

AMENDED

BYLAWS

STATE WORKFORCE DEVELOPMENT BOARD STATE OF SOUTH CAROLINA

ARTICLE I: ESTABLISHMENT

- 1.1 **NAME:** In accordance with the Workforce Innovation and Opportunity Act (WIOA), and applicable Federal Regulations, the name of this organization shall be the State Workforce Development Board (State Board or SWDB).
- 1.2 **PROVISIONS OF ESTABLISHMENT:** The State Board was established in accordance with Section 101 WIOA.
- 1.3 **AREA SERVED:** The area to be served by the State Board is the geographical and political jurisdiction of the State of South Carolina.
- 1.4 **STATE ADMINISTRATIVE AGENCY:** The State Administrative Agency designated by the Governor to administer Title I of WIOA is the South Carolina Department of Employment and Workforce (DEW). Staff support to the SWDB will be provided by DEW.

ARTICLE II: PURPOSE AND AUTHORITY

- 2.1 **PURPOSE:** The purpose of the State Board shall be to provide advice to the Governor and direction to DEW on workforce development issues affecting the State, particularly those pertaining to the implementation of WIOA.
- 2.2 **AUTHORITY:** The State Board shall perform all functions mandated by WIOA and perform such other duties as directed by the Governor. In no event shall the State Board operate programs or provide services to eligible participants.
- 2.3 **DUTIES:** The State Board shall provide oversight of the following duties as required by Section 101(d) of WIOA and other duties as directed by the Governor:
1. the development, implementation, and modification of the State Workforce Development plan;
 2. the review of statewide policies, programs, and recommendations on actions that should be taken by the State to align workforce development programs to support a comprehensive and streamlined workforce development system, including the review and provision of comments on the State Plans, if any, for programs and activities of SC Works partners that are not core programs;
 3. the development and continuous improvement of the workforce development system, including –
 - A. 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;
 - B. the development of strategies to support the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with

- barriers to employment, including individuals with disabilities, with workforce investment activities, education, and supportive services to enter or retain employment;
- C. the development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;
 - D. the development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;
 - E. the identification of regions, including planning regions, for the purposes of section 106(a), and the designation of local areas under section 106, after consultation with local boards and chief elected officials;
 - F. the development and continuous improvement of the SC Works delivery system in local areas, including providing assistance to local boards, SC Works operators, SC Works partners, and providers with planning and delivering services, including training services and supportive services, to support effective delivery of services to workers, jobseekers, and employers; and
 - G. the development of strategies to support staff training and awareness across the workforce development system and its programs;
4. the development and updating of comprehensive State performance accountability measures to assess core program effectiveness under WIOA sec. 116(b);
 5. the identification and dissemination of information on best practices, including best practices for –
 - A. the effective operation of SC Works 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 levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and
 - C. effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual’s prior knowledge, skills, competencies, and experiences, and that evaluate such skills, and competencies for adaptability, to support efficient placement into employment or career pathways;
 6. the development and review of statewide policies affecting the coordinated provision of services through the State’s SC Works delivery system described in WIOA sec. 121(e), including the development of –
 - A. objective criteria and procedures for use by local boards in assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of SC Works centers;
 - B. guidance for the allocation of SC Works center infrastructures funds under WIOA sec. 121(h); and
 - C. policies relating to the appropriate roles and contributions of entities carrying out SC Works partner programs within the SC Works delivery system, including approaches to facilitating equitable and efficient cost allocation in such system;
 7. the development of strategies for technological improvements to facilitate access to, and improve the quality of services and activities provided through the SC Works delivery system, including such improvements to –
 - A. enhance digital literacy skills (as defined in section 202 of the Museum and Library Services Act (20 U.S.C. 9101); referred to in this Act as “digital literacy skills”);

- B. accelerate the acquisition of skills and recognized postsecondary credentials by participants;
 - C. strengthen the professional development of providers and workforce professionals; and
 - D. ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas;
8. the development of strategies for aligning technology and data systems across SC Works system 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 SC Works partner programs;
 9. awareness of allocation formulas used for the distribution of funds to local areas for adult and youth workforce investment activities, as permitted under WIOA sec. 128(b)(3) and 133(b)(3);, and knowledge of program funding levels for each local workforce development area;
 10. the preparation of the annual reports described in paragraphs (1) and (2) of WIOA sec. 116(d);
 11. the development of the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491-2(e)); and
 12. the development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the State.

2.4 OTHER DUTIES: The SWDB may hear, participate in and render decisions regarding dispute resolutions and/or appeals made to the State Board in accordance with WIOA guidance from US DOL and State policies. The following process will be used to dispose of an appeal to the SWDB unless the issue is governed by an appeal process detailed in a specific state policy:

1. The Chair will designate the Executive Committee or an Ad Hoc Committee of at least three SWDB members to hear the appeal.
2. The SWDB will hear the appeal and issue a written decision within 60 business days from receipt of a written appeal.

WIOA guidance from the US Department of Labor may require DEW to implement additional appeals procedures which involve the SWDB.

2.5 BOARD ENGAGEMENT: To ensure active participation of board members, the Chair assigns each member to at least one committee. Committees are tasked with carrying out specific functions as identified by the Committee Chair and members of the committee, with advice and approval of the Executive Committee. Committee functions include, but are not limited to, implementation of WIOA. Committee functions are outlined in Committee Charters, which may be amended, from time to time, by the Executive Committee.

ARTICLE III: MEMBERSHIP

3.1 COMPOSITION AND APPOINTMENT: The State Board shall be composed of members as outlined in Section 101(b) of the Workforce Innovation and Opportunity Act. The SWDB shall consist of members who are individuals with optimum policy-making

authority within the organizations, agencies, or entities they represent. The members of the board shall represent diverse regions and populations of South Carolina, including urban, rural, and suburban areas.

The State Workforce Development Board must consist of the following voting members:

1. the Governor;
2. a member of each chamber of the State legislature (to the extent consistent with State law), appointed by the appropriate presiding officers of such chamber; and
3. members appointed by the Governor, which must include:
 - A. a majority of representatives of businesses or organizations in South Carolina who
 - (a) are the owner or chief executive officer for the business or organization, or is an executive with the business or organization with optimum policymaking or hiring authority, and also may be members of a local board;
 - (b) represent businesses, or organizations representing businesses, that 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
 - (c) are appointed from a list of potential members nominated by state business organizations and business trade associations; and
 - (d) 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 South Carolina, which:
 - (a) shall include two or more representatives of labor organizations, who have been nominated by State labor federations;
 - (b) shall include one 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 program exists, a representative of a registered apprenticeship program in the State;
 - (c) 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 employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and
 - (d) 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 service out-of-school youth; and
 - C. the balance of the members shall include representatives of government who:
 - (a) shall include the lead State officials with primary responsibility for the core programs; and
 - (i) the adult, dislocated worker, and youth program authorized under title I of WIOA and the Wagner-Peyser Act;
 - (ii) the Adult Education and Family Literacy Act (AEFLA) program authorized under title II of WIOA; and
 - (iii) the State Vocational Rehabilitation (VR) program authorized under the Rehabilitation Act of 1973, as amended by title IV of WIOA.
 - (b) shall include two or more chief elected officials representing both cities and counties, where appropriate; and

- (c) other representatives and officials as the Governor may designate, such as, but not limited to,
 - (i) the State agency officials from agencies that are SC Works partners that are not core programs;
 - (ii) State agency officials responsible for economic development or juvenile justice programs in South Carolina;
 - (iii) individuals who represent an Indian tribe or tribal organization, as such terms are defined in section 166(b); and
 - (iv) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

3.2 TERM LIMITS: Members of the SWDB serve for a term of years as provided below. Service shall be defined as beginning at the time of appointment and ending upon resignation or removal from the board. Term limits shall be effective July 1, 2015.

Three year term with the option for reappointment for one consecutive three year term, by the presiding officer of either the House or Senate:

- State Legislators and Chief Elected Officials
- “Other” Representatives as the Governor may designate¹

Four year term with the option for reappointment by the Governor for one consecutive four year term:

- Representatives of Business
- Representatives of Labor
- Representatives of Community-Based Organizations

Board members may be reappointed for a third term after a break in service. A break in service shall be defined as at least 12 consecutive calendar months after resignation or removal. Persons removed from the board pursuant to 3.4C or 3.4D below are not eligible for reappointment.

Exception: The Board Chair serves for a period of time as requested by the Governor after which time he/she may be appointed to the Board as a member according to the term limits provided above.

3.4 TERMINATION OF MEMBERSHIP: Membership may be terminated for one or more of the following reasons:

- A. Failure to continue to meet the requirements of the membership category of which the qualifications were the basis for his/her initial appointment. A status change includes retirement, change in membership category, and/or affiliation. When this occurs, the Board member must provide written notification to the Governor of his/her status change. At a minimum, notification shall include: The Board member’s name,

¹ As provided in WIOA sec. 101(b)(1)(C)(iii)(II), the SWDB may include such other representatives and officials as the Governor may designate, such as: State agency officials from agencies that are SC Works partners, state agency officials responsible for economic development or juvenile justice programs, individuals who represent an Indian tribe or tribal organization, and state agency officials responsible for education programs, including chief executive officers of community colleges and other institutions of higher education.

membership category, and affiliation, and a copy of the notification shall be delivered to DEW.

- B. Resignation of a Board Member. A Board member may resign from the SWDB at any point during his/her term. When this occurs, the Board Member must provide written notification to the Governor of his/her decision to resign. The resignation will take effect upon delivery of the notification to. At a minimum, the notification shall include: the Board member's name, membership category, and affiliation, and a copy of the notification shall be delivered to DEW.
- C. Failure to comply with attendance as outlined in Section 5.4 of these Bylaws, or the SWDB Attendance Policy
- D. Failure to represent the SWDB in a manner deemed appropriate by the Governor or the Board Chair.

Board membership may also be terminated without cause at the sole discretion of the Governor.

ARTICLE IV: OFFICERS

- 4.1** **CHAIR:** The Chair of the State Board shall be a business representative appointed by the Governor. The term of office shall be subject to the Board Member term limits as described in Section 3.3.

The Board Chair's duties include, but are not limited to the following:

- A. Prepare the agenda and preside over all regular and special meetings of the State Board and Executive Committee.
- B. Assign State Board members to standing and ad hoc committees of the State Board.
- C. Establish such work groups as shall be deemed necessary and appropriate. Work group members are not required to be members of the State Board.
- D. Serve as an Ex-Officio member of all committees of the State Board.
- E. Sign all documents requiring the signature of the State Board Chair.
- F. Delegate authority and responsibility as needed.

- 4.2** **VICE-CHAIR:** The Vice-Chair shall be appointed by the Chair and perform the duties of the Chair in the event of the Chair's absence or disability. The term of office shall be subject to the term limits as described in Section 3.3.

The Vice-Chair does not automatically ascend to the Chair position at the resignation or termination of the Chair.

The Vice-Chair's duties include, but are not limited to the following:

- A. Preside at regular and special State Board meetings in the absence of the Chair.
- B. At the direction of the Chair, sign all documents requiring the signature of the Chair when the Chair is unable to do so because of illness or any other emergency which, in the opinion of the State Board, prevents the Chair from performing such functions of the office.
- C. Perform such other duties as may be from time to time assigned by the Chair or by the State Board.

ARTICLE V: MEETINGS AND ATTENDANCE

- 5.1 **SCHEDULE OF MEETINGS:** The State Board shall meet a minimum of four (4) times per year. Additional meetings may be called at any time by the Chair or upon written request of not less than a simple majority of the State Board members.
- 5.2 **NOTICE OF MEETINGS:** Written notice of each meeting of the State Board stating the location, date and hour of the meeting shall be given to each State Board member, by email, not less than seven (7) days prior to the meeting. State Board meetings shall be open to the public, except when the State Board convenes in executive session in accordance with the Freedom of Information Act.
- 5.3 **QUORUM:** A simple majority of the members appointed to the State Board shall constitute a quorum for the purpose of transacting business. In the absence of a quorum, all voting items may be decided via electronic vote or deferred until a subsequent meeting. Electronic vote will be done by email or other survey means after prior discussion in a board meeting.
- 5.4 **ATTENDANCE:** Regular attendance at SWDB and committee meetings is expected of each board member. Participation in Board meetings may be accomplished either in-person or via WebEx/conference call. A member shall notify the Board Chair or staff at least 24 hours in advance of a meeting if the member is unable to attend. In an emergency, the member shall contact the Board Chair or staff as reasonably possible. Failure to notify shall be recorded in the minutes as an unexcused absence.

A member who has two (2) unexcused absences from either a SWDB or committee meeting may receive a letter from the Chair encouraging more consistent attendance. A Board member who has three (3) unexcused absences from either a SWDB or committee meeting will have their attendance and participation reviewed by the Executive Committee. The Executive Committee may recommend to the Governor's Office that a member who has failed to regularly attend SWDB and committee meetings be removed from the Board.

- 5.5 **ALTERNATIVE DESIGNEE PROCESS:** To encourage board member engagement and meeting attendance, the use of alternative designees shall not be permitted.

Exception: The Governor is permitted to appoint a designee, who shall be a representative of the Governor's office, to attend SWDB meetings on his/her behalf. The Governor's designee shall have voting authority and be permitted to vote on behalf of the Governor.

- 5.6 **RULES OF ORDER:** Robert's Rules of Order shall govern how State Board and committee meetings are conducted, except, as modified by Statute, Rule, or these Bylaws.
- 5.7 **ORDER OF BUSINESS/AGENDA:** The order of business for meetings shall be determined by the Chair and published to members prior to the meeting via email or other electronic means.
- 5.8 **MINUTES:** Formal minutes of all State Board meetings (regular and called) shall be required and be available for review. Such minutes become part of the public record and therefore need to be reviewed and approved by the full Board at the next scheduled meeting.

At a minimum, these minutes shall include:

- A. The date, time, and place the meeting.
- B. The members recorded as either present or absent.
- C. The substance of all matters proposed, discussed or decided and, at the request of any member, a record, by any individual member, of any votes taken.
- D. Any other information that any Board member requests be included or reflected in the minutes.

The minutes do not have to describe the nature of the discussion preceding any given action.

Meeting minutes approved by the State Board will be kept on file by the Department of Employment and Workforce for at least three (3) years and posted on the SC Works website.

- 5.9 SUNSHINE PROVISION:** Consistent with the Sunshine Provision of WIOA, the State Board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the State Board, including information regarding the State Plan prior to submission of the plan, information regarding membership, and, on request, minutes of formal meetings of the State Board.

ARTICLE VI: VOTING

- 6.1 VOTING AUTHORITY:** Votes shall be cast only by State Board members. There are no provisions for voting by proxy, alternates or representatives of a State Board member. Persons representing State Board members and other visitors may participate in discussion only upon recognition by the Board Chair, but may neither make motions nor vote.

Exception: The Governor's designee, as permitted by Sec. 5.5, shall have voting authority and be permitted to vote on behalf of the Governor.

- 6.2 CONFLICT OF INTEREST:** If a member has a conflict of interest, he or she shall not cast a vote or participate in discussion prior to a vote on any matter relating to that interest, or otherwise use his or her influence to the member's benefit, that of a family member, the entity he or she represents, an individual with whom he or she is associated, or a business with which he or she is associated. Disclosure of a Board member's conflict of interest must be presented in writing to the State Board Chair and be recorded in the written minutes of a SWDB and/or committee meeting. The board member will be excused from any votes, discussions, or other actions on a matter on which the potential conflict of interest exists, and the minutes will be noted. Additionally, each member will read and sign the SWDB Conflict of Interest Policy, which outlines the SWDB's approach to identifying and evaluating potential conflicts of interest and assisting members in addressing conflict of interest issues before a member takes an official action that may create a conflict of interest, as prescribed by the State Ethics Law (S.C. Code Ann. §8-13-100, et al.).
- 6.3 VOTING:** Each voting member shall have one (1) vote. No votes shall be taken by secret ballot. A member may vote in person or electronically at the time a vote is called, provided an electronic means of voting has been approved by the SWDB. Electronic vote will be done by email or other survey means.. A roll-call vote may be called by any voting member of the State Board.

ARTICLE VII: COMMITTEES

7.1 ORGANIZATION: The State Board Chair shall establish such standing committees, ad hoc Committees, and work groups as shall be deemed necessary and appropriate for carrying out the functions of the State Board. Work group members are not required to be members of the State Board.

7.2 COMMITTEES: The standing committees of the State Board shall be the following:

- Executive Committee,
- Board Governance Committee,
- Collaboration and Partnership Committee,
- Priority Populations Committee, and
- SC Works Management Committee.

The State Board Chair shall appoint the Chair and Co-Chair of each standing committee and shall make all committee assignments.

7.3 EXECUTIVE COMMITTEE: The Executive Committee shall consist of the Chair and Vice-Chair of the State Board, the Governor, Committee Chairs, and such other members as may be appointed by the Board Chair. The State Board Chair shall serve as Chair of the Executive Committee without voting privilege except in the case of a tie vote. The Executive Committee shall take no action contrary to the policies established by the State Board.

Whenever necessary, due to time constraints or extenuating circumstances, the Executive Committee shall have authority to act on behalf of the SWDB. When this occurs, all actions of the Executive Committee are final and do not require approval of the SWDB. The SWDB will receive a summary of the actions taken at the next regularly scheduled meeting, including the circumstances that required the Executive Committee to act on behalf of the SWDB.

7.4 PROCEEDINGS AND REPORTS: Written record of Committee proceedings shall be maintained and appropriate reports will be provided at State Board meetings. The recommendations of a Committee must be finalized by a majority of the State Board, as a whole, before being submitted for the Governor's consideration or for official release to organizations outside of the State Board. The State Board will receive a copy of all final reports that are submitted to the Governor.

7.5 COMMITTEE QUORUM/MANNER OF ACTING: Three (3) Committee members shall constitute a quorum. Committee action may be taken by those members present at any regularly scheduled or special committee meeting called by the Chair.

7.6 GENERAL:

- Notice of committee meetings shall be made available to all State Board members. State Board members may attend any committee meeting. However, voting is restricted to committee members only.
- Committee meetings shall be open to the public, except when the committee convenes in executive session in accordance with the Freedom of Information Act.

ARTICLE VIII: SUPPORT STAFF

- 8.1** The State Board shall have designated staff within the Department of Employment and Workforce to support the activities of the State Board. The staff level shall be commensurate with the functions and activities of the State Board. The State Board may also obtain the services of such other professional, technical, and clerical personnel as may be necessary to carry out its functions under the Workforce Innovation and Opportunity Act.

ARTICLE IX: COMPENSATION

- 9.1** **COMPENSATION:** No compensation shall be paid to members of the State Board except that official travel costs and other expenses of members will be reimbursed at a rate equal to that authorized by the State of South Carolina for its employees. Members who are compensated for expenses by public sources other than the State Board shall not receive compensation from the State Board.

ARTICLE X: AMENDMENT OF BYLAWS

AMENDMENT: These Bylaws may be amended or repealed by a two-thirds (2/3) vote of those members present at a State Board meeting, provided there is a quorum, if notice of proposed action has been presented in writing to State Board members 10 days prior to the vote.

Amended and approved by the SWDB on September 26, 2019