



SOUTHWEST IOWA LWDA BOARD

Bylaws

1. Service Area.

Southwest Iowa LWDA (LWDA) consists of the following counties in the State of Iowa (State):

- Adair County
- Adams County
- Clarke County
- Decatur County
- Montgomery County
- Ringgold County
- Taylor County
- Union County

2. Effective Date.

These Bylaws take effect August 10, 2020.

3. Vision.

- 3.1.** The LWDA will serve as a strategic leader and convener of local workforce development system stakeholders.
- 3.2.** The LWDA will partner with employers and the local workforce development system to develop policies and investments that support public workforce system strategies that support:
 - 1) The regional economy;
 - 2) The development of effective approaches including local and regional sector partnerships and career pathways; and
 - 3) High quality, customer centered service delivery and service delivery approaches.

- 3.3. In partnership with the CEO Board, the LWDA will set policy for the portion of the statewide workforce development system within the Southwest Iowa LWDA and consistent with State policies.

4. Goals.

The LWDA will work to achieve the following goals:

- 4.1. The Southwest Iowa LWDA's employers will have access to advanced, skilled, diverse, and Future Ready workers.
- 4.2. All Iowans in the Southwest Iowa LWDA will be provided access to a continuum of high-quality education, training, and career opportunities.
- 4.3. The Southwest Iowa LWDA's one-stop delivery system will align all programs and services in an accessible, seamless, and integrated manner.
- 4.4. Improve the skills some new workers are lacking, including basic work ethics, interviewing skills, basic academic skills, responsibility, organizational skills, analytical thinking and problem-solving, communication, teamwork, and self-esteem can be addressed in numerous ways within the One-Stop system including paid or unpaid work experiences for the Out-of-School Youth.
- 4.5. The goals and vision are developed in collaboration with core partners and other partners to ensure that appropriate services are being provided, we are working with a common vision, braiding funds when possible, imparting a workplace readiness and work ethic information as we go since that is a critical need for area businesses.

5. Functions.

The LWDA will perform the functions in Iowa Code section 84A.4 and section 107(d) of WIOA as well as any other functions necessary to implement Title I of the federal Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law No. 113-128.

6. Responsibilities.

6.1. Convene Stakeholders in the Southwest Iowa LWDA's One-Stop Delivery System.

The LWDA will ensure that its members actively participate in the convening of stakeholders in the one-stop delivery system.

Core partners meet on a consistent basis in core partner meetings regarding shared participants.

Southwest Iowa LWDA has established a Disability Access Committee with various stakeholders representing workforce development, education, and other community organizations that provide services to individuals with disabilities.

Southwest Iowa LWDA established a Youth Standing Committee with various stakeholders representing workforce development, education, and other community organizations that provide services to youth.

6.2. Broker Relationships with a diverse Range of Employers.

The LWDA will ensure that its members actively participate in the brokering of relationships with a diverse range of employers.

The LWDA in collaboration with the core partners achieve business contact through the business outreach team. This team is tasked with meeting with business and industry to discuss the needs for Southwest Iowa LWDA. This information as captured is presented to the LWDA at the meeting on an ongoing basis through the year. The LWDA is able to provide then feedback and guidance on the outreach activities and results.

6.3. Leverage Support for Workforce Development Activities.

The LWDA will ensure that its members actively participate in the leveraging of support for workforce development activities.

The board reviews quarterly performance reports and gets information down to the individual customer level in order to understand how performance is affected by outcomes. The board also receives a monthly report of outreach and numbers of citizens we reach with information. They also receive budget updates so they know that the money is being spent down over the program year. They received reports on demographics that include numbers of new customers and their demographic profile. The board has been involved in the WIOA program implementation and is involved in board trainings, board redesign and development of the local plan. Performance reports from all core partners can be integrated into these reports as performance expectations and reporting is clarified so the board has access to an overall view of the systems performance.

7. Members.

7.1. The LWDA's membership must meet the requirements in:

- 7.1.1.** The criteria for appointment to local workforce development boards in Iowa as established by the State Workforce Development Board pursuant to section 107(b)(1) of WIOA; and
- 7.1.2.** Section 107(b)(2) of WIOA.

- 7.2.** The LWDA shall have a total of nineteen voting members to be in compliance, with each representing an entity located within the Southwest Iowa LWDA. The LWDA's voting membership, at a minimum, shall consist of:
- 7.2.1.** Representatives of business. (A simple majority is required from this category)
 - 7.2.2.** Representatives of labor organizations.
 - 7.2.3.** Representatives of a Registered Apprenticeship program.
 - 7.2.4.** Representative(s) of a community-based organization.
 - 7.2.5.** Representative of an institution of higher education that performs workforce investment activities.
 - 7.2.6.** Representative of an economic and community development entity.
 - 7.2.7.** Representative of an eligible provider of adult education and literacy activities under the federal Adult Education and Family Literacy Act (AEFLA), as amended by Title II of WIOA.
 - 7.2.8.** Representative of the employment service program under the Wagner-Peyser Act, as amended by Title III of WIOA.
 - 7.2.9.** Representative(s) of a vocational rehabilitation program under the federal Rehabilitation Act of 1973, as amended by Title IV of WIOA.

8. Nomination Process.

- 8.1.** Representatives of business must be nominated by local business organizations and/or business trade organizations.
- 8.2.** Representatives of labor organizations must be nominated by local labor federations.
- 8.3.** Every applicant to serve on the LWDA, regardless of whether the nominee is a current member seeking re-appointment or an individual who has never served on the LWDA before, must complete and sign the application to serve on the LWDA.
- 8.4.** Every applicant to serve on the LWDA must submit the applicant's completed and signed application to the chairperson of the CEO Board. The CLEO will appoint applicants to serve on the board.
- 8.5.** When there is more than one eligible provider of adult education and literacy activities under the AEFLA, as amended by Title II of WIOA, the Title II representative will be appointed from those who have been nominated.
- 8.6.** When there is more than one institution of higher education providing workforce investment activities, the representative will be appointed from the nominations received.
- 8.7.** The representative of the employment service program under the Wagner-Peyser Act, as amended by Title III of WIOA, must be nominated by IWD.

- 8.8.** The representative of a vocational rehabilitation program under the Rehabilitation Act of 1973, as amended by Title IV of WIOA, must be nominated by IVRS and IDB.
- 8.9.** The CLEO shall expediently approve or deny an applicant and transmit the application to IWD, in accordance with the procedure established by IWD.
- 8.10.** IWD will review each application to ensure it is complete and signed. If an application is not complete or signed, IWD will alert the CEO Board chairperson, LWDA chairperson, and applicant. If an application is complete and signed, IWD will inform the CLEO.
- 8.11.** To ensure the prompt nomination of applicants for LWDA membership positions that are vacated due to the end of the member's term of service, the LWDA shall submit each year, in the month of January, to the CEO Board a report that includes:
- 8.12.** A complete membership roster of voting and nonvoting LWDA members;
 - 8.12.1.** The affiliation category of each LWDA member;
 - 8.12.2.** The appointment date of each LWDA member; and
 - 8.12.3.** The date upon which each LWDA member's term of service on the LWDA ends.

9. Appointments.

- 9.1.** The CLEO in the local area appoints members of the LWDA Board, in accordance with the state criteria established by the state workforce development board.
- 9.2.** An appointed member must complete the oath of office at the start of the member's term of service on the LWDA. A member's completed oath of office shall cover the entirety of the member's term of service.
- 9.3.** Vacancies must be filled within 60 business days from the time the vacancy was created. To ensure the prompt nomination of applicants for LWDA membership positions that are vacated due to the end of the member's term of service, the LWDA shall submit each year, in the month of January, to the CEO Board a report that includes:
 - 9.3.1.** A complete membership roster of voting and nonvoting LWDA members;
 - 9.3.2.** The affiliation category of each LWDA member;
 - 9.3.3.** The appointment date of each LWDA member; and
 - 9.3.4.** The date upon which each LWDA member's term of service on the LWDA ends.

10. Member Resignation.

- 10.1.** To resign from the LWDA, a member must submit a written letter of resignation that is signed and dated by the member and that contains:
- 10.1.1.** The member's full name;
 - 10.1.2.** An affirmative statement of resignation from the LWDA; and
 - 10.1.3.** The effective date of the member's resignation.
- 10.2.** The member must send — electronically or by U.S. Mail — the member's letter of resignation to both the chairperson of the LWDA and the CLEO.
- 10.3.** A LWDA member's letter of resignation shall be a public record under the Iowa Open Records Act, Iowa Code chapter 22.
- 10.4.** Notwithstanding Sections 10.1 through 10.3, a LWDA member may be deemed to have resigned as a matter of law pursuant to Iowa Code section 69.15 if either of the following events occurs:
- 10.4.1.** The member misses three or more consecutive meetings of the LWDA. This paragraph does not apply unless the first and last of the consecutive meetings counted for this purpose are at least thirty (30) days apart; or
 - 10.4.2.** The member attends less than one-half of the regular meetings of the LWDA within any period of twelve (12) calendar months beginning on January 1 or July 1. This paragraph does not apply unless the LWDA holds at least four regular meetings during such period and applies only to such period beginning on or after the date upon which the member takes the oath of office and executes the required paperwork for the Iowa Secretary of State.
 - 10.4.3.** However, if a member received no notice and had no knowledge of a regular meeting and gives the CLEO a sworn statement to that effect within ten (10) days after the person learns of the meeting, such meeting shall not be counted for the purposes of Iowa Code section 69.15 and this Section.
 - 10.4.4.** Local Workforce Development Board (WDB) members who no longer hold the position or status that made them eligible to represent a specific sector on the Local WDB must resign or be removed by the Chief Lead Elected Official immediately as a representative of that entity. A resignation is not effective until it has been accepted by the CLEO.
- Any changes to the membership of the Local WDB must be reported to Iowa Workforce Development within 10 business days from the date of the change. Notification of a change must be submitted electronically to:
WIOAgovernance@iwd.iowa.gov.

11. Member Removal.

- 11.1.** The CEO Board may remove a member from the LWDA for conduct detrimental to the LWDA.
- 11.2.** The determination of whether conduct is detrimental to the LWDA will be made on a case-by-case basis, depending on the facts of the situation. Conduct detrimental to the LWDA may include, but is not limited to: criminal behavior, misuse of LWDA funds, the acceptance of something of value in exchange for the specific performance of an official LWDA function, a violation of the LWDA conflict of interest policy, intentional violation of the Iowa Open Meetings Act, etc.
- 11.3.** The CEO Board may appoint an independent entity to investigate the conduct of a LWDA member and report back findings.
- 11.4.** The LWDA may recommend the removal of a LWDA member to the CLEO for conduct detrimental to the LWDA by a vote in open session of no less than two-thirds (2/3) of the LWDA's voting members. The LWDA must include the reason for the removal vote in that meeting's minutes.
- 11.5.** The CEO Board may remove a member from the LWDA by a vote in open session of no less than two-thirds (2/3) of the CEO Board's membership. The CEO Board must include the reason for the removal vote in that meeting's minutes.
- 11.6.** As soon as practicable but not later than five (5) days after the CEO Board's vote to remove a member from the LWDA, the chairperson of the CEO Board must notify the LWDB member, IWD, and the Governor's office in writing of the CEO Board's vote to remove the member and the reason for the removal.

12. Terms of Service.

- 12.1.** Voting members terms will be staggered, with terms ranging from 1 year to 4 years, to allow a rotation, ensuring that no more than 25% of the board does not expire in a given year.
 - 12.1.1.** Representatives of business;
 - 12.1.2.** Representatives of labor organizations;
 - 12.1.3.** The representative of a community-based organization;
 - 12.1.4.** The representative of a joint labor-management, or union-affiliated Registered Apprenticeship program within the area who must be a training director or a member of a labor organization. If no union-affiliated Registered Apprenticeship programs exist in the area, a representative of a Registered Apprenticeship program with no union affiliation must be appointed, if one exists.
 - 12.1.5.** The representative of an institution of higher education; and

- 12.1.6.** The representative of an entity performing economic and community development.
- 12.2.** Members representing the employment service program under the Wagner-Peyser Act, as amended by Title III of WIOA; a vocational rehabilitation program under the Rehabilitation Act of 1973, as amended by Title IV of WIOA; and an eligible provider of adult education and family literacy activities under the AEFLA, as amended by Title II of WIOA, shall serve until:
- 12.2.1.** The entity the member represents loses its status as an entity providing such program services or activities; or
- 12.2.2.** The member no longer works for or has ultimate policymaking authority for the entity the individual represents.
- 12.3.** So long as an individual meets all applicable criteria necessary to qualify to serve on the LWDA as a representative with a certain affiliation type under Section 7.1, there is no limit on the number of terms an individual may serve as a member of the LWDA.
- 12.4.** The CLEO must stagger the terms of LWDA members so that no more than one-quarter (1/4) of the LWDA's members have their terms expire in a given year.

13. Executive Officers.

The LWDA shall have executive officers identified in this Section.

13.1. Chairperson.

- 13.1.1.** The LWDB must elect the **LWDA** Chairperson from among the **LWDA** representative(s) of business who the **LWDA** nominates at its annual May meeting. Both the Chairperson and Vice-Chairperson must be business members.
- 13.1.2.** The **LWDB** chairperson shall serve a term of one year.
- 13.1.3.** A **LWDB** member who has served a term as the Chairperson once may serve additional terms as the Chairperson, if elected by the LWDB.
- 13.1.4.** The **LWDB** Chairperson shall preside over **LWDB** meetings.
- 13.1.5.** The **LWDB** Chairperson must communicate in writing the Chairperson's receipt of a **LWDB** member's resignation to the **LWDB's** membership and the CEO Board's membership.

13.2. Vice Chairperson.

- 13.2.1.** At its annual May meeting, the **LWDB** shall choose a vice chairperson from among its voting members.
- 13.2.2.** The **LWDB** vice chairperson shall serve a term of one year.
- 13.2.3.** A **LWDB** member who has served a term as the vice chairperson once may serve additional terms as the vice chairperson, if chosen by a majority vote in a public meeting of the **LWDB**.
- 13.2.4.** The vice chairperson of the **LWDB** shall preside over **LWDB** meetings if the chairperson is absent.

14. Meetings.

- 14.1.** The Iowa Open Meetings Act, Iowa Code chapter 21, governs meetings of the LWDB.
- 14.2.** Any formal or informal gathering of a majority of the voting members of the LWDB constitutes a meeting of the LWDA.
- 14.3.** The LWDB may not take action without a quorum. A majority of the voting members of the LWDB, who have completed the appointment process, constitutes a quorum. The LWDB may not take action via an email vote.
- 14.4.** The LWDB may meet at a date and time designated by the LWDB chairperson or upon submission to the chairperson of a written request by a majority of the LWDB's voting members for a meeting at a certain date and time.
- 14.5.** The LWDB and its standing committees must use technology to promote member participation.

- 14.5.1.** All LWDB meetings must have a conference call option that allows members and the public to participate via telephone.
- 14.5.2.** A LWDB meeting may have an online conference option that allows members and the public to participate online.
- 14.5.3.** The LWDB must provide an accessible location where members of the public may use technology to access the meeting. If the LWDB has an accessible location where some members of the LWDB will gather in person for the LWDB meeting, that location will meet the requirements in this Section.
- 14.5.4.** The notice of the LWDB meeting must include information on how a member of the public may access the meeting using technology.

15. Alternative Designee Process.

- 15.1.** A LWDB member who is unable to attend a meeting may assign an alternative designee to attend the meeting as the member's proxy.
- 15.2.** An alternative designee for a representative of business on the LWDB must have optimum policymaking authority or ultimate hiring authority for the business the individual would represent.
- 15.3.** An alternative designate for a representative on the LWDB identified in Sections 7.2.2 through 7.2.9 must have optimum policymaking authority and demonstrated experience and expertise.
- 15.4.** A LWDB member who wishes to have an alternative designee attend a meeting as the member's proxy must give as much advance notice as possible under the circumstance to the chairpersons of the LWDB and CEO Board. Such notice must include the following information regarding the alternative designee:
 - 15.4.1.** Full name;
 - 15.4.2.** Job title;
 - 15.4.3.** Name of the organization the individual will represent;
 - 15.4.4.** The location of the organization;
 - 15.4.5.** If the alternative designee is a representative of business, whether the alternative designee has optimum policymaking authority or ultimate hiring authority.
 - 15.4.6.** If the alternative designee is a representative identified in Sections 7.2.2 through 7.2.9, whether the individual has optimum policymaking authority and demonstrated experience and expertise.
- 15.5.** The chairperson of the LWDB must distribute the notice to the LWDB as soon as practicable after receipt of notice under Section 19.3.

- 15.6. At the start of the LWDA meeting at which the alternative designee is intended to serve as a proxy, the LWDA must vote in open session on whether to accept the alternative designee as the LWDA member's proxy for the meeting.
- 15.7. The LWDA must include in the minutes of the meeting both the notice provided under Section 19.3 and the results of the LWDA's vote on whether to accept the alternative designee as the LWDA member's proxy.

16. Standing Committees.

- 16.1. The LWDA may designate and direct the activities of standing committees to provide information and to assist the LWDA in carrying out its functions, duties, and responsibilities.
- 16.2. A standing committee must have a member of the LWDA as its chairperson.
- 16.3. A standing committee may have other members of the LWDA as members.
- 16.4. A standing committee may include other individuals appointed by the LWDA who are not members of the LWDA and who the LWDA determines have demonstrated experience and expertise.
- 16.5. The LWDA may designate an entity in existence as of the date of the enactment of WIOA, such as an effective youth council, to serve as a standing committee as long as the entity meets the requirements in this Section.
- 16.6. A standing committee may make recommendations to the LWDA regarding the standing committee's membership.
- 16.7. The LWDA may authorize a standing committee to appoint individuals to serve as standing committee members so long as they have sufficient experience and expertise.
- 16.8. The LWDA may require its standing committees to report back to the LWDA as the LWDA deems appropriate.
- 16.9. A standing committee may form work groups as the standing committee deems appropriate.
- 16.10. **Disability Access Standing Committee.** The LWDB shall have a disability access committee that will provide information and assist with operational and other issues relating to the provision of services to individuals with disabilities, including but not limited to:
 - 16.10.1. Issues relating to compliance with the Iowa Civil Rights Act of 1965, as amended, the Americans with Disabilities Act of 1990, as amended (ADA); and section 188 of WIOA regarding physical and programmatic access to the services programs, and activities of the one-stop delivery system, including the performance of the annual assessment of physical and programmatic accessibility of all one-stop centers in the Southwest Iowa LWDA, as required by section 107(d)(13) of WIOA and in accordance with section 188 of WIOA and the American Disabilities Act of 1990, as amended, 42 U.S.C. section 12101 *et seq.*

- 16.10.2.** Appropriate training for staff on providing services, supports for, or accommodations to individuals with disabilities;
 - 16.10.3.** Appropriate training for staff on providing services, supports for, or accommodations with respect to finding employment opportunities for individuals with disabilities, with an emphasis on competitive integrated employment; and
 - 16.10.4.** Work with the State Workforce Development Board Disability Access Committee to implement statewide initiatives in the Southwest Iowa LWDA.
- 16.11. Youth Standing Committee.** The LWDB shall have a youth standing committee with duties and responsibilities that include:
- 16.11.1.** Providing information to the LWDB on the provision of services to youth;
 - 16.11.2.** To assist with planning, operational, and other issues relating to the provision of services to youth;
 - 16.11.3.** Coordinating programs, services, and activities that address the employment, training, or education needs of eligible youth, including out-of-school youth, in the Southwest Iowa LWDA; and
 - 16.11.4.** Coordinating with the State Workforce Development Board Youth Standing Committee on statewide initiatives.
- 16.12. Executive Standing Committee.**
- 16.12.1.** Authorized to take action on time sensitive materials. At the next board meeting, any action taken by the executive committee must be brought forth at the next meeting.
 - 16.12.2.** An Executive Committee will be established to conduct necessary business in between regular or special meetings of the Regional Advisory Board. This committee will consist of the Chairperson, Vice Chairperson and the County Elected Official. The purpose of this committee is to only conduct business that cannot wait for action by the full board and is not intended to circumvent the powers, duties and responsibilities of the Regional Workforce Development Board.

17. Suspected Violation of Conflict of Interest Policy.

- 17.1. The LWDB may vote to recommend that the CEO Board investigate one of its members for violating the LWDA conflict of interest policy.
- 17.2. The LWDB must notify the chairperson of the CEO Board and IWD, in writing, of any vote to recommend CEO Board investigation of a LWDB member under this Section. Such notification must include:
- 17.2.1. The LWDB member's name; and
 - 17.2.2. A summary of the events that form the basis for the LWDB's recommendation.
- 17.3. The CEO Board may investigate a LWDB member if:
- 17.3.1. There is reasonable cause to believe that an actual or possible conflict of interest exists for a LWDB member and such member has not disclosed such to the LWDB; or
 - 17.3.2. A LWDB board member engaged in conduct forbidden under the conflict of interest policy.
- 17.4. An investigation under Section 21.3 must follow the following procedures:
- 17.4.1. **Notice.** As soon as practicable but not more than five days after the CEO Board votes to investigate, the CEO Board must inform the LWDA member in writing of the basis for its belief that the LWDA member has failed to disclose an actual or possible conflict of interest.
 - 17.4.2. **Explanation.** The CEO Board must afford the member an opportunity to explain the alleged failure to disclose or forbidden conduct.
 - 17.4.2.1.1. The LWDB member's explanation must be in writing.
 - 17.4.2.1.2. The LWDB member's explanation must be submitted to the CLEO of the CEO Board as soon as practicable but no later than ten (10) days after the member receives notice from the CEO Board.
 - 17.4.2.1.3. The LWDB member may elect to make a presentation to the CEO Board at a meeting in addition to the member's written explanation.
 - 17.4.3. **Further Board Investigation.** After receipt of the LWDB member's explanation, the CEO Board may make further investigation as warranted under the circumstances. The CEO Board may designate and direct a committee of the board or a third party to conduct any such investigation.
 - 17.4.4. **Vote on Whether a Violation Occurred in Open Session.** The CEO Board must conduct a roll-call vote in open session that is separate from any other votes, on the question of whether the LWDB member violated the conflict of interest policy.

- 17.4.5. Vote on Disciplinary Action.** In a roll-call vote in open session that is separate from any other votes, the CEO Board may take disciplinary action up to and including removal of the board member.
- 17.4.6. Vote on Corrective Action.** In a roll-call vote in open session that is separate from any other votes, the CEO Board may take corrective action up to and including the rescission of any part of any process in which the LWDA member participated that constituted a conflict of interest.
- 17.4.7. Notice to IWD.** As soon as practicable and no more than five days after CEO Board action pursuant to Sections 21.4.4 through 21.4.6, the CEO Board must notify, in writing, the members of the LWDB and IWD of the investigation, findings, any disciplinary action, and any corrective action.

18. Bylaws Amendment Procedure.

- 18.1.** These Bylaws may be amended only in accordance with this Section.
- 18.2.** The CEO Board may amend these Bylaws by majority vote to adopt the amendment in open session of a public meeting. An amendment to these Bylaws by the CEO Board will take effect on either the date of the vote or the date set by the CEO Board.
- 18.3.** The LWDA may initiate an amendment to these Bylaws. An amendment initiated by the LWDA must be in accordance with the following:
 - 18.3.1.** A majority vote of the LWDB in open session of a public meeting approving the amendment and the submission of the amendment to the CEO Board for its consideration; and
 - 18.3.2.** A majority vote of the CEO Board in open session of a public meeting to adopt the amendment.
 - 18.3.3.** An amendment to these Bylaws initiated by the LWDB will take effect on either the date of a CEO Board vote to adopt the amendment or the date set by the CEO Board.