



BYLAWS

OF

LANCASTER COUNTY WORKFORCE
INVESTMENT BOARD

Adopted 06/22/2017

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BY-LAWS
of
Lancaster County Workforce Investment Board

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* All references to “COM adopted 1/11/2017” shall refer to Resolution #1 of 2017 of the Lancaster County Commissioners Adopting Bylaws on behalf of the Lancaster County Workforce Investment Board as mandated by the Act.

BYLAWS
OF
LANCASTER COUNTY WORKFORCE INVESTMENT BOARD
(a Pennsylvania Nonprofit Corporation)

ARTICLE I - Name, Offices, Composition and Purpose

Section 1. **Name.** The name of the Corporation is Lancaster County Workforce Investment Board (“LCWIB”). It is a Pennsylvania non-profit corporation. The LCWIB was incorporated on June 2, 1980, and by reason of a determination of the Internal Revenue Services dated April 13, 1981, is exempt from Federal Income Taxes, as an organization described in Section 501(C)(3) of the Internal Revenue Code.

1.1 Articles of Incorporation. The LCWIB shall conduct its business as authorized by its Articles of Incorporation. The LCWIB shall further undertake the functions mandated by the Workforce Investment Act of 1998, the Workforce Innovation and Opportunities Act (the “WIOA”) and any and all successor and amended legislation. All such legislation shall be collectively referred to as the “Act” if it is the law then in effect.

1.2 Workforce Development Board. The LCWIB shall also be known as the Lancaster County Workforce Development Board pursuant to a fictitious name filed September 1, 2015, and such other fictitious names as may be adopted from time to time.

Section 2 **Offices.** The registered office of the LCWIB in the Commonwealth of Pennsylvania shall be at 313 West Liberty Street, Suite 114, Lancaster, Pennsylvania 17603. The LCWIB may have such other officers as it may determine from time to time.

Section 3 **Membership Composition.** The LCWIB shall be composed of the following membership:

- A.** The LCWIB shall have no less than the number of Members required by the Act and to the extent possible at least twenty-one (21), but no more than forty (40) members.
- B.** The representatives of business in the workforce development area covered by the LCWIB shall represent no less than fifty-one (51%) percent of the LCWIB membership.
- C.** Within these general parameters, membership shall be as provided by the requirements of the Act.

Section 4 Purpose.

- A.** The LCWIB was established in accordance with the requirements of the Act, including Section 107 of WIOA. The LCWIB shall conduct its business to increase employment, retention and earnings of participants, increase the occupational skill attainment of participants and improve the quality of the workforce in the Lancaster County Workforce Development Area (the “Area”). Business to be conducted by the LCWIB business shall include, but not be limited to, the following:
- i. Development of the mission, strategic vision, and policies and priorities for the Area.
 - ii. Advice and assistance to the Lancaster County Board of Commissioners by setting policies to promote effective workforce development programs in the Area.
 - iii. Support the development and maintenance of a skilled and competitive workforce in alignment with the broader economic development efforts to attract, retain and grow business in Lancaster County.
 - iv. Identification of the long-term, strategic workforce development needs of the Area.
 - v. Development of a comprehensive workforce development plan, and other plans and strategies as may be required, to address Area workforce development needs.
 - vi. Building partnerships to align resources in support of development plans and strategies.
 - vii. Recommending providers of workforce development and training to the Commonwealth for certification.
 - viii. Development of accountability measures to assess program performance, business engagement, and customer satisfaction.
 - ix. Conducting evaluation, program oversight, and monitoring activities.
 - x. Promoting private sector participation in the local workforce development system.
 - xi. Developing and approving the LCWIB budget and related budgets.
 - xii. Administering additional federal, state, and other workforce funds as an integrated system.
- B.** The LCWIB shall exercise such decision-making powers and perform such functions and duties as are necessary and appropriate to fulfill its mission, subject to requirements and limitations imposed upon the LCWIB under the terms of the Act and all Federal and State laws, regulations, rules and directives as they may be adopted and amended from time to time.
- C.** LCWIB shall comply with the requirements issued by the Pennsylvania Department of Labor and Industry from time to time. All amendments or

alterations to its requirements shall be incorporated herein, without further amendment of these Bylaws.

Section 5 **Certification.** LCWIB is certified by the Commonwealth of Pennsylvania to serve the workforce development needs of Lancaster County, Pennsylvania.

Section 6 **Fiscal Year.** The Fiscal Year of the LCWIB shall commence on July 1 and end June 30th.

ARTICLE II - Management and Composition of Board

Section 1 **Appointment of Members**

The nomination process to be used by the Lancaster County Board of Commissioners (“Commissioners”) shall be pursuant to the requirements of the Pennsylvania Department of Labor & Industry, a copy of which is attached hereto and incorporated by reference as Exhibit A. Without further amendment of the Bylaws, any and all amendments or alterations to the Pennsylvania Department of Labor & Industry’s process shall be incorporated into the Bylaws. The Commissioners shall appoint the members as provided by law. (COM adopted 1/11/17)

Section 2 **Board of Directors**

- A. The Members appointed to the LCWIB shall act as the Board of Directors
- B. The business affairs of the LCWIB shall be managed by its Board of Directors subject to certain delegations that may be made to the Executive Committee, as set forth herein.
- C. Composition of the LCWIB Board of Directors shall be in accordance with the Act and any other subsequent legislation or regulations as may be adopted or amended, and directives of which shall be incorporated into these Bylaws by this reference without further amendment of adoption.

Section 3 **Terms and Term Limits (COM adopted 1/11/17)**

- A. Members will be appointed for a term of three (3) years.
- B. The term of a Member shall run from July 1 to June 30. In the event a Member is appointed on a date other than July 1, the term shall commence upon appointment and terminate on June 30 of the appropriate year.

- C. Members will be appointed for staggered terms so that the terms of approximately one-third of the board expire at the end of each Fiscal Year.
- D. Members shall be eligible to serve three (3) terms commencing on July 1, 2016.
- E. To ensure compliance with the Act or other mandated directives, the Executive Committee may approve a continuation of the member's term until his or her successor is duly chosen and qualified.

Section 4 Vacancies and Removals

- A. Vacancies shall be filled by appointment of the Commissioners. The Chairperson of the LCWIB shall notify the Commissioners within fifteen (15) days of any vacancy. In the event the Pennsylvania Department of Labor & Industry requires a different process; it shall be incorporated into the Bylaws without further amendment. (COM adopted 1/11/17)
- B. Members who subsequently retire or no longer hold the position that made them eligible LCWIB Members, may not continue to serve on the LCWIB as a representative of that sector. However, such Members may remain as a general member at the discretion of the Executive Committee.
- D. The Member appointed to fill an unexpired term of a Member shall serve the balance of the prior member's unexpired term.
- E. Members may be recommended for removal by the Executive Committee to Lancaster County for cause which shall include but not be limited to:
 - i. The Member no longer holds the position which made the member eligible to serve on the LCWIB
 - ii. Failure to accept notice of the LCWIB appointment within 60 days of such notice
 - iii. Unexcused absence from three (3) or more consecutive full LCWIB meetings
 - iv. Self-dealing, conflict of interest, or the appearance of a conflict of interest
 - v. Breach of the fiduciary relationship between the Member and the LCWIB by reason of the Member's service. This shall include the Member's failure to act in good faith and in a manner, he or she reasonably believes to be in the best interest of the LCWIB

- vi. Failure to timely file all documents and disclosures required of Members
 - vii. The arrest or allegation of criminal activity or other act of a Member which is detrimental to the reputation, effectiveness, or status of the LCWIB within the community; and
 - viii. Such other cause as the LCWIB shall certify as sufficient cause for removal.
- E.** The LCWIB Chairperson shall notify the Commissioners of the Executive Committee's recommendation for removal, together with the reason therefore, in writing as soon as reasonably possible after the Executive Committee's action.

ARTICLE III - Meetings

Section 1 Meetings

- A. Regular meetings of the LCWIB shall be held at the call of the Chairperson.
- B. Special meetings of the LCWIB shall be called by the Chairperson whenever deemed necessary or upon written request signed by five (5) Members.
- C. There shall be a minimum of two (2) full LCWIB Meetings during the fiscal year.
- D. All meetings of the LCWIB, including but not limited to, regular Member meetings, special Member meetings, Executive Committee and Standing Committees may convene via telephone, Skype, electronic or other remote participation conferencing arrangements. The Members may convene via conference arrangements that are audible to both attendees, in person, as well as those attending via conference. Further, those attending conference shall be offered all of the rights of those attending in person, including but not limited to, the right to make motions as well as the right to vote. The persons participating via conference call shall be included in determining the existence of a quorum for conducting business. (COM adopted 1/11/17)
- E. Members may vote on any and all matters presented to the LCWIB or any of its Committees, by casting a vote in person, voice vote, ballot, mail, email, text, or any other generally accepted manner of commercial communication. (COM adopted 1/11/17)
- F. All meetings of the LCWIB shall be open to the public.

G. The LCWIB and its Committees, as required, shall be subject to the Sunshine Act.

Section 2 **Place of Meetings.** Meeting of the LCWIB may be held at such place as is from time to time designated in the Notice of the Meeting.

Section 3 **Notice of Meetings.** Each Member of the LCWIB shall receive not less than three (3) days written notice of regular or special meetings of the LCWIB by mail, fax, or email.

ARTICLE IV - Officers

Section 1 **Officers and Duties of Officers**

A. The Officers of the LCWIB shall be a Chairperson, Vice-Chairperson, Secretary and Treasurer.

B. Duties of Chairperson

The Chairperson shall be responsible for directing day-to-day affairs of the LCWIB and for maintaining a liaison with the Commissioners. The Chairperson must be a representative of the business sector. (COM adopted 1/11/17). The Chairperson shall preside at all board meetings as well as all Executive Committee Meetings and shall appoint the Chairpersons and Members of each Committee. The Chairperson shall further have the authority to sign and execute all documents, contracts and agreements authorized by the LCWIB or otherwise desirable, convenient, and in the best interests of the LCWIB. The Chairperson shall have such other duties as may be assigned, necessary or desirable from time to time.

C. Duties of Vice Chairperson

The Vice Chairperson shall be vested with all the powers and shall perform all duties of the Chairperson during the absence of the former and shall have such other duties as may from time to time be determined by the LCWIB. The Vice Chairperson shall have the authority to perform all duties of the Chairperson when the Chairperson is absent or otherwise unavailable to act. The Vice Chairperson must be a representative of the business sector and shall succeed to the Office of Chairperson.

D. Duties of Treasurer

The Treasurer shall be responsible for overseeing and maintaining the LCWIB financial records and other documentation, which shall be kept at the LCWIB office. The Treasurer shall have general charge and supervision of the financial records of the LCWIB. The Treasurer shall cooperate with the Fiscal Agent of the Area to secure and maintain adequate financial records for the LCWIB purposes, including any 501(c)3 funds.

E. Duties of Secretary

The Secretary shall be responsible for overseeing the maintenance of the official documents of the LCWIB, which shall be kept at the LCWIB office. The Secretary shall further confer with the LCWIB staff to maintain a complete record of all the meetings. The Secretary shall have the general charge and supervision of the records of the LCWIB. The Chairperson may appoint an Assistant Secretary who may be a member of the Staff of the LCWIB.

F. Assistant Secretary

The Chairperson may appoint an Assistant Secretary who need not be a Member, but who may be a member of the staff of the LCWIB.

ARTICLE V - Elections of Officers

Section 1 Elections

- A. The Officers shall be elected from among the membership of the LCWIB.
- B. The election of the Officers of the LCWIB shall be majority vote of the quorum of the LCWIB, as defined in Article VIII.

Section 2 Nominations

- A. A Nominating Committee will be appointed by the Chairperson, and it is the Nominating Committee's responsibility to present candidates who are willing and able to serve as Officers for the positions available. Nothing in this section shall preclude additional nominations as provided herein.
- B. The Nominating Committee shall be appointed by the Chairperson, and shall consist of no less than three (3) Members.
- C. The Nominating Committee shall evaluate each candidate and make its recommendation to the Board of Directors at or prior to the meeting at which the election shall be held.

Section 3 Other Nominations. Any three (3) Members may make additional nominations which shall be in writing and communicated to the Chairperson no less than fifteen (15) days prior to the meeting when the vote will occur.

Section 4 Terms. The Officers specified shall serve a term of two (2) years commencing July 1 and extending until their successors are duly chosen and qualified.

Section 5 **Term Limitations.** Officers may be elected for two (2) consecutive terms and thereafter may serve additional terms as another officer or, after a one year period, be re-elected to their prior office.

Section 6 **Officer Vacancies**

- A. If there is a vacancy for any reason in the position of any Officer, the Chairperson shall appoint a successor who shall hold office for the unexpired term of the office in which the vacancy occurred.
- B. Officers may be removed by a majority vote of the Executive Committee for cause and may include but is not limited to the reasons set forth for the removal of Members. The Officer under consideration for removal is prohibited from voting on his or her removal.

Section 7 **Vice Chair Succeeds to Chair.** Upon the expiration of the Chairperson's term as herein before specified, the Vice Chair shall succeed to the office of Chairperson.

ARTICLE VI - Committees

Section 1 **General Provisions and Membership**

- A. There shall be such Standing and Special Committees as may be determined from time to time by the LCWIB or at the direction of the Chairperson.
- B. Committees, with the exception of the Executive Committee, may include Non-Members who bring their specialized knowledge and skills to complete the committee tasks. Non-Members shall have no voting rights.
- C. The Chairperson of all committees shall be a LCWIB Member and will serve on the Executive Committee of the Board.
- D. Committee Members serve at the pleasure of the Chairperson and shall serve on the Committee until either:
 - i. Their successors are appointed;
 - ii. The task of the Committee is completed; or
 - iii. The Member resigns or is removed from the Committee.
- E. Each committee shall keep regular minutes of its activities and report such to the Executive Committee and LCWIB as determined necessary or desirable.

- F. The frequency of committee meetings will be determined as necessary to complete the task(s) of the committee but, at a minimum, standing committees will meet twice per fiscal year.

ARTICLE VII - Standing Committees

Section 1 Standing Committees

The Standing Committees of the LCWIB of shall be:

- A. The Executive Committee
- B. Youth Council
- C. The Finance Committee
- D. Local Management Committee
- E. Performance Committee
- F. Such other Standing Committees as may be established from time to time

Section 2 Executive Committee

- A. The Executive Committee shall consist of the Chairperson, Vice-Chairperson, Secretary, Treasurer, and not fewer than four (4) nor more than six (6) other Members. Non-Officer Members of Executive Committee shall be appointed by the Chairperson.
- B. The Chairperson of the LCWIB shall be the Chairperson of the Executive Committee.
- C. The Executive Committee shall have and exercise all the power and authority of the LCWIB with the exception of the following:
 - i. Disbursement of funds for Workforce Development Activities, submission of the Local Plan, selection of training providers or actions otherwise restricted to the LCWIB
 - ii. The adoption, amendment or repeal of the By-Laws
- D. The Executive Committee shall have the exclusive jurisdiction of all Executive and staff personnel actions including, but not limited to, hiring, discipline, termination, and any and all other appropriate personnel actions.

- E. The following items will be vetted through the Executive Committee and forwarded to the Board of Directors for approval:
 - i. Approval of contracts and providers
 - ii. Procurement and Certification of operator
- F. The Executive Committee shall assist the Chairperson in the administration of the LCWIB.
- G. The Executive Committee shall make recommendations for the effective coordination of all programs and services.
- H. The Executive Committee shall in the absence of a regularly scheduled meeting of the LCWIB conduct all business of the LCWIB.
- I. The Executive Committee's actions need not be ratified by the LCWIB.

Section 3 Finance Committee. The Finance Committee shall assist with fiduciary responsibilities of the LCWIB by reviewing financial reports, budgets, expenditures, and internal controls. It shall review the annual audit. The committee shall provide fiscal guidance to the LCWIB and its staff, as well as other duties as determined to be appropriate by the Chairperson of the committee.

Section 4 Youth Council

- A. The Youth Council provides a forum for interested parties who provide youth leadership, expertise, and who actively engage in setting goals for youth activity and youth programs. The Youth Council establishes strategies for the workforce development of youth residing in the Area.
- B. Membership on the Youth Council shall include Members with a special interest or expertise in youth policy and such other individuals who are not Members with special interest or expertise in youth policies.
- C. Members of the Youth Council who are not LCWIB Members shall be entitled to vote as Members of the Youth Council, but not on any other LCWIB matters.

Section 5 Local Management Committee. The Chairperson shall appoint persons who need not be Members of the LCWIB to serve on a Committee to be known as the Local Management Committee (LMC) as defined by the Department of Health and Human Services (the Department). The individuals appointed shall serve as voting members of the LMC and shall be comprised of the Lancaster County Assistance Office Executive Director or his/her designee who will represent the

County Assistance Office, the local fiscal agent for Department funds, the Bureau of Workforce Development Partnership, a local education agency and a local economic development agency. Appointees may represent one or more of the required organizations.

Section 6 **Performance Committee.** The Performance Committee shall be responsible for reviewing the quarterly performance metrics for compliance with state measures, current reports provided by programs, and summaries of customer service surveys among other indications of effectiveness. The Committee shall have such other duties as may be assigned by the Chairperson.

Section 7 **Ad Hoc Committees.** Ad Hoc Committees shall be established from time to time by the Chairperson to conduct the business for which they are established. Upon completion of their assignment and report to the LCWIB, the Ad Hoc Committee will cease existence.

ARTICLE VIII - Quorum and Majority Vote

Section 1 **Quorum.** The presence of fifty-one (51%) percent of its Members shall constitute a quorum of the LCWIB and its committees; provided, however, that in no event shall a quorum consist of less than three Members. The Members present at a duly-organized meeting may continue to do business until adjournment, notwithstanding the withdrawal of Members, which result in less than the presence of a quorum.

Section 2 **Majority Vote.** Action by the LCWIB will require a majority vote by a quorum of the Members. The majority shall be deemed to have acted when more than one-half of the Members present shall have voted a given alternative; provided however that amendment of these Bylaws as provided herein, shall require the majority vote of all Members.

Section 3 **Tie Breaker.** In the event of a tie vote on any matter, the vote of the Chairperson shall be deciding and shall be noted in the minutes.

Section 4. **Proxies.** Members may from time to time be represented by a voting proxy, selected or designated by the Member who possesses the required qualifications. Proxies must be in writing, signed, dated and shall expire after 60 days, unless sooner revoked.

ARTICLE IX - Conflict of Interest

Section 1 **Conflict of Interest.** A Member of the LCWIB may not vote nor participate in any decision-making capacity on a matter under consideration 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; or engage in any other activity determined by the governor to constitute a conflict of interest as specified in the Pennsylvania WIOA Combined State Plan. No Member shall engage in any activity that may be or has the appearance of a conflict of interest, except as specifically disclosed and thereafter approved.

Section 2 **Applicable Laws & Forms Required.** A Member of the LCWIB shall comply with all regulations, policies, directives, workforce system guidance, including, but not limited to Public Official and Employee Ethics Act, and PA Management Directive 205-10 as now in effect or hereafter amended, and other duly promulgated or adopted instructions of the Commonwealth of Pennsylvania, Department of Labor and Industry or other governmental authority.

- A. Members prior to taking office must execute a Conflict of Interest Form, a copy of which is made a part hereof and marked Exhibit “B” as may hereafter be amended.
- B. Members shall annually complete Statement of Financial Interests.
- C. Conflict of Interest Forms shall be maintained by the LCWIB for review by the Commonwealth of Pennsylvania.

Section 3 **Nepotism.** LCWIB staff may not hire family members, or businesses owned, in full or part, by family.

ARTICLE XIV - Bylaw Adoption and Amendment

Section 1 **Bylaw Adoption and Amendment.** These Bylaws and any amendment hereto shall become effective by majority vote of the LCWIB, provided, that after their initial adoption, a copy of the Bylaw sections to be amended or adopted is mailed, faxed, or emailed to each member of the LCWIB at least five (5) days prior to the date of the meeting at which they are to be adopted or amended.

ARTICLE XV - Dissolution

Section 1 **Dissolution.** Upon the dissolution of the LCWIB, the Executive Committee, after paying or making provision for the payment of all the liabilities of the LCWIB, shall dispose of all the assets of the LCWIB exclusively for the purposes of the LCWIB in such manner, or to such organization or organization organized and operated exclusively for charitable, educational, religious or scientific purposes, or shall at the time qualify as an exempt organization or organizations under Section 501 (c)3 of the Internal Revenue Code or the corresponding provisions of any future Internal Revenue Law. Any such assets not so disposed of shall be disposed of in accordance with applicable law.

EXHIBIT “A”

Nomination Process

The Commissioners must contact the appropriate entities in the local area for nominations to appoint members or fill vacancies. Representatives of business; labor organizations; adult education and literacy; and higher education are required to be nominated prior to appointment to the LCWIB. Nominating organizations must submit an official letter to the Commissioners, which:

- shall be submitted on the appropriate nominating agency’s letterhead;
- shall designate the appropriate category or categories for which the member is being nominated;
- shall acknowledge the nominee’s optimum policy-making and/or hiring authority for the category or categories to be represented;
- shall include a narrative supporting the qualifications of the nomination, which shall include, but not be limited to, a description of how the business member employer provides high-quality work, relevant training and development in an in-demand industry sector(s) or occupation(s);
- shall be signed by an official of the nominating entity; and
- may include additional documentation (e.g. resume, etc.) supporting the qualifications for nomination.

EXHIBIT “B”

Conflict of Interest Code Form

I, _____, Lancaster County Workforce Investment Board (“LCWIB”) Member, agree to the terms and conditions contained herein.

CONFLICT OF INTEREST CODE Lancaster County Workforce Investment Board

LCWIB Members are to provide responsible stewardship for and oversight of publicly funded workforce programs. The roles and responsibilities of the LCWIB must be executed in a manner that demonstrates strong integrity, accountability and transparency in order to preserve the public trust. All voting and non-voting LCWIB Members and staff are subject to the provisions of state and local conflict of interest policies.

REQUIRED ACTIVITIES

LCWIB Members must:

- Recuse themselves from their official duties if there is a real or perceived conflict of interest
- Advise the board of any potential or perceived conflicts of interest
- Ask the board for guidance if there is any doubt as to whether a specific situation involves or constitutes a real or perceived conflict of interest

RESTRICTED ACTIVITIES

LCWIB Members must not:

- Cast a vote on nor participate in any decision-making capacity on the provision of services by such Member (or by an organization that such member directly represents)
- Cast a vote on nor participate in any matter that would provide any direct benefit to such Member or the immediate family of such Member
- Engage directly or indirectly in any business transaction or private arrangement for profit (including any third-party transactions) that develops from or is based upon the Member’s official title or authority on the LCWIB
- Participate in the negotiation of or decision to award contracts or grants, the certification of any eligible providers, or the selection of any one-stop (PA CareerLink®) operator with or for any entity in which the Member has a financial or personal interest
- Use LCWIB equipment, supplies or properties for the Member’s own private gain or for any reason other than official designated purposes
- Represent or act as an agent for any private interest, either for compensation or not, in any transaction:

- in which the LCWIB has a direct and substantial interest
- which could be reasonably expected to result in a conflict between a private interest of the Member and his/her/their official board responsibility

LCWIB Members (or specific entities represented by Members) who participate in the development of contract specifications or standards are prohibited from receiving any direct financial benefit from any resulting contract. In addition, no corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust, foundation or other entity shall receive the contract if it would create a conflict of interest for the LCWIB Member who participated in this manner.

VIOLATIONS OF THE CONFLICT OF INTEREST CODE

1. If, after an investigation, the LCWIB believes that this code has been violated, it may recommend to the Governor of the Commonwealth of Pennsylvania or the Lancaster County Commissioners that the individual who has violated the code be removed from LCWIB membership.
2. The Governor of the Commonwealth of Pennsylvania, or the Lancaster County Commissioners, has the authority to remove a Member of the LCWIB for a violation of this code, even if the LCWIB has not made such a recommendation.

Signature _____ Date _____

Printed Name: _____