



**WORKFORCE
SERVICES**
WORKFORCE DEVELOPMENT



BYLAWS
OF THE
**STATE WORKFORCE
DEVELOPMENT BOARD**

Updated November 2021



**STATE WORKFORCE
DEVELOPMENT BOARD**



STATE WORKFORCE DEVELOPMENT BOARD
MISSION

To strengthen Utah's workforce development system to meet employer needs through innovative strategies that keep pace with economic change.

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STATUTORY AUTHORITY

1.01 LEGAL BASIS

Workforce Innovation and Opportunity Act (WIOA)

WIOA is the authorizing legislation for several key “core programs” in the workforce development system:

- Title I – Youth Workforce Activities
- Adult and Dislocated Workers
- Training and Employment
- Title II – Adult Education and Literacy
- Title III – Wagner-Peyser Act of 1933
- Title IV – Rehabilitation Act of 1973

The State Workforce Development Board’s Role in the Workforce Innovation and Opportunity Act

- The State Workforce Development Board (SWDB) is established by the Governor in accordance with the requirements of WIOA section 101.
- The SWDB’s principal assets are its informed and dedicated members, which include business, community and government leaders who volunteer their time, knowledge and expertise to Utah’s workforce development efforts.
- On July 22, 2014, H.R. 803 the Workforce Innovation and Opportunity Act (WIOA) was signed into law. This replaces the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act and the Rehabilitation Act of 1973.

Utah State Code – see Appendix C

1.02 STATUTORY RESPONSIBILITIES

The SWDB oversees strategic direction for the core partners of WIOA. SWDB members are appointed by the Governor and have the following statutory functions (679.130):

- Provide leadership in the development and expansion of strategies for meeting the needs of employers, workers and job seekers through industry and sector partnerships related to in-demand industry sectors and occupations.
- Assist the Governor in the development, implementation and modification of Utah’s Unified State plan.
- Assist in the development of strategies to support the use of career pathways to include low-skilled adults, youth and individuals with barriers to employment, including individuals with disabilities.
- Review statewide policies and programs and make recommendations on actions that should take place to align and coordinate workforce development programs in the state with the core programs.
- Coordinate the planning and delivery of workforce development services with the core programs and other mandatory partners.

- Assist in the development and continuous improvement of the workforce development system and one-stop delivery system in Utah.
- Designate one-stop operators (the Department of Workforce Services is currently Utah's designated one-stop operator).
- Assist in the development and updating of comprehensive state performance accountability measures to assess the effectiveness of core programs in Utah. This includes approving criteria and eligibility of training providers, as well as publishing performance outcomes on training providers.
- Develop an annual report.
- Assist in the development of strategies for technological improvements to improve the quality of services and activities provided through the one-stop delivery system.
- Improve the understanding and visibility of state workforce service efforts through external and internal marketing strategies.
- Perform other responsibilities within the scope of workforce services as requested by the Legislature, the Governor or Governor's designee.

The purpose of the SWDB is to convene state, regional and local workforce system and partners.

WIOA's purpose is to better align the workforce system with education and economic development in an effort to create a collective response to economic and labor market challenges on the national, state and local levels. WIOA continues the trend in workforce legislation by further engaging the private sector to lead local workforce development efforts and focuses on introducing increased flexibility and accountability of SWDB members.

PURPOSES

WIOA accomplishes this by prescribing:

- A stronger alignment of the workforce, education and economic development systems
- Improving the system to assist America's workers in achieving a family-sustaining wage while providing America's employers with the skilled workers they need to compete on a global level

WIOA encourages an improved response to labor market needs by connecting SWDB performance to outcomes that require an understanding of the correlation between training investments and economic return.

Governor's Vision

The Governor's vision anticipates a dynamic state with a richly diversified economy that is attractive both to employers, who create and sustain jobs, and individuals who bring knowledge and skills to those jobs. The SWDB supports the Governor's vision, mission and commitment to taxpayers through its partnership of state and local government, education, business, economic development and community organizations. Based on direct partner input and data, the SWDB guides the strategic alignment of programs, resources and services with employer needs, creating a strong workforce development system for Utah.

Governor's Vision for Utah

Utah will lead the nation as the best performing economy and be recognized as a premier global business destination.

Commitment to Taxpayers

To provide quality, accountable and streamlined services that connect a world-class workforce with employment.

2.01 GUIDING PRINCIPLES

The following principles guide the SWDB in lending support to the vision, mission and commitment to taxpayers:

- The SWDB understands the key current and future workforce needs of business and industry.
- Workforce partnerships are formed between business, local government, education, community partners and economic development organizations to address and identify key needs.
- The SWDB serves as a convener of diverse stakeholders who actively participate and collaborate with all partners, both public and private. Solid partnerships are keys to success.
- The SWDB adopts a common set of key workforce development data elements, goals, measures and a continuous improvement process among the six core programs required by WIOA.
- Training resources focus on programs that prepare and connect unemployed workers with high-quality training to get good jobs, stay employed and meet needs of employers.
- The SWDB, led by business, focuses a significant portion of its workload on labor market demand trends and issues, which shape the jobs of today and influence the opportunities of tomorrow.

MEMBERSHIP

3.01 APPOINTMENT

The governor shall appoint one of the SWDB business representatives as chair of the board.

The chair shall serve at the pleasure of the governor.

The following members of the SWDB are appointed by the Governor:

- Twenty representatives of business in the state, selected among the following:
 - Owners of businesses, chief executive or operating officers of businesses or other business executives or employees with policymaking or hiring authority
 - Representatives of businesses, including small businesses, that provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the state
 - Representatives of businesses appointed from among individuals nominated by state business organizations or business trade associations

- Six representatives of the workforce within the state which include:
 - At least two representatives of labor organizations who have been nominated by state labor federations
 - At least one representative from a registered apprentice program
 - The option to select one or more representatives from a community-based organization that has demonstrated experience and expertise in addressing the employment, training or educational needs of individuals with barriers to employment
 - The option to select one or more representatives from an organization that has demonstrated experience and expertise in addressing the employment, training or education needs of eligible youth, including organizations that serve out-of-school youth
- Two elected officials that represent a city or a county

3.02 QUALIFICATIONS

The governor shall ensure that members appointed to the board include:

- Representatives from diverse geographic areas of the state, including urban, suburban and rural areas
- Owners of businesses, chief executive or operating officers of businesses or other business executives or employees with policymaking or hiring authority
- Representatives of businesses, including small businesses, that provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the state
- Representatives of businesses appointed from among individuals nominated by state business organizations or business trade associations
- Representatives of labor organizations who have been nominated by state labor federations
- Representatives of registered apprentice program
- Representatives from community-based organizations that have demonstrated experience and expertise in addressing the employment, training or educational needs of individuals with barriers to employment
- Representatives from organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of eligible youth, including organizations that serve out-of-school youth

For the purposes of these bylaws:

- Optimum policy-making authority means someone who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.
- Demonstrated experience and expertise means someone with documented leadership in developing or implementing workforce development, human resources, training and development, or a core program function. Demonstrated experience and expertise may include individuals with experience in education or training of job seekers with barriers to employment. (679.120 (a), (b))

A SWDB member may not serve as a representative in more than one of these categories (679.110 (b)(3)(i), (ii), and (iii) and (f)(1)(i), (ii), (2), (3)):

- Is the owner or chief executive officer for the business or organization
- Represents businesses or organizations that represent businesses that provide, at a minimum, employment and training opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in Utah
- Are appointed from a list of potential members nominated by State business organizations and business trade associations
- Represents small businesses as defined by the U.S. Small Business Administration

A SWDB member may not serve in more than one of these categories:

- Representatives from labor organizations
- Representatives from joint labor-management registered apprenticeship programs
- Representatives from 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 support competitive, integrated employment for individuals with disabilities
- Representatives of organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of eligible youth, including representatives of organizations that serve out-of-school youth

A SWDB member may not serve as a representative in more than one of these categories, except that where a single government agency is responsible for multiple required programs, the head of the agency may represent each of the required programs:

- Lead state official for the adult, dislocated worker and youth programs authorized under title I of WIOA and Wagner-Peyser Act
- The Adult Education and Family Literacy Act program authorized under title II of WIOA
- The State Vocational Rehabilitation program authorized under the Rehabilitation Act of 1973 as amended by title IV of WIOA
- The lead official that represents more than one core program must ensure adequate representation of the needs of all core programs under his or her jurisdiction
- Chief elected officials representing cities or counties
- Other representatives such as State agency officials responsible for one-stop partner programs, economic development or juvenile justice programs

3.03 COMPOSITION

The board shall consist of the following 39 members (Utah State Code – see Appendix C):

The governor or governor's designee

- One member of the Senate, appointed by the president of the Senate
- One representative of the House of Representatives, appointed by the speaker of the House of Representatives

- The executive director or the executive director’s designee
- The executive director of the Department of Human Services or the executive director’s designee
- The director of the Utah State Office of Rehabilitation or the director’s designee
- The superintendent of the State Board of Education or the superintendent’s designee
- The commissioner of higher education or the commissioner’s designee
- The commissioner of technical education of the Utah System of Technical Colleges or The commissioner of technical education’s designee
- The executive director of the Governor’s Office of Economic Development or the executive director’s designee
- The executive director of the Department of Veterans’ and Military Affairs or the executive director’s designee
- The members appointed by the Governor

3.04 GOVERNOR’S DESIGNEE

The Governor has designated the Executive Director of the Department of Workforce Services to serve as his designee for the SWDB.

3.05 TERMS OF APPOINTMENT

A member appointed by the governor shall serve a term of four years and may be reappointed to one additional term.

A member shall continue to serve until the member’s successor has been appointed and qualified.

As terms of board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

The terms of appointment will be staggered to ensure only a portion of memberships expire in a single year. (679.110 (d)(2))

AS OF DECEMBER 2017	
Number of Members	Year Term Ends
3	2018
12	2019
1	2020
5	2021

When a vacancy occurs, the governor shall appoint a new member who will begin a four-year term.

3.06 RECOMMENDATION OF APPOINTMENT

The SWDB Chairperson will lead an assigned committee to nominate new SWDB members. Nominees will fill out the [Nomination Application](#) and submit it to the Chair. Once the nominee is approved as qualified to fill a vacancy on the SWDB, he or she must apply for membership. (679.110(d)(3)).

Application for Membership

Members of the SWDB serve four-year terms and are appointed by the Governor. For a list of current members and more information, please visit: <https://jobs.utah.gov/edo/statecouncil/index.html>

To apply for membership, visit: boards.utah.gov/board/details/362

Please direct questions to:

Elizabeth Carver, Board Liaison Department of Workforce Services

140 East 300 South

Salt Lake City, Utah 84111

Email: ecarver@utah.gov

Phone: 801-514-1017

3.07 REMOVAL

Members must notify the Chair if they move to another position within their organization or obtain a position at a different organization to ensure, in their new position, they still meet the requirements that qualified them for appointments to the SWDB. If members no longer meet requirements to serve on the board their term of service will be ended.

The executive director shall terminate the term of any governor-appointed member of the board if the member leaves the position that qualified the member for the appointment.

At the discretion of the Executive Committee and with SWDB approval, member(s) may be removed by a majority vote for the following reasons:

- Failure to participate or accept assignments within a given fiscal year
- Three absences from all SWDB and committee meetings within a given year (January 1 - December 31)

Members that have missed two consecutive meetings will receive a letter from the Chair reminding them that if they miss a third meeting during the fiscal year, the Chair will recommend they be removed from the SWDB.

Recommendation for removal and replacement shall be approved by the Governor's designee.

3.08 RESIGNATION

The Executive Committee shall accept any SWDB member's resignation submitted to the committee in writing. The Chair shall then forward notice of the vacancy to the Chair of the Nominating Committee so the committee can begin the process of nominating a new member.

The SWDB members shall act in the best interests of the State and the following is expected of each member:

- **Attendance and Punctuality:** Attend quarterly SWDB meetings and designated committee

MEETINGS

meetings. The SWDB and committee chairs shall start and conclude each meeting in a timely fashion. A minimum of five hours each quarter is the expected commitment of each member. The implementation and maintenance of the state's Unified Plan will require more hours from committee chairs and active committee members. If a member cannot attend a meeting, the member should notify the chair of the SWDB prior to the meeting.

- **State Workforce Development Board Meeting Schedule:** The meetings are generally held on the second Thursday of the first month of each quarter.
- **The SWDB Executive Committee Meeting Schedule:** The meetings are held at least quarterly, one month prior to the full SWDB meeting.
- **Committee Meetings:** The meetings are scheduled by the committee chairs and are held as often as necessary depending on the work the committee is engaged in. The committee meetings could be held monthly for periods of time or a minimum of two quarterly meetings.
 - One of the two quarterly committee meetings is typically held on the day of the State Board meeting, usually between 10:00 a.m. and noon, and the board meets from 1:00 to 3:00 p.m., unless otherwise indicated. The location of the SWDB meetings is announced and meeting materials are sent to members in advance and posted on the website at <http://jobs.utah.gov/edo/statecouncil/index.html>.
- **Remote Participation in Meetings:** Technology such as phone and web-based meetings may be provided to support participation if necessary. If a member needs this type of accommodation he or she will contact the chair one week prior to the meeting to request it. (679.110(d)(5))
- **Proxies/Alternative Designees:** Members may send proxies or alternative designees to represent them if they are not able to attend a meeting. If the alternative designee is a business representative, he or she must have optimum policy-making hiring authority. (679.110(d)(4)(i)) Other designees (from agencies) must have demonstrated experience and expertise and optimum policy-making authority. (679.110 (d)(4)(ii))

4.01 SPECIAL MEETINGS

The SWDB members may be asked to participate in additional special meetings, hearings or forums as the SWDB may determine to be necessary to carry out the duties of the SWDB.

4.02 VOTING

Each member of the SWDB shall have one vote.

A proxy may be designated by a member to represent and vote for him/her at a specific meeting. The member must notify the SWDB Chair of the proxy's name prior to the meeting.

A majority of members constitutes a quorum for the transaction of business.

4.03 CONFLICT OF INTEREST

The SWDB exists for purposes that transcend personal, professional and corporate self-interests. Consequently, any SWDB member who may have a conflict of interest must announce such potential conflict prior to voting on an affected issue.

No member of the SWDB shall cast a vote on any matter that would provide financial benefit to the member or otherwise give the appearance of conflict of interest under state law.

4.04 QUORUM

A majority of members constitutes a quorum for the transaction of business.

A quorum must be present to conduct business. In the event a quorum is not present, actions must be confirmed at the next scheduled meeting, or by telephone or email.

4.05 EXECUTIVE SESSIONS

All regular and special meetings are open to the public and press, but the SWDB may go into executive session by a two-thirds vote of the members present and in accordance with the provisions stipulated in the Utah Open Public Meetings Act (Chapter 4, Title 52, Utah Code).

4.06 RULES OF ORDER

Business of the SWDB shall be transacted in accordance with Robert's Rules of Order as currently revised.

4.07 ACCESSIBILITY OF SWDB INFORMATION

The SWDB must conduct business in an open manner as required by WIOA section 101(g).

The SWDB must make available to the public, on a regular basis through electronic means and open meetings, information about the activities and functions of the SWDB including (section 679.140):

- The state plan or modifications to the state plan prior to submission of the state plan or modifications of the state plan
- Information regarding membership
- Minutes of formal meetings of the SWDB upon request

4.08 ELECTRONIC MEETINGS

As authorized by the Utah Open and Public Meetings Act, Utah Code Ann. Section 52-4-207, the SWDB may hold, convene, and conduct any meeting in which one or more of the SWDB members may participate electronically provided that the notice and the procedures of the meeting conforms to the Open and Public Meetings Act and the Utah State Workforce Development Board Resolution Concerning Electronic Meetings (see Appendix D).

RESOURCES

5.01 PLAN

System Plans at the State Level

In an effort to create a more comprehensive, strategic and streamlined system, WIOA requires a single, unified State Plan that includes all core programs under the Act. The State Plans are designed to improve service delivery and access to the workforce system for job seekers and employers.

Developing and deploying a regional workforce strategy requires an understanding of a complex set of public and private systems. Examples of such systems include:

- Housing development
- Transportation networks
- Economic development investments
- Public school systems
- Institutions of higher education
- Business practices related to talent acquisition and recruitment

As a result of this complexity and interconnectivity, a systematic approach has been required to address the challenges of today's multi-dimensional labor market.

Utah's Unified Plan

Vision

A strong economy depends on a world-class workforce. Utah will continue to enhance and expand collaborative efforts with employers, educational institutions and government agencies through business development and partnership in key sectors and occupations to make this happen. Through its implementation of WIOA, Utah will increase access to, and opportunities for, the employment, education, training and support services that individuals—particularly those with barriers to employment—need to succeed in the workforce.

Strategy

- Focus on achieving the vision and goals.
- Foundation is utilizing data, partnerships and its resources to implement strategies to support operations in providing services to individuals and employers.
- Commitment to changing and/or adjusting strategies to meet the state's workforce needs.
- Workforce development activities include:
 - Identifying targeted industry sectors and occupations; aligning programs and services to support them; and ensure involvement from business and education partners
 - Setting collaborative performance goals, sharing information/data and working together to resolve problems and address any gaps

- Collaborating and coordinating on training, marketing and feedback
- Utilizing existing committees, workgroups and programs while working to align and share resources when it is appropriate
- Holding regular SWDB and committee meetings as required by Utah's plan

5.02 PARTNERSHIPS

Core partners ensure that employment and training services are coordinated and complementary, and that job seekers can acquire the skills and credentials that meet employer needs.

- Adult and Dislocated Worker Program
- Youth, Wagner-Peyser Act programs
- Adult Education and Family Literacy Act programs
- Vocational Rehabilitation programs

One-Stop Partners

Responsible for creating a seamless, customer-focused one-stop delivery system; collaborating and aligning services to enhance access for job seekers and businesses.

- Senior Community Service Employment Program (SCSEP)
- Veterans job counseling, training and placement services
- Career and Technical Education (CTE)
- Trade Adjustment Assistance (TAA)
- Community Services Block Grant employment and training activities
- U.S. Department of Housing and Urban Development (HUD) employment and training programs
- Unemployment Compensation programs
- Programs authorized under the Social Security Act Title IV, Part A (TANF)
- Job Corps
- Youthbuild
- National Farmworkers Jobs program

Under WIOA section 101(d) (and 679.130), the SWDB must assist the Governor in the:

- Development, implementation and modification of the four-year state plan
- 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
- Development and continuous improvement of the workforce development system
- Development and updating of comprehensive state performance and accountability measures to assess core program effectiveness under WIOA section 116(b)
- Identification and dissemination of information on best practices
- Development and review of statewide policies affecting the coordinated provision of services through the state's one-stop delivery system described in WIOA section 121(e)

- 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
- Development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies
- 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 sections 128(b)(3) and 133(b)(3)
- Preparation of annual reports described in paragraphs (1) and (2) of WIOA section 116(d) (see Appendix B for full description)
- Development of the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act
- Development of other policies as may promote statewide objectives for and enhance the performance of the workforce development system in Utah

5.03 RESOLUTION OF DISAGREEMENTS

To the extent there is a disagreement between the SWDB and the WIOA core partners in regard to the resources necessary to carry out the functions of the SWDB as set forth in this section, the disagreement shall be resolved by the Governor's designee.

5.04 COMPLIANCE

WIOA increases the accountability of reporting requirements of the state system. This will give the SWDB the ability to analyze the performance of each area on a more consistent and effective basis.

Failure to meet the minimum performance measures may lead to sanctions being placed on states. Initial sanctions include performance improvement plans and technical assistance. After two years of not meeting state performance measures, sanctions can include a reduction of five percent of the Governor's allotment.

If a single state fails to meet performance in three consecutive years, the Governor can require the appointment and certification of a new board, prohibit the use of any eligible providers or partners that are failing performance, or any other action that the Governor deems fit. Enhanced performance reporting will be enacted for States as well as for eligible training providers.

One-Stop Career Centers: Under WIOA, the One-Stop Centers are measured by their effectiveness, accessibility and continuous improvement as it relates to their ability to achieve negotiated performance levels, integrate available services and meet the workforce development and employment needs of the local employers and job seekers.

Employment and Training: More diversity in the types of job training programs will be made available. This is critical to closing the skills gap that exist between job seekers and good-paying high skilled jobs.

National Programs: Programs will be reauthorized for Job Corps, YouthBuild, Native Americans Programs, Migrant and Seasonal Farmworkers programs and evaluation and multi-state projects.

5.05 RESOURCES

Fiscal: WIOA authorizes appropriations for each of Fiscal Years 2015 – 2020. The levels increase a total of 17 percent over that time period. However, the amounts authorized in the Act remain subject to the annual Congressional appropriations process.

Resources may include, but are not limited to:

- Meeting space
- Clerical staff
- Professional staff
- Materials and supplies
- Copying services
- Meeting expenses

5.06 REIMBURSEMENT TO COUNCIL MEMBERS

Compensation, Per Diem and Expenses

SWDB members who are not public members, state or local government members, or higher education members, may receive compensation, per diem and expenses at the established State of Utah rates (e.g. only the pre-approved State rate amounts will be reimbursed for hotels and meals) established by the Division of Finance.

5.07 PERSONAL BENEFIT

No staff services, property or funds shall be used for the personal benefit of SWDB members, or any person(s) assisting the SWDB, except for expenses reimbursement as provided above.

5.08 ONE-STOP OPERATOR SELECTION PROCESS

The State of Utah Division of Purchasing and General Services released a sole source procurement (Utah State Code Subsection 63G-6a-802(1)(a)). The Utah Department of Workforce Services (DWS) was selected as the One-Stop Operator for the State of Utah.

OFFICERS

- Chairperson
- Operations Committee Chairperson
- Operations Committee Co-Chairperson
- Youth Committee Chairperson
- Youth Committee Co-Chairperson
- Career Pathways Chairperson
- Career Pathways Co-Chairperson
- Apprenticeships Chairperson
- Apprenticeships Co-Chairperson
- Individuals with Disabilities Chairperson
- Individuals with Disabilities Co-Chairperson

6.01 SWDB CHAIRPERSON

The Chairperson shall:

- Preside at meetings of SWDB and Executive Committee
- Serve as the spokesperson for the SWDB in matters dealing with the public and/or press
- Appoint committee chair(s) and co-chair(s)
- Assist with the completion of the Annual Report
- Give general direction to the work of the SWDB
- Perform other duties as may be assigned by action of the SWDB, the appointing authority or as may be necessary

Committee Chairpersons and Co-Chairpersons shall:

- Attend SWDB Meetings and report and solicit SWDB feedback/input on committee work
- Be voting members of the SWDB
- Become familiar with the Unified Plan and related materials, specifically any sections that relates to the committee
- As a member of the Executive Committee, attend a meeting one month prior to the SWDB meetings to assist with agenda items, report on committee work, coordinate with other chairs
- Hold at least one committee meeting quarterly
- Oversee workgroups—ensure work is being done between meetings
- Utilize agency staff to answer questions and provide support to the committee
- Reach out to colleagues and associates in their organization, networks and communities to participate and/or provide feedback on committee work
- The co-chairperson is responsible for standing in for the chairperson when he/she is unavailable and assisting the chairperson in leading the committee

Committee Responsibilities

- The committee will:
 - Provide reports and make recommendations to the SWBD, and the SWBD will approve recommendations and provide feedback to the committee

- Determine whether a workgroup should be established to complete a goal. If a workgroup is created, the committee will ensure the workgroup understands the assignment(s), provide instructions and deadlines. Receive, provide feedback and approve work on assignments/recommendations
- Present recommendations to the SWDB

Committees and Workgroups (679.360)

Committees can create temporary work groups of experts, operations staff, employers and/or other stakeholders to assist them in meeting their goals.

- Workgroups can be short-term or long term.
- Workgroups can overlap across committees.
- Workgroup members should be anyone from the public, private or nonprofit sectors as appropriate.

Agency Staff

Agency staff from the core and required partners are available to provide support to the committees. This includes:

- Assisting with committee meetings
- Providing information
- Leading workgroups (in the temporary absence of the chair or co-chair)
- Ensuring appropriate membership on workgroups
- Recommending goals for the committee
- Reporting agency updates to the committee

6.02 EXECUTIVE COMMITTEE

The chairpersons from all five committees serve on the Executive Committee.

The Executive Committee will meet at least once each quarter. The first meeting should be prior to the SWDB meeting day and the second meeting will be on the SWDB meeting day before the meeting.

The Executive Committee is responsible for making recommendations and decisions as representatives of the full SWDB.

6.03 COMMITTEE CHAIR NOMINATIONS

The SWDB Chair should be notified of nominations.

6.04 TERMS OF OFFICE

The term of office for the SWDB Chairperson is four years. The term of office for the committee chairpersons is four years. The term can be renewed for an additional four years. If a chairperson is unable to serve the full four years, the SWDB chair will approve a replacement to complete the remainder of the four year term.

6.05 VACANCIES

The Executive Committee may appoint from the SWDB a member(s) to fill a vacancy on the Executive Committee due to death, resignation or removal from office.

EXECUTIVE COMMITTEE

7.01 MEMBERSHIP OF EXECUTIVE COMMITTEE

The membership of the Executive Committee consists of the SWDB Chairperson and the chairperson for each committee.

7.02 POWERS

During the interval between SWDB meetings, the members of the Executive Committee shall manage the activities and affairs of the SWDB.

7.03 MEETINGS

Regular meetings of the Executive Committee will be held on the same dates as the SWDB meetings and at least one meeting held during the month prior to the SWDB meeting. Special meetings of the Executive Committee may be called as needed by the Chairperson.

Technology such as phone and web-based meetings may be provided to support participation if necessary. If a member needs this type of accommodation he or she will contact the chair one week prior to the meeting to request it. (679.110(d)(5))

The Executive Committee meetings will include, as needed, presentations from committee chairs regarding items requiring full SWDB endorsement, support, and/or approval prior to presenting these items to the full SWDB.

COMMITTEES

Participation

Beyond attendance and punctuality, each member should prepare for the meetings by reviewing pre-meeting materials and contacting resources for further information and opinions, as necessary. To ensure collective effectiveness, each member should provide his/her knowledge and expertise on substantive SWDB issues. A candid expression of ideas and opinions among colleagues as well as respect for differences and similarities will ensure success.

Each member of the SWDB should actively participate on his/her designated standing committee.

Technology such as phone or web-based meetings may be provided for committee meetings to support participation. (679.110(d)(5)).

Access to Resources

Beyond preparing for and participating in SWDB activities, each member should be prepared to tap into other available resources in order to carry out the SWDB mission, including, but not limited to, professional networks and technical supports.

A member of the board who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in Utah State Code:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) Rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

Compensation and expenses of a member who is a legislator are governed by Utah State Code Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

8.01 OPERATIONS COMMITTEE

This committee will support the Unified Plan's goal of utilizing a variety of strategies to align the core programs, one-stop partners and other resources to achieve fully integrated customer services. This includes creating workforce development activities in regard to gaps identified in the state's workforce analysis; setting collaborative performance goals, certifying one-stop centers, sharing information/data and working together to resolve problems and addressing gaps; and collaborating and coordinating on training, marketing and feedback by utilizing existing committees, workgroups and programs while aligning and sharing resources when appropriate.

8.02 CAREER PATHWAYS COMMITTEE

There are many career pathway activities being carried out around the state. This committee will meet with partners from around the state and gather information and ideas on how these groups can align, share resources and collaborate. The committee will make recommendations that include the Six Key Elements of the Career Pathways Toolkit (published by the Department of Labor) and support Utah's sector strategies that are aligned with the Governor's Office of Economic Development's industry clusters.

8.03 APPRENTICESHIPS COMMITTEE

This committee will create a plan to partner with education through the creation and expansion of pre-apprenticeship opportunities and to enhance awareness. It will also develop a plan to encourage and recruit employers to become certified apprenticeship sponsors while coordinating and aligning existing career and technical education efforts within the state.

8.04 YOUTH COMMITTEE

This committee provides information and assists with planning, operational and other issues relating to serving youth (681.100 and 681.120). The committee will include community-based organizations with a demonstrated record of success in service-eligible youth.

8.05 SERVICES TO INDIVIDUALS WITH DISABILITIES COMMITTEE

This committee provides information and assists with operational and other issues relating to serving individuals with disabilities. This includes providing programmatic and physical access to the services, programs and activities of the one-stop delivery system and appropriate staff training to provide support, accommodations and help finding employment opportunities for individuals with disabilities. It also includes developing and disseminating appropriate information through workshops, meetings, and other requests in response to employers' needs regarding employment of individuals with disabilities.

AMENDMENT

Amendment of Bylaws

Bylaws may be changed or amended by a 50 percent vote of the Executive Committee on behalf of the SWDB or by 50 percent of SWDB members present at any regular meeting. Notice of the proposed changes must be provided to the Executive Committee and/or SWDB members at least 30 days prior to the vote. Any changes approved by the Executive Committee must be reported at the following SWDB meeting.

DISSOLUTION

Dissolution

In the event state or federal changes no longer mandate the existence of the SWDB, the SWDB may be dissolved by action of the appointing authority. At dissolution, funds or property held in the name of the SWDB shall be transferred to an entity of similar purpose or returned to the source from whence they came. The SWDB's records shall revert to the custody of the appointing authority for disposition, or, in the event of a major reorganization, to the custodian of the state's historical archives.

APPENDIX A

Rules of Order

Robert's Rules of Order exists to facilitate the decision-making process at meetings. They ensure that discussion is clear, and that the rights of both the majority and the minority are protected. Below are some of the basic rules that help a meeting run more smoothly and keep discussion on track. The rules, however, are not meant to disrupt or hold-up a meeting, and may be suspended if a member is using them for those purposes.

Chairperson/Speaker

Each meeting is facilitated or guided by a speaker or chairperson. She/he is responsible for ensuring that the meeting runs smoothly and fairly. The chairperson remains impartial during the debate and should command the respect of all those in the room. The chairperson is not the final arbitrator of all decisions; the assembly ultimately has the authority and the responsibility to decide how the meeting should run.

Main Motion

The basis for discussion is a formal motion. The motion is put forward of being moved by a voting member of the assembly to focus discussion. Each motion must have a mover and a secondary to show that it has at least a minimum of support from the delegates. Once a motion has been put on the floor for discussion, debate must focus on the substance of the motion. All other discussion is out of order and not allowed. A main motion may not be introduced if there is any other motion on the floor. The mover must state the motion before speaking and motions should be written out and handed to the chair so that everyone is clear on what is being discussed.

Note: Sections of this document were adapted from the National Association of Workforce Board's publication, "The Workforce Innovation and Opportunity Act (WIOA): Driving Innovation, Collaboration and Performance."

APPENDIX B

Annual Report Requirements

Federal Register/Vol. 81, 161, August 19, 2016/Rules and Regulations

Section 679.130

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

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

WIOA section 116

(d) PERFORMANCE REPORTS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Labor, in conjunction with the Secretary of Education, shall develop a template for performance reports that shall be used by States, local boards, and eligible providers of training services under section 122 to report on outcomes achieved by the core programs. In developing such templates, the Secretary of Labor, in conjunction with the Secretary of Education, will take into account the need to maximize the value of the templates for workers, jobseekers, employers, local elected officials, State officials, Federal policymakers, and other key stakeholders.

(2) CONTENTS OF STATE PERFORMANCE REPORTS.—The performance report for a State shall include, subject to paragraph (5)(C)—

(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) and the State adjusted levels of performance with respect to such indicators for each program;

(B) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) with respect to individuals with barriers to employment, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex and age;

(C) the total number of participants served by each of the programs described in subsection (b)(3)(A)(ii);

(D) the number of participants who received career and training services, respectively, during the most recent program year and the three preceding program years, and the amount of funds spent on each type of service;

(E) the number of participants who exited from career and training services, respectively, during the most recent program year and the three preceding program years;

(F) the average cost per participant of those participants who received career and training services, respectively, during the most recent program year and the three preceding program years;

(G) the percentage of participants in a program authorized under this subtitle who received training services and obtained unsubsidized employment in a field related to the training received;

(H) the number of individuals with barriers to employment served by each of the programs described in subsection (b)(3)(A)(ii), disaggregated by each subpopulation of such individuals;

(I) the number of participants who are enrolled in more than one of the programs described in subsection (b)(3)(A)(ii);

- (J) the percentage of the State's annual allotment under section 132(b) that the State spent on administrative costs;
- (K) in the case of a State in which local areas are implementing pay-for-performance contract strategies for programs;
 - (i) the performance of service providers entering into contracts for such strategies, measured against the levels of performance specified in the contracts for such strategies;
 - (ii) an evaluation of the design of the programs and performance of the strategies, and, where possible, the level of satisfaction with the strategies among employers and participants benefitting from the strategies; and
- (L) other information that facilitates comparisons of programs with programs in other States.

APPENDIX C

Utah Code

Utah Workforce Services Code

Section 206 State Workforce Development Board

Effective 10/1/2016

35A-1-206. State Workforce Development Board -- Appointment -- Membership -- Terms of members -- Compensation.

(1) There is created within the department the State Workforce Development Board in accordance with the provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C. Sec. 3101 et seq.

2) The board shall consist of the following 39 members:

- (a) the governor or the governor's designee
- (b) one member of the Senate, appointed by the president of the Senate;
- (c) one representative of the House of Representatives, appointed by the speaker of the House of Representatives;
- (d) the executive director or the executive director's designee;
- (e) the executive director of the Department of Human Services or the executive director's designee;
- (f) The director of the Utah State Office of Rehabilitation or the director's designee;
- (g) the superintendent of the State Board of Education or the superintendent's designee;
- (h) the commissioner of higher education or the commissioner's designee;
- (i) the commissioner of technical education of the Utah College of Applied Technology or the commissioner of technical education's designee;
- (j) the executive director of the Governor's Office of Economic Development or the executive director's designee;
- (k) the executive director of the Department of Veterans' and Military Affairs or the executive director's designee; and
- (l) the following members appointed by the governor:
 - (i) 20 representatives of business in the state, selected among the following:
 - A. owners of businesses, chief executive or operating officers of businesses, or other business executives or employers with policymaking or hiring authority;
 - B. representatives of businesses, including small businesses, that provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the state; and
 - C. representatives of businesses appointed from among individuals nominated by state business organizations or business trade associations;
 - (ii) six representatives of the workforce within the state, which:
 - A. shall include at least two representatives of labor organizations who have been nominated by state labor

federations;

B. shall include at least one representative from a registered apprentice program;

C. may include one or more representatives from a community-based organization that has demonstrated experience and expertise in addressing the employment, training, or educational needs of individuals with barriers to employment; and

D. may include one or more representatives from an organization that has demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including organizations that serve out of school youth; and

(iii) two elected officials that represent a city or a county.

(3)(a) The governor shall appoint one of the appointed business representatives as chair of the board.

(b) The chair shall serve at the pleasure of the governor.

(4)(a) The governor shall ensure that members appointed to the board represent diverse geographic areas of the state, including urban, suburban, and rural areas.

(b) A member appointed by the governor shall serve a term of four years and may be reappointed to one additional term.

(c) A member shall continue to serve until the member's successor has been appointed and qualified.

(d) Except as provided in Subsection (4) (e), as terms of board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(e) Notwithstanding the requirements of Subsection (4) (d), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately one half of the board is appointed every two years.

(f) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(g) The executive director shall terminate the term of any governor-appointed member of the board if the member leaves the position that qualified the member for the appointment.

(5) A majority of members constitutes a quorum for the transaction of business.

(6)(a) A member of the board who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(7) The department shall provide staff and administrative support to the board at the direction of the executive director.

(8) The board has the duties, responsibilities, and powers described in 29 U.S.C. Sec. 3111, including:

a. identifying opportunities to align initiatives in education, training, workforce development and economic development;

b. developing and implementing the state workforce services plan described in Section 35A-1-207;

c. utilizing strategic partners to ensure the needs of industry are met, including the development of expanded strategies for partnerships for in-demand occupations and understanding and adapting to

- economic changes;
- d. developing strategies for staff training;
- e. developing and improving employment centers; and
- f. performing other responsibilities within the scope of workforce services as requested by:
 - (i) the Legislature;
 - (ii) the governor; or
 - (iii) the executive director.

Section 207 State workforce services plan – Economic service area plans.

Effective 7/1/2016

35A-1-207. State workforce services plan — Economic service area plans.

The State Workforce Development Board shall annually maintain and update a state workforce services plan that includes:

- (1) a four-year strategy, as described in 29 U.S.C. Sec. 3112, for the following core programs:
 - a. youth services;
 - b. adult employment and training services;
 - c. dislocated worker employment and training services;
 - d. adult education and literacy activities;
 - e. employment services; and
 - f. vocational rehabilitation services.
 - (2) a strategy for aligning and coordinating the core programs;
 - (3) a strategy for coordinating the workforce needs of job seekers and employers in the various regions of the state; and
 - (4) planning to ensure that employment centers address the requirements of the special employment needs population, including:
 - a. individuals who have special employment needs based on factors such as race, gender, age, disability, economic status, education, language skills or work history; and
 - b. an “individual with a barrier to employment” as that term is defined in 29 U.S.C. Sec. 3102;
 - (5) a mechanism for getting consumer and public feedback on department programs;
 - (6) projected analysis of the workforce needs of employers and clients;
 - (7) state outcome-based standards for measuring program performance to ensure equitable service to all clients;
 - (8) strategies to ensure program responsiveness, universal access and unified case management;
 - (9) strategies to eliminate unnecessary barriers to access services; and
 - (10) strategies to provide assistance to employees facing employment dislocation and their employers.

APPENDIX D

RESOLUTION CONCERNING ELECTRONIC MEETINGS

Whereas, the Utah State Workforce Development Board (SWDB) desires the ability to convene and conduct electronic meetings as provided for in the Open and Public Meetings Act. Utah Code Annotated 52-4-302 and 305.

Whereas, Utah Code Ann. Subsection 52-4-207(2)(a) requires a public body to adopt a resolution, rule or ordinance governing the use of electronic meetings;

NOW THEREFORE, be it resolved as follows:

1. As authorized by the Utah Open and Public Meetings Act, Utah Code Ann. Section 52-4-207, the SWDB may hold, convene, and conduct any meeting in which one or more of the SWDB members may participate electronically provided that the notice and the procedures of the meeting conforms to the Open and Public Meetings Act and this Resolution.
 - a. Electronic meetings may be limited based on budget, public policy or logistical considerations;
 - b. May require a quorum of the SWDB to:
 - i. be present at a single anchor location for the meeting; and
 - ii. vote to approve establishment of an electronic meeting in order to include other members of the SWDB through an electronic connection;
 - c. May require a request for an electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;
 - d. may restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability; or e. may establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.
2. SWDB members not physically present, but who wish to participate electronically in a meeting, shall be connected to an anchor location by means of telephonic, telecommunications, or computer conference provided that the SWDB chairs or Administrative Assistant, at the appointed time, shall initiate contact with those SWDB members who indicated they will attend electronically.
 - a. The following procedures shall be used for the electronic meetings:
 - i. SWDB members who wish to participate electronically shall notify the SWDB chairs and the Administrative Assistant at least twenty-four hours before the scheduled start of the meeting and shall provide contact information to allow their participation.
 - ii. The minutes of the meeting shall note that the meeting was conducted electronically in

accordance with the Open and Public Meetings Act. The minutes shall note the identity of those SWDB members participating electronically.

- iii. All members participating electronically should be able to hear and to speak with each other and all individuals present at the anchor location.
- iv. Electronic participation in a meeting shall constitute presence at that meeting for all purposes, including the determination of a quorum and voting.
- v. If visual aids or documents are to be presented or used at the meeting, the Administrative Assistant shall make reasonable efforts to provide copies to each member participating electronically.

3. The SWDB when convening or conducting an electronic meeting shall:

a. give public notice of the meeting:

i. in accordance with Section 52-4-202

(https://le.utah.gov/xcode/Title52/Chapter4/52-4-S207.html?v=C52-4-S207_1800010118000101); and

ii. except for an electronic meeting held without an anchor location under Utah Code Ann. Subsection 52-4-207(4), post written notice at the anchor location;

b. in addition to giving public notice required by Subsection 52-4-202(3)(a)(i), provide:

notice of the electronic meeting to the members of the SWDB at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and

a description of how the members will be connected to the electronic meeting; c.

except for an electronic meeting held without an anchor location under Subsection 52-4-207(4), establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting;

i. provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting; or

ii. for an electronic meeting held without an anchor location under Subsection

52-4-207(4), provide means by which the public may hear, or view and hear, the open portions of the meeting; and

d. if comments from the public will be accepted during the electronic meeting: i. provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting; or ii. for an electronic meeting held without an anchor location under Utah Code Ann. Subsection 52-4-207 (4), provide means by which members of the public may provide comments by electronic means to the public body.

4. The SWDB may convene and conduct an electronic meeting without an anchor location if the chair:

- a. makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location;
 - b. states in the written determination described in Utah Code. Subsection 52-4-207(4)(a) the facts upon which the determination is based;
 - c. includes in the public notice for the meeting, and reads at the beginning of the meeting, the information described in Subsections 52-4-207 (4)(a) and (b); and d. includes in the public notice information on how a member of the public may view or make a comment at the meeting.
5. A written determination described in Utah Code Ann. Subsections 52-4-207(4)(a) and (b) expires 30 days after the day on which the chair of the SWDB makes the determination.
6. Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Utah Code Sections 52-4-201 and 52-4-202.

DATED on this 3 day of November, 2021

The State Workforce Development Board



Casey Cameron, Governor's Designee



Megen Ralphs, State Workforce Development Board Chair

Attest: _____