

ULSTER COUNTY WORKFORCE INVESTMENT BOARD BY-LAWS

ARTICLE 1 – NAME AND LOCATION

SECTION 1 The name of this organization shall be the Ulster County Workforce Investment Board, hereinafter referred to in these by-laws as the Board.

SECTION 2 The official location will be the Business Resource Center, 651 Development Court, Kingston, NY 12401

ARTICLE 11

SECTION 1 – MISSION The mission of the Ulster County Workforce Investment Board is to meet the skills needs of Ulster County workers and employers by promoting collaboration among the economic development, education, training, and job placement resources, and employers.

SECTION 1b – PURPOSE Furthermore, the purpose of the Workforce Investment Board is to develop and support policy which will ensure that coordinated universal screening and streamlined, one-stop services will result in expanded access to training, coaching, and matching activities for both employed and unemployed residents and employers, thereby increasing employment opportunities, earnings, job retention, improved skill attainment, and to coordinate various funding sources to maximize the effectiveness of the workforce development system.

SECTION 2 No part of the income revenue of the Board, or that which it oversees, shall insure to the benefit of any member or any private individual (except that reasonable compensation may be paid for services rendered to the Board), and no member or any private individual shall be entitled to share in the distribution of any of the assets on dissolution of the Board.

SECTION 3 No substantial part of the activities of the Board shall be directed toward participating in or intervening (including the publication or distribution of statements) in a political campaign on behalf of any candidate from public office.

ARTICLE 111 – AUTHORITY, ROLES, AND RESPONSIBILITIES OF THE BOARD

SECTION 1 The Board is responsible for organizing the Workforce Development System (WDS) in a customer-focused way.

SECTION 2 The Board shall define the components of the system based on customer needs and expectations, as well as the system's resources.

SECTION 3 The Board shall develop local performance measures in consultation with the Governor.

SECTION 4 The Board shall set quality standards through a customer satisfaction system.

SECTION 5 The Board will establish skill standards (transferable, occupational, and academic) as related to getting and keeping work.

SECTION 6 The Board shall collect data and issue consumer report cards for continuous improvement.

SECTION 7 The Board shall solicit the input and participation of the local business community in the provision of program services.

SECTION 8 The Board shall issue charters and franchises, certifying that Board standards have been met.

SECTION 9 The Board will inform and lead on regulatory reform as appropriate for the local WDS.

SECTION 10 The Board shall construct its own by-laws and will develop and approve an annual budget for its internal activities and ensure that an annual audit/desk review is completed.

SECTION 11 The Board shall have the authority to:

1. Determine allocation of funding streams after notification of funding stream by the Chief Elected Official;
2. Monitor attainment of program goals/standards;
3. Certify programs/providers pursuant to legislation;
4. Set strategic objectives for the Workforce Development System and take action to remove barriers;
5. Monitor program expenditures and determine customer priority and/or request or seek additional funding.

ARTICLE IV – MEMBERSHIP

SECTION 1 Board membership shall consist of all the required public sector partners named in the Workforce Investment Act that have a presence in Ulster County, any other members named by the Chief Elected Official, and have a majority from the private sector business community.

SECTION 2 Any vacancy or new position on the board shall be appointed by the Chief Elected Official as recommended by the Board as follows:

1. Representatives of the private sector, who shall constitute a majority of the membership of the Board and who shall be owners of business concerns, chief executives or chief operating officers of non-governmental employers, or other private sector executives who have substantial management or policy responsibility;
2. Private sector representatives on the board shall reasonably represent the industrial and demographic composition of the business community. At least one-half of such business and industry shall be representatives of small business, including minority business. For the purpose of this paragraph, the term “small business” means private-for-profit enterprises employing 500 or fewer employees;

3. Representatives of educational institutions, organized labor, rehabilitation agencies, community-based organizations, economic development agencies, the public employment services, the department of social services, the department of employment and training, the community at large, recognized veterans' organizations, and individuals recommended by interested organizations.

SECTION 3 Members shall be appointed for staggered two (2) year terms. Any vacancy in the membership of the board shall be filled in the same manner as the original appointment.

SECTION 4 Membership on the Board shall cease when:

1. The member offers his/her resignation to the Chair of the Board;
2. The member is not re-appointed after completion of the term;
3. The member is absent from twenty-five percent (25%) of regular and committee meetings held during a program year, unless excused by the Chair or Committee Chair.

SECTION 5 Each member of the Board shall be encouraged to serve on at least one committee.

SECTION 6 Each member of the board shall be entitled to one vote during a regular, special called, or committee meeting in which said member is present and provided there is a quorum present, except where a real or perceived conflict of interest occurs.

SECTION 7 Conflict of interest, real or perceived, will not be tolerated. Any duality of interest, real or perceived conflict of interest on the part of any board member, or the organization that he/she represents, shall be disclosed to other board members and made a matter of record when the interest becomes a matter of board action. Any board member having a duality of interest or conflict of interest, real or perceived, on any matter shall not vote or use his/her personal influence on the matter. The minutes of the meeting shall reflect that a disclosure was made and the abstention from voting.

SECTION 8 Members of the Board and/or Committee(s) cannot delegate someone to act as their proxy. While they may send a representative to a meeting, the representative does not have a vote and does not fulfill the requirement for a quorum.

ARTICLE V – OFFICERS

- SECTION 1**
1. The Board shall elect a Chair, 1st Vice-Chair and two 2nd Vice-Chairs who shall be representatives of the private sector. A Secretary and Treasure shall be elected from the membership at large. Term of office shall be for a one (1) year period commencing on July 1.
 2. Whenever possible the 1st Vice-Chair shall succeed to the office of the Chair in the next term of office and one of the 2nd Vice-Chairs shall succeed to the office of the 1st Vice-Chair in the next term of office.
 3. Said officers may be reappointed to succeeding terms at the discretion of the Board.

4. The term of Board Chair and 1st Vice-Chair may not exceed three (3) consecutive one-year terms. The terms of 2nd Vice-Chair may not exceed five (5) consecutive one-year terms.

SECTION 2 Functions and responsibilities of said officers shall be as follows:

1. Chair

- a. Shall preside at all meetings of the Board;
- b. Shall establish agendas for each regular Board meeting;
- c. Shall sign, on behalf of the Board, all necessary legal documents;
- d. Shall appoint Ad Hoc committee(s) as determined necessary;
- e. Shall be the official representative of the Board, as required;
- f. May call special meetings of the Board;
- g. Shall call special meetings of the Executive Committee as deemed necessary;
- h. Other responsibilities as determined by the Board; and
- i. Shall appoint a member of the Executive Board to fulfill the daily functions and responsibilities of the office in the event of both the Chair and 1st Vice-Chair being unavailable.

2. 1st Vice-Chair

- a. shall assume all responsibilities of the Chair, noted herein, in his/her absence.

3. 2nd Vice-Chairs (2)

- a. shall be available for special assignments and projects as the Chair authorizes.
- b. shall be available to serve as 1st Vice-Chair in the future.

4. Secretary

- a. shall be responsible for assuring that the following be maintained:
 1. the minutes of the general membership;
 2. notification of members of all meetings at least one week in advance of said meetings, and include therewith a brief agenda and a copy of the minutes of the prior meeting, so that members who had been absent at the last meeting may be informed of business transacted.

5. Treasurer

A. Shall be responsible for assuring that the following be maintained:

1. monitoring the control, receipt, and custody, of all assets of the Board;
2. monitoring the disbursements as authorized by the Executive Committee;
3. reporting the receipt, use, and disbursement of all assets of the Board;
4. serving as liaison with the County Government in the grant seeking and budget preparation functions;
5. be responsible for receipt and disbursement of funds related to the internal budget and is authorized to sign checks for payment of same with a co-signature by one other member of the Executive Committee. All disbursing of Workforce Investment Act Title I formula funds, as well as any Federal and/or State grants awarded or contracted, shall be received, disbursed and accounted for by the Ulster County Treasurer's Office in accordance with Ulster County Government policies and procedures.

SECTION 3 Said officers shall be elected by a majority vote of the members present at a meeting consistent with quorum requirements when a vacancy occurs or terms expire.

ARTICLE VI – MEMBERSHIP AND ORIENTATION COMMITTEE

SECTION 1 The Board Chair shall appoint a Membership and Orientation Committee consisting of three (3) Board members for the purpose of nominating officers and board replacements prior to the expiration of existing terms. It shall include the immediate past Chair and shall not include any of the present Executive Committee members.

SECTION 2 The Committee shall submit to the board a slate of officers to assume office on the first day of July following their election.

SECTION 3 The Committee shall nominate Board members for the positions of Chair, 1st Vice-Chair, (two) 2nd Vice-Chairs, Secretary, and Treasure as per Article V, Section 1.

SECTION 4 The Chair of the Membership and Orientation Committee shall mail to all Board members, not later than ten (10) days prior to the annual election, a list of nominees recommended by the Membership and Orientation Committee.

SECTION 5 The committee shall be responsible for oversight of the development of an orientation package for new members of the Board and the Youth Council.

SECTION 6 The Committee shall actively engage in board development activities to recruit and retain knowledgeable, active Board members.

SECTION 7 The Committee shall be responsible to contact Board members who have missed three or more consecutive meetings.

ARTICLE VII – EXECUTIVE COMMITTEE

1. The Executive committee shall be made up of officers of the Board and two at-large members of the Board and shall assume responsibilities as designated by the Board. The Executive Committee will have a special meeting at the end of each program year to perform the following functions for the Board:
 - a. The Chair and/or Executive Committee may create ad-hoc committees as needed.
 - b. review of Board by-laws, making recommendations to the Board as appropriate;
 - c. Review of Board administration, making recommendations to the Board as appropriate.
2. The Executive Committee shall have oversight of all WIA Title I programs.
3. The Executive Committee shall interact with all other committees to ensure alignment with overall Board strategy.
4. The Executive Committee will develop a procedure to evaluate the effectiveness of all programs and will provide oversight of the training programs and education provided to OneStop customers.
5. In the event the Chair must call a special meeting of the full Board, the Board will be polled, and if a quorum of the Board cannot be assembled in a timely manner, the Chair will then call upon the Executive Committee to meet on items needing immediate attention and take interim action. Any action taken by the Executive Committee will then be brought to the full Board for ratification at the next regularly scheduled meeting.

ARTICLE VIII – STANDING COMMITTEES

The Standing Committees structure of the Ulster County Workforce Investment Board shall be as follows:

STRATEGIC PLANNING AND WORKFORCE DEVELOPMENT COMMITTEE
MARKETING COMMITTEE
PROGRAM PLANNING AND IMPLEMENTATION COMMITTEE
YOUTH COUNCIL

Committee appointments will be made on a volunteer basis for review by the Executive Committee to ensure all Board members are participating within the Committee structure and to assure that all Committees are adequately covered.

- SECTION 1**
- A. With the exception of the Youth Council, the Chairs of standing committees shall be members of the Board.
 - B. Committee members may be members of the Board or individuals drawn from the community whose interest, experience, or expertise will provide significant assistance to the committee.

C. All standing committees are to submit their recommendations to the full Board for ratification.

SECTION 2 Youth Council

The Youth Council is a requirement under the Workforce Investment Act of 1998. As such the Ulster County Workforce Investment Board (WIB) defines it as follows:

A. The membership shall include

1. Board members with a special interest or expertise in youth policy;
2. representatives of youth service agencies, including juvenile justice and local law enforcement agencies;
3. representatives of local public housing authorities;
4. parents of eligible youth seeking assistance;
5. individuals including former participants, and representatives of organizations, that have experience relating to youth activities;
6. representatives of the Job Corps, as appropriate; and
7. may include such other individuals as the Board Chair, in cooperation with the Chief Elected Official, determines to be appropriate.
8. There is no term limit to Youth Council membership.

B. Voting on the Youth Council shall be determined as follows:

1. Voting members of the Youth Council shall be appointed by the Chair of the Board in cooperation with the Chief Elected Official.
2. Voting members must represent one of the sectors identified in the above list. Representatives from current eligible youth program providers may be voting members, but must recuse themselves from any vote pertaining to funding decisions for which their agency is receiving or eligible to receive. Any one organization or agency may only have one representative as a voting member. No member may have a vote given by proxy. Individuals not eligible as a voting member may participate as a non-voting member of the Council.
3. Voting members are appointed for two-year terms. Individuals may reapply for approval of consecutive terms.
4. The total voting membership of the Youth Council shall be at least 15 members, not to exceed 20 members.

C. Selection, Succession, and Terms of Youth Council Officers:

1. The Youth Council shall have a Chair and a Vice Chair.

2. The term of Youth Council Chair and Vice Chair shall be for one year and the officers may serve consecutive terms. This term of office shall run from July 1 through June 30 of the following year. In the event an officer begins serving mid-term, that partial term will end on June 30 and be considered a full term.
3. When the one-year term of the Youth Council Chair has expired the Board Chair may either reappoint that same Youth Council Chair to another one-year term or appoint the Vice Chair to succeed as Chair.
4. On or before May 1, the Youth Council will recommend at least two members for the position of Vice Chair of the Youth Council. These members must be in good standing and must have been members of the Youth Council for a minimum of one year. The Board Chair will appoint the Vice Chair from among the persons recommended by the Youth Council.
5. In the event there is no Youth Council Chair and/or Vice Chair in the term, the Youth Council will recommend a minimum of three persons for the two positions. The Board Chair will appoint the Youth Council Chair and/or Vice Chair from among the three individuals recommended by the Youth Council.

D. The duties and responsibilities of the Youth Council shall be:

1. Development of the portions of the local plan relating to eligible youth as determined by the Board.
2. Recommend to the Board eligible providers of youth activities/programs to be considered for grants or contracts on a competitive basis.
3. Conduct oversight with respect to eligible providers of youth activities and shall submit annually such information to the Executive Committee.
4. Coordinate youth activities that are authorized by the act.
5. The Chair or Vice Chair of the Youth Council shall attend and report the activities of the Youth Council to the Board at their regularly scheduled meetings.
6. Other duties determined to be appropriate by the Board Chair.

SECTION 3 The roles of the standing committees of the Ulster County Workforce Investment Board shall be as follows:

A. STRATEGIC PLANNING/WORKFORCE DEVELOPMENT COMMITTEE

1. This Committee shall focus on occupational skills standards development and certification, identification of training gaps, recommendations for prioritizing demand occupations and establishing criteria for training provider approval.
2. The Committee shall develop and maintain demand occupation and skill shortage lists.

3. The Committee will monitor the effectiveness of business services provided by the workforce development system and will gather and disseminate up-to-date labor market information.
4. This Committee shall make recommendations to the Board with regard to short-term and long-term strategic goals and shall recommend specific goals with regard to customer training.
5. This Committee shall review the committee structure of the Board and shall recommend changes as needed.

B. PROGRAM PLANNING/IMPLEMENTATION COMMITTEE

1. This Committee shall review responses to requests for proposals (RFPs) to determine that each RFP meets the requirements of Board and applicable laws and shall make recommendations regarding such proposals to the Executive Committee.
2. This Committee shall develop new programs that further the Board's strategic plan.
3. This Committee shall recommend allocation of Title I Adult and Dislocated Worker funds and shall provide oversight of all sub-contractor contracts.
4. The Committee will work with paid staff to implement Board directives when necessary.
5. This Committee shall provide oversight of eligible youth activities providers based upon the oversight information provided annually by the Youth Council to the Executive Committee and shall coordinate all youth activities under WIA and the youth-related duties as assigned by the WIB.
6. This Committee shall include a member of the Youth Council.
7. This Committee is responsible for oversight of the training and education provided to customers of the system.

C. MARKETING COMMITTEE

1. This Committee is responsible for overseeing the development and Implementation of an on-going marketing plan for the Workforce Development System.
2. This Committee shall focus its efforts to effectively market the WIB's workforce system and centers, both internally to system partners and externally to the community.
3. The Marketing Committee will inventory available community workforce resources and make this information available and user-friendly to the Board, system partners and the community.

ARTICLE IX – MEETINGS

SECTION 1 There will be a minimum of four (4) business meetings per year for the full Board.

SECTION 2 Special meetings may be called at the discretion of the Chair.

SECTION 3 All committees shall meet as necessary. The Executive Committee will also have a special meeting at the end of each program year as outlined in Article VII and other times as needed.

SECTION 4 Special committee meetings may be called at the discretion of the Committee Chair or by a majority of any committee.

SECTION 5 A quorum shall be constituted for full Board meetings and Committee meetings by having at least 51% of the membership in attendance.

SECTION 6 Resolutions shall be passed by a simple majority of members present.

SECTION 7 A. In compliance with the Open Meetings Law, all meetings of public bodies are open, except that closed or “EXECUTIVE” sessions may be held to discuss only:

1. Matters which will imperil the public safety if disclosed;
2. Any matter which will imperil the identity of a law enforcement agent or informer;
3. Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
4. Discussions regarding proposed, pending, or current litigation;
5. Collective negotiations pursuant to Article 14 of the Civil Service Law;
6. The medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation;
7. The preparation, grading, or administration of examinations; and
8. The proposed acquisition, sale, or release of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

B. Minutes of open meetings must be made available within 2 weeks.

C. Minutes of executive session, if any action taken, must be made available within one week.

ARTICLE X – METHODS OF AMENDMENTS

SECTION 1 Recommended changes in the by-laws and WDS-CEO Agreement shall be submitted

in writing by a Board member to the Chair.

SECTION 2 The Chair will review recommended changes with the Executive Committee and will notify the full Board of proposed changes at least ten business days prior to the regular meeting at which amendments are to be considered.

SECTION 3 Amendments to the by-laws shall be passed by a two-thirds majority of the Board.

Adopted unanimously by the Board 6/12/00

Amended by the Board 12/07/01

Amended by the Board 3/05/04

Amended by the Board 9/10/04

Amended by the Board 5/04/07

Amended by the Board 12/18/09

Amended by the Board 1/21/10