

**CENTRAL ALABAMA PARTNERSHIP  
FOR TRAINING AND EMPLOYMENT  
(CAPTE) WORKFORCE DEVELOPMENT  
BOARD**

**By-Laws**

**Revised 09/13/2019**

## **ARTICLE I**

### **Name**

The name of the organization shall be the Central Alabama Partnership for Training and Employment (CAPTE) Workforce Development Board, hereinafter referred to as the "Board".

## **ARTICLE II**

### **Purpose**

The purpose of the Board is to advance, through the leadership and strategic alliances of the Board a public workforce system committed to linking employment and education foreconomic development.

## **ARTICLE III**

### **Membership**

Section 1. The voting membership on the Board shall consist of not more than forty-five (45) persons.

Section 2. The Board membership shall be in accordance with Section 107 of the Workforce Innovation and Opportunity Act of 2014 hereinafter referred to as the "Act".

Section 3. WIOA Section 107 states that "... a majority of the members of each local board shall be representatives of business in the local area, who – are appointed from among individuals nominated by local business organizations and business trade associations;" (51% or greater)

Local board members "not less than 20 percent of the members of each local board ... shall include representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;"

Nominations for other local board members may be made by the local board. Modifications to membership are subject to the "confirmation and concurrence of the Chief Local Elected Officials" as stated in the CLEO agreement. A minimum of 50% of the CLEOs must confirm and concur with the local board's approval of board members.

Section 4. The Chief Local Elected Officials (CLEOs), established and appointed a Workforce Development Board (WDB) to assist and carry out provisions of WIOA. Modification of membership may be completed at any time by the local board once established subject to the confirmation and concurrence of the CLEOs (reference CLEO

agreement February 16, 2017).

Every effort will be made to balance the selection geographically throughout the CAPTE area as well as balance the selection of large and small business, and other related factors and to, as accurately as possible, reflect the landscape of the CAPTE area.

Section 5. Any resignation, termination, or other vacancy should be sent to the Board Chair and the Administrator of the CAPTE Workforce program.

Section 6. Section 107 of the WIOA states that: A member of a local board or a member of a standing committee, may not:

- (1) vote on a matter under consideration by the local board:
  - (a) regarding the provision of services by such member (or by an entity that such member represents). or
  - (b) that would provide direct financial benefit to such member or the immediate family of such member. or
- (2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

Such a conflict would arise when: (1) the individual (2) any member of the individual's immediate family (3) the individual's business partner or (4) an organization which employs, or is about to employ any of the above, has a financial or other interest in the firm or organization selected for award. Each Board member is subject to the Conflict of Interest Statement shown in Attachment A to this document.

## **ARTICLE IV**

### **Member Terms, Vacancies and Removal**

Section 1. Representatives of the Board shall be appointed for a term not to exceed three (3) years. All non-business representatives of the Board shall be appointed for a term not to exceed five (5) years. Should a member have a change in employment that alters the category in which the most recent appointment was made, said membership on the Board shall be terminated on the last day of the current program year or sixty (60) days, whichever occurs first. Any board member that has a term expire shall continue to serve until a new appointment is made by the CLEOs. All members of the Board serve at the pleasure of the CLEOs and may be removed at any time with cause.

Section 2. The Executive Committee will review Board member attendance on an annual basis and report the results and any recommendations to the full Board.

Section 3. In the event any individual member of the Board fails to attend two (2) consecutive Board meetings without good cause, the CLEOs should be notified in writing of these absences and the individual could be replaced.

## ARTICLE V

### Roles and Responsibilities of Membership

The functions of the Board shall include the following from the Workforce Innovation and Opportunity Act and Section 107 (d) of the Act:

#### FUNCTIONS OF LOCAL BOARD

Consistent with Workforce Innovation and Opportunity Act, Section 108, the functions of the local board shall include the following:

##### LOCAL PLAN

The local board, in partnership with the CLEOs for the local area involved, shall develop and submit a local plan to the Governor that meets the requirements in section 108. If the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and CLEOs from such other local areas in the preparation and submission of a regional plan as described in section 106(c)(2).

##### WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS.

In order to assist in the development and implementation of the local plan, the local board shall:

- (A) carry out analyses of the economic conditions in the region; the needed knowledge and skills for the region; the workforce in the region; and workforce development activities (including education and training) in the region described in section 108(b)(1)(D) and regularly update such information;
- (B) assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491- 2(e)), specifically in the collection, analysis, and utilization of workforce and labor market information for the region; and
- (C) conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board after receiving input from a wide array of stakeholders determines to be necessary to carry out its functions.

##### CONVENING, BROKERING, LEVERAGING.

The local board shall convene local workforce development system stakeholders to assist in the development of the local plan under section 108 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. The local board, including standing committees may engage such stakeholders in carrying out the functions described in this subsection.

##### EMPLOYER ENGAGEMENT

The local board shall lead efforts to engage with a diverse range of employers and with entities in the region involved:

(A) to promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the local board;

(B) to develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities.

(C) to ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.

(D) to develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

#### CAREER PATHWAYS DEVELOPMENT

The local board, with representatives of secondary and postsecondary education programs shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

#### PROVEN AND PROMISING PRACTICES

The local board shall lead efforts in the local area to:

(A) identify and promote proven and promising strategies and initiatives for meeting the needs of employers and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) to the one-stop delivery system.

(B) identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.

#### TECHNOLOGY

The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by:

(A) facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area.

(B) facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas.

(C) identifying strategies for better meeting the needs of individuals with barriers

to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills.

(D) leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

#### PROGRAM OVERSIGHT

The local board, in partnership with the CLEOs for the local area, shall-

(A)(i) conduct oversight for local youth workforce investment development activities authorized under section 129(c), local employment and training activities authorized under subsections

(c) and (d) of section 134, and the one-stop delivery system in the local area; and

(ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i).

(B) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.

#### NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES

The local board, the CLEOs, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).

#### SELECTION OF OPERATORS AND PROVIDERS

(A) SELECTION OF ONE-STOP OPERATORS. Consistent with section 121(d), the local board, with the agreement of the CLEOs for the local area:

(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A).

(ii) may terminate for cause the eligibility of such operators.

(B) SELECTION OF YOUTH PROVIDERS. Consistent with section 123, the local board-

(i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4).

(ii) may terminate for cause the eligibility of such providers.

(C) IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Consistent with section 122, the local board shall identify eligible providers of training services in the local area.

(D) IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES. If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.

CONSUMER CHOICE REQUIREMENTS. Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and

training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.

#### COORDINATION WITH EDUCATION PROVIDERS

(A) IN GENERAL. The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).

(B) APPLICATIONS AND AGREEMENTS.-The coordination described in subparagraph (A) shall include:

(i) consistent with section 232:

(I) reviewing the applications to provide adult education and literacy activities under title (II) for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan.

(II) making recommendations to the eligible agency to promote alignment with such plan.

(ii) replicating cooperative agreements in accordance with subparagraph (8) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)),

with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

(C) COOPERATIVE AGREEMENT. In this paragraph, the term "cooperative agreement" means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

#### BUDGET AND ADMINISTRATION

(A) BUDGET. The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the chief elected official.

(B) ADMINISTRATION.-

(i) GRANT RECIPIENT.-

(I) IN GENERAL. The CLEOs in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the CLEOs reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

(II) DESIGNATION. In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area may designate an entity to serve as a local grant subrecipient

for such funds or as a local fiscal agent. Such designation shall not relieve the CLEOs or the Governor of the liability for any misuse of grant funds as described in subclause (I).

(III) DISBURSAL. The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause shall disburse the funds immediately on receiving such direction from the local board.

(ii) GRANTS AND DONATIONS. The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

(iii) TAX-EXEMPT STATUS. For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

#### ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

The local board shall annually assess the physical and programmatic accessibility in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all onestop centers in the local area.

(e) SUNSHINE PROVISION. The local board shall make available to the public, on a regular basis through electronic means and open meetings information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan and regarding membership, the designation and certification of one-stop operators and the award of grants or contracts to eligible providers of youth workforce investment activities and on request, minutes of formal meetings of the local board.

#### (f) STAFF.-

(1) IN GENERAL. The local board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4) of the Act.

(2) QUALIFICATIONS. The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks

and to assist in effectively carrying out the functions of the local board.



(3) **LIMITATION ON RATE.** The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

(g) **LIMITATIONS .-**

(1) **TRAINING SERVICES .-**

(A) **IN GENERAL**-Except as provided in subparagraph (B), no local board may provide training services.

(B) **WAIVERS OF TRAINING PROHIBITION.** The Governor of the State in which a local board is located may pursuant to a request from the local board grant a written waiver of the prohibition set forth in subparagraph (A) (relating to the provision of training services) for a program of training services, if the local board:

(1) submits to the Governor a proposed request for the waiver that includes:

(a) satisfactory evidence that there is an insufficient number of eligible providers of such a program of training services to meet local demand in the local area.

(2) information demonstrating that the board meets the requirements for an eligible provider of training services under section 122; and

(3) information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local area.

(a) makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than 30 days.

(4) includes, in the final request for the waiver, the evidence and information described in clause (i) and the comments received pursuant to clause (ii).

(a) **DURATION**-A waiver granted to a local board under subparagraph (B) shall apply for a period that shall not exceed the duration of the local plan. The waiver may

be renewed for additional periods under subsequent local plans, not to exceed the durations of such subsequent plans, pursuant to requests from the local board, if the board meets the requirements of subparagraph (B) in making the requests.

(b) **REVOCATION**.-The Governor shall have the authority to revoke the waiver during the appropriate period described in subparagraph (C) if the Governor determines

the waiver is no longer needed or that the local board involved has engaged in a pattern of inappropriate referrals to training services operated by the local board.

(5) **CAREER SERVICES DESIGNATION OR CERTIFICATION AS ONE-STOP OPERATORS.** A local board may provide career services described in section 134(c)(2) through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the chief elected official in the local area and the Governor.

(6) **LIMITATION ON AUTHORITY.** Nothing in this Act shall be construed to provide a local board with the authority to mandate curricula for schools.

(h) **CONFLICT OF INTEREST**-A member of a local board, or a member of a standing committee, may not-

- (1) vote on a matter under consideration by the local board
  - (a) regarding the provision of services by such member (or by an entity that such member represents); or
  - (b) that would provide direct financial benefit to such member or the immediate family of such member; or
- (7) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.
- (i) **ALTERNATIVE ENTITY.**

- (1) **IN GENERAL.** For purposes of complying with subsections (a), (b), and (c), a State may use any local entity (including a local council, regional workforce development board, or similar entity) that
  - (A) is established to serve the local area (or the service delivery area that most closely corresponds to the local area);
  - (B) was in existence on the day before the date of enactment of this Act, pursuant to State law; and
  - (C) includes:
    - (i) representatives of business in the local area; and
    - (ii)(I) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations; or
    - (II) other representatives of employees in the local area (for a local area in which no employees are represented by such organizations).
- (2) **REFERENCES.**-A reference in this Act or a core program provision to a local board, shall include a reference to such an entity.

## **ARTICLE VI**

### **Executive Committee**

Section 1. The Executive Committee shall consist of the officers of the Board, the immediate past-chair and the chairs of the standing committees of the Board. The Board may appoint other members to serve on the Executive Committee upon recommendation by the Board Chair.

Section 2. The Executive Committee shall conduct the business of the Board for and on behalf of the Board and shall, between meetings of the Board, exercise all powers and duties of the Board, which may be lawfully delegated.

## **ARTICLE VII**

### **Officers**

Section 1. The officers of the Board shall be a Chair, Vice-Chair and Recording Secretary.

Section 2. Elections shall be held in the third quarter (August) at a meeting of

the Board at which time all elected officers of the Board shall be elected by the then constituted Board. Officers shall assume office on September 1st.

Section 3. All Officers shall be elected by the voting members of the Board and shall hold office for a term of two (2) years. In a given office, a member may serve two (2) consecutive terms to a total of four (4) years. At the end of a term in a given office, a member may serve in another office. All officers shall be voting members of the Board.

Section 4. The members of the local board shall elect a chairperson for the local board from among the representatives of business described in Section 107 of the Act. The Chair shall preside at all meetings of the Board and of the Executive Committee. The Chair of the Board shall be an ex-officio member of all committees of the Board. The Chair shall be responsible for the operation of the Board and may make or sign, on behalf of the Board such agreements as arise in the ordinary course of business, and such other obligations as approved by the Board.

Section 5. The Vice-Chair of the Board shall be elected from among the voting members of the Board who are representatives of business described in Section 107 of the Act. The Vice-Chair shall have all powers and assume all duties of the Chair in the event of the absence of the Chair.

Section 6. The Recording Secretary shall keep or cause to be kept minutes at meetings of the Board or Executive Committee. The Board staff will provide support in this area.

Section 7. All officers shall serve without compensation, but shall be entitled to reimbursement of reasonable expenses incurred in the performance of the business of the Board.

Section 8: A Nominating Committee of four (4) members shall be appointed by the Chair. It shall be the duty of this Committee to nominate candidates for the offices to be filled. The Nominating Committee shall report as needed and the election of officers shall be included with the agenda materials.

Section 9. The Chair, as an ex-officio member of all committees, shall have general supervision of the management of the business of the Board and shall see that all orders and resolutions of the Board are carried into effect.

## **ARTICLE VIII**

### **Committees**

Section 1. The Chair of the Board shall name such standing and temporary Committees, as may be necessary. The Chair shall appoint a Chair for each

standing and temporary committee.

The Board may designate and direct the activities of standing committees to provide information and to assist the Board in carrying out workforce activities. Such standing committees shall be chaired by a member of the Board, may include other members of the board, and shall include other individuals appointed by the Board who are not members of the board and who the Board determines have appropriate experience and expertise. At a minimum, the local board may designate each of the following:

(i) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include as members representatives of the one-stop partners.

(ii) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth.

(iii) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions

of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

## ARTICLE IX

### Meetings

Section 1. Meetings of the Board shall be held not less than quarterly. Except in the case of emergencies as determined by the Chair, Board members shall receive at least seven (7) days' notice prior to regular meetings. All meetings shall be open to the public in accordance with the Open Meeting Law.

Section 2. The regular meeting in third quarter (August) shall be for the purpose of electing officers and for any other business that may arise. The regular meeting in August shall be known as the annual meeting and shall be for the purpose of receiving reports from officers, committees and staff, and for any other business that may arise.

Section 3. Special meetings including emergency meetings can be called by the Chair or upon the written request of five members of the Board. The purpose of the meetings shall be stated in the call. At least one (1) days' notice shall be given.

Section 4. One-third (1/3) of the members (less vacancies) shall constitute a quorum at Board or committee meetings. Board or committee action shall require a simple majority of those members present during a meeting at which a quorum is present. The Chairperson may determine the method of voting, except that any member may request individual polling. Secret balloting shall not be allowed.

Section 5. Meetings of all standing committees, including the Executive Committee, shall be called by the chair of the committee.

Section 6. Meetings of the Board shall be conducted in accordance with the most current edition of Roberts Rules of Order in which they are not inconsistent with these bylaws or any special rules of order the Board may adopt.

## ARTICLE X

### Voting

Section 1. All voting members are entitled to one (1) vote each. The Chair of the Board shall refrain from voting except, in the case of a tie vote, the Chair may cast the deciding vote or abstain.

Section 2. Any voting member, except the Chair, may designate, in writing, one alternate to represent the member at both plenary and committee meetings. Alternates shall be approved by the full Board or the Executive Committee and, upon approval, shall have full voting privileges for the voting member.

## ARTICLE XI

### Consent to Action

The written consent of the Board members, setting forth the action so taken, shall be valid and effective in all respects as if passed by the Board in a meeting where a quorum of the voting members were present.

## ARTICLE XII

### Amendments of Bylaws

These By-Laws may be amended by a majority vote of the then constituted voting members of the Board at any meeting duly called and where a quorum is present. Any amendment to the By-Laws must be consistent with the "Act".

## ARTICLE XII

### Amendments of Bylaws

These By-Laws may be amended by a majority vote of the then constituted voting members of the Board at any meeting duly called and where a quorum is present. Any amendment to the By-Laws must be consistent with the "Act".

## ARTICLE XIII

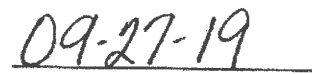
### Fiscal Provisions

Section 1. The Board shall have prepared for each annual meeting a summary financial report of the business and condition of the Board.

Section 2. The Board shall indemnify and hold harmless the directors, officers, alternates and employees of the Board from any damages arising from actions taken in their official capacity to the fullest extent allowed by the laws of the State of Alabama. Any director, officer, alternate or employee of the Board seeking indemnification under this section shall notify the Board in writing promptly after any incident or situation giving rise to the need for indemnification and provide such information as may be reasonably required by the Board in evaluation of such claim. In no event shall the Board be liable for any attorney's fee or expert witness or investigation fees incurred by a covered director, officer, alternate or employee without the Board's prior written approval.

These Bylaws are hereby adopted by a majority of the voting members on this September 13, 2019.

  
Chairperson, Dr. Kristie R. Rankin

  
Date