

DRAFT

DRAFT

DRAFT

DRAFT

KENTUCKY WORKFORCE INNOVATION BOARD

STATEMENT OF EXECUTIVE AUTHORITY

AND

RULES OF PROCEDURE

ADOPTED: NOVEMBER 17, 2017

STATEMENT OF EXECUTIVE AUTHORITY

- I. Public Law No. 105-220; 29 U.S.C. Sec. 2801 et seq, as the Workforce Innovation and Opportunity Act (WIOA) of 2014, enacted by the Congress of the United States and signed by the President on July 22, 2014, provides workforce activities through statewide and local workforce development systems, which are aimed at providing an alignment of workforce activities through state and local workforce development systems and integration of service delivery systems, thus increasing the employment, training, education, and support for job seekers and workers, while simultaneously improving the quality and productivity of the workforce which directly matches the needs of business and industry throughout the United States and its states. The WIOA of 2014 requires that the Governor establish a state workforce board to assist in implementation and development of the State Plan described in Public Law No. 105-220; 29 U.S.C. Sec. 2801 et seq and to carry out the functions described in 20 CFR 679.130

- II. Establishment of the Kentucky Workforce Innovation Board
Matthew G. Bevin, Governor of the Commonwealth of Kentucky, established the Kentucky Workforce Innovation Board through Executive Order 2017-0643, dated September 27, 2017.

- III. Purpose of the Kentucky Workforce Innovation Board (KENTUCKY WORKFORCE INNOVATION BOARD)
The Kentucky Workforce Innovation Board is created and established to assist the Governor in creating an integrated statewide strategic plan for workforce policies, education and training programs, and funding with the economic development needs of the Commonwealth and its local areas and regions.

I. Duties of the KENTUCKY WORKFORCE INNOVATION BOARD

The KENTUCKY WORKFORCE INNOVATION BOARD was created and established to assist the Governor in complying with the provisions of the Workforce Innovation and Opportunity Act of 2014. The duties of the KENTUCKY WORKFORCE INNOVATION BOARD shall include, but are not limited to, the following:

Under WIOA sec. 101(d), the State WDB must assist the Governor in the:

- (a) Development, implementation, and modification of the 4-year State Plan;
- (b) Review of statewide policies, programs, and recommendations on actions that must be taken by the State to align workforce development programs to support a comprehensive and streamlined workforce development system. Such review of policies, programs, and

recommendations must include a review and provision of comments on the State Plans, if any, for programs and activities of one-stop partners that are not core programs;

(c) Development and continuous improvement of the workforce development system, including -

(1) Identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among programs and activities;

(2) Development of strategies to support career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment, including individuals with disabilities, with workforce investment activities, education, and supportive services to enter or retain employment;

(3) Development of strategies to provide effective outreach to and improved access for individuals and employers who could benefit from workforce development system;

(4) Development and expansion of strategies to meet the needs of employers, workers, and job seekers particularly through industry or sector partnerships related to in-demand industry sectors and occupations;

(5) Identification of regions, including planning regions for the purposes of WIOA sec. 106(a), and the designation of local areas under WIOA sec. 106, after consultation with Local WDBs and chief elected officials;

(6) Development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to Local WDBs, one-stop operators, one-stop partners, and providers. Such assistance includes assistance with planning and delivering services, including training and supportive services, to support effective delivery of services to workers, job seekers, and employers; and

(7) Development of strategies to support staff training and awareness across the workforce development system and its programs;

(d) Development and updating of comprehensive State performance and accountability measures to assess core program effectiveness under WIOA sec. 116(b);

(e) Identification and dissemination of information on best practices, including best practices for -

(1) The effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;

(2) The development of effective Local WDBs, which may include information on factors that contribute to enabling Local WDBs to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and

(3) Effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an

individual's prior knowledge, skills, competencies, and experiences for adaptability, to support efficient placement into employment or career pathways;

(f) Development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in WIOA sec. 121(e), including the development of -

(1) Objective criteria and procedures for use by Local WDBs in assessing the effectiveness, physical and programmatic accessibility and continuous improvement of one-stop centers. Where a Local WDB serves as the one-stop operator, the State WDB must use such criteria to assess and certify the one-stop center;

(2) Guidance for the allocation of one-stop center infrastructure funds under WIOA sec. 121(h); and

(3) Policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system;

(g) Development of strategies for technological improvements to facilitate access to, and improve the quality of services and activities provided through the one-stop delivery system, including such improvements to -

(1) Enhance digital literacy skills (as defined in sec. 202 of the Museum and Library Service Act, 20 U.S.C. 9101);

(2) Accelerate acquisition of skills and recognized postsecondary credentials by participants;

(3) Strengthen professional development of providers and workforce professionals; and

(4) Ensure technology is accessible to individuals with disabilities and individuals residing in remote areas;

(h) Development of strategies for aligning technology and data systems across partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including design implementation of common intake, data collection, case management information, and performance accountability measurement and reporting

processes and the incorporation of local input into such design and implementation to improve coordination of services across one-stop partner programs;

(i) Development of allocation formulas for the distribution of funds for employment and training activities for adults and youth workforce investment activities, to local areas as permitted under WIOA secs. 128(b)(3) and 133(b)(3);

(j) Preparation of the annual reports described in paragraphs (1) and (2) of WIOA sec. 116(d);

(k) Development of the statewide workforce and labor market information system described in sec. 15(e) of the Wagner-Peyser Act; and

(l) Development of other policies as may promote statewide objectives for and enhance the performance of the workforce development system in the State.

(m) Other responsibilities as designated by the Governor.

II. Board Membership

- A. The Kentucky Workforce Innovation Board is comprised of twenty-three (23) voting members and five (5) non-voting members appointed by the Governor as follows:
- (1) Governor or designee;
 - (2) One (1) member of each chamber of the General Assembly who will serve in a non-voting capacity consistent with Kentucky law;
 - (3) Thirteen (13) representatives of business constituting a majority of the Board and reflective of state and local industry sectors. The members must consist of representatives of business who:
 - (4) Are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policy-making or hiring authority, and who, in addition may be members of a local board described in 29 U.S.C.A.3122(b)(2)(A)(i);
 - (5) Represent businesses (including at least one representative of small business), or organizations representing businesses and provide employment opportunities that, at a minimum, including high-quality, work-relevant training and development in in-demand industry sectors or occupations in the state; and
 - (6) Are appointed from among individuals nominated by state business organizations and business trade associations;
 - (7) Five (5) representatives of the workforce within the state, constituting not less than twenty (20) percent of the Board, who shall include:
 - (8) Two (2) or more representatives of labor organizations, who have been nominated by state labor federations; and
 - (9) One (1) or more representative, who must be a member of a labor organization or a training director, from a joint labor-management registered apprenticeship program, or if no such joint program exists in the state, such a representative of a registered apprenticeship program in the state.
 - (10) In addition to the representatives enumerated above, the Governor may appoint one (1) or more representatives of the following organizations to contribute to the twenty (20) percent of workforce representation:: community-based organizations

that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and training, or education needs of eligible youth, including representatives or organizations that serve out-of-school youth;

- (11) Two (2) chief elected officials as defined in 29 U.S.C.A. §3102(9) (collectively representing both cities and counties, where appropriate);
 - (12) The balance of the Board shall include the lead state officials with primary responsibility for the core programs as following: Secretary of the Education and Workforce Development Cabinet.
 - (13) The Commissioner of the Kentucky Department of Education and the Secretary of the Cabinet for Economic Development and the Secretary of the Labor Cabinet and the President of the Council on Postsecondary Education shall serve as an ex-officio non-voting members of the Board.
- B. As a general condition of Board membership, each member appointed must have optimum policy-making authority. A member cannot represent an entity in more than one (1) of the following three (3) categories: business representatives, workforce representatives, or government representatives. Except where a single government agency is responsible for multiple required programs, a member shall not represent more than one (1) entity within a category.
 - C. The Board membership shall reflect statewide geographic and diverse population representation.
 - D. Members of the Board shall be initially appointed to serve staggered terms and thereafter for terms of three (3) years. Any vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment.
 - E. The Governor shall appoint the chairperson of the Board from the business representative membership to serve at the pleasure of the Governor. The chairperson shall appoint a Vice-Chair and an Executive Committee.
 - F. The Board may invite non-members, to be approved by the Chair, to serve on committees and workgroups created by the Board. Non-members serving on committees or workgroups shall serve without compensation, but shall be reimbursed for their expenses in accordance with state travel expense and reimbursement administrative regulations.
 - G. The Governor hereby exercises the authority designated by the Workforce Innovation and Opportunity Act to reserve up to 15% of the state allocation for statewide workforce investment activities within the parameters set forth in 29 U.S.C.A. §3163.
 - H. The Board members and the non-members serving on committees and workgroups of the Kentucky Workforce Innovation Board are hereby subject to the provisions of Executive Orders 2008-454 and 2009-882 as well as the gift and conflict of interest rules for Executive Branch public servants set forth in KRS Chapter 11A. Any conflict of interest issue shall be submitted to the Executive Branch Ethics Commission for resolution.

III. Meeting Frequency and Board Member Expenses

The Kentucky Workforce Innovation 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 Innovation Board.

IV. Conflict of Interest

A member of the Kentucky Workforce Innovation 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. A member of the Board may not engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State Plan.

V. Board Staff

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

VI. Meetings

- A. The Kentucky Workforce Innovation 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 and Workforce Development Cabinet or his/her designee. Notice of all regular meetings shall be made in writing (including electronic communications) to all members. Special meetings may be called as above and shall be limited to issues identified in the meeting notice. Notices of all meetings shall be made at least 48 hours prior to the meeting date.
- B. A written notice of meetings will be sent to each member with a response as to anticipated attendance required.
- C. For the purpose of conducting business before the Workforce Investment Board, the presence of twelve (12) voting members shall constitute a quorum of which 51% must be business and industry / workforce representatives. 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.

- D. 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. Those members of the public in attendance at any meeting of the Kentucky Workforce Innovation Board may address the Board only with the prior approval or at the request of the Chairperson.
- E. All meetings must comply with the Kentucky Open Meetings Act Statutes 61.800-61.850.

VII. EXECUTIVE COMMITTEE & COORDINATING COUNCIL

- A. There shall be established an Executive Committee.
- B. The Executive Committee shall be made up of the Board Chair (who shall also be chair of the Executive Committee), the Vice Chair and include private industry and workforce representatives 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. The Executive Committee shall monitor the work of other Board committees and the Board staff, work with the Steering Committee to develop agenda items, work on legislative issues and make policy recommendations to the Board.
- C. Additionally, the Executive Committee may provide guidance and recommendations to the board in the areas of strategic planning, legislation, operations, and other areas. The Executive Committee may assist in the development of board meeting agendas.

VIII. Committees & Task Forces

- A. The Chairperson of the Board may appoint, authorize, or abolish committees, task forces or other bodies to serve the Board. The Chairperson of the Board shall designate a Chairperson for each committee established and appointed. A Vice-Chair shall be designated for each committee in a process to be determined by the Committee Chair.
- B. Committees shall address broad issues with no set timeframe for completion. Committees may be of a size and composition required to accomplish the work program as determined by the Chairperson of the Board.
- C. Task forces shall have a well-defined scope and shall be designated for a set time frame in order to accomplish the scope of work. Task forces may be of a size and composition required to accomplish the work program as determined by the Chairperson of the Board.
- D. Board staff shall provide a resource person for each committee upon consultation with the Chairperson.

- E. Meetings of 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.
- F. All members of the Kentucky Workforce Innovation Board may attend any committee meeting, but only those members appointed to the committee shall vote on committee business.

IX. Parliamentary Procedures

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

X. Amendments

- A. **Statement of Executive Authority**
Amendments to the Statement of Executive Authority resulting from federal or state law or further Executive Orders shall not require the approval of the Kentucky Workforce Innovation Board.
- B. **Rules of Procedure**
These Rules of Procedure shall be binding on the Kentucky Workforce Innovation Board and its members. These Rules of Procedure may be altered or amended with thirty (30) days advance notice in writing. The Rules of Procedure of the Kentucky Workforce Innovation Board may be altered or amended by a majority vote of its membership.

Adopted November 15, 2018 by the Kentucky Workforce Innovation Board.

Hugh Haydon, Chair