

STATE WORKFORCE DEVELOPMENT BOARD

BYLAWS

Article I – Name

This body has been established in accordance with the Workforce Innovation and Opportunity Act and is known as the State Workforce Development Board (hereinafter referred to as the “Board”). The Board was established through Executive Order #46 on June 30, 2015.

Article II – Purpose

Section 1. The primary responsibility of the Board is to advise the Governor on all matters of workforce development strategy for the state of Tennessee. The Board shall not operate or provide services directly. All recommendations by the Board shall be subject to approval by the Governor.

Section 2. In the absence of statutory prohibition, the Board may also carry out the duties and functions of other existing State councils as described under laws relating to federal and state workforce development programs where the Governor and Commissioner of the State department responsible for the administration of such program jointly agree to include the program within the jurisdiction of the Board.

Section 3. The Board shall identify the workforce development needs of the State, analyze and assess new federal policy and program initiatives, and make recommendations toward improving statewide policies, goals, and guidelines for the coordination of all workforce education, employment, and training programs. Such recommendations should transcend traditional organizations and program boundaries and focus rather on providing quality services to those citizens who use such services, and on the needs of the employers who increasingly depend upon the workforce development system to secure qualified workers. The Board shall advise the Governor on these matters and attend to those specific tasks which may be delegated to the board from time to time by the Governor.

Section 4. The Board shall review the provision of services and the use of funds and resources under applicable Federal workforce development programs and advise the Governor on methods of improving and coordinating the use of such funds and resources. Where necessary, the Board shall develop and implement appropriate State and local performance measures to ensure that such resources and funds are being used effectively.

Section 5. The Board shall make an annual report to the Governor which shall be a public document. It shall issue such other studies, reports, or documents as it deems advisable to assist in improving the delivery of workforce development services and in carrying out the purposes of the State Workforce Development System.

Section 6. The Board shall identify the employment and training and vocational education needs throughout the state; assess the extent to which employment and training, vocational education,

rehabilitation services, economic development, temporary assistance for needy families, and other federal, state, and local programs and services represent a consistent, integrated, and coordinated approach to meeting such needs.

Section 7. The Board shall review plans of all state agencies providing employment, training, and related services, and provide comments and recommendations to the Governor, the state legislature, the state agencies, and the appropriate federal agencies on the relevancy and effectiveness of employment and training, and related service delivery systems in the state.

Article III – Membership

Section 1. The Board shall be reconstituted as follows:

- a. The board shall consist of thirty-three (33) members:
 - i. The Governor, or the Governor’s designee;
 - ii. A member of the Senate, appointed by and serving at the pleasure of the Speaker of the Senate;
 - iii. A member of the House, appointed by and serving at the pleasure of the Speaker of the House;
 - iv. The Commissioner of Labor and Workforce Development or the Commissioner’s designee;
 - v. The Commissioner of the Department of Human Services, or the Commissioner’s designee;
 - vi. The Commissioner of the Department of Economic and Community Development, or the Commissioner’s designee;
 - vii. The Commissioner of the Department of Education, or the Commissioner’s designee;
 - viii. A representative of Adult Education, appointed by the Governor
 - ix. A representative of Vocational Rehabilitation, appointed by the Governor
 - x. At least twenty-four (24) members appointed by the Governor:
 1. Two (2) mayors, one city and one county,
 2. At least two (2) representatives of organized labor, for which the Governor shall consult with state labor organizations and may pick from a list of nominees submitted by such groups;
 3. At least one (1) representative of a community-based organization that has demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive, integrated employment for individuals with disabilities;
 4. At least one (1) representative of a joint labor-management apprenticeship program who is either a member of a labor organization or a training director, or a representative from an apprenticeship program if no such joint program exists; and

5. At least fifteen (15) members who are owners, chief executive officers, or executives with policy-making or hiring authority in businesses that, at a minimum, provide employment training opportunities that include high-quality, work-relevant training and development in major industry sectors or occupations in this state.

A. The Governor shall consult with relevant state business organizations and trade associations when making these appointments and pick from a list of nominees submitted by such groups.

B. At least one (1) such member must represent small businesses, as defined by the U.S. Small Business Administration.

b. As required under federal law, representatives of businesses must comprise the majority of the Board. Representatives of the workforce must comprise at least twenty percent (20%) of the Board.

Section 2. The Governor and Commissioners shall serve ex officio, and the two required members of the General Assembly shall serve at the pleasure of the respective Speakers.

All remaining members shall serve initial terms of four (4) years, except that:

a. The city mayor, the apprenticeship program representative, and two (2) business representatives shall serve initial terms of one (1) year.

b. One (1) labor representative and three (3) business representatives shall serve initial terms of two (2) years.

c. The community-based organization representative, one (1) labor representative, and three (3) business representatives shall serve initial terms of three (3) years.

Members serving pursuant to this Section 2 shall, after serving an initial term, be eligible for reappointment to a four (4) year term, and may be reappointed for an unlimited number of terms. A member appointed under this Section 2 shall holdover beyond the expiration of the member's term until reappointed or replaced.

Section 3. Members wishing to resign from the board shall notify the Commissioner of the Department of Labor and Workforce Development and the State Workforce Development Board Chair in writing of their intent to resign. The Department shall notify the Governor's office of any vacancies resulting from resignation, death, or any other reason.

In the event of a vacancy, the Governor shall appoint a replacement to fill the unexpired term. Except that in the event of a vacancy in the position of the House member or the Senate member, the respective Speaker shall appoint a replacement to fill the unexpired term.

Section 4. The Commissioner of the Department of Labor and Workforce Development, the Commissioner of the Department of Human Services, the Commissioner of the Department of Economic and Community Development, and the Commissioner of the Department of Education may each choose a designee who may serve in their stead. They should notify the Board and Governor in writing of who they have chosen to serve in this capacity. The Governor may also choose a designee to serve in his or her stead. Designees for commissioners and the Governor

must have demonstrated experience and expertise and optimum policy-making authority.¹ All other members of the board may send a proxy if they are unable to attend a meeting themselves. They must notify the Board of their intent to do so by submitting the appropriate form prior to the date of the meeting. Proxies for business representatives must have optimum policy-making or hiring authority. In addition, any Board member may proxy to another Board member once per calendar year. A Board member accepting such proxy must be in good standing with the State Workforce Development Board. In good faith, this Board member will vote in alliance with the absent Board member.

Section 5. No member shall cast a vote on the provision of services by that member or any organization which that member directly represents, or vote on any matter which would provide direct financial benefit to that member.

Section 6. Members of the Board may receive reimbursement for necessary travel and expenses based on state travel guidelines promulgated by the TN Department of Finance and Administration.

Article IV – Officers

Section 1. The Governor shall appoint a Chair and a Vice Chair from the business representatives on the board. The Governor may choose from a list of 3 names that shall be submitted by the Commissioner of the Department of Labor and Workforce Development. These officers shall perform the duties prescribed in these bylaws and by the parliamentary authority adopted by the Board.

Section 2. The Chairperson of the Board shall preside at all meetings of the Board if present; execute instruments, when authorized by the Board, in the name of the Board; call special meetings of the Board, or reschedule a regular meeting of the Board; be a member of all standing committees, and he/she shall be Chairperson of the Executive Committee; exercise and perform Such other powers and duties as may be assigned to him/her by the Governor, or the Board, or prescribed by the bylaws; and, in general, to perform all the duties incidental to the office of Chairperson.

Section 3. In the absence of the Board Chairperson, the Vice-Chairperson shall perform all the duties of the Chair, and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the Chairperson. The Vice-Chairperson shall have such other powers, and perform such other duties, as may be prescribed by the Board or the Bylaws.

Section 4. In the absence of the Chairperson and Vice-Chairperson, the Chairperson shall designate a member of the Board to preside over the regularly scheduled meeting.

¹ The Department considers an individual that can reasonably be expected to speak affirmatively on behalf of the entity they represent and to commit that entity to a chosen course of action to have "optimum policy-making authority." Additionally, the Department considers an individual to have "demonstrated experience and expertise" if they have documented leadership in developing or implementing workforce development, human resources, training and development, or a core program function.

Article V- Meetings

Section 1. The regular meetings of the Board shall be held at least quarterly at a time and place determined by the Chairperson. Meetings shall be publicly announced, open, and accessible to the public as required by the Americans with Disabilities Act of 1990. The Board may elect to meet more frequently in order to address the issues confronting the Workforce Development System.

Section 2. Special meetings may be called by the Chairperson or the written request of five members of the Board. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least three days' notice shall be given for special meetings.

Section 3. A quorum shall be constituted by forty (40) percent of the State Board's membership, plus one (1) at a meeting. The Board members present at a duly called or held meeting at which a quorum has been established at the beginning of the meeting, may continue to do business until adjournment.

Section 4. Technology will be used to the extent possible to increase board member participation. Strategies may include sending out appropriate meeting materials, including agendas and previous minutes, prior to all board meetings as well as maintaining communication via email between meetings when necessary.

Section 5. In addition to attending board meetings, board members are invited and encouraged to participate in all workforce activities across the state and in their respective areas, such as employer-focused meetings, hiring functions, and employer round table meetings. These activities aim to engage members in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities.

Section 6. Any board member absent, in person or by proxy, for two (2) consecutive regularly scheduled meetings shall be contacted by the Workforce Development staff. Any Board member absent for three (3) consecutive regularly scheduled meetings shall be considered to have resigned unless there is notification of extenuating circumstances approved by the Chairperson. Any request by a board member to have absences excused due to extenuating circumstances should submit the request in writing to the Chairperson. The Department of the Board shall request the governor to fill the vacant position.

Board members appointed to serve from the House and Senate will not be subject to board resignation under terms outlined in this section during active legislation session.

Article VI – Executive Committee

Section 1. The officers of the Board and the Chairperson of each committee established under Article VII shall constitute the Executive Committee.

Section 2. The Executive Committee shall have supervision of the affairs of the Board between its business meetings, and conduct necessary business to ensure compliance with the Workforce

Innovation and Opportunity Act (P.L. 113—128) as may be amended from time to time, and applicable state and federal regulations. The Executive Committee may make recommendations to the Board, and perform such other duties as are specified in the bylaws. The Executive Committee shall be subject to the order of the Board, and none of its acts shall conflict with these bylaws or policies of the Board.

Section 3. The Board Chairperson shall chair the Executive Committee and call meetings when necessary at a date, time, and place of his/her choosing. The Chairperson shall call a special meeting upon the written request of three members of the Executive Committee.

Article VII – Committees

Section 1. The Chairperson may create such other committees that shall have, and may exercise, such powers as shall be conferred or authorized by resolution of the Board. A majority of any such committee may determine its action, and fix the time and place of its meetings, unless the Board shall otherwise provide. The Board, by such affirmative vote, shall have power, at any time, to change the powers, and to dispose of, any such committee.

Section 2. Committees shall meet as necessary to fulfill their responsibilities.

Section 3. The Chairperson of the Board shall have the authority to designate members of the Board to sit on committees, at the chair's discretion. The Chairperson of the Board shall have the authority to appoint and remove committee Chair/Vice Chair.

Under the discretion of the Board Chairperson it may be necessary to establish work groups that comprise both members and non-members of the board to advise board membership regarding specific workforce related issues and or initiatives. The establishment of such groups shall be communicated to the board and members will be appointed by the Board Chairperson.

Article VIII– Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the Board in all questions which are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Board may adopt.

Article IX – Amendment of Bylaws

Bylaws may be changed by the Governor.

Amended by the State Workforce Development Board on October 23, 1998, in Nashville, Tennessee.

Amended by the State Workforce Development Board on March 11, 2005, in Clarksville, Tennessee.

Amended by the Governor's Office on September 8, 2015 to bring into compliance with the

Workforce Innovation and Opportunity Act.

Amended by the State Workforce Development Board on February 21, 2020, in Nashville, Tennessee.

Amended by the State Workforce Development Board Executive Committee on July 10, 2020 to bring the board reconfiguration into compliance with the Workforce Innovation and Opportunity Act.

Amended by the State Workforce Development Board Executive Committee on January 8, 2021 pursuant to Executive Order 69.