



## **BYLAWS**

Modified: November 29, 2018

### **MISSION**

Advise the Governor on statewide workforce development strategies that maximize the state's education, training, and employment resources in support of economic development.

To fulfill this mission, board members and staff will work together to:

- Create policy recommendations for the Governor related to the establishment and maintenance of an efficient, integrated, statewide workforce development system to train the maximum number of unemployed and underemployed Montanans as possible;
- Lead the strategic planning process for an integrated workforce development system, in consultation with Community Management Teams;
- Create performance standards that identify effective workforce development initiatives;
- Coordinate the state's workforce investment initiatives with the state's economic development plan;
- Promote a system of workforce development that responds to the lifelong learning needs of Montana's workforce;
- Encourage public/private partnerships and facilitate innovations in workforce development policy and practices; and
- Ensure a quality workforce system by evaluating results and supporting high standards and continuous improvement.

## **ARTICLE I – NAME, AUTHORITY, DUTIES, SERVICE AREA**

### **SECTION 101.0 NAME OF THE BOARD**

- 101.1** The name of the organization shall be the Montana State Workforce Innovation board, hereinafter referred to as the SWIB (State Workforce Innovation Board).

### **SECTION 102.0 LEGAL AUTHORITY FOR THE BOARD**

- 102.1** The SWIB is established in accordance with Section 3111 of the Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. §3101, *et seq.*
- 102.2** In order to assure objective management and oversight, the SWIB shall not operate programs or provide services directly to program

participants, but shall exist to plan, coordinate, provide policy guidance, and measure success of workforce development programs, initiatives, and services.

**Section 103.0 DUTIES OF THE BOARD**

**103.1** The SWIB serves as the required board for the Workforce Innovation Act (WIOA) of 2014, 29 U.S.C. §3111, and have all the duties, responsibilities and powers authorized in WIOA, as well as the following:

- A. Identify opportunities to align current initiatives in education, training, and workforce/economic development in order to ensure a well-educated and well-trained workforce is available and prepared to meet the needs of a growing and changing economy.
- B. Develop a comprehensive statewide strategic plan and other specific functions as provided for in §3112 and §3113 of WIOA.
- C. Understand and engage industry as economic changes occur in the marketplace. Utilize the strategic partners (education, higher education, labor and employment, human services, and economic development) to ensure the industry needs of each sector are met.
- D. Promote talent development programs, sector initiatives, and career pathways to effectively engage Montana businesses. The SWIB shall also work to ensure that information and workforce services are easily accessible to local businesses.
- E. Facilitate communications among the partners (education, higher education, labor and employment, human services, and economic development) to share data across workforce regions as well as within other partnerships. The SWIB shall serve as the governing voice representing all regions of the state with a focus on united common goals, interests, sectors, and best practices among the regions.
- F. Assist various entities, including but not limited to the Montana Department of Labor and Industry, the Montana Department of Commerce, the Montana University System, the Montana Office of Public Instruction, the Montana Department of Public Health and Human Services, and other departments, in promoting the use and development of statewide training credential certificates, degree completion programs, and other collaborative opportunities.
- G. Undertake additional functions, responsibilities, and missions promoting the development of the state's talent pipeline as requested by the Office of the Governor.

**Section 104.0 Area Served**

**104.1** The area served by the SWIB shall be the State of Montana and the labor markets contained therein.

**Section 105.0 BOARD AND STAFF ADDRESS**

**105.1** The Montana Department of Labor & Industry, Workforce Services Division is responsible for providing staff to the SWIB.

**105.2** The official office location and mailing address of the SWIB shall be: State Workforce Innovation Board, PO Box 1728, Helena, Montana 59624-1728.

**105.3** The SWIB shall designate a website for maintaining all records of the SWIB, including minutes of proceedings of all SWIB meetings including committee meetings. The SWIB maintains the following website: [www.swib.mt.gov](http://www.swib.mt.gov).

## **ARTICLE II – MEMBERSHIP, TERMS OF OFFICE, OFFICERS AND ATTENDANCE**

**SECTION 201.0 MEMBERSHIP**

**201.1** In accordance with WIOA, members of the SWIB are appointed by the Governor and the Governor has the authority to appoint ex officio members to the SWIB.

**201.2** No less than fifty one percent (51%) of the membership of the SWIB shall represent business. The membership must include private sector/business representation from all areas of the state including Native American Reservations.

**201.3** Members who are chief elected local officials, or cabinet officers from relevant state departments responsible for workforce development initiatives may designate one person to represent them and vote for them at board meetings. The name of the designee must be on file with SWIB staff in written format.

**SECTION 202.0 TERMS OF OFFICE**

**202.1** Each member of the Governor's Workforce Innovation Board is appointed and serves at the pleasure of the Governor.

**202.2** The members appointed to the Governor's Workforce Innovation Board are appointed to serve staggered 2-year terms.

**202.3** For purposes of membership and appointments, the yearly term begins July 1 and ends June 30.

- 202.4** Members shall continue to discharge the duties of office, although the term has expired, until a successor has qualified for appointment pursuant to §2-16-213, Montana Code Annotated.

**SECTION 203.0 OFFICERS**

- 203.1** The Officers of the SWIB shall be the Chair and the Vice Chair.
- 203.2** Chair – The Governor shall select a business representative from the SWIB as Chair. The Chair shall preside at all meetings of the SWIB and shall have other duties as assigned by the SWIB or these bylaws.
- 203.3** Vice Chair – The Chair, upon consultation with the Governor, shall select a business representative of the SWIB as Vice-Chair. If the Chair is absent, the Vice-Chair shall act as Chair. The Vice-Chair shall have such other duties as assigned by the Chair, the SWIB, or these bylaws.

**SECTION 204.0 ATTENDANCE**

- 204.1** SWIB members who miss three (3) consecutive regular meetings may be replaced. An exception can be granted when absences are for good cause and a written request for retention is submitted to and receives approval from the full SWIB.

**SECTION 205.0 TERMINATION OF MEMBERSHIP**

- 205.1** With the exception of legislative members, all Board members serve at the pleasure of the Governor. Legislative members serve at the pleasure of their respective chamber's presiding officers. Membership may be terminated for:
- A. Failure of a member to continue to hold the qualifications that were the basis for their initial appointment; or
  - B. Receipt by the Governor of the written resignation of the member; or
  - C. Failure to comply with attendance as outlined in Section 4 of this Article; or
  - D. Failure to represent the SWIB in a manner deemed appropriate by the Governor or the Board.
- 205.2** In all cases, the Governor, in consultation with the Chair, will make final determinations.

**ARTICLE III – MEETING PROCEDURES, QUORUM, VOTING RIGHTS, AND CONFLICT OF INTEREST**

**SECTION 301.0 MEETING PROCEDURES**

- 301.1** The SWIB shall meet at least two (2) times per year at a time and location determined at the prior meeting. The Chair may call special meetings at their discretion.
- 301.2** All meetings shall comply with Montana's Open Meeting Laws (Title 2, Montana Code Annotated).
- 301.3** All meetings will use technology such as phone and web-based systems to promote board meeting participation.
- 301.4** All SWIB business will be conducted pursuant to Roberts Rules of Order.
- 301.5** All SWIB meetings will have official minutes, which will be posted to the website and approved at the following meeting.
- 301.6** Meeting agendas, minutes, and supporting and informational material of any SWIB meeting shall be made available to the public upon written request to the SWIB.
- 301.7** At regular meetings of the SWIB and committees, the Chair will provide opportunities for public comment with time constraints determined by the Chair as appropriate.

#### **SECTION 302.0 QUORUM**

- 302.1** A quorum of the SWIB shall consist of a simple majority of the membership. A quorum of a SWIB committee shall consist of a simple majority of the members of the committee.
- 302.2** If a quorum is present, the affirmative vote of the majority shall be an official act of the SWIB.
- 302.3** Proxy votes will not be allowed for SWIB meetings or SWIB committee meetings.

#### **SECTION 303.0 VOTING RIGHTS**

- 303.1** Each member of the SWIB who is present shall cast one vote on any question.
- 303.2** If both the Board member and the designee are in attendance at the same meeting, the Board member shall be seated at the table and the designee shall be seated in the audience with members of the public and shall be counted as one attendee for the purpose of obtaining a quorum.

#### **SECTION 304.0 CONFLICT OF INTEREST**

- 304.1** A member of the SWIB shall:

- A. When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon; or
- B. When met with an actual conflict of interest, announce publicly the nature of the conflict and, refrain from participating in any discussion or debate on the issue out of which the actual conflict arises and refrain from voting on the issue; or
- C. Be eligible to vote in case of an actual conflict if the member's vote is necessary to meet a requirement of a minimum number of votes to take official action, but not participate in any discussion or debate on the issue out of which the actual conflict arises.

**304.2** The Workforce Innovation and Opportunity Act forbids a member from voting on a matter under consideration by the SWIB regarding the provision of services by such member (or by an entity that such member represents), without exception. A SWIB member shall announce publicly the nature of the conflict regarding provision of services by such member, refrain from participating in any discussion or debate on the matter and refrain from voting on the matter under any circumstance.

## **ARTICLE IV – COMMITTEES**

### **SECTION 401.0 STANDING COMMITTEES**

**401.1** The SWIB may establish standing committees as needed to carry out its duties and responsibilities. The standing committees may conduct meetings and shall provide any reports and recommendations back to the full board for approval. The composition of any committee established pursuant to this section shall be comprised of majority membership representative of business. The SWIB Chair shall appoint the standing committee chair and committee members. With the exception of the Executive Committee, the SWIB chair may appoint ad hoc members to each standing committee. Committees must be chaired by SWIB members. Standing committees may include but are not limited to the Executive Committee and the WIOA Oversight Committee.

### **401.2 EXECUTIVE COMMITTEE**

**401.21** There shall be an Executive Committee comprised of the officers and no more than ten at-large representatives.

**401.22** The Committee shall be composed of a majority of business members, but shall include the Governor or their designee, and the cabinet officer from the Department of Labor & Industry. This Committee may also include the cabinet officers from other relevant state departments responsible for workforce development initiatives.

**401.23** The Committee shall have the authority of the SWIB when SWIB action is required.

**401.24** Duties include, but are not limited to overseeing the implementation of the strategic plan; tracking workgroup plans and progress; offering leadership around the alignment of workgroups; offering leadership around leveraging system partners; and driving provisions of critical workforce data.

**401.3 WORKFORCE INNOVATION AND OPPORTUNITY ACT COMMITTEE**

**401.31** Shall be responsible for understanding and making decisions on WIOA rules and regulations; administering the state's "One-Stop" Certification process; and coordinating and implementing the state plan.

**402.0 OTHER COMMITTEES**

**402.1** The SWIB Chair is authorized to create other ad hoc committees and workgroups of both board and non-board members as deemed necessary.

**402.2** The SWIB Chair shall appoint the committee and workgroup chair and members.

## **ARTICLE V – BYLAW CHANGES AND BYLAW REVIEW**

**SECTION 501.0 BYLAW CHANGES**

**501.1** These bylaws may be amended, repealed or new bylaws may be enacted by an affirmative vote of two thirds (2/3) of the SWIB during any meeting at which a quorum is present.

**SECTION 502.0 BYLAW REVIEW**

**502.1** The Executive Committee shall re view these bylaws as needed.

## **ARTICLE VI – GENERAL PROVISIONS**

**SECTION 601.0 SWIB OPERATIONS**



**601.1** The SWIB shall operate within applicable state and federal laws.

**SECTION 602.0 PARTICIPATION IN MEETINGS**

**602.1** Participation in meetings shall be limited to the SWIB members and staff working with the SWIB and may also include:

- A. Non-members presenting scheduled agenda items; and
- B. At the discretion of the Chair, comment or other participation by non-members which is relevant to the matter under consideration before the SWIB.

**SECTION 603.0 STAFF ROLE**

**603.1** The staff assigned to the SWIB from the Department of Labor & Industry, Workforce Services Division, shall be responsible for preparing and distributing an agenda in keeping with these bylaws. The assigned staff will work on implementation of policies, goals, and activities approved by the SWIB. The staff shall make regular reports to the SWIB.

**SECTION 604.0 PUBLIC INFORMATION**

**604.1** The SWIB Chair or their designee is the only member of the Board authorized to make official pronouncements, approve news releases, or release general information regarding the business of the SWIB.

## **ARTICLE VII – STAFF SUPPORT AND FINANCIAL RECORD-KEEPING**

**SECTION 701.0 STAFF SUPPORT**

**701.1** Staff support for the SWIB's work is administratively housed within the Department of Labor & Industry, Workforce Services Division. The SWIB will, from time to time, review its staff requirements and make recommendations to the Governor concerning staff support for the SWIB work.

**SECTION 702.0 FINANCIAL RECORD-KEEPING**

**702.1** The Director of the SWIB is responsible for supplying financial information to the SWIB related to resources available to support the work of the SWIB.

## **ARTICLE VIII – MEMBERSHIP COMPENSATION**

**SECTION 801.0 MEMBERSHIP COMPENSATION**

**801.1** All SWIB members are eligible for reimbursement of expenses, including meals, mileage, and lodging while attending SWIB meetings or committee meetings away from their city of origin. Members are reimbursed according to established state rates and rules. SWIB members who are not government employees being



reimbursed by the government entity they represent, full-time salaried officers of the state or federal government, or any political subdivision of the WIOA grantees, may be paid \$50.00 per day when more than three hours is spent on SWIB business on the day of the meeting. This amount is in addition to reimbursement for travel expenses.

**801.2** Representatives and Senators are reimbursed at the legislative pay rate and following the Legislative reimbursement rules.

**801.3** Ad hoc members of Standing Committees are eligible for reimbursement of expenses, including meals, mileage, and lodging while attending SWIB meetings or committee meetings away from their city of origin. Members are reimbursed according to established state rates and rules. Ad hoc members are not eligible for the \$50.00 per day honorarium.