



CHARTER AND BYLAWS NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL

CHARTER

The North Dakota Workforce Development Council was authorized under executive order 95-01 signed by Governor Edward T. Schafer, January 2, 1995. On December 31, 1999, Governor Edward T. Schafer designated the Council as the State's workforce investment board in accordance with section 111(e) of the Workforce Investment Act of 1998 (WIA). On May 21, 2015, Governor Jack Dalrymple notified the Dallas Department of Labor Regional Office of the intent to utilize the North Dakota Workforce Development Council as the alternate entity under the Workforce Innovation and Opportunity Act of 2014 to perform the functions of the State Board. On July 21, 2017, Governor Doug Burgum established the membership of the Workforce Development Council according to sec. 101(b). (Executive Order 2017-10)

The Workforce Innovation and Opportunity Act is designed to improve the coordination of employment and training services across federal agencies, strengthen collaboration with state and local partners, and provide Americans with increased access to training, education and other support to succeed in the job market and in their careers.

The role of the North Dakota Workforce Development Council is to advise the Governor and the public concerning the nature and extent of workforce development needs in North Dakota, and how to meet these needs effectively while maximizing the efficient use of available resources and avoiding unnecessary duplication of effort.

Under the Workforce Innovation and Opportunity Act, the North Dakota Workforce Development Council assists the Governor with the following functions:

- (1) Development, implementation, and modification of the State plan;
- (2) 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) Development and continuous improvement of the workforce development system in the State, including—

(A) Identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system;

(B) 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) 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) 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) 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) 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) Development of strategies to support staff training and awareness across programs supported under the workforce development system;

(4) 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) 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) 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;

(B) guidance for the allocation of one-stop center infrastructure funds; 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 in such system;

(7) 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;

(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; 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.

The Workforce Innovation and Opportunity Act of 2014 identifies thirteen required partners. The Council is responsible for assuring coordination and avoiding duplication among the workforce investment system partners. The required partners include:

- a. Programs authorized under Title I of the Workforce Innovation and Opportunity Act of 2014;
- b. Programs authorized under Wagner-Peyser Act: the Employment Service (29 U.S.C. 49 et. seq.);
- c. Adult education and literacy activities authorized under Title II of the Workforce Innovation and Opportunity Act of 2014;
- d. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) (other than section 112 or part C of title I of such Act (29 U.S.C. 732, 741));
- e. Activities authorized under Title V of the Older Americans Act of 1965: (42 U.S.C. 3056 et seq.);
- f. Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);
- g. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);
- h. Activities authorized under Chapter 41 of Title 38, United State Code. i. Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);
- j. Employment and training activities carried out by the Department of Housing and Urban Development;
- k. Programs authorized under the state unemployment compensation laws (in accordance with applicable Federal law);
- l. Programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and
- m. Programs authorized under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et. Seq.) subject to subparagraph (C).

**BYLAWS OF THE
NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL**

**ARTICLE I
NAME**

The name of this organization shall be the North Dakota Workforce Development Council, referred to in this document as the Council.

**ARTICLE II
PURPOSE**

The Council shall advise the Governor and the public concerning the nature and extent of workforce development needs in North Dakota, and how to meet those needs effectively, while maximizing the use of resources and avoiding duplication of effort.

**ARTICLE III
MISSION**

The Council shall recommend to the Governor a vision, goals, policy and strategic planning direction needed to ensure an effective and responsive workforce development system that will provide every North Dakotan the opportunity for self-sufficiency and a superior workforce that can compete in the global marketplace.

**ARTICLE IV
MEMBERSHIP**

The Council shall consist of a governing body and two subgroups: (1) The Executive Committee and (2) The Administrative Committee. Other ad hoc committees may be added to meet specific federal and state human resource and workforce development initiatives. These subgroups may be deleted when the federal or state initiative no longer requires the existence of such subgroup.

- a. **State Workforce Development Board:** the Council shall consist of the following members according to WIOA sec. 101(b):
 1. The Governor;
 2. A member of each chamber of the State legislature, appointed by the appropriate presiding officers of such chamber;
 3. Members appointed by the Governor, of which-
 - i) a majority shall be representatives of businesses in the State, who—
 - (l) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority,

- (II) represent businesses (including small businesses), or organizations representing businesses described in this subclause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and
 - (III) are appointed from among individuals nominated by State business organizations and business trade associations;
- ii) not less than 20 percent shall be representatives of the workforce within the State, who—
 - (I) shall include representatives of labor organizations, who have been nominated by State labor federations;
 - (II) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the State, such a representative of an apprenticeship program in the State;
 - (III) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities;
 - (IV) may include 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; and
- iii) the balance—
 - (I) shall include representatives of government, who—
 - (aa) shall include the lead State officials with primary responsibility for the core programs; and
 - (bb) shall include chief elected officials (collectively representing both cities and counties, where appropriate); and
 - (II) may include such other representatives and officials as the Governor may designate, such as—
 - (aa) the State agency officials from agencies that are one-stop partners not specified in subclause (I) (including additional one-stop partners whose programs are covered by the State plan, if any);
 - (bb) State agency officials responsible for economic development or juvenile justice programs in the State;
 - (cc) individuals who represent an Indian tribe or tribal organization, as such terms are defined in section 166(b); and

(dd) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

- b. **Local Workforce Development Board:** The Council membership will serve as the Local Board according to WIOA sec. 107(b)(2) and 107(c)(4).
- c. **The Administrative Committee:** Shall consist of members from the full membership of the North Dakota Workforce Development Council and other non-member subject matter experts.
 - 1. The Administrative Committee membership will be appointed by the Council Chair.
 - 2. Members to the Administrative Committee are appointed to a three-year term by the North Dakota Workforce Development Council Chairperson. The Council Chairperson will appoint the Administrative Committee Chair.
 - 3. The Administrative Committee will assist the North Dakota Workforce Development Council and Council staff in development of overall funding applications, planning goals, guidelines and strategic plans.
- d. **Appointment** to the Council is a three-year term of service.
 - 1. Members may serve two consecutive three-year terms; members may remain on the Council after the expired term until their seat is filled.
 - a. Previous members may be re-appointed to the board after three years.
 - 2. Terms will be staggered to ensure consistency and minimal turnover.
 - 3. Nomination letter must be submitted to the Governor prior to appointment. The Director will assist in obtaining the nomination letter when needed.
- e. **Vacancies** shall be filled in the same manner as the original appointment. The appointment shall be for the remainder of the vacant term.
 - 1. The Director will notify the Governor and the boards and commissions liaison in the Governor's Office of board vacancies.
- f. **Attendance and participation** in Council and subgroup activities is important to workforce development efforts of the State. Two consecutive absences from the Council and subgroup meetings may be cause for a recommendation by the Executive Committee, to the Governor, for forfeiture of appointment.
 - 1. Attendance via online platforms and a conference telephone line will be available for all Council and subgroup meetings.
 - 2. A board member who cannot attend a Council meeting or Council committee meeting may, but is not required to, designate a proxy to attend the meeting in the member's place. The proxy must meet the following criteria:
 - a. If the board member is a business representative, the proxy must have hiring authority and optimum policy-making authority. "Optimum policy-making authority" means an individual 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. [20 CFR § 679.120(a).]

- i. If a board member chooses to select a proxy to attend a Council meeting or Council committee meeting in the member's place, the member must do the following:
 1. Before the meeting, the board member must inform the Director in writing of the name of the proxy.
 2. The board member must state in writing if the proxy can vote for the member during the meeting. If the board member does not affirmatively state in writing that the proxy can vote on the member's behalf, the proxy shall not be allowed to vote.
 3. Board members may designate a proxy to attend a Council meeting or Council committee meeting for no more than 25% of meetings during the member's term unless extenuating circumstances exist and are approved by the Chair.

ARTICLE V RESPONSIBILITIES

The **Council** as a whole shall be responsible to the Governor for:

- a. Identifying, developing and recommending workforce policy changes to federal and state programs that will improve the effectiveness and efficiency of the State's workforce development system.
- b. Reviewing and identifying the current and future economic development and workforce development needs of the state and recommending steps for meeting those needs.
- c. Providing direction for a comprehensive workforce development strategic plan.
- d. Identifying and developing recommended actions that will enhance and increase the capacity of the state's workforce development system.
- e. Identifying and developing opportunities for collaboration and partnership between education, employment and supporting workforce development activities in the State.
- f. Reviewing and approving a Council operating budget. Performing the duties and functions of State Board as prescribed under WIOA.

The Governor will appoint a designee who will serve as operational lead for the Council. This designee will direct and ensure strategic workforce initiatives and activities are implemented collaboratively across all state agencies in North Dakota.

The **Administrative Committee** shall be responsible for:

- a. Developing, in concert with all required partner programs as specified in the WIOA, a Unified State Plan. (The plan will be developed in accordance with the WIOA and guidance from the United States Department of Labor).
- b. Recommending to the Council, goals for the development and continuous improvement of the statewide workforce delivery system to include development of linkages to assure coordination and non-duplication among programs and activities.
- c. Providing recommendations for improvement of comprehensive State workforce delivery system, including State adjusted levels of performance as needed when the core program performance fails to meet negotiated levels.
- d. Recommending projects to the Council for Governor's consideration for funding and provide recommendations to the Council on the use of the Governor's Set-Aside Funds when available.
- e. Approving policies as required by WIOA for State and Local procedures. The Administrative committee will establish policies in consultation with the Council's chief elected officials and present to the full Council.

ARTICLE VI OFFICERS

Council Chairperson shall be selected by the Governor from business and industry members on the Council. The Chairperson will normally serve a three-year term with additional three-year terms at the discretion of the Governor and the individual. The Council Chairperson will also chair the Executive Committee.

Council Vice-Chairperson shall be selected by the Governor from business and industry members on the Council. The Vice-Chairperson will serve a three-year term. The Council Vice-Chairperson shall also be a member of the Executive Committee.

The **Director** will be selected and appointed for an indefinite period of employment by the Governor. Duties of the Director include the day-to-day operation of the Council and Council administration and the writing, publishing, and distribution of all Council meeting minutes. The Director will provide support to the Executive and Administrative Committees and to ad hoc committees created.

ARTICLE VII EXECUTIVE COMMITTEE

Purpose: Provide for the management, continuity and good order of the Council as a whole and perform executive management tasks as may be determined by the Council membership.

Membership: The membership will be appointed by the Council Chair and shall be selected from the business representative membership of the North Dakota Workforce Development Council.

Ex-officio non-voting members shall include: The Executive Director of Job Service North Dakota and the Chairperson of the Administrative Committee.

Responsibilities: The Executive Committee may be called upon to:

- a. Assist in establishing the meeting agendas for the Council.
- b. Track all outstanding actions of the Council and recommend actions that would assure successful completion of all tasks and objectives.
- c. Establish ad hoc committees when needed--design purpose and role, obtain and appoint members, designate chair, and establish operating parameters and completion time subject to approval of the Council.

ARTICLE VIII STAFF

The Council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its mission and responsibilities. The Council has the authority to contract for such services subject to the availability of funds and state personnel and contracting requirements. The Governor's Office and state agencies represented on the Council will provide assistance and staff support to the director as required.

ARTICLE IX MEETINGS OF THE COUNCIL

Regular Meetings of the Council shall be held a minimum of four times annually, generally once a quarter, at a place specified by the Chairperson, or the Vice-Chairperson in the absence of the Chairperson. Based on budget levels, some meetings will be held or assisted by teleconference or interactive video conferencing. Notice will be given not less than ten (10) working days nor more than thirty (30) days prior to the date of the meeting. Meetings of the Council, may, by decision of the Executive Committee, be held via teleconference or electronic means. The fiscal year of the Council shall be July 1 through June 30.

Special Meetings of the Council may be called by the Chairperson upon the request of five or more members of the Council. Written notice of the time, place, and purpose of a special meeting and all other announcements shall be mailed to the members in accordance with the Notice of Meetings as specified in the Bylaws.

Notice of meetings shall be made by the Director of the Council, not less than ten (10) working days nor more than thirty (30) days prior to the meeting. Notification shall include, as a minimum, the date, time and place of the meeting, proposed agenda, and purpose of the meeting. Any formal notification required to be given of any meeting of the Council shall be proper if given to each member personally or by regular mail or electronic means.

Quorum: Fifty percent of members, less any vacancies, plus one shall constitute a quorum for meetings for the transaction of business of the Council. Attendance can be in person or by electronic means.

Agendas for every Regular and Special meeting of the Council, shall be approved at the beginning of each meeting.

Minutes shall be kept for all meetings of the Council. It shall be the responsibility of the Council Director to see that adequate minutes are prepared and distributed for each authorized meeting. Review and approval of prior meetings shall be an agenda item for these Council entities.

Parliamentary Authority: Robert's Rules of Order, Newly Revised, shall be the parliamentary authority for the conduct of Council meetings except when they are inconsistent with the Bylaws of the Council. The Vice-Chairperson will be the Council's parliamentarian or the Council Director in the absence of the Vice-Chairperson.

ARTICLE X AMENDMENTS

These Bylaws may be changed or amended subject to the approval of the Governor.

Adopted Date 1-8-24



Governor Doug Burgum