



BYLAWS

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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 the Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. §3111 and §53-2-1203, Montana Code Annotated.

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 has 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 SWIB meetings including committee meetings. The SWIB maintains the following website: www.swib.mt.gov.

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

SECTION 201.0 MEMBERSHIP

In accordance with 29 U.S.C. §3111, the SWIB shall consist of the following members:

201.1 Statutory Members. The Governor or his or her designee, a member of the Montana Senate appointed by the Senate President, and a member of the Montana House of Representatives appointed by Speaker of the House shall serve on the SWIB. These statutory appointments are not taken into account in determining the percentages set forth in Sections 201.2 – 201.4.

201.2 Business Representatives. The Governor shall appoint business representatives from all areas of the state, including Native American Reservations, who shall comprise no less than a majority of the governor-appointed members. Business representatives shall include:

- A. Owners, chief executive officers, chief operating officers, or other policymaking/hiring authority officers;
- B. Businesses (including small businesses) that provide employment opportunities, including high-quality, work-relevant training and development in “in-demand” industry sectors/occupations, or organizations representing such businesses; and

- C. Individuals nominated by Montana business organizations and trade associations.

201.3 Workforce Representatives. The Governor shall appoint workforce representatives, who shall comprise no less than 20% of the governor-appointed members.

- A. Two workforce representatives must be representatives of labor organizations nominated by state labor federations;
- B. One workforce representative must be a member of a labor organization or a training director from a joint labor-management apprenticeship program; and
- C. The remaining workforce representatives may include representatives of a community-based organization that addresses employment, training, or education needs of veterans, disabled individuals, or others who face barriers to employment, or representatives of organizations that address youth and out-of-school youth employment, training and education.

201.4 Other Representatives. The Governor shall appoint other representatives as follows:

- A. State officials with primary responsibility for the primary core programs defined at 29 U.S.C. §3102 and 20 CFR 679.110(b)(3)(iii), including:
 - i. The Commissioner of the Department of Labor & Industry, or the Commissioner's designee, who has primary responsibility for the adult, dislocated worker, and youth programs authorized under title I of WIOA and the Wagner-Peyser Act;
 - ii. The Superintendent of the Office of Public Instruction, or the Superintendent's designee, who has primary responsibility for the Adult Education and Family Literacy Act (AEFLA) program authorized under title II of WIOA; and
 - iii. The Administrator of the Disability, Employment, and Transitions Division of the Department of Public Health and Human Services, which includes the State Vocational Rehabilitation program authorized under the Rehabilitation Act of 1973, as amended by title IV of WIOA.
- B. At least two chief elected officials collectively representing both cities and counties.
- C. Such other representatives and officials as the Governor may designate, who may include:
 - i. State agency officials responsible for economic development or juvenile justice programs;
 - ii. Representatives of tribes or tribal organizations; and

- iii. State agency officials responsible for education programs, including chief executive officers of community colleges and other institutions of higher education.

The name of the designees of the Governor, Commissioner of Labor & Industry, and the Superintendent of the Office of Public Instruction must be on file with SWIB staff in written format.

SECTION 202.0 TERMS OF OFFICE

- 202.1** The Governor's term shall run congruent with his or her term in office. The Senate and House members shall serve 2-year terms commencing on the first day of the legislative session during which they are appointed and ending on the day preceding the next legislative session.
- 202.2** The members appointed by the Governor to the SWIB shall serve staggered 3-year terms, with approximately one-third of governor-appointed terms expiring each year. To initiate staggering, the Governor may appoint certain members for a term of less than three years.
- 202.3** The term of members appointed by the governor 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.
- 202.5** Upon notice of a member's resignation, and 30-days prior to a member's expiration, the SWIB director shall notify the Governor's board and appointment staff of the change to ensure a timely appointment of a new member.

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 AND PROXIES/ALTERNATIVE DESIGNEES

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.

204.2 A SWIB member who cannot attend a SWIB meeting or SWIB committee meeting may, but is not required to, designate a proxy to attend the meeting in the member's place. The proxy must meet the following criteria:

- A. If the SWIB member is a business representative, the proxy must have hiring authority and optimum policy-making authority. "Optimum policy-making authority" means an individual can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action. 20 CFR § 679.120(a).
 - i. If a SWIB member chooses to select a proxy to attend a SWIB meeting or SWIB committee meeting in the member's place, the SWIB member must do the following:
 - a. Before the meeting, the SWIB member must inform the SWIB Director in writing of the name of the proxy.
 - b. The SWIB member must state in writing if the proxy can vote for the member during the meeting. If the SWIB member does not affirmatively state in writing that the proxy can vote for the member, the proxy shall not be allowed to vote for the member.
- B. Other proxies must have optimum policy-making authority and demonstrated experience and expertise. "Demonstrated experience and expertise" means the individual has documented leadership in developing or implementing workforce development, human resources, training and development, or a core program function. 20 CFR § 679.120(b).

204.3 If a designee on record with SWIB under Section 201.4 cannot attend a SWIB meeting or SWIB committee meeting, the Governor, Commissioner of Labor & Industry, or the Superintendent of the Office of Public Instruction may, but is not required to, designate a standing alternative designee to attend SWIB meetings or SWIB committee meetings in the designee's place. To designate a standing alternative designee, before the meeting, the Governor, Commissioner of Labor & Industry, or the Superintendent of the Office of Public Instruction shall inform the SWIB Director in writing of the name of the standing alternative designee. A standing alternative designee must have optimum

policy-making authority and demonstrated experience and expertise. A standing alternative designee has the voting authority of a SWIB member or designee.

SECTION 205.0 TERMINATION OF MEMBERSHIP

- 205.1** With the exception of the Governor or legislative members, all SWIB 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 204.1 of this Article; or
 - D. Failure to represent the SWIB in a manner deemed appropriate by the Governor.
- 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 quarterly, four (4) times, per year at a time and location determined at the prior meeting. The Chair may call special meetings at the Chair's 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** Except as otherwise provided in these Bylaws, 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 A SWIB member who cannot attend a SWIB meeting or SWIB committee meeting may designate a proxy or alternative designee prior to the meeting according to the procedures in Section 204.2 through 204.3.

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. Only the Board member shall be counted as an 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.

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 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.

- A. The Executive Committee shall be composed of a majority of business members, but shall include the Governor or the Governor’s designee, and the Commissioner of the Department of Labor & Industry or the Commissioner’s designee. This Committee may also include the cabinet officers from other relevant state departments responsible for workforce development initiatives.
- B. When immediate action on an urgent matter must be taken between meetings of the SWIB, and it is impractical to call a special meeting of the SWIB in a timely manner, the Executive Committee shall have the authority of the SWIB to take action, but such action must be ratified by the SWIB at its next meeting.
- C. 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 There shall be a Workforce Innovation and Opportunity Act (WIOA) Committee, comprised of the officers and no more than ten at-large representatives.

- A. The WIOA Committee shall be composed of a majority of business members but shall include the Commissioner of the Department of Labor & Industry or the Commissioner’s designee, the Superintendent of Public Instruction or the

Superintendent's designee, and the Administrator of the Disability, Employment, and Transitions Division of the Department of Public Health and Human Services.

- B. The WIOA Committee shall be responsible for understanding and making recommendations to the SWIB for implementation of WIOA rules and regulations; administering the state's "One-Stop" Certification process; and coordinating and implementing the state plan and necessary modifications.

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 review these bylaws as needed and make recommendations to the SWIB regarding amendments.

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; and
- C. As otherwise required by Montana public participation laws.

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 the Chair's designee is the only member of the SWIB 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 SWIB members other than legislators are eligible for reimbursement of expenses, including meals, mileage, and lodging while attending SWIB meetings or committee meetings away from their city of origin in accordance with §§ 2-18-501 through -503, Montana Code Annotated. 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 (including travel time) 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 Members of standing committees and ad hoc 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 in accordance with §§ 2-18-501 through -503, Montana Code Annotated. Standing committee 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 (including travel time) on the day of the meeting. Ad hoc members are not eligible for the \$50.00 per day honorarium.