

# **KENTUCKY WORKFORCE INNOVATION BOARD**

**STATEMENT OF EXECUTIVE AUTHORITY**

**AND**

**RULES OF PROCEDURE**

**ADOPTED: AUGUST 20, 2015**

## **STATEMENT OF EXECUTIVE AUTHORITY**

Public Law 113-128, now codified as 29 U.S.C. § 3101 et seq., known as the Workforce Innovation and Opportunity Act enacted by the Congress of the United States and signed by the President on July 22, 2014, provides Workforce Innovation and Opportunity Activities through statewide and local workforce investment systems, which are aimed at increasing the employment, retention and earnings of participants; increasing occupational skill attainment by participants; improving the quality of the workforce; reducing welfare dependency; and enhancing the productivity and competitiveness of the United States and its states. The Workforce Innovation and Opportunity Act, among other things, requires the Governor to establish a state workforce development board to initiate and oversee critical transition activities, to assist in the development, implementation, and modification of a state plan, to ensure a customer driven workforce delivery system for both jobseekers and employers is present, to increase accountability and transparency of the system, and to provide leadership and guidance in ensuring alignment of federal and state investments as related to workforce development activities to accomplish those purposes described in Public Law 113-128, now codified as 29 U.S.C. § 3101 et seq.

### **I. Establishment of the Kentucky Workforce Innovation Board**

Steven L. Beshear, Governor of the Commonwealth of Kentucky, established the Kentucky Workforce Innovation Board through Executive Order 2015-422 effective July 1, 2015. The initial members of the Kentucky Workforce Innovation Board were named by the Governor through this same order.

### **II. Purpose of the Kentucky Workforce Innovation Board**

The Kentucky Workforce Innovation Board was created and established to assist the Governor in creating an integrated statewide strategic plan for the workforce development system of Kentucky which will link workforce policies, education and training programs, and funding with the economic development needs of the Commonwealth and its areas and regions.

### **III. Duties of the Kentucky Workforce Innovation Board**

- I. The Kentucky Workforce Innovation Board was created and established to assist the Governor in complying with the provisions of the Workforce Innovation and Opportunity Act. The duties of the Kentucky Workforce Innovation Board shall include assisting the

Governor in complying with the provisions and requirements of the Workforce Innovation and Opportunity Act and to perform any and all other duties and functions pursuant to 29 U.S.C. § 3101 et seq and pursuant to KRS 156.802(6)(b) to conduct state leadership activities referred to in 20 U.S.C.A. §2344 in accordance with the required and permissible uses of funds specified in the Carl D. Perkins Career and Technical Education Act of 2006 and subsequent amendments thereto.

- II. The Kentucky Workforce Innovation Board shall assist the Governor in duties outlined below as set forth in 29 U.S.C. §3111(d):
- (1) development, implementation, and modification of the State plan;
  - (2) the review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the State to align workforce development programs in the State in a manner that supports a comprehensive and streamlined workforce development system in the State, including the review and provision of comments on the State plans, if any, for programs and activities of one-stop partners that are not core programs;
  - (3) the development and continuous improvement of the workforce development system in the State, including
    - (A) the identification of barriers and means foremoving barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system;
    - (B) the development of strategies to support the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment;

- (C) the development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;
  - (D) the development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;
  - (E) the identification of regions, including planning regions, for the purposes of section 106(a), and the designation of local areas under section 106, after consultation with local boards and chief elected officials;
  - (F) the development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one stop partners, and providers with planning and delivering services, including training services and supportive services, to support effective delivery of services to workers, jobseekers, and employers; and
  - (G) the development of strategies to support staff training and awareness across programs supported under the workforce development system;
- (4) the development and updating of comprehensive State performance accountability measures, including State adjusted levels of performance, to assess the effectiveness of the core programs in the State as required under section 116(b);
  - (5) the identification and dissemination of information on best practices, including best practices for
    - (A) the effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies,

including strategies for serving individuals with barriers to employment;

- (B) the development of effective local boards, which may include information on factors that contribute to enabling local boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and
  - (C) effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences, and that evaluate such skills, and competencies for adaptability, to support efficient placement into employment or career pathways;
- (6) the development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in section 121(e), including the development of
- (A) objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers described in such section;
  - (B) guidance for the allocation of one-stop center infrastructure funds under section 121(h); and
  - (C) policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in such system;
- (7) the development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system, including such improvements to

- (A) enhance digital literacy skills (as defined in section 202 of the Museum and Library Services Act (20 U.S.C. 9101); referred to in this Act as “digital literacy skills”);
  - (B) accelerate the acquisition of skills and recognized postsecondary credentials by participants;
  - (C) strengthen the professional development of providers and workforce professionals; and
  - (D) ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas;
- (8) the development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs);
  - (9) the 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 sections 128(b)(3) and 133(b)(3);
  - (10) the preparation of the annual reports described in paragraphs (1) and (2) of section 116(d);
  - (11) the development of the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)); and
  - (12) the development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the State.

#### **IV. Board Membership**

The Kentucky Workforce Innovation Board is comprised of forty-two (42) members appointed by the Governor. Members are appointed in accordance with the provisions of 29 U.S.C. § 3111, Executive Order 2015-422, and other applicable state and federal statutes. The members of the Kentucky Workforce Innovation Board shall be initially appointed to serve staggered terms and thereafter for terms of four (4) years. Each member shall serve for the appointed term and until a successor has been appointed and duly qualified.

A Board member may send a designee or proxy, as appropriate depending on the type of membership appointment. A proxy must be confirmed in writing and provided to the Chair before the meeting. A member authorized to have a designee shall provide the Chair in writing the name and length of time period for designation.

The Governor shall select a Chairperson for the Kentucky Workforce Innovation Board from among the business representative membership to serve at the pleasure of the Governor.

The Chairperson of the Board presides at meetings of the Board, appoints a Vice Chairperson, an Executive Committee, and appoints the members to all committees, task forces and other representative bodies required to implement the Board's work (hereafter collectively referred to as "committees") except as provided in these bylaws. The Board may invite non-members to be approved by the Chairperson to serve on committees and workgroups. In the absence of the Chairperson, or in the event of his/her inability to act, or if that office is temporarily vacant, the Vice Chairperson exercises all of the powers and performs all of the duties of the Chairperson.

#### **V. Board Member Expenses**

Board members shall serve without compensation but shall be reimbursed in accordance with state travel expense and reimbursement regulations incurred in connection with their official duties as members of the Kentucky Workforce Innovation Board.

#### **VI. Conflict of Interest**

A member of the Kentucky Workforce Innovation Board may not vote on a matter under consideration by the Board: regarding the provision of services by such member (or by an entity that such member represents) or that would provide direct financial benefit to such member or the immediate family of such member. A member of the Board may not

engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State Plan.

In addition, the Kentucky Workforce Innovation Board members and the non-members serving on committees or workgroups of the Kentucky Workforce Innovation Board are hereby subject to the provisions of Executive Orders 2008-454 and 2009-882 as well as the gift and conflict of interest rules for Executive Branch public servants set forth in KRS Chapter 11A. Any conflict of interest issue shall be submitted to the Executive Branch Ethics Commission for resolution.

## **VII. Board Staff**

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

# **RULES OF PROCEDURE**

## **I. Meetings**

- A. The Kentucky Workforce Innovation Board shall hold regular meetings at least quarterly and as often as necessary to perform the duties outlined in the Statement of Executive Authority and Rules of Procedure. Meetings shall be called by the Chairperson, Vice Chairperson, or by the Secretary of the Education and Workforce Development Cabinet or his/her designee, and notice of all regular meetings shall be made in writing (including electronic communications) to all members. Special meetings may be called as above and shall be limited to issues identified in the meeting notice. Notices of all meetings shall be made at least 48 hours prior to the meeting date and time in accordance with the Kentucky Open Meetings law.
- B. A written notice of meetings will be sent to each member with each member to respond as to anticipated attendance.
- C. For the purpose of conducting business before the Workforce Innovation Board, the presence of twenty-two (22) voting members, shall constitute a quorum having a double quorum of at least 12 of the 22 being from the business and workforce representative sectors. For the purpose of conducting business before any committee, taskforce, or workgroup established under the Board's Rules of Procedure, Article II, Section I, or any committee, taskforce or workgroup otherwise formed under the express authority of the Board, the



presence of two ( 2 ) members for the Executive Committee and a majority of sub-committees, taskforces or workgroups shall constitute a quorum.

- D. The Chairperson shall approve an agenda for each meeting. Members shall submit a written request for consideration of an agenda item no less than three (3) days before the meeting. Those members of the public in attendance at any meeting of the Kentucky Workforce Innovation Board may address the Board only with the prior approval or at the request of the Chairperson.

## **II. Executive Committee & Coordinating Council**

- A. The Governor may appoint a Coordinating Council to serve as the steering committee for the Board consisting of the Governor and senior policy and administrative officers. The Coordinating Council shall advise and provide the Board with access to the resources required to fulfill the Board's mission.
- B. There shall be an Executive Committee appointed by the Chair pursuant to Executive Order 2015-422.
- C. The Executive Committee is empowered to meet on an interim basis between regular full Board meetings and make emergency or time-sensitive decisions when necessary. Decisions made by the Executive Committee are subject to ratification by the full Board. The Executive Committee shall monitor the work of other Board committees and the Board staff, work with the Steering Committee to develop agenda items, work on legislative issues and make policy recommendations to the Board.
- D. Additionally, the Executive Committee may provide guidance and recommendations to the board in the areas of strategic planning, legislation, operations, and other areas. The Executive Committee may assist in the development of board meeting agendas.

## **III. Committees, Workgroups & Task Forces**

- A. The Chairperson of the Board may appoint, authorize, or abolish committees, workgroups, task forces or other bodies to serve the Board. The Chairperson of the Board shall designate a Chairperson for each committee established and appointed. A Vice-Chair shall be designated for each committee in a process to be determined by the Committee Chair.

- B. Unless otherwise specified, Committees shall address broad issues with no set timeframe for completion. Committees may be of a size and composition required to accomplish the work program as determined by the Chairperson of the Board
- C. Workgroups or task forces shall have a well-defined scope and shall be designated for a set time frame in order to accomplish the scope of work. Workgroups or task forces may be of a size and composition required to accomplish the work program as determined by the Chairperson of the Board.
- D. Board staff shall provide a resource person for each committee upon consultation with the Chairperson.
- E. Meetings of committees, workgroups, or task forces may be called by the committee Chairperson and are subject to Kentucky Open Meetings laws. Committees, workgroups, or task forces may hold meetings concurrently with each other. All committee, workgroups, or task force members shall be notified in writing as to the date and time of the committee meeting.
- F. All members of the Kentucky Workforce Innovation Board may attend any committee, workgroups, or task force meeting, but only those members or nonmembers appointed to the committee shall vote on committee business.

#### **IV. Parliamentary Procedures**

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

#### **V. Amendments**

##### **A. Statement of Executive Authority**

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

##### **B. Rules of Procedure**

These Rules of Procedure shall be binding on the Kentucky Workforce Innovation Board and its members and nonmembers appointed to committees, workgroups or task forces. These Rules of Procedure may be altered or amended by the members of the Board with thirty

(30) days advance notice in writing. The Rules of Procedure of the Kentucky Workforce Innovation Board may be altered or amended by a majority vote of its membership provided that notice of the proposed change has been provided to members at least 30 days in advance and that consideration of the proposed change has been identified as an agenda item in accord with these rules of procedure.

Adopted August 20, 2015 by the Kentucky Workforce Innovation Board.

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Hugh Haydon, Chairman