



Burlington
County
Workforce
Development
Board
By-laws

The state of New Jersey, pursuant to the federal workforce innovation and opportunity act of 2014, under section 107(c)(4)(B)(i), has designated the Burlington County Workforce Development Board as the entity responsible for the direction and oversight of employment and training programs at the local level and provides funding thereto.

Federal and State rules and regulations provide for program activities and require the Burlington County Board of Commissioners, as Chief Elected Officials, to appoint a local Workforce Development Board.

ARTICLE I – NAME

The name of the local Board shall be the Burlington County Workforce Development Board, hereinafter referred to as “BCWDB”.

ARTICLE II – LEGAL AUTHORITY OF THE BOARD

The BCWDB is organized in accordance with the Federal Workforce Innovation and Opportunity Act of 2014, hereinafter referred to as “WIOA”.

ARTICLE III – EFFECT OF BYLAWS

These Bylaws are intended to govern the operation of the BCWDB where state and federal law does not provide a procedure or requirement. Upon adoption by the full BCWDB, the Bylaws shall govern the conduct of the business by the BCWDB. These Bylaws shall be construed consistently with the federal WIOA and with all applicable state and federal laws, and in the event of any conflict the federal WIOA or such other law shall prevail.

ARTICLE IV – AREA SERVED

The geographical region to be served by the BCWDB shall be the County of Burlington and the labor market areas contained therein.

ARTICLE V – FUNCTIONS OF THE BOARD

The BCWDB shall be established to assist the Chief Elected Officials, Burlington County Board of Commissioners, in strategic planning, oversight, and evaluation of the local workforce development area, and shall promote effective outcomes consistent with statewide goals, objectives, and negotiated local performance.

- A. Duties of the BCWDB shall be in accordance with the WIOA including but not limited to:
1. In partnership with the Board of Commissioners, develop a local workforce development area plan.
 2. As part of the Southern New Jersey planning region, that includes six other local workforce development areas, collaborate with other local boards and chief

- elected officials in preparation and submission of a regional plan as described in WIOA section 106 (c)(2).
3. Assist the Governor in developing the statewide workforce and labor market information system; specifically, in the collection, analysis and utilization of workforce and labor market information for the Southern New Jersey planning region.
 4. Convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources to leverage support of workforce development activities.
 5. Lead efforts to engage with a diverse range of employers and economic development entities, including coordination with the Board of Commissioner's economic development strategies.
 6. Ensure that workforce investment activities meet the needs of local employers and support economic growth in the region.
 7. In collaboration with secondary and postsecondary education programs, lead efforts in the local workforce development area to develop and implement career pathways within the local workforce development area.
 8. Conduct oversight, in partnership with the Board of Commissioners, of the use and management of funds, including ensuring the appropriate management and investment of funds to maximize performance outcomes under WIOA section 116.
 9. Conduct oversight, in partnership with the Board of Commissioners, for local youth workforce investment activities.
 10. Select providers of youth workforce investment activities by awarding grants or contracts on a competitive basis based on the recommendations of the Youth Council.
 11. Ensure consumer choice of career and training service opportunities.
 12. Coordinate with education and training providers of adult education and literacy under title II, providers of career and technical education, and local agencies administering plans under title I of the Rehabilitation Act of 1973.
 13. Conduct oversight of the local WIOA programs; and,
 14. Annually assess the physical and programmatic accessibility for individuals with disabilities (in accordance with applicable provisions of the Americans with Disabilities Act of 1990) of all One-Stop Career Centers in the local area.

ARTICLE VI – METHODS OF THE BOARD

The BCWDB shall perform all duties in accordance with these methods:

- A. *Convener* – Bring together business, labor, education, and economic development to focus on community workforce issues.
- B. *Workforce Analyst* – Develop, disseminate and understand current local and regional labor market and economic information and trends.
- C. *Broker* – Bring together systems to solve common problems, or broker new relationships with businesses and workers.
- D. *Community Voice* – Advocate for the importance of workforce policy, providing perspective about the need for and availability of skilled workers.
- E. *Capacity Builder* – Enhance the local workforce development areas and Southern New Jersey planning region’s ability to meet the workforce needs of local employers.

ARTICLE VII – STAFFING AND SUPPORT

- A. Staffing and support of the BCWDB shall be provided by the Burlington County Board of Commissioners through a designated County Department.
- B. Under New Jersey State Employment and Training Commission Policy Resolution #2016-03, at a minimum the BCWDB staff must include a full-time Executive Director, two full-time professional policy staff and a full-time support person to execute the functions of the BCWDB that fall within the three primary categories of Strategic Functions; System Capacity Building; and, Systems Alignment and Effective Operations.
- C. All BCWDB staff shall serve as non-voting members of the BCWDB and shall attend all meetings of the BCWDB and its committees.
- D. The BCWDB staff will work on implementation of the policies, goals, and activities recommended by the BCWDB and shall make regular reports to the BCWDB. BCWDB staff shall be responsible for preparing and distributing agendas for all public meetings of the BCWDB.
- E. BCWDB staff shall maintain an official membership list, attendance records, a record of all actions of the BCWDB, minutes of all public meetings and other documents of the BCWDB and its committees

ARTICLE VIII – MEMBERSHIP

Section 1 – Composition

The BCWDB membership is established by 20 CFR Part 679 subsection 320 of the WIOA. The Burlington County Board of Commissioners shall ensure the membership of the BCWDB conforms to all requirements of WIOA, including, but not limited to:

- A. *Business Representatives* – At least the majority (51%) of BCWDB membership must be representatives of businesses in the local and regional area. The business representative shall include owners of businesses, chief executives or operating

officers of nongovernmental employers, or other private sector executives who have optimum policymaking or hiring authority. Business members shall be representative of the local and regional key industry sectors and significant employers of the region.

- B. Economic Development – at least one representative from an economic development authority, agency or organization. Representatives must be board members or employees of an economic development organization and must be individuals with optimum policy-making authority within their own organization. Economic development representatives may be considered business sector members.
- C. Organized Labor and Community Based Organization – No less than 20% of the BCWDB membership must be representatives from organized labor and community-based organizations WIOA Section 107(b)(2)(B)(i-ii).
- D. Education Representatives – At a minimum, the BCWDB must include one member from a Title II Adult Education and Literacy provider, one member from a higher education entity that provides workforce training, and one member representing the county vocational-technical school.
- E. Government Partners – At a minimum, the BCWDB must include one member representing the State Employment Service Office with optimal policy-making authority, one member representing the Division of Vocational Rehabilitation Services with optimal policy-making authority.
- F. Other Individuals – The Burlington County Board of Commissioners may appoint other individuals to the BCWDB. These appointments should be consistent with the required membership of the board and should primarily reflect a business majority on the board.
- G. A single member of the BCWDB may be appointed as a representative of more than one entity on the BCWDB if the individual meets all of the criteria for representation in accordance with WIOA.

Section 2 – Appointments

- A. Members of the BCWDB shall be appointed by the Burlington County Board of Commissioners.
- B. The Board of Commissioners shall ensure the membership and appointment of BCWDB members are in accordance with WIOA and applicable State criteria.
- C. The composition of the BCWDB shall be subject to certification by the Governor through the New Jersey State Employment and Training Commission.
- D. Private Sector representatives, labor representatives, community-based organization representatives, and several education representatives must be nominated by a highly regarded local organization in accordance with the requirements of Section 107 of WIOA and as stipulated in New Jersey’s State Plan and any modifications thereto.
- E. The process for nominating and appointing BCWDB members shall be in accordance with the New Jersey State Employment and Training Commission Policy Resolution #2015-01.
- F. The process for filling vacancies of the BCWDB shall be in accordance with the New Jersey State Employment and Training Commission Policy Resolution #2015-01.

Section 3 – Term

- A. The term of each BCWDB representative shall be three (3) years upon which time consideration for reappointment shall occur. The terms of all representatives shall be fixed and staggered over a three (3) year period.
- B. There shall be no term limits.
- C. Members who are no longer actively involved in the work of his/her membership category within the local or regional area shall be required to resign from his/her BCWDB seat.
- D. Members shall immediately inform the BCWDB of a change in employer or employment status, or other change in membership category, at which time it shall be determined if the member is eligible to continue serving on the BCWDB.

Section 4 – Resignations

- A. Any member may resign by providing written oral notice to the BCWDB Chair and/or BCWDB Executive Director.
- B. The BCWDB Executive Director shall provide written notice of all resignations to the full BCWDB and the Burlington County Board of Commissioners.
- C. A member shall be deemed to have resigned their BCWDB membership if he/she is absent from 60% of the regularly scheduled BCWDB and assigned committee meetings throughout the program year (July – June). Only unexcused absences shall be considered in determining the number/percentage of absences.
- D. In the event of resignation due to excessive unexcused absences, the BCWDB Executive Director shall act on behalf of the BCWDB to determine cause of such absences and shall provide such cause to the BCWDB for consideration.

Section 5 – Attendance

Regular attendance at Board meetings is encouraged and necessary for responsible conduct of Board business. Any Board member who misses three (3) consecutive meeting may be replaced unless extenuating circumstances are found and accepted by the Executive Committee.

Section 6 – Removal

- A. A BCWDB member may be removed from the BCWDB if the member's conduct or action in his/her capacity as a member or personal/professional dealings, is having or will have a severe detrimental effect on the ability of the BCWDB to conduct its business.
- B. Procedures for Removal by the BCWDB:
 - 1. A removal shall be proposed and discussed at an Executive Committee meeting called for that purpose.
 - 2. The recommendation for removal from the Executive Committee shall be brought before the full BCWDB for discussion and vote.

3. The member whose removal being considered shall be invited to present reason(s) why his/her removal should be reconsidered at both the Executive Committee and full BCWDB meeting.
 4. Removal from the BCWDB shall require a two-thirds majority and affirmative vote of the BCWDB at a regularly scheduled meeting, in which a quorum has been established; and,
 5. The BCWDB shall forward the recommendation for removal to the Burlington County Board of Commissioners for approval.
- C. Appeal Process:
The member shall have the right to appear before the Executive Committee to appeal the decision and to state the member's case.

ARTICLE IX – OFFICERS AND THEIR ELECTIONS

Section 1 – Officers

- A. The officers of the BCWDB shall consist of 1 Chair and 1 Vice Chair.
- B. There shall be selected one (1) individual to serve in each designated office.
- C. The Chair of the BCWDB shall be selected by the BCWDB from among the Business Representatives. The remainder of the officers may be selected from any of the representative groups.

Section 2 – Selection and Term of Officers

- A. The BCWDB shall select officers in the last regularly scheduled meeting before July 1 of each year in which the term of an officer is to expire. The term shall commence on the first subsequent meeting.
- B. The term of each officer shall be two (2) years.
- C. An officer shall serve his or her term until a successor is selected or until death, resignation, or removal from office for cause.
- D. An officer vacancy shall be filled by vote at a subsequent full BCWDB meeting.
- E. An officer selected to fill a vacancy shall serve for the remainder of the term of the individual whose vacancy he/she is elected to fill.

Section 3 – Duties of Officers

- A. Chair
 1. Represent the BCWDB to the Board of Commissioners and the general public.
 2. Preside over all regular and special meetings of the BCWDB.
 3. Serve as the Chair of the BCWDB Executive Committee.
 4. Prepare the agenda for the BCWDB meetings in consultation with the BCWDB Executive Director.
 5. Appoint all committee chairs and committee members, in consultation with the BCWDB Executive Director.

- B. Vice Chair
 - 1. In the absence of the BCWDB Chair, perform all of the duties of the BCWDB Chair.

Section 4 – Removal of Officers

The removal of an officer shall require a two-thirds majority vote of the BCWDB and conform to the procedures for member removal as outlined in these bylaws.

ARTICLE X – MEETINGS

Section 1 – Public Meetings

- A. All meetings of the BCWDB and its committees shall be called and conducted in compliance with the Open Public Meeting Act. The Meetings shall be publicly announced, advertised, filed with the County Clerk, and to the extent appropriate, open and accessible to the general public.
- B. Robert’s Rules of Order, Newly Revised, shall govern the BCWDB meetings in all cases in which they are applicable and to the extent in which they are not in conflict with these bylaws and other applicable laws.
- C. Regular meetings of the BCWDB and its standing and/or ad-hoc committees shall be published annually in January for the period of January 1st to December 31st of the coming year.
- D. When necessary, web-based/digital meetings will substitute in-person gatherings as determined by the WDB Chair and Executive Director. These meetings will be generated by the WDB office. The frequency of digital meetings will follow the WIOA law and guidance. Attendance and process of the digital meetings will follow the rules as outlined in these By-Laws.
- E. When necessary, the WDB may be required to vote on necessary items, actions, etc. through web-based meetings or digitally via email.
- F. Special meetings of the BCWDB may be called at any time by any officer of the BCWDB for any purpose.

Section 2 – Quorum

A simple majority of appointed members shall constitute a quorum for the transaction of business at all BCWDB and designated standing committee meetings.

Section 3 – Voting

- A. Each member of the BCWDB shall be entitled to one vote on an action.
- B. No member of the BCWDB shall cast a vote on any matter which has direct bearing on services to be provided by the member or any organization with which that member is associated or would otherwise be the bases for a conflict of interest, as outlined in these bylaws.
- C. Action brought before the BCWDB shall be resolved by a vote of a simple majority of the members present, provided a quorum is present.

- D. Voting can be done electronically when warranted or when an in-person vote cannot be executed.

ARTICLE XI – COMMITTEES

Section 1 – General

- A. All standing committees established under the BCWDB shall conform to the bylaws of the full BCWDB.
- B. All actions of the BCWDB standing committees and workgroups are advisory to the BCWDB.
- C. Chairs of the BCWDB standing committees, in consultation with the BCWDB Executive Director, shall prepare the agenda for the meetings.
- D. Members who are designated as a One-Stop Operator shall not serve on any standing committee that deals with the oversight of the One-Stop System or allocation of resources that would potentially be allocated to that member’s program or might otherwise be the bases of a conflict of interest, as outlined in these bylaws.

Section 2 – Standing Committees

- A. There shall be established six (6) standing committees of the BCWDB to include the Executive Committee, Disabilities Committee, One-Stop Committee, Youth Council, Business Engagement Committee, Literacy Committee, and Fiscal Committee.
- B. To the extent possible, the standing committees shall be chaired by a member of the BCWDB.
- C. Assigned WDB staff members are considered “ex-officio” members of the board and its committees.

Section 3 – Executive Committee

The purpose of the Executive Committee is to direct and coordinate the work of the WDB and provide leadership to its committees in carrying out its workforce development activities. Additionally, the Executive Committee will support decision making between full Board meetings.

- A. The Executive Committee shall be comprised of the following Board members: Chair, Vice Chair, the Chair of all other standing committees. Additional members are appointed at the discretion of the BCWDB Chair.
- B. The BCWDB Chair shall serve as the Chair of the Executive Committee.
- C. The Vice Chair shall be named by the Chair of the WDB.

Responsibilities of the Executive Committee shall include:

- Discuss and develop strategies for cultivating strong relationships with key leaders in the community.
- Review periodic monitoring and performance report.
- Develop an annual budget for approval by the CEO and WDB.
- Review and negotiate with the State on annual performance measures.
- Attend local and State meetings that support the work of the Board and enhance the leadership of the WDB.

Section 4 – Disabilities Committee

The purpose of the Disabilities Committee is ensuring that all services, including those at the comprehensive One-Stop Career Center, and external training sites, are accessible to persons with disabilities and that outreach efforts effectively reach this population.

Responsibilities of the Disabilities Committee shall include:

- Monitor services provision to individuals with disabilities and the accessibility of all services.
- Provide feedback on new services, program design plans, and/or the One-Stop processes to ensure accessibility to individuals with disabilities.
- Provide information, expertise, and assistance with operational or other issues related to the provision of services to individuals with disabilities.
- Support the development of appropriate training for all staff on providing supports for or accommodations to and finding employment opportunities for individuals with disabilities.

Section 5 – Youth Council

The purpose of the Youth Council is to coordinate area wide youth services, assist with planning, and oversee operational youth programs.

Responsibilities of the Youth Council shall include:

- Help identify gaps and services and develop a strategy to use competitive selections or community partnerships to address the unmet needs of youth.
- Coordinate youth policy and ensure quality services.
- Leverage financial and programmatic resources.
- Recommend eligible youth services providers to the WDB.
- Represent youth and young adults, including those that are disadvantaged and/or disengaged.

Section 6 – One-Stop Committee

The purpose of the One-Stop Committee is to oversee the One Stop system, including monitoring performance, program enrollments, and service delivery. The Committee helps to ensure that WDB plans, and priorities are carried out.

This Committee must be comprised of WDB members who do not represent providers of One Stop training services, such as private sector and labor organizations members. A significant number of the members will be partners since the goal is to have a broad-based group of demonstrated expertise and effectiveness in the field of workforce development on each of the committees. Therefore, in addition to the WDB members and the One-Stop Partner representatives, the WDB may appoint members to this committee.

Responsibilities of the One-Stop Committee shall include:

- Review reports related to all One-Stop Career Center Services – including performance reports and service delivery information.

- Monitor the implementation of the Memorandum of Understanding (MOU) and Infrastructure Funding Agreement (IFA) to ensure all partners contribute to the operation and service delivery as expected.
- Mediate disagreements among partners.
- Support the procurement of One-Stop services providers.
- Provide input related to career pathways that are integrated into an ideal one-stop system.
- Provide input on one-stop certification and technology.

Section 7 – Business Engagement Committee

The purpose of the Business Engagement Committee is to provide the WDB with policy and implementation recommendations for engaging business in the Burlington County Workforce system.

The membership of the committee will be a combination of WDB members and individuals that the WDB determines have the appropriate experience and expertise. The committee will have diverse representation of the business and economic development community including sectors and labor representatives.

Responsibilities of the Business Engagement Committee shall include:

- To engage employer and help them perceive their value of their involvement on the WDB more effectively.
- Provide for business-to-business discussions on economic and workforce development matter.
- Provide updates and recommendations to the WDB.
- Assist with other business engagement activities as requested by the WDB.

Section 8 – Literacy Committee

The purpose of the Literacy Committee is to help coordinate local literacy resources, engage community stakeholders around local needs and priorities, and create a system of literacy supports in Burlington County Workforce Development Area. The Literacy Committee is charged with developing a comprehensive system of supports for developing basic literacy skills for our local residents.

Responsibilities of the Business Engagement Committee shall include:

- Identify local and regional literacy needs.
- Identify how available literacy funds can support local and regional needs.
- Build capacity to address literacy needs that serve as barriers to employment or advancement.
- Ensure the integration of the Title II and other literacy services into the One-Stop Career Center operations.
- Provide fiscal and programmatic oversight of the Title II and other literacy funding streams.
- Develop standards and priorities for the professional development of providers and staff regarding literacy services and needs.

Section 9 – Fiscal Committee

The Fiscal Committee helps to ensure that WIOA’s fiscal aspirations are implemented and maintained on a local level.

Responsibilities of the Fiscal Committee shall include:

- Conduct financial oversight of programmatic and administrative entities.
- Develop and recommend fiscal policies, procedures, and processes.
- Ensure that internal controls are established and put into practice for the WDB, fiscal agent, and all subrecipients for all contracted funds passed through the WDB.
- Develop, recommend, and monitor budgets associated with the WDB.
- Approve operating and program specific budgets and any modifications required.
- Review Infrastructure Funding Agreements (IFAs) and IFA budgets.
- Approve the disbursement and payment of funds as defined by established policies.
- Ensure the fiscal agent reports timely and accurately; reconcile budgets on a quarterly basis.
- Ensure an annual audit of the WDB is performed by an independent, certified public accounting firm.
- Provide proper guidance and oversight of procurement of agreements, contracts, and grants.

Section 10 – Other Committees

- A. The BCWDB Chair may from time to time establish other standing committees or workgroups to assist the BCWDB in carrying out its duties or current work, by appointing a BCWDB member as Chair of that committee or workgroup.
- B. Workgroups may include individuals who are not appointed to the BCWDB so long as the individual has expertise in the topic/task of such body.
- C. The BCWDB Chair and chair of the standing committee shall be responsible for appointing members of the respective committee including BCWDB members and other interested stakeholders, as appropriate.

ARTICLE XII – CONFLICT OF INTEREST, ETHICS & ECONOMIC INTERESTSSection 1 - Conflict of Interest

- A. Members of the BCWDB shall comply with applicable Conflict of Interest laws, including but not limited to the Political Reform Act (Government Code, Section 87100, et seq.) and applicable administrative regulations and any amendments to the Act or regulations, as well as the applicable Conflict of Interest Code approved by the Burlington County Board of Commissioners.

- B. A conflict of interest exists if it is reasonably foreseeable that the outcome of participating in a governmental decision will have a material impact on a BCWDB member's economic interest which is distinguishable from the public generally.
- C. Participation in a governmental decision includes voting on a matter (including recommendations), appointing a person, obligating or committing the BCWDB to a course of action, negotiating agreements, influencing a decision and otherwise exercising judgment in making a decision.
- D. Each member is responsible for determining whether any potential or actual conflict of interest exists or arises for him/herself during tenure on the BCWDB and/or standing committee.
- E. Any member with a potential or actual conflict of interest shall comply with applicable law, including requirements for public disclosure and recusal.

Section 2 – Code of Ethics

Each member shall receive and understand the Burlington County Code of Ethics in accordance with Burlington County Board of Commissioners policies and guidelines and applicable Federal or State law and regulations.

Section 3 - Economic Interest

Each member shall file a Statement of Economic Interest promulgated by the Fair Political Practices Commission as a condition of assuming membership, annually while serving as a member, and upon leaving membership of the BCWDB, in compliance with applicable law.

ARTICLE XIII – AMENDMENTS

- A. Amendments to these bylaws may be made at any regularly scheduled meeting of the BCWDB, provided the amendment has been submitted in writing at the previous regular meeting or at least seven (7) days in advance of the meeting at which the amendments will be presented for action.
- B. Amendments require an affirmative vote of the majority of the membership present at a meeting where a quorum is present.
- C. Amendments to these bylaws shall be reviewed and approved by the Burlington County Counsel prior to the approval of the BCWDB.
- D. Amendments to these bylaws require approval of the Burlington County Board of Commissioners.

ARTICLE XIV – SEVERABILITY

If any part of these bylaws is held to be null and/or void, the validity of the remaining portion of the bylaws shall not be affected.

ARTICLE XV – ENACTMENT

These bylaws shall become effective upon adoption by a majority vote of the BCWDB and approval of the Burlington County Board of Commissioners, and shall remain in effect, as amended by Article XIII, until dissolution of the BCWDB.