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ARTICLE I. Name

The name of the organization shall be the Governor's Council on Workforce Investment, referred to as CWI or the Council.

ARTICLE II. Authority

By authority of 29 U.S.C. § 3111, these by-laws are issued by the Governor. In accordance with Section 101 of the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3111, and 2019 Wisconsin Executive Order 6 the Governor's Council on Workforce Investment shall serve as the duly-designated state workforce board for the State of Wisconsin.

ARTICLE III. Organization

3.1 Membership

Pursuant to 2019 [Wisconsin Executive Order #6](#), 29 U.S.C. § 3111, and 20 C.F.R. § 679.110, Council members are appointed by the Governor, and must include:

- (1) The Governor;
- (2) A member from each party of each chamber of the state legislature, appointed by the presiding officer from the respective parties of each chamber;
- (3) Members appointed by the Governor, which shall consist of:
 - (a) A majority of representatives of businesses or organizations in the State who:
 - i. Are the owner or chief executive officer for the business or organization, or is an executive with the business or organization with optimum policy-making or hiring authority, and also may be members of a Local WDB as described in WIOA sec. 107(b)(2)(A)(i);
 - ii. Represent businesses, or organizations that represent businesses described in paragraph (b)(3)(i) of 20 C.F.R. § 679.110, that, at a minimum, provide employment and training opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and
 - iii. Are appointed from a list of potential members nominated by State business organizations and business trade associations; and
 - iv. At a minimum, one member representing small businesses as defined by the U.S. Small Business Administration.
 - (b) Not less than 20 percent who are representatives of the workforce within the State, which:
 - i. Must include two or more representatives of labor organizations nominated by State labor federations;
 - ii. Must include one representative who must be a member of a labor organization or training director from a joint labor-management registered apprenticeship program, or, if no such joint program exists in the State, a member of a labor organization or training director who is a representative of a registered apprenticeship program;
 - iii. May include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to

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- employment, including organizations that serve veterans or provide or support competitive, integrated employment for individuals with disabilities; and
- iv. May include one or more 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.

(c) The balance of members:

- i. Must include representatives of the Government including:
 1. The lead State officials with primary responsibility for the following core programs –
 - a. The adult, dislocated worker, and youth programs authorized under title I of WIOA and the Wagner-Peyser Act;
 - b. The Adult Education and Family Literacy Act (AEFLA) program authorized under title II of WIOA; and
 - c. The State Vocational Rehabilitation (VR) program authorized under the Rehabilitation Act of 1973, as amended by title IV of WIOA.
 - d. Where the lead official represents more than one core program, that official must ensure adequate representation of the needs of all core programs under his or her jurisdiction.
 2. Two or more chief elected officials (collectively representing both cities and counties, where appropriate).
- ii. May include other appropriate representatives and officials designated by the Governor, such as, but not limited to,
 1. State agency officials responsible for one-stop partner programs;
 2. Economic development or juvenile justice programs in the State;
 3. Individuals who represent an Indian tribe or tribal organization as defined in WIOA sec. 166(b); and
 4. State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

- (4) A diverse representation of geographic areas of the State, including urban, rural, and suburban areas, in accordance with 29 U.S.C. § 3111(b)(2).

In summary, the balance of CWI membership shall be comprised of:

- (1) The Governor or his/her designee;
- (2) Representatives of businesses or organizations that represent businesses in the state;
- (3) Representatives of employees, including representatives of labor organizations;
- (4) Representatives of government, including state officials responsible for the WIOA's core programs and chief elected officials;
- (5) A member from each party of each chamber of the state legislature, appointed by the presiding officer from their respective chamber; and
- (6) Any other members as the Governor may appoint.

3.2 Ex-Officio Membership

- (1) The Governor may, at his or her discretion, appoint ex-officio members to the Council. These members shall not have voting privileges nor count towards the CWI quorum unless such voting authority is specifically conveyed by the Governor. Additionally, ex-officio

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members do not count toward calculating the required 51 percent minimum business membership or the 20 percent minimum workforce membership requirements in accordance with 2019 Wisconsin Executive Order #6, 29 U.S.C. § 3111, and 20 C.F.R § 679.110.

- (a) Annually, the Wisconsin Workforce Development Association's Executive Committee shall recommend to the Governor and the Council Executive Director one of the State's local Workforce Development Board directors to serve for a one-year term as an ex-officio member of the Council.

3.3 Technical Advisors

- (1) Technical Advisors may be utilized on occasion by the Council and will typically consist of state agency program leads, subject matter experts, and/or staff from the areas including, but not limited to:
 - (a) Department of Administration;
 - (b) Department of Corrections;
 - (c) Department of Health Services;
 - (d) Department of Revenue;
 - (e) Department of Transportation;
 - (f) Department of Veterans Affairs;
 - (g) National Governors Association;
 - (h) United States Department of Labor;
 - (i) Wisconsin Housing and Economic Development Authority;
 - (j) Department of Workforce Development, Bureau of Apprenticeship Standards; and
 - (k) Department of Workforce Development, Bureau of Job Service.

3.4 Appointment

(1) Nominations

- (a) Individuals interested in being nominated to serve on the Council are encouraged to apply by submitting in their applications via email to GOVAppointments@wisconsin.gov.
- (b) The Governor's Office shall internally review all applications upon receipt before sending to the Governor for official approval. Upon approval by the Governor, these applicants shall be officially appointed to serve on the Council.
- (c) The Governor's Office shall direct the Department of Workforce Development (DWD) staff to the Council to, in collaboration with the DWD Secretary's Office, notify the Governor's Office of any member vacancy to ensure a prompt nomination to fill that open position.

(2) Council Members

- (a) The members of the Council are appointed by the Governor, except legislative representatives who are appointed by the presiding officer of their respective chamber, and serve at the pleasure of the Governor.
- (b) The Governor shall select the CWI Chair from among the business representatives serving on the Council.

(3) Designees

Any member who wishes to identify a designee must convey the name and any other requested information in writing at least seven (7) days in advance of any Council meeting to the Council Executive Director and Council Chair for approval. To be considered for approval, all

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suggested designees must be otherwise eligible to serve as Council members under 29 U.S.C. § 3111 and 20 C.F.R. § 679.110 (d)(4); namely, if the designee is a business representative, he or she must have optimum policy-making hiring authority, and other designees must have demonstrated experience and expertise and optimum policy-making authority. Only an approved designee may participate fully, count towards a member's attendance and CWI quorum, and vote at Council meetings.

- (a) The Governor may be represented by a designee at any meeting of the Governor's Council on Workforce Investment 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.
- (b) Council members may select an official designee to attend Council meetings they are unable to attend. All designees must be otherwise eligible to serve as Council members under 29 U.S.C. § 3111 and 20 C.F.R. § 679.110 (d)(4) and must abide by all conflict of interest provisions required of Council members as a condition of their designee status.

(4) Terms

- (a) Members are appointed to serve at the pleasure of the Governor.

(5) Termination and Resignation

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

- (a) Any member may resign from the Council by submitting a letter of resignation to the Governor and Council Executive Director. The resignation shall become effective on the date specified in the resignation letter.
- (b) Council members, who due to job change or other reasons no longer represent the sector from which they were appointed, may continue to serve until their replacement is appointed unless continued membership is determined by the Council Executive Director to violate 29 U.S.C. § 3111 or 20 C.F.R. part 679.
- (c) 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.
- (d) Members who are not business representatives and serve by virtue of their position shall submit their resignation in writing to the Governor's Office if they are no longer serving in the position through which they were appointed to the Council. Members may also request to continue to serve but be reappointed through their new position.
- (e) Regular attendance at meetings is expected of each Council member. A member shall notify the Chair, or the DWD staff provided to support the Council as indicated in Section 3.7 of these by-laws, at least 24 hours in advance of a meeting if the member is unable to attend. In the event of an emergency, the member shall contact the Chair or DWD staff as soon as reasonably possible. Failure to notify in advance or without just cause for the absence shall be recorded as an unexcused absence. DWD staff will inform the Governor's Office of any member who has had two (2) unexcused absences in one year.

3.5 Voting

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Only Council members appointed under Section 3.4(2) of these by-laws, or individuals officially designated under Section 3.4(3) of these by-laws, are voting members of the Council. Each member of the Council shall have one vote.

3.6 Conflict of Interest

- (1) Council members are state public officials as defined by Wis. Stat. § 19.42 and are subject to Wis. Stat. §§ 19.45 and 19.46, relating to code of ethics and conflict of interest. As such, among other prohibitions, members shall not:
 - (a) Use his or her public position to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated;
 - (b) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest; and
 - (c) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.
- (2) Pursuant to 29 U.S.C. § 3111, a member of the Council may not vote on a matter under consideration regarding the provision of services by the member or by an entity that the member represents or that would provide direct financial benefit to the member of the immediate family of the member. In addition, a member of the Council may not engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.
- (3) Ex-officio members and technical advisors serving the Council shall still be subject to the conflict of interest provisions of this section of these by-laws.

3.7 Staffing of the State Council

Pursuant to Wisconsin 2019 Executive Order #6, the Wisconsin Department of Workforce Development (DWD) shall provide staff and administrative support for the Council.

ARTICLE IV. Officers and Executive Director

4.1 Council Chair

The Chair of the Council shall be appointed by the Governor, from among those members who are business representatives, to serve at his or her pleasure in accordance with 29 U.S.C. § 3111(c).

4.2 Vice Chair

The Vice Chair of the Council shall be appointed by the Governor, from among those members who are business representatives, to serve at his or her pleasure. The Vice Chair shall, in the absence of the Chair, have all the authority and responsibilities of the Chair.

4.3 Council Executive Director

The Secretary of the Department of Workforce Development shall serve as the Council's Executive Director.

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ARTICLE V. Meetings

5.1 Frequency

The Council shall meet at least four times a year or as otherwise determined by the CWI Chair. Meetings shall be scheduled at the call of the Chair.

5.2 Notice

- (1) Notice of meetings of the Council, along with an agenda of items for consideration at such meeting, shall be provided to all members not less than 24 hours in advance of the meeting, but generally, at least seven (7) days prior notice should be provided. Mailing by e-mail or postal mail to the member's registered address shall be deemed adequate notice.
- (2) Public notice as required under Subchapter V of Chapter 19 of the Wisconsin Statutes (also known as the Wisconsin Open Meetings Law) and 29 U.S.C. § 3111(g) shall be given prior to each meeting.

5.3 Presiding Officer

The Chair shall preside at all meetings of the Council and shall be responsible for the management of the business of the Governor's Council on Workforce Investment. If the Chair is absent, the Vice Chair shall preside over the meeting. If both the Chair and the Vice Chair are absent, the Council Executive Director shall preside over the meeting.

5.4 Agenda

The Chair, in consultation with the Council Executive Director, DWD staff support, and the Executive Committee, shall determine the agenda for each Council meeting.

5.5 Quorum

A majority of Council members, or their official designees, shall constitute a quorum for the purpose of conducting official business of the Council. Council members' attendance shall be taken at beginning of each meeting to ensure a quorum is present.

5.6 Technology

At the Chair's discretion and should the meeting host be able to provide it, a conference line may be provided at all Council meetings and may be provided at meetings of working groups, committees, etc. by request. Web-based meetings may also be used as deemed appropriate by the Chair.

ARTICLE VI. Committees, Working Groups

6.1 Executive Committee

(1) Membership

The Executive Committee shall be comprised of the Chair, Vice Chair, Executive Director, and Chairs of the working groups. The Chair may, at his or her pleasure, designate additional Council members to serve on the committee.

(2) Purpose

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The Executive Committee shall provide overall direction to Council activities. The Executive Committee shall also take action on matters when time does not allow issues to be addressed at a regularly scheduled Council meeting. A majority vote of the Executive Committee is required for all such actions. All actions of the Executive Committee shall be reviewed by the full Council at the next regularly scheduled meeting.

6.2 Standing Committees

(1) Purpose

The Council shall, under the guidance of the Council Chair, form committees on an as-needed basis to formalize a structure for Council members and stakeholders in Wisconsin's workforce and talent development system to actively participate in the maintenance, support and refinement of the system's activities. The CWI currently has three standing committees – **Employment Training Infrastructure Committee**, the **Growing Workforce Opportunities Committee**, and the **WIOA Compliance and Resource Alignment Committee** – that will build off the goals and objectives outlined in the CWI Strategic Plan, centering around the four strategic focus areas listed below:

- 1) Education;
- 2) Employers;
- 3) Workforce; and
- 4) Organization & Resource Alignment.

These committees shall consist of a majority of Council members and shall report to the Council on their activities, mission, and deliverables. Reports shall be made via recommendations for action and approval during formal committee report outs at Council meetings, except when the committee acts on behalf of the Council based on prior authority granted by the Council for a specific purpose. The chairs of the committees shall establish appropriate rules for management of the committee's business. Committees and their purpose shall be reviewed by the Council at least once but not more than twice a year to ensure that the committee is continuing to progress along their purpose.

(2) Workforce Innovation and Opportunity Act (WIOA) Compliance & Resource Alignment Committee

The purpose of the WIOA Compliance & Resource Alignment committee shall be to assist the Governor in carrying out his or her statutory requirements in compliance with Federal WIOA guidelines, as listed in 20 C.F.R. § 679.130, and shall have responsibility for Strategic Focus Area #3 – Workforce with the goal to increase Wisconsin's workforce participation by promoting infrastructure to improve access to job opportunities, incentivize workforce participation, and by improving the sustainability of work for individuals and families; and Strategic Focus Area #4 – Organization & Resource Alignment with the goal to advocate for resource alignment to maximize return on investment and use data for continuous improvement of the workforce system. At least four members of the WIOA Committee shall be state officials responsible for the WIOA core programs.

(3) Growing Workforce Opportunities Committee

This committee will focus on Strategic Focus Area #1 - Education with the goal to reinvigorate Wisconsin's culture and value of education and innovation to fuel ideas, businesses, people, and

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the next generation for future economic wellbeing and ensure that individuals from all backgrounds have access to the education, training, and support they need to achieve their full potential.

(4) Employment Training Infrastructure Committee

This committee will focus on Strategic Focus Area #2 - Employers with the goal to engage all employers to drive, build and utilize Wisconsin's workforce development system.

(5) Committee Membership and Meetings

- (a) The committees shall elect their own leadership (chair, vice chair) by simple vote. Committees shall consist of a majority of council members as determined by the CWI Chair.
- (b) The committee chairs shall convene meetings four times per year in advance of Council meetings and as needed upon the call of the committee chairs in coordination with the CWI Chair.
- (c) All committee members may participate fully and vote on any matters brought before a standing committee of the Council. Members of a committee who are not Council members nor ex-officio members shall likewise be subject to the conflict of interest provisions of Section 3.6 of these by-laws as a condition of their membership on the committee and shall not have voting privileges.

6.3 Ad hoc and Special Committees

The Council Chair, in consultation with the Executive Committee, may establish *ad hoc* or special committees, workgroups, or task forces to assist the Council in carrying out its responsibilities. The scope, duration, and membership of the committee shall be determined by the Council Chair at the time of the appointment. At least one member of an ad hoc or special committee, workgroup, or task force must be a Council member. The balance of non-Council members shall be appointed by the Council Chair. All appointed members of an ad hoc committee established under these by-laws may participate fully and may vote on any matters before the committee. Members of an ad hoc committee who are not Council members shall still be subject to the conflict of interest provisions of Section 3.6 of these by-laws as a condition of their membership on the committee.

ARTICLE VII. Reimbursement of Expenses

Travel expenses reported by Council members, other than state, technical college, and University employees (who would be reimbursed by the agency which pays his or her salary) to attend meetings of the Council or its committees or other meetings approved by the Council shall be reimbursed in accordance with the State travel reimbursement policy Wis. Stat. § 15.09(6) and State of Wisconsin 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 CWIADMIN@dwd.wisconsin.gov within 10 business days of the charges incurred for assistance in obtaining and filing the necessary forms and paperwork for reimbursement. Members requesting a hotel or lodging reimbursement must make their email request at least 10 business days in advance of the meeting, to ensure room at the host hotel. Members shall receive their reimbursement within 30 days upon submission of their request.

ARTICLE VIII. Amendment of By-laws

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The Council, by majority vote, may recommend to the Governor changes to these by-laws. The Governor may amend the by-laws at any time.

ARTICLE IX. External Inquiries

Members of the Council shall refer all legal, legislative, and media inquiries and contacts, as well as public records requests to the Department of Workforce Development at CWIADMIN@dwd.wisconsin.gov.