



North Dakota Workforce Development Council

CHARTER AND BYLAWS NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL

CHARTER

The North Dakota Workforce Development Council was authorized under executive order 95-01 signed by Governor Edward T. Schafer, January 2, 1995. On December 31, 1999, Governor Edward T. Schafer designated the Council as the state's workforce investment board in accordance with section 111(e) of the Workforce Investment Act of 1998 (WIA).

The purpose of the Workforce Investment Act of 1998 is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase the occupational skills attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.

The role of the North Dakota Workforce Development Council is to advise the Governor and the Public concerning the nature and extent of workforce development in the context of North Dakota's economic development needs, and how to meet these needs effectively while maximizing the efficient use of available resources and avoiding unnecessary duplication of effort. (Executive Order 95-01)

The North Dakota Workforce Development Council assists the Governor with the following functions:

- a. Responsible for the development of the five-year state plan.
- b. Development of a statewide system of workforce investment carried out through a one-stop delivery system.

- c. Annual comments on the performance measures that the State Board for Vocational and Technical Education adopts under the Carl D. Perkins Vocational and Applied Technology Education Act.
- d. Recommendations on designation of local workforce investment areas.
- e. Development of the allocation formulas for the distribution of funds to local areas for youth activities, adult employment and training activities, and for dislocated workers.
- f. Development and improvement of the state performance measures that will be used to assess the effectiveness of programs covered by statewide workforce investment activities.
- g. Preparation of the annual report to the Secretary of Labor on progress of the state in achieving its state performance measures.
- h. Development of a statewide employment statistics system established pursuant to the Wagner-Peyser Act.
- i. Development of the state's incentive grant application to be submitted to the Secretary of Labor to receive incentive grant funds.

The Workforce Investment Act of 1998 identifies twelve mandatory partners and several additional partners. The Council is responsible for assuring coordination and avoiding duplication among the workforce investment system partners. The mandatory partners include:

- a. Programs authorized under Title I of the Workforce Investment Act of 1998.
- b. Programs authorized under Wagner-Peyser Act: the Employment Service (29 U.S.C. 49 et. Seq.)
- c. Adult education and literacy programs authorized under Title II of the Workforce Investment Act.
- d. Programs authorized under Title I of the Rehabilitation Act of 1973 as amended under Title IV of the Workforce Investment Act of 1998.
- e. Welfare-to-Work grants (formula and competitive)
- f. Activities authorized under Title V of the Older Americans Act of 1965: Senior Community Service Employment Program (42 U.S.C. 30565 et seq.)
- g. Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)
- h. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.)
- i. Activities authorized under Chapter 41 of Title 38, United State Code. (activities related to counseling, training and placement of veterans)
- j. Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.)
- k. Employment and training activities carried out by the Department of Housing and Urban Development
- l. Programs authorized under the state unemployment compensation laws.

Additional partners encouraged under the Workforce Investment Act of 1998 include:

- a. Programs authorized under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et. Seq.)
- b. Employment and training activities carried out under Section 6(d)(4) and (6)(0) of the Food Stamp Act of 1977 (7 U.S.C. 2015 (d)(4) and 2015(0)).
- c. Programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et. Seq.); and Service-America Programs, National Service Trust Program, Civilian Community Corps, Corporation for National and Community Service, American Conservation and Youth Service Corps, and Points of Light Foundation programs.
- d. Other appropriate federal, state, or local programs, including programs in the private sector.

BYLAWS OF THE NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL

ARTICLE I NAME

The name of this organization shall be the North Dakota Workforce Development Council, referred to in this document as the Council.

ARTICLE II PURPOSE

The Council shall advise the Governor and the Public concerning the nature and extent of workforce development and economic development needs in North Dakota, and how to meet those needs effectively, while maximizing the use of resources and avoiding duplication of effort.

ARTICLE III MISSION

The Council shall recommend to the Governor a vision, goals, policy and strategic planning direction needed to ensure an effective and responsive workforce development system that will provide every North Dakotan the opportunity for self-sufficiency and a superior workforce that can compete in the global marketplace.

ARTICLE IV MEMBERSHIP

The Council shall consist of a governing body and three subgroups: (1) The Executive Committee (2) The North Dakota Youth Development Council and (3) The Planning Committee. Other subgroups may be added to meet specific federal and state human resource and workforce development requirements. These subgroups may be deleted when the governing federal or state statute no longer exists or requires the existence of such subgroup.

a. **Council:** Shall consist of the following members:

1. Nine business representatives; one member from each of the eight regional economic and employment planning regions in the State. A ninth member shall be selected at large and will be the Council Chairperson. These business members should represent the major business and industry interests within the State.
2. Four members from organized labor or employee groups.
3. One representative from each the following categories:
Secondary education, postsecondary education, vocational and technical education, local school board, and two representatives from community-based organizations.
4. The following state officials having responsibility for administering federal workforce development programs: Commissioner of North Dakota Department of Commerce, Executive Director of Job Service North Dakota, Executive Director of the Department of Human Services, State Superintendent (Department of Public Instruction), Chancellor of the North Dakota University System, and the State Director of the Department of Career and Technical Education.
5. The Council have the following ex-officio non-voting members:
 - The Director of the North Dakota Workforce Development Council
 - Executive Director of the Indian Affairs Commission
 - Representative from Veterans

b. **North Dakota Youth Development Council:** Shall consist of the following members:

1. Members of the North Dakota Workforce Development Council with special interest or expertise in youth policy;
2. Representatives of youth service agencies, including juvenile justice and local law enforcement agencies;

D. Appointment to the Council, for members outside of state government shall be made by the Governor. The terms of service shall be for three year terms

E. Vacancies shall be filled in the same manner as the original appointment. The appointment shall be for the remainder of the vacant term.

F. Attendance and participation in Council and subgroup activities is important to workforce development efforts of the State. Two consecutive absences from Council and subgroup meetings shall be cause for a recommendation by the Executive Committee, to the Governor, for forfeiture of appointment.

ARTICLE V RESPONSIBILITIES

The **Council** as a whole shall be responsible to the Governor for:

- a. Identifying, developing and recommending workforce policy changes to federal and state programs that will improve the effectiveness and efficiency of the State's workforce development system.
- b. Reviewing and identifying the current and future economic development and human investment needs of the state and recommending steps for meeting those needs.
- c. Developing a uniform set of objectives and measures for the effectiveness of the state's workforce development system and various components.
- d. Providing direction for a comprehensive workforce development strategic plan.
- e. Identifying and developing recommended actions that will enhance and increase the capacity of the state's workforce development system.
- f. Identifying and developing opportunities for collaboration and partnership between education, employment and supporting workforce development activities in the State.
- g. Reviewing and approving a Council operating budget.
- h. Performing the duties and functions of State councils as prescribed under law relating to applicable Federal human resource and workforce development programs.

The **North Dakota Youth Development Committee** shall be responsible for:

- a. Make recommendations to the North Dakota Workforce Development Council (NDWDC) on youth employment and training policy;

- b. The Youth Development Council assists the NDWDC with the oversight of youth services delivered under the Workforce Investment Act;
- c. Provide input and assist the North Dakota Workforce Development Council by developing the youth activities and services portion of the state unified plan;
- d. Recommending eligible providers of youth services to the NDWDC to be considered for grants or contracts on a competitive basis;
- e. Conducting oversight of eligible providers of youth services/activities;
- f. Coordinating youth activities authorized under the WIA; and
- g. Other duties as deemed appropriate by the Chair, NDWDC.

The **Planning Committee** shall be responsible for:

- a. Develop, in concert with all required partner programs as specified in the Act, the WIA Strategic Five-Year State Workforce Development Plan or Unified State Plan for utilization of the Title I adult, youth and dislocated worker funding allocation from the WIA. (The plan will be developed in accordance with the Act and guidance from the United States Department of Labor).
- b. Based on a workforce needs assessment, developed by the sub-recipient and accepted by the Council, will recommend prioritized plan goals, coordinating all WIA partner programs for the Governor's consideration.
- c. Recommend to the Council, goals for the development and continuous improvement of the statewide workforce delivery system to include development of linkages to assure coordination and non-duplication among programs and activities.
- d. Provide recommendations for continuous improvement of comprehensive State workforce delivery system, including State adjusted levels of performance, to assess the effectiveness of workforce investment activities of the state.
- e. Recommend funding priorities for incentive grant funding.
- f. Prepare comment at least once annually on the reports required pursuant to Section 113 (b) (14) of the Carl D. Perkins Vocational and Applied Technology Education Act; and
- g. Recommend projects to the Council for governor's consideration for funding and provide recommendations to the Council on the use of the Governor's Set Aside Funds.

ARTICLE VI OFFICERS

Council Chairperson shall be selected by the Governor from business and industry members on the Council. The Chairperson will normally serve a three year term with additional three year terms at the discretion of the Governor and the individual. The Chairperson will hold the member-at-large position from the private sector. The Council Chairperson will also chair the Executive Committee.

Council Vice-Chairperson shall be selected by the Council from business and industry members on the Council. The Vice-Chairperson will serve a three year term. The Council Vice-Chairperson shall also be a member of the Executive Committee.

The **Director** will be selected and appointed for an indefinite period of employment by the Governor. Duties of the Director include the day-today-operation of the Council and Council administration and the writing, publishing, and distribution of all Council meeting minutes. The Director will also serve on the Executive Committee.

ARTICLE VII EXECUTIVE COMMITTEE

Purpose: Provide for the administration, continuity and good order of the Council as a whole and perform executive management tasks as may be determined by the Council membership.

Membership: Voting members shall include: Council Chairperson, Council Vice-Chairperson, state agency director representative, private sector representative, organized labor representative, and the Council Director.

Ex-officio non-voting members shall include: The Chairperson of the Youth Development Council, the Executive Director of Job Service North Dakota, and the Chairperson of the Planning Committee.

Responsibilities:

- a. Propose an annual budget and work program (policy issues, special studies, or plans) to the Council.
- b. Establish the meeting agendas for the Council.
- c. Track all outstanding actions of the Council and recommend actions that would assure successful completion of all tasks and objectives.
- d. Appoint interim members to the Council and other subgroups until formal reappointments can be accomplished.
- e. Recommend policy positions for the Council's review and approval.

- f. Establish task groups when needed--design purpose and role, obtain and appoint members, designate chair, and establish operating parameters and completion time subject to approval of the Council.
- g. Draft the Council's Annual Report to the Governor for review and approval by the Council.
- h. Confer with the Governor on a periodic basis to determine outstanding issues and share information relevant to the workforce development vision, strategies, and Council's work plan.
- i. Prepare the annual performance appraisal of the Council Director. This appraisal will be reviewed and approved by the Governor or the Governor's designee.

ARTICLE VIII STAFF

The Council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its mission and responsibilities. The Council has the authority to contract for such services subject to the availability of funds and state personnel and contracting requirements. The Governor's Office and state agencies represented on the Council will provide assistance and staff support to the director as required.

ARTICLE IX MEETINGS OF THE COUNCIL

Regular Meetings of the Council shall be held a minimum of four times annually, generally once a quarter, at a place specified by the Chairperson, or the Vice-Chairperson in the absence of the Chairperson. Notice will be given not less than ten (10) working days nor more than thirty (30) days prior to the date of the meeting. Meetings of the Council, may, by decision of the Executive Committee, be held via teleconference or electronic means. The fiscal year of the Council shall be July 1 through June 30.

Special Meetings of the Council may be called by the Chairperson upon the request of five or more members of the Council. Written notice of the time, place, and purpose of a special meeting and all other announcements shall be mailed to the members in accordance with the Notice of Meetings as specified in the Bylaws.

Notice of meetings shall be made by the Chairperson of the Council, not less than ten (10) working days nor more than thirty (30) days prior to the meeting. Notification shall include, as a minimum, the date, time and place of the meeting, proposed agenda, and purpose of the meeting. Any formal notification required to be given of any meeting of the Council shall be proper if given to each member personally or by regular mail or electronic means.

Quorum: Fifty percent of members, less any vacancies, plus one shall constitute a quorum for meetings for the transaction of business of the Council. Attendance can be in person or by electronic means.

Agendas for every Regular and Special meeting of the Council, shall be approved at the beginning of each meeting.

Minutes shall be kept for all meetings of the Council. It shall be the responsibility of the Council Director to see that adequate minutes are prepared and distributed for each authorized meeting. Review and approval of prior meetings shall be an agenda item for these Council entities.

Parliamentary Authority: Robert's Rules of Order, Newly Revised, shall be the parliamentary authority for the conduct of Council meetings except when they are inconsistent with the Bylaws of the Council. The Vice-Chairperson will be the Council's parliamentarian or the Council Director in the absence of the Vice-Chairperson.

ARTICLE X AMENDMENTS

These Bylaws may be changed or amended and additional Bylaws adopted at any Regular or Special meeting of the Council's governing body provided that:

- a. A Notice of Intention to change or amend or add additional Bylaws, with the exact text of such change, amendment or addition was given in the notice of the meeting, and
- b. Such changes and amendments approved by the Executive Committee are also supported by the two-thirds of all other Council governing body members present at the regular or special meeting where approval of the Bylaws is introduced.

Final adoption of such changes, amendments, or additions is subject to the approval of the Governor.

ARTICLE XI ADOPTION OF CHARTER AND BYLAWS

This Charter and Bylaws shall be effective upon their adoption by the Council's governing body by two-thirds of the members present. Future changes and amendments to the Charter and Bylaws will be in accordance with Article X.

Adopted October 20, 2005.