that aligns with the vision and goals of the state strategic plan;
- Create policy recommendations for the Governor related to the establishment and continuous improvement of an efficient, effective and integrated state workforce development system; and
- Oversee the progress of the state in implementing the unified or combined statewide plan for Workforce Development and in achieving the plan's goals and objectives.

B. Mission

The Council's mission is to ensure the workforce development system helps grow the state's economy by:

- Identifying and building the skills needed for industry to be successful;
- Providing all Hoosiers with opportunities to develop the skills and credentials necessary for employment leading to family self-sufficiency and sustainability; and
- Developing strategies that lead to 60% of Indiana's workforce having postsecondary credentials by 2025.

ARTICLE III. **POWERS and FUNCTIONS**

A. Powers

The Council acts in an advisory capacity to the Governor of the State of Indiana and to the agencies administering programs that are partners to the workforce development system as identified in the Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. § 3151(b) and in Indiana Code 22-4-18.1-3.

The Board may promulgate bylaws, not inconsistent with federal law or Indiana law, governing its organization, operation, and procedures.

The Board may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public.

B. Functions

The Council's functions are to assist the Governor in the activities outlined in the Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. § 3101 et seq., and Indiana Code 22-4-18.1-3.

ARTICLE IV.
MEMBERSHIP and COMPENSATION

A. Membership

Members of the Council shall include:

- 1) The Governor;
- 2) At least one member of each chamber of the Indiana state legislature, appointed by the appropriate presiding officers of such chambers;
- 3) Members appointed by the Governor, of which:
 - a) A majority **shall** be representatives of targeted industries appointed from among individuals nominated by state business organizations and trade associations. Such representatives shall be owners of businesses, chief executive or operating officers or others with optimum policymaking or hiring authority; members may represent non-profit firms, but only to the extent that they otherwise meet the requirements of this paragraph concerning target industry, source of nominees, and level or authority in the business.
 - b) Not less than 20 percent shall be representatives of the workforce within the State, who:
 - i. Shall include not less than two labor representatives nominated by state labor federations; and
 - ii. Shall include not less than one member of a labor organization or a training director from a joint labor-management apprenticeship program;
 - iii. May include representatives of community-based organizations with demonstrated experience in serving individuals with barriers to employment; and
 - iv. May include organizations with demonstrated experience in serving eligible youth, including out of school youth;
 - c) Not less than two local chief elected officials; and
 - d) Lead State officials with primary responsibility for the core programs of the Workforce Innovation and Opportunity Act;

The Governor may appoint other appropriate members, such as education or economic development representatives at his or her discretion consistent with IC 22-4-18.1-5(b) and (c).

Members of the Council shall represent diverse geographic areas of the State, including urban, rural, and suburban areas.

No person shall serve as a representative for more than one category of membership.

All Council 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. Therefore, all Council members are required to complete training on the following topics:

- Ethics;
- Sexual Harassment Prevention;
- Information Resource Use Agreement (IRUA); and

- Any other training as required by the Department of Workforce Development.

The Department of Workforce Development Human Resources staff will ensure that all members of the Council 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.

B. Compensation

Any member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b), as well as traveling expenses under IC 4-13-1-4 and other expenses incurred in connection with the member's duties.

ARTICLE V.

TERMS, DESIGNEES, and ATTENDANCE

A. Terms

Pursuant to IC 22-4-18.1-6, appointments to the Council are for two-year terms beginning upon their appointment and continuing at the discretion of the Governor or the official who appointed such member, until reappointed or until the Governor appoints a new member to take his or her place. Terms will be staggered so that no more than half the council members' terms expire in any given year.

It shall be the duty of the Governor to appoint members to fill in all vacancies other than the legislative members. The latter shall be filled by the appropriate presiding legislative officers.

A position on the Council is considered vacant only when a member becomes ineligible, is removed, resigns or dies. A member becomes ineligible when he/she no longer represents the constituency that he or she was nominated to represent.

In the case of an appointment to fill a vacancy on the Council, the replacement member's term shall expire on the date of the original member's term.

B. Designees

The Governor may appoint a designee to represent him/her on the Council.

A Lead State official with primary responsibility for a core program may appoint a designee to represent him/her at Council meetings. This designee must be a senior level staff member in the agency. Only one designee should be named and the request should be in writing to the Executive Director. The designee shall have full participation and voting rights.

C. Attendance

- 1) A Council member who misses two or more consecutive face-to-face or teleconference meetings may have his/her attendance reviewed by the Chair to determine if a recommendation should be made to the Governor to remove the member.
- 2) Members are expected to participate to the best of their abilities and must be physically present at a full Council meeting at least once annually.
- 3) Members who are unable to continue serving on the Council should notify the Chairperson or Executive Director.

ARTICLE VI.
OFFICERS AND DUTIES

A. Officers

- 1) The Governor shall annually appoint a chairperson of the Council from among the business representatives.
- 2) The Governor shall annually appoint a vice chairperson from among the Council membership.
- 3) The Council may appoint such other officers as the business of the Council may require, each of whom shall hold office for one year.

B. Duties

- 1) The Chairperson shall preside at the meetings of the Council; shall review Council minutes for accuracy prior to publication; shall coordinate the development of Council agendas with the Executive Director; and shall see that all resolutions of the Council are communicated to the proper persons or entities.
- 2) The Vice-Chairperson shall perform the duties of the Chairperson in his/her absence.

ARTICLE VII.
MEETINGS, QUORUM, and VOTING

A. Meetings

- 1) The full Council shall hold no less than four meetings annually but may meet more frequently at the call of the Chair to conduct its business. Special or additional meetings may be called by written request of a majority of the Council members. The Chair may cancel meetings but, in no case, shall there be fewer than four meetings annually.
- 2) All meetings of the full Council, committees, and taskforces shall include teleconference convenience for members and members of the public unable to attend in person. All meetings will be open to the public. Meetings must be accessible to individuals with disabilities.
- 3) Notice of committee or taskforce meetings must be provided at least 48 hours prior the meeting, posted at the building where the meeting is to be held, as well as at the Indiana Department of Workforce Development, and the agenda posted on the Council webpage.
- 4) All full Council, committee, and taskforce meetings shall comply with the Open Door Law. A record shall be made of all meetings of the Council and its committees or taskforces and published on the Council's webpage.
- 5) *Robert's Rules of Order, Newly Revised*, shall apply in all instances in which they are applicable and not inconsistent with these Bylaws for all regularly scheduled meetings and committee and taskforce meetings.

B. Quorum

- 1) A majority of the current members of the Council shall constitute a quorum for the transaction of business at any meetings of the Council. Members attending via teleconference shall be counted as present for purposes of establishing a quorum.

- 2) The members present at a meeting at which a quorum was determined to be present may continue to transact business until adjournment notwithstanding the withdrawal of enough members to have less than a quorum.

C. Voting

- 1) Each member shall be entitled to one vote for each matter submitted to the membership for a vote at each meeting. Members attending via teleconference shall also each have one vote.
- 2) In all voting matters, members shall adhere to the Conflict of Interest Policy, as stated in Article IX.
- 3) The Council shall act by majority vote of eligible voting members participating in a meeting whether physically or electronically. All teleconference votes must be taken by roll call.
- 4) Proxy votes are not permitted.

ARTICLE VIII.

COMMITTEES and TASKFORCE

- A. The Chairperson shall have the authority to appoint or dissolve standing or special committees or taskforces as needed for the Council's business. The term of any committee or taskforce is contingent on the work of the committee and shall be determined by the Chair. The term of any special committee or taskforce shall expire upon dissolution or upon the completion of the task for which it was created, unless the need for its continued existence is justified. A special committee may include an ad hoc executive committee selected by the Chair that may be responsible for:
 1. Coordinating and overseeing the activities of the Council to ensure the satisfactory performance of functions stipulated by the Governor, these bylaws, and all pertinent statutes and regulations.
 2. General supervision of the affairs of the Council in the intervals between Council meetings. The appointed ad hoc executive committee shall make recommendations to the Council and exercise such powers as may be delegated to it by the Council. The ad hoc executive committee may act on behalf of the Council between regularly scheduled Council meetings. Actions of the ad hoc executive committee shall be the actions of the Council unless rejected by the Council at its next meeting.
- B. Except as otherwise prohibited by law and these bylaws, the Chair may invest any such committee or taskforces with such powers and authority, subject to such conditions, as may be fitting.

ARTICLE IX.

CONFLICT OF INTEREST

Council 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. Council members shall scrupulously avoid undisclosed conflicts of interest between the interests of the State of Indiana and the Council, 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 Council 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 Council 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. As required by IC 4-2-9, a Council member that identifies a potential conflict of interest must notify the Department of Workforce Development'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, the State Ethics Commission will issue a written determination whether the conflict affects the integrity of the services the State expects from the Council member. Until the State Ethics Commission issues its determination, the Council member will be asked to abstain from discussion and votes regarding the matter.

Each Council 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.

ARTICLE X.
SOVEREIGN IMMUNITY

The Council and its committees and task forces are governmental entities and instrumentalities of the state; and as such are entitled to the protections and immunity afforded other governmental entities or public employees when acting within the scope of their appointment pursuant to IC 34-13-3-3. In addition, pursuant to IC 34-13-3-5, civil actions relating to acts taken by the Council may only be brought against the Council and not against an individual member of the Council so long as such an individual member was acting within the scope of the individual member's appointment as a member of the Council. Any lawsuit alleging that a member acted within the scope of the appointee's appointment bars an action by the claimant against the member personally.

ARTICLE XI.
AMENDMENTS TO THE BYLAWS

- 1) These by-laws may be adopted initially by a two-thirds affirmative vote of the full Council at a regular meeting.
- 2) The bylaws may be amended, supplemented, or superseded by a two-thirds affirmative vote of the full Council.
- 3) Amendments may be proposed by any member of the Council or by the staff Executive Director.
- 4) Bylaws and amendments cannot conflict with existing federal or state laws, regulations or guidelines.