

KENTUCKY WORKFORCE INVESTMENT BOARD

STATEMENT OF EXECUTIVE AUTHORITY

AND

RULES OF PROCEDURE

REVISED AND ADOPTED: NOVEMBER 29, 2005

Statement of Executive Authority

Public Law 105-220, now codified as 29 U.S.C. § 2801 et seq., known as the Workforce Investment Act of 1998, enacted by the Congress of the United States and signed by the President on August 7, 1998, provides workforce investment activities through statewide and local workforce investment systems, which are aimed at increasing the employment, retention and earnings of participants; increasing occupational skill attainment by participants; improving the quality of the workforce; reducing welfare dependency; and enhancing the productivity and competitiveness of the United States and its states. The Workforce Investment Act of 1998 requires that the Governor establish a state workforce investment board to assist in implementation and development of the State Plan described in 29 U.S.C. § 2822 and to carry out the functions described in 29 U.S.C. § 2821.

I. Establishment of the Kentucky Workforce Investment Board

Paul E. Patton, Governor of the Commonwealth of Kentucky from 1995 - 2003, established the Kentucky Workforce Investment Board through Executive Order 99-226, dated February 17, 1999. The initial members of the Kentucky Workforce Investment Board were named by the Governor through Executive Order 99-232, dated February 19, 1999.

II. Duties of the Kentucky Workforce Investment Board

The Kentucky Workforce Investment Board was created and established to assist the Governor in implementing the provisions of the Workforce Investment Act of 1998. The duties of the Kentucky Workforce Investment Board shall include, but are not limited to, the following:

- A. Development of the State Plan described in 29 U.S.C. § 2822.
- B. Development and continuous improvement of a state-wide system of activities that are funded under the Workforce Investment Act of 1998 or carried out through a one-stop delivery system described in 29 U.S.C. § 2864(c) that receives funds under the Workforce Investment Act of 1998, including, but not limited to:
 - (1) Development of linkages in order to assure coordination and non-duplication among the programs and activities described in 29 U.S.C. § 2841(b); and
 - (2) Review of local plans.
- C. Commenting at least once annually on the measures taken pursuant to Section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act [20 U.S.C. § 2323(b)(14)];
- D. Consulting with the Governor prior to his designation of local areas as required in 29 U.S.C. § 2831;

- E. Development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities to local areas as permitted under 29 U.S.C. § 2853(b)(3)(B) and 29 U.S.C. § 2863(b)(3)(B);
- F. Development and continuous improvement of comprehensive state performance measures, including state adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the Commonwealth as required under 29 U.S.C. § 2871(b);
- G. Preparation of the annual report to the United States Secretary of Labor described in 29 U.S.C. § 2871(d);
- H. Development of the state-wide employment statistics system described in Section 15(e) of the Wagner-Peyser Act;
- I. Development of an application for an incentive grant under 20 U.S.C. § 9273; and
- J. In conjunction with its duty to comment annually on measures taken under Section 113(b) (14) of the Carl D. Perkins Vocational and Applied Technology Education Act, 20 U.S.C. § 2323(b)(14), the Kentucky Workforce Investment Board shall review and endorse the state plan described in 20 U.S.C. § 2342; and
- K. To perform the duties of the Perkins “eligible agency” as set out in Executive Order 2005-327. These duties include the following:
 - (1) coordination of the development, submission, and implementation of the State Perkins’ plan, and the evaluation of the program, services, and activities assisted under Title 20 of the United States Code, including preparation for nontraditional training and employment;
 - (2) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, representatives of businesses, labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under Title 20 of the United States Code;
 - (3) convening and meeting as an “eligible agency” under federal law at such time as the Kentucky Workforce Investment Board determines it necessary to carry out the eligible agency’s responsibilities under Title 20 of the United States Code, but not less than 4 times annually; and
 - (4) the adoption of such procedures as the Kentucky Workforce Investment Board considers necessary to implement State level coordination with the activities undertaken by the State boards under section 2821 of Title 29 of the United States Code; and make available to the service delivery system under section 2841 of Title 29 of the United States Code within the State a

listing of all school dropout, postsecondary, and adult programs assisted under Title 20 of the United States Code.

L. Other responsibilities as designated by the Governor.

III. Board Membership

The Kentucky Workforce Investment Board is comprised of twenty-five (25) voting members appointed by the Governor or other appointing authorities as prescribed in the federal law. Members are appointed in accordance with the provisions of 29 U.S.C. § 2821, Executive Order 99-226, and other applicable state and federal statutes. The members of the Kentucky Workforce Investment Board shall serve for a term of four (4) years and shall be initially appointed to staggered terms. Each member shall serve for the appointed term and until a successor has been appointed and duly qualified. If a vacancy on the Board occurs, the Governor shall appoint a replacement who shall hold office during the remainder of the term vacated.

The Governor shall select a Chairperson for the Kentucky Workforce Investment Board from among the representatives described in 29 U.S.C. § 2821(b)(1)(C)(i).

The Chairperson of the Board presides at meetings of the Board, appoints a Vice Chairperson, and appoints the members to all committees, except as provided in these bylaws. In the absence of the Chairperson, or in the event of his/her inability to act, or if that office is temporarily vacant, the Vice Chairperson exercises all of the powers and performs all of the duties of the Chairperson.

IV. Meeting Frequency and Board Member Expenses

The Kentucky Workforce Investment Board shall meet, at a minimum, quarterly. Board members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in connection with their official duties as members of the Kentucky Workforce Investment Board.

V. Conflict of Interest

A member of the Kentucky Workforce Investment Board may not vote on a matter under consideration by the Board: regarding the provision of services by such member (or by an entity that such member represents)

or that would provide direct financial benefit to such member or the immediate family of such member.

VI. Board Staff

The Kentucky Workforce Investment Board shall be attached to the Education Cabinet for administrative and staff purposes.

RULES OF PROCEDURE

ARTICLE I MEETINGS

Section 1 The Kentucky Workforce Investment Board shall hold regular meetings at least quarterly and as often as necessary to perform the duties outlined in the Statement of Executive Authority and Rules of Procedure. Meetings shall be called by the Chairperson or by the Secretary of the Education Cabinet or his/her designee, and notice of all regular meetings shall be made in writing to all members. Special meetings may be called as above. Notices of all meetings shall be made at least 48 hours prior to the meeting date.

Section 2 A written notice of meetings will be sent to each member with a response as to anticipated attendance required. Proxies may represent KWIB members with the following stipulations:

- proxies must be designated in advance in writing by the appointed member,
- proxies will be permitted for two meetings (i.e. two committee meetings or two full board meetings or one committee meeting and one full board meeting) in one calendar year with full voting authority as the representative of a KWIB member, and
- each proxy will be designated for a calendar year.

Section 3 For the purpose of conducting business before the Workforce Investment Board, a simple majority of the membership, excluding any vacancies, shall constitute a quorum. For the purpose of conducting business before any committee, established under the Board's Rules of Procedure, Article II, Section I, or any committee otherwise formed under the express authority of the Board, the presence of two (2) members of said committee shall constitute a quorum.

Section 4 The Chairperson shall approve an agenda for each meeting. Members shall submit a written request for consideration of an agenda item no less than 24 hours in advance of the meeting. Special interest groups or individuals shall submit a written request within 48 hours of a meeting in order to be considered for inclusion on the agenda. Those members of the public in attendance at any meeting of the Kentucky Workforce Investment Board may address the Board only with the approval or at the request of the Chairperson.

ARTICLE II STANDING COMMITTEES

Section 1 There shall be established an Executive Committee and four (4) standing committees: Awareness, Alignment, Access, and Accountability. The Chairperson shall appoint members of the Board to serve on these standing committees, taking into account the need for and level of participation required and, to the extent possible, the interest expressed by the Board members. The Chairperson shall designate a Committee Chairperson for each committee established and appointed. A vice-chair shall be designated for each standing committee, in a process to be determined by the Board Chair.

The Executive Committee shall be made up of the Board Chair (who shall also be chair of the Executive Committee), the Chairs of the four standing committees, and up to 4 at large members appointed by the Chair to ensure representation of the major groups identified in the law. The Executive Committee is empowered to meet on an interim basis between regular full Board meetings and make emergency or time-sensitive decisions when necessary. Decisions made by the Executive Committee are subject to ratification and approval of the full Board at the next regularly scheduled meeting. The Executive Committee shall monitor the work of other Board committees and the Board staff, develop agenda items, work on legislative issues and make policy recommendations to the Board.

Section 2 Board staff shall provide a resource person for each standing committee upon consultation with the Chairperson.

Section 3 Meetings of Standing Committees may be called by the committee Chairperson. Committees may hold meetings concurrently with other committees. All committee members shall be notified in writing as to the date and time of the committee meeting.

Section 4 All members of the Kentucky Workforce Investment Board may attend any committee meeting, but only those members appointed to the committee shall vote on committee business.

**ARTICLE III
AD HOC COMMITTEES**

The Chairperson of the Board may appoint, authorize, or abolish the appointment of other such committees.

**ARTICLE III IV
PARLIAMENTARY PROCEDURES**

The proceedings of the Kentucky Workforce Investment Board shall be governed by Robert's Rules of Order (Newly Revised), unless contrary to the Rules of Procedure.

**ARTICLE V
AMENDMENTS**

Statement of Executive Authority

Amendments to the Statement of Executive Authority resulting from federal or state law or further Executive Orders do not require the approval of the Kentucky Workforce Investment Board.

Rules of Procedure

These Rules of Procedure shall be binding on the Kentucky Workforce Investment Board and its members. These Rules of Procedure may be altered or amended by advance notice in writing and require two (2) readings. The Rules of Procedure of the Kentucky Workforce Investment Board may be altered or amended by a majority vote of its membership.

Kentucky Workforce Investment Board Committees

November 2005

I. Executive Committee

The Executive Committee is empowered to meet on an interim basis and to make emergency or time-sensitive decisions between regular=full Board meetings. These decisions are subject to ratification and approval of the full Board at a regularly scheduled meeting. Additionally, the committee may provide guidance and recommendations to the board in the areas of strategic planning, legislation, operations, and other areas. The committee may assist in the development of board meeting agendas.

II. Accountability Committee

The **Accountability Committee** is charged with developing systems to measure and report the state and local impact of the workforce development system, specifically (1) to measure and report the quantitative and qualitative workforce system impact on local, regional, and state economies and individuals; and (2) to ensure continuous improvement of the Kentucky workforce system.

III. Alignment Committee

The **Alignment Committee** is charged with building a demand-driven system that clearly reflects the employment needs of industry, knows the status of the available labor pool, and promotes strategies to assure a competitive labor pool in terms of quality and quantity in order (1) to strengthen partnerships among education, workforce, economic development, community development and business; (2) to align to business needs through a demand driven, agile, responsive system that delivers workforce solutions to the business community; and (3) to enhance the comprehensive workforce information system through an intelligent, future oriented approach.

IV. Awareness Committee

The **Awareness Committee** is charged with creating a sense of urgency at the state and local level about the importance of a competitive workforce, and ensuring that industry, employers and workers know of the workforce development tools and services available to increase their competitiveness and productivity (1) to create a sense of urgency that will inform and motivate local constituents, state and local policy makers, business, education and political leaders about the critical nature of addressing workforce and economic development challenges; and (2) to promote the one-stop system so that it is known to businesses and individuals.

V. Access Committee

The **Access Committee** is charged with identifying and eliminating barriers that inhibit workers from getting the education and training needed to be employable and employers from getting the quantity and quality of the workforce needed, by working (1) to eliminate barriers for individuals workers, students, workforce entrants, dislocated workers, and incumbent workers, so they can easily access and pursue continuous learning opportunities; and (2) to deliver workforce solutions to the business community by increasing access for businesses to workforce services.