



Arkansas Workforce Development Board By-Laws

Est. June 9, 2015

Amended: October 9, 2018

Draft Revision: October 24, 2023

Article I: Appointments

Section 1. Authority

The Arkansas Workforce Development Board is organized under provisions of Arkansas Annotated Code 15-4-3704, the Arkansas Workforce Innovation and Opportunity Act, and Public Law 113-128, the Workforce Innovation and Opportunity Act of 2014. Membership and duties of the Board are as defined in those Acts and in these by-laws. These by-laws are structured to meet the requirements of 20 CFR § 679.110(d).

Section 2. Representation.

The Board shall be comprised of members who shall represent diverse geographic areas of the State including urban and rural. In appointing members to the Board, the Governor shall not discriminate on the basis of race, color, national origin, age, disability, or sex.

Section 3. Term of Appointment

The members appointed initially shall draw lots to determine service terms as follows:

- (1) One-fourth shall be appointed for a term of one year.
- (2) One-fourth shall be appointed for a term of two years.
- (3) One-fourth shall be appointed for a term of three years.
- (4) One-fourth shall be appointed for a term of four years.
- (5) As each initial appointment term expires, all appointments made by the Governor will be for four (4) years.

According to CFR § 679.120, anyone occupying a seat on the board must qualify as an individual with policy making authority or has demonstrated experience and expertise with their organization or field.

A representative with "optimum policy-making authority" is defined to be:

(a) an individual 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.

(b) A representative with “demonstrated experience and expertise” means an individual 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 as described in § 679.110(b)(3)(ii)(C) and (D).

Section 4. Vacancies

In accordance with Arkansas Annotated Code 15-4-3704(g), in the event of a vacancy on the Board in one (1) of the appointed positions, the vacancy shall be filled for the unexpired portion of the term by appointment by the original appointing authority of a person meeting the same qualifications required for initial appointment.

Members may continue to discharge the duties on the board, although their term has expired, until a qualified successor has been appointed, pursuant to Ark. Code Ann. §15-4-3704(b).

In the event of a Board vacancy via resignation, termination, or other means, the following process will be utilized to fill the vacancy:

- A. Member’s written resignation must be sent to state staff to submit to the Governor’s office for notification.
- B. The Arkansas Division of Workforce Services (ADWS) and the Arkansas Department of Commerce (ACOM) will recommend qualified persons to the Governor’s Office to fill vacancies.
- C. The Governor will advise the directors of ADWS and ACOM of the appointment selection.
- D. The governor’s Office will send orientation documentation to appointed board member.

Section 5. Attendance

- 1) **Attendance required.** To ensure broad representation and a quorum, all board members have a responsibility to attend all regular or special meetings of the board and committees.
- 2) **Excessive absences.** A board member shall be subject to removal from the board in the event the member shall fail to present to the Governor a satisfactory excuse for his absence. Unexcused absences from three (3) successive regular meetings, without attending any intermediary called special meetings, shall constitute sufficient cause for removal. (According to *Arkansas Code Annotated § 25-16-804*, the Governor may remove a board or commission member for good cause.)

Arkansas Code Annotated § 25-16-804 (a)(1) Good Cause includes:

- a. Conduct constituting a criminal offense involving moral turpitude;
- b. Gross dereliction of duty;
- c. Gross abuse of authority; or
- d. The unexcused absence of a board or commission member from three (3) successive regular meetings without attending any intermediary called special meetings.

- 3) **Notice and removal procedures.** Removal of Board members shall be in accordance with the following:
- a. Within thirty (30) days after each regular Board meeting, state staff of the board shall notify the Governor, in writing, of any member who has been absent from three (3) successive regular meetings, without attending any intermediary called special meetings. The notice to the Governor shall include a copy of all meeting notices and attendance records for the past year.
 - b. Within sixty (60) days after receiving the notice and supporting documentation from state staff, the Governor shall notify, in writing, the Board member of his intent to remove the member for cause.
 - c. Within twenty (20) days of the date of the Governor's notice, the member may request an excused absence as provided by this section or may file within the Governor's Office notice that the member disputes the attendance records and the reasons thereby.
 - d. The Governor shall grant an excuse for illness of the member when verified by a written sworn statement by the attending physician, or other proper excuse as determined by the Governor.
 - e. After twenty (20) days of the date of the Governor's notice, if no rebuttal is received or other adequate documentation submitted, the member may be removed in accordance with the provisions set forth.

4) **Reimbursements and Expenses Withheld.**

Travel expenses reported by Board members, other than state, technical college, and University employees (who would otherwise be reimbursed by the agency which pays his or her salary) to attend meetings of the Board or its committees or other meetings approved by the Board shall be reimbursed in accordance with the State travel reimbursement policy and State of Arkansas Travel Regulations, which allows for members to be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Members shall submit their travel reimbursement request in writing to state staff for reimbursement.

Any board or commission member referred to the Governor because of excessive absences under the provisions of this section shall not be entitled to any stipend payments for attending meetings of the board until the board or commission receives notification from the Governor that the member has been excused for the absences.

5) **Resignation or Termination.** The Governor may terminate the appointment of any member, other than those who are state or university officials who serve by virtue of their position, at his or her pleasure.

- a. Any member, in his or her capacity as a Board member may resign such position by providing written notice to the Governor, Chair of the Board, and state staff of the board. The effective date of any resignation shall be the time specified in the statement of resignation, or immediately if no time is specified.
- b. Elected officials who are no longer serving in the elected office they were appointed to represent, shall submit their resignation effective immediately to the Governor's Office in writing upon dismissal.

Section 6. Changing Employment Status

In the event that a member changes employers, that member may be allowed to continue to serve on the Board if they are still able to fill the member type category for which they were originally appointed, or if they are able to fill a vacancy in another member category.

In the event that the changing employment status makes the member ineligible to serve, that member must submit their resignation to the Governor, Chair of the Board, and state staff.

Article II: Officers

Section 1. Chair

The Governor shall select annually on June 1 a chair for the Board from among the representatives of business described in A.C.A 15-4-3704. The Chair shall preside at all meetings of the Board and Executive Committee and shall have such other duties, powers, and responsibilities as are assigned by the Board or these by-laws.

Section 2. Vice-Chair

The Governor shall select by July 1 of each calendar year a Vice-Chair from among the members of the Board. The Vice-Chair shall act as Chair in the absence or disability of the Chair and shall have such other duties, powers and responsibilities as are assigned by the Chair, the Board, or these by-laws.

Section 3. Line of Succession

If neither the Chair nor Vice-Chair are available to preside at all meetings of the Board and Executive Committee, the line of succession is as follows:

1. Strategic Planning Committee Chair
2. Program and Performance Evaluation Committee Chair
3. TANF Oversight Committee Chair

Article III: Powers and Functions

Section 1. Powers and Functions

The Arkansas Workforce Development Board shall have specific responsibilities as provided in A.C.A. 15-4-3706. The Board also shall have any other responsibilities identified in Public Law 113-128, or assigned by the Governor.

Article IV: Meetings

Section 1. Regular Meetings

The Board shall meet at least quarterly at such time and location as the Chair may select. The Executive Committee shall meet as needed between the quarterly board meetings at the call of the chair of the executive committee or upon the request of seventy-five percent (75%) of the executive committee members, and the chair of the executive committee shall report any actions of the executive committee to the board at the quarterly meetings. Each other committee shall meet at such times and locations as called by the committee chair and consistent with applicable provisions of the Administrative Procedures Act. Communications requesting consideration by the Board from persons not members thereof shall be in writing to the Board Director at least twenty (20) days prior to a regularly scheduled Board meeting. Items brought by Board members may be added to the agenda with a two-thirds (2/3) vote of the members present.

The Board and its Committees may utilize technologies to promote greater participation among its members. Such technologies may include, but are not limited to: teleconferences, webinars, and other web-based meeting tools.

- A. The technology used for the electronic meeting shall allow attendees full access to and full participation in all meeting transactions either continuously or intermittently throughout the specified time of the meeting.
- B. Participation in a remote meeting shall constitute presence for all purposes, including quorum and voting.
- C. Any action that could be taken at an in-person meeting may also be taken at a remote meeting held pursuant to this provision.

All meeting locations shall be publicly noticed and accessible to the public.

Section 2. Special Meetings

Special meetings of the Board for any purpose may be called by the Chair of the Board or upon the written request of a majority of the membership of the Board.

Section 3. Notice of Meetings

Written notice stating the place, day and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall

be deposited in the mail, hand delivered, or sent by way of electronic mail not less than seven (7) days before the date of a regular meeting and not less than one (1) day before the date of a special meeting. Such notice shall be sent to Board members, the media and individuals who have submitted a written request to be notified of meetings.

Section 4. Order of Business

The regular order of business shall include, in any order, the following:

- A. Roll call
- B. Action on the minutes of the preceding meeting(s)
- C. Report of the Chair
- D. Report of the staff director
- E. Report of the Executive Committee
- F. Report of the standing committees
- G. Report of any *ad hoc* committees
- H. Other specified agenda items
- I. Communications, petitions and miscellaneous
- J. Adjournment

Section 5. Agenda.

Before a Board meeting or committee meeting, an agenda showing the items of business to be conducted at the meeting shall be prepared and circulated to the Board members electronically or by link to the Board's website. The Chairperson or the ADWS staff may prepare the agenda.

The agenda shall be made available to each member of the Board or committee no less than 76 hours prior to the meeting.

A Board member may have an item placed on the agenda of the Board meeting or a committee meeting by notification, in writing no less than 7 days prior to the scheduled board meeting, to the Chairperson and state staff of the board. Persons who are not members of the Board may request agenda items to be placed upon the Board agenda or committee agenda by request to the Chairperson or ADWS staff support. The Chairperson has the discretion as to whether the items should be placed on the agenda.

Section 6. Rules

Meetings of the Board and its committees shall be conducted in accordance with the policies specified in these by-laws and generally recognized procedures (e.g., Robert's Rules of Order, the process used by the Arkansas General Assembly, or other common methods of proceeding). Any objections to procedure must be made at the time an action is taken by the Board or committee.

Article V: Committees

Section 1. Enumeration and Selection

There shall be four (4) standing committees of the Board and such other committees as the Board or the Chair may determine from time to time to be necessary or appropriate. Unless otherwise specified, committee members and chairs shall be appointed by the Chair of the Board. The standing committees are as follows:

- A. Executive Committee
- B. Strategic Planning Committee
- C. Program and Performance Evaluation Committee
- D. Temporary Assistance for Needy Families Oversight Committee

Section 2. Executive Committee

The Executive Committee shall be formed and meet as needed between the quarterly board meetings at the call of the chair of the executive committee or upon the request of seventy-five percent (75%) of the executive committee members. Upon the initial meeting of the Workforce Development Board, the Chair shall name an interim Executive Committee, which shall expire after six months. The Board shall select an Executive Committee to take effect the seventh month.

The Executive Committee shall have the authority of the Board to act during the interim between Board meetings but shall defer to the Board, whenever practical, action on matters of major policy implications. Executive Committee decisions will be implemented immediately and will be ratified at the next full Board meeting. Between Board meetings the Executive Committee shall review and coordinate the work of the other committees. All Board functions not specifically enumerated and assigned to another committee by these by-laws shall be the responsibility of the full Board and the Executive Committee, unless the function is assigned by the Chair to another standing or ad hoc committee.

The membership of the Executive Committee shall include:

- At least five (5) members representing businesses;
- At least one (1) chief elected official;
- At least two (2) representatives of workers;

The Arkansas Division of Workforce Services shall provide staff support to the board.

Section 3. Strategic Planning Committee

The Strategic Planning Committee shall act in an advisory capacity to the Board to carry out the following functions:

- The development, implementation, and modification of the state workforce development plan
- 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 plan, if

- any, for programs and activities of one-stop partners that are not core programs;
- The development and continuous improvement of the workforce development system in the state, including:
 - The 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;
 - 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;
 - 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;
 - 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;
 - The identification of regions, including planning regions, after consultation with local boards and chief elected officials;
 - The development of strategies to support staff training and awareness across programs supported under the workforce development system;
 - The development and review of statewide policies affecting the coordinated provision of services through the state's one-stop delivery system, including the development of—
 - Guidance for the allocation of one-stop center infrastructure funds; and
 - 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;
 - 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:
 - Enhance digital literacy skills;
 - Accelerate the acquisition of skills and recognized postsecondary credentials by participants;
 - Strengthen the professional development of providers and workforce professionals; and
 - Ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas;
 - 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.

The Committee also will perform other functions related to strategic planning activities. To the extent feasible, appointments to the Strategic Planning Committee shall be similar to the categorical representation of the Board as a whole.

Section 4. Program and Performance Evaluation Committee

The Program and Performance Evaluation Committee shall act in an advisory capacity to the Board to carry out the following functions:

- The 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;
- 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;
- The identification and dissemination of information on best practices, including best practices for:
 - 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;
 - 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
 - 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;
- Objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers;
- The preparation of an annual report;
- The development of the statewide workforce and labor market information system;
- The development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the state; and
- 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).

To the extent feasible, appointments to the Program Performance and Evaluation Committee shall be similar to the categorical representation of the Board as a whole.

Section 5. Temporary Assistance for Needy Families Oversight Committee

Temporary Assistance for Needy Families Oversight Committee provides oversight of the Temporary Assistance for Needy Families Program and ensures that all program participants are receiving the assistance, information, and the services needed to help these low-income parents prepare for and connect with employment that will lead to a self-sufficient wage.

The member of the committee shall include:

- At least five (5) members representing businesses;
- At least one (1) chief elected official;
- At least one (1) member from among those members representing workers;
- The director of the Division of Workforce Services;
- The director of the Division of County Operations of the Division of Human Services as a standing voting committee member who is also not a member of the Arkansas Workforce Development Board

Section 6. Combined Committee Meetings

In the event that it appears that an insufficient number of Committee members are able to attend an upcoming meeting, the Board Chair may determine that it is in the best interest of the Board that a combined committee meeting is held.

This decision will be made after staff has polled committee members and provided notification to the Board Chair that a quorum will not be present.

Article VI: Quorum, Proxies, Voting, and Official Minutes

Section 1. Quorum

A simple majority of the members shall constitute a quorum at Board or committee meetings. Board or committee action shall require a simple majority of those members present during a meeting at which a quorum is present. The Chair may determine the method of voting, except that any member may request individual polling. Secret balloting shall not be allowed. Any member may request that his/her vote or abstention be made part of the minutes.

Section 2. Proxies

Proxy representation and proxy voting for non-governmental Board members will not be allowed. However, proxy representation for agency directors who are unable to be present is expected. Agency directors must notify the Board Chair and state staff, in writing, of their designee and certify that this person has the authority to serve and function as a Board member on the official's behalf. This notification must be made at least seven (7) calendar days prior to the meeting.

The Governor may be represented by a designee at any meeting or committee meeting of the Arkansas Workforce Development Board and that designee's attendance shall constitute attendance by the Governor for quorum purposes. A person attending a board meeting as a designee of the Governor is authorized to vote on behalf of the Governor.

Section 3. Voting

Each member of the Board shall have one vote. Proxy voting is permitted for representatives of the Governor or agency directors who have provided written notification of their proxy to state staff, in accordance with the Board by-laws.

Section 4. Official Minutes

The Board and its committees shall keep complete records and minutes of its proceedings which shall be open to the public pursuant to law.

Meetings shall be recorded by ADWS staff. Minutes of the meetings shall be prepared, presented by ADWS staff, and approved by the Board at the next regular meeting. The minutes shall be made available upon request to any member of the public.

The Board and Committee Chairs will sign all official meeting minutes of their respective entities. In the event that the Board or Committee Chairs are unavailable, the Director of the Arkansas Workforce Development Board shall sign.

Article VII: Public Information

Section 1. Official Pronouncements

The Chair of the Board or his/her designee is the only member of the Board authorized to make official pronouncements for the Board. The staff director, or the agency providing staff support, is authorized to speak for the Board and its membership.

Section 2. Releases and General Information

The staff director, or the agency providing staff support, may issue such news releases, general information and other communications regarding the business of the Board as will serve its interest.

Article VIII: Open and Public Meetings

Section 1. Public Business

The Arkansas Workforce Development Board exists to serve the public interest. Actions of the Board and its meetings shall be conducted openly and in compliance with the Arkansas Freedom of Information Act, ACA 25-19-101, *et seq.*, as amended.

Section 2. Sunshine Provision

The Board shall make available to the public, on a regular basis, notice posted on its website, information regarding the activities of the Board, including its work plan, notice of meetings, recordings and written minutes of meetings and presentations.

To comply with the Sunshine Provisions, the Board and any subcommittee authorized to take official action on behalf of the Board must do the following:

- A. Take official action and engage in deliberations only at meetings open to the public. "Official action" includes making recommendations, establishing policy, making decisions, and/or voting on matters of Board business. "Deliberations" are discussions of board business necessary in order to reach decisions.
- B. Ensure that all meetings are held in an accessible location for the disabled and that all information is provided in accessible and alternate formats.
- C. Give public notice of meetings in accordance with applicable state code provisions, including public notice in advance of any special meeting or rescheduled regular meeting.
- D. Ensure that votes of board members be publicly cast
- E. Keep written minutes of all public meetings, including date, time and place of the meeting, members present, the substance of all official actions, a record of roll call votes, and the names of any citizens who appeared and gave testimony.

Article IX: Amendments

Section 1. Method of Amendment

These by-laws may be amended or repealed at any regular meeting of the Board by a two-thirds affirmative vote of the Board during a meeting at which a quorum is present, provided that copies of such amendments shall be submitted in writing to each member at least seven (7) days before the meeting at which time they are to be proposed; provided, however, that these by-laws may be adopted initially by a two-thirds affirmative vote of the full Board without regard to the seven (7) day notification period. Amendments must be proposed in writing and may be offered by any member of the Board or by the staff director.

Article X: Conflict of Interest

Section 1. Voting Prohibitions

Section 101 of WIOA prohibits a member of the Board from voting on a matter under consideration by the Board when:

- 1. the matter concerns the provision of services by the member or an entity that the member represents; or
- 2. the matter would provide direct financial benefit to the member or the immediate family of the member; or

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

Section 2. Board Member Code of Conduct

Members of the Board are expected to avoid unethical behavior in the course of performing their official duties. The Board not only expects its members to avoid impropriety, but also avoid the appearance of impropriety whether it actually exists. Members must avoid:

1. using their position for private gain;
2. giving preferential treatment to any person or entity;
3. losing their independence or impartiality in making decisions; or
4. acting in any way that might erode public confidence in the integrity of the Board.

Section 3. Abstention

Board members should individually abstain from voting on issues and matters that will result in a direct or indirect conflict of interest. Abstentions and the general reasons, therefore, should be duly recorded in the minutes of the meeting.

Whenever a potential conflict becomes known to a Member, the Member shall proceed as follows:

- A. The Member shall divulge the existence of and the reasons for the potential conflict and refrain from voting on or participating in discussions which relate to the topic. Such declaration and recusal shall be clearly noted in the Board's minutes.

Section 4. Compliance with State law

Board members shall comply with all relevant aspects of the laws of the state of Arkansas with regard to conflict of interest.

Pursuant to A.C.A. § 21-8-1001

(a)

- (1) No member of a state board or commission or board member of an entity receiving state funds shall participate in, vote on, influence, or attempt to influence an official decision if the member has a pecuniary interest in the matter under consideration by the board, commission, or entity.
- (2) A member of a state board or commission or board member of an entity receiving state funds may participate in, vote on, influence, or attempt to influence an official decision if the only pecuniary interest that may accrue to the member is incidental to his or her position or accrues to him or her as a member of a profession, occupation, or large class to no greater extent than the pecuniary interest could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.

(b) No member of a state board or commission or board member of an entity receiving state funds shall participate in any discussion or vote on a rule or regulation that exclusively benefits the member.

Every voting member will be required to sign a Conflict-of-Interest form.

Section 5. Compliance with Federal law

Board members shall comply with all relevant aspects of the WIOA Implementing Regulations with regard to conflict of interest.

Pursuant to 20 CFR §683.200

c) Uniform administrative requirements. (1) Except as provided in paragraphs (c)(3) through (6) of this section, all recipients and subrecipients of a Federal award under title I of WIOA and under the Wagner-Peyser Act must follow 2 CFR part 200, including any exceptions identified by the Department at 2 CFR part 2900.

(5) In addition to the requirements at 2 CFR 200.318, which address codes of conduct and conflict of interest the following applies:

(i) A State WDB member, Local WDB member, or WDB standing committee member must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or that member's immediate family.

Article XI: Confidentiality

Section 1. All information, whether transmitted orally or in writing, that is of such a nature that it is not, at that time, a matter of public record or public knowledge is deemed confidential by the Board. Members shall not disclose confidential information obtained in the course of or by reason of his or her membership on the Board to any person or entity not directly involved with the business of the Board.

Furthermore, no member of the Board shall use confidential information obtained in the course of or by reason of his or her membership on the Board in any matter with the intent to obtain financial gain for:

- a. the member.
- b. the member's immediate family,
- c. any business the member or their immediate family is associated, or
- d. any other person.

Article XII: Non-Discrimination

Section 1. The Board shall not discriminate against any employee, agent or provider of consulting or contract services, or applicant for employment, agency or consulting or contract services on the basis of race, color, religion, sex, national origin, disability or veteran status. It shall be the policy and practice of the Board to comply fully with federal and state laws, regulations and requirements in respect of non-discrimination, affirmative action, equal employment and civil rights.


Board Chair
Arkansas Workforce Development Board
Workforce Development Board Director
Division of Workforce Services