

OAHU  
WORKFORCE DEVELOPMENT BOARD

**BY-LAWS**

Effective: October 18, 2018

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**ARTICLE I – DEFINITION**

Definitions	<u>Sec. 1</u>	<p>The term “Local Board” means the Oahu Workforce Development Board (OWDB).</p> <p>The term “chief elected official” means the Mayor of the City and County of Honolulu.</p>
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**ARTICLE II - PURPOSE**

Goals Objectives Duties	<u>Sec. 1</u>	<p>The OWDB shall conduct its affairs in conformity with the goals, objectives, duties, and intent as set forth in the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 of the 113th Congress, and subsequent amendments if any.</p>
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<u>Sec. 2</u>	<p>As provided in WIOA section 107(d), the OWDB must:</p> <p><b>(a)</b> Develop and submit a 4-year local plan for the local area, in partnership with the chief elected official and consistent with WIOA section 108;</p> <p><b>(b)</b> If the local area is part of a planning region that includes other local areas, develop and submit a regional plan in collaboration with other local areas. If the local area is part of a planning region, the local plan must be submitted as a part of the regional plan;</p> <p><b>(c)</b> Conduct workforce research and regional labor market analysis to include:</p> <p style="padding-left: 40px;"><b>(1)</b> Analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development (including education and training) activities to include an analysis of the strengths and weaknesses (including the capacity to provide) of such services to address the identified education and skill needs of the workforce and the employment needs of employers;</p> <p style="padding-left: 40px;"><b>(2)</b> Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and</p>
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**(3)** Other research, data collection, and analysis related to the workforce needs of the regional economy as the OWDB, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions;

**(d)** Convene local workforce development system stakeholders to assist in the development of the local plan under WIOA section 108 and 20 CFR section 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the OWDB and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the OWDB;

**(e)** Lead efforts to engage with a diverse range of employers and other entities in the region in order to:

**(1)** Promote business representation (particularly representatives with optimum policy-making or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the OWDB;

**(2)** Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;

**(3)** Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and

**(4)** Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations;

**(f)** With representatives of secondary and postsecondary education programs, lead efforts to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment;

**(g)** Lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs;

**(h)** Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and job seekers, by:

**(1)** Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;

**(2)** Facilitating access to services provided through the one-stop delivery system involved, including access in remote areas;

**(3)** Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and

**(4)** Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment;

**(i)** In partnership with the chief elected official for the local area:

**(1)** Conduct oversight of youth workforce investment activities authorized under WIOA section 129(c), adult and dislocated worker employment and training activities under WIOA sections 134(c) and (d), and the entire one-stop delivery system in the local area;

**(2)** Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area; and

**(3)** Ensure the appropriate use management, and investment of funds to maximize performance outcomes under WIOA section 116;

**(j)** Negotiate and reach agreement on local performance indicators with the chief elected official and the Governor;

**(k)** Negotiate with chief elected official and required partners on the methods for funding the infrastructure costs of one-stop

centers in the local area in accordance with 20 CFR section 678.715 or must notify the Governor if they fail to reach agreement at the local level and will use a State infrastructure funding mechanism;

**(l)** Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:

**(1)** Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established); however, if the OWDB determines there is an insufficient number of eligible training providers in a local area, the OWDB may award contracts on a sole-source basis as per the provisions at WIOA section 123(b);

**(2)** Providers of training services consistent with the criteria and information requirements established by the Governor and WIOA section 122;

**(3)** Providers of career services through the award of contracts, if the one-stop operator does not provide such services; and

**(4)** One-stop operators in accordance with 20 CFR sections 678.600 through 678.635;

**(m)** In accordance with WIOA section 107(d)(10)(E) work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities;

**(n)** Coordinate activities with education and training providers in the local area, including:

**(1)** Reviewing applications to provide adult education and literacy activities under WIOA title II for the local area to determine whether such applications are consistent with the local plan;

**(2)** Making recommendations to the eligible agency to promote alignment with such plan; and

**(3)** Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers,

and other efforts at cooperation, collaboration, and coordination;

(o) Develop a budget for the activities of the OWDB, with approval of the chief elected official and consistent with the local plan and the duties of the OWDB;

(p) Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with WIOA section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 ( 42 U.S.C. 12101 *et seq.*); and

(q) Certification of one-stop centers in accordance with 20 CFR section 678.800.

**ARTICLE III – MEMBERSHIP, CHAIRPERSON AND  
VICE-CHAIRPERSON DUTIES, COMMITTEES, EXECUTIVE DIRECTOR**

Board            Sec. 1  
Membership

As mandated in WIOA (Title I, Subtitle A, Chapter 2, Sec. 107(b)(2)): COMPOSITION.—Such criteria shall require that, at a minimum—

(A) a majority of the members of the OWDB shall be representatives of business in the local area, who—

(i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

(ii) represent businesses, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and

(iii) are appointed from among individuals nominated by local business organizations and business trade associations;

(B) not less than twenty percent (20%) of the members of the OWDB shall be representatives of the workforce within the local area, who—

(i) shall include representatives of labor organizations (for a local area in which employees are represented by

labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;

(ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;

(iii) may include representatives of community based organizations that have demonstrated experience and expertise in addressing the employment 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

(iv) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth;

(C) the OWDB shall include representatives of entities administering education and training activities in the local area, who—

(i) shall include a representative of eligible providers administering adult education and literacy activities under title II;

(ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);

(iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;

(D) the OWDB shall include representatives of governmental and economic and community development entities serving the local area, who—

(i) shall include a representative of economic and community development entities;

(ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*) serving the local area;

(iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 *et seq.*), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;

(iv) may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and

(v) may include representatives of philanthropic organizations serving the local area; and

(E) the OWDB may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

Sec. 2

A. All members shall be appointed by the Mayor and serve for staggered terms of no more than 4 years, and they shall serve until their successors have been appointed and qualified. No person shall serve on the OWDB for more than 2 consecutive full terms or for more than 8 consecutive years, whichever is greater.

B. Should any member be unable to complete his or her term, the Mayor shall appoint a person to complete the remainder of the unexpired term.

C. In the event a member changes his or her job position and no longer represents his or her appointed category of membership, he or she is required to resign from the OWDB so that another person may be found to fill the vacant category of membership and the OWDB can maintain its federally required membership composition.

D. Local Board members, including those leaving office, are required to complete Ethics Training and to file a Financial Disclosure with the Honolulu Ethics Commission each calendar year. Members who do not complete these requirements shall



be subject to fines from the Honolulu Ethics Commission and may be asked to tender their resignation from the Local Board.

Chairperson Sec. 3

A. The OWDB shall elect the Chairperson of the Board from among the business representatives on the Board described in Article III, Section 1(A). To be eligible for nomination as Chairperson, no business member may have owned or have been employed by an entity that has received WIOA funds within twelve (12) months prior to such nomination, nor may an immediate family of such business member have owned or been employed by such an entity during that period.

B. The Chairperson shall serve as the spokesperson for the Local Board.

C. The Chairperson shall preside over meetings and conduct the business of the Local Board.

D. The Chairperson shall perform such other duties as are requested by the Local Board.

E. In the event of a vacancy in the office of Chairperson, the Vice-Chairperson shall succeed immediately to the office of Chairperson for the remainder of the Chairperson's unexpired term.

Vice-Chairperson Sec. 4

A. The Vice-Chairperson of the OWDB shall be elected from among the business representatives on the Board described in Article III Section 1(A) subject to the same eligibility restrictions as the Chairperson.

B. The Vice-Chairperson shall preside over meetings and conduct the business of the OWDB in the absence of the Chairperson.

C. In the event of a vacancy in the office of the Vice-Chairperson, the office shall be filled by an election by the majority of members for the remainder of the Vice-Chairperson's unexpired term.

Executive Committee Sec. 5

The Executive Committee shall be composed of the OWDB Chairperson, Vice-Chairperson, and the chairpersons of the OWDB's standing committees as designated by the Chairperson.

Committees Sec. 6

A. The Executive Committee may create special committees including ad hoc and liaison committees as it deems advisable.

B. The committees created in accordance with Article III, Section 6 shall be designated and organized by the Chairperson of the Local Board who shall appoint from the membership a Chairperson for each Local Board committee.

C. Chairpersons of each OWDB committee are responsible for directing the timely completion of assigned tasks as designated by the Executive Committee, and for drafting or reviewing meeting agendas prior to posting deadlines in accordance with Hawaii's Sunshine Law.

D. Board Staff assigned to assist an OWDB committee shall send a notice via email or fax or telephone or mail of each meeting to Local Board committee members, giving adequate time for preparation for the meeting. Board Staff shall post agendas for Local Board committees in accordance with Hawaii's Sunshine Law and may provide guidance or conduct research on WIOA requirements or available funding.

E. The OWDB committees may be dissolved due to inactivity or may be combined with other committees as designated by the Executive Committee.

Terms of Office Sec. 7

A. The Chairperson and Vice-Chairperson shall be elected by the OWDB and shall serve for a term of four (4) years or until their successors are elected.

B. Unless waived by the Local Board, the Chairperson and the Vice-Chairperson shall not serve more than two (2) consecutive terms (eight consecutive years) in the same office.

C. The Chairperson of any special/ad hoc/liasion OWDB committee shall be appointed by the Chairperson of the OWDB and shall serve for a limit of two (2) consecutive years or until the purpose of the special/ad hoc/liasion committee has been accomplished, whichever occurs first.

Executive Director Sec. 8

A. The Executive Director serves as the chief executive of the OWDB to outside entities.

B. The Executive Director is responsible for developing and implementing action plans to achieve goals set by the OWDB.

**ARTICLE IV – MEETING, QUORUM, AND CONFLICT OF INTEREST**

Board Meetings

**Sec. 1**

- A. The OWDB shall meet at least quarterly.
- B. The Chairperson shall call special meetings of the OWDB whenever meetings are considered necessary, or whenever requested in writing by at least twenty-five percent (25%) of the voting members.
- C. Board Staff are responsible for sending a notice via email or fax or telephone or mail of each meeting to the OWDB members, giving adequate time for preparation for the meeting.

Attendance at Meetings

**Sec. 2**

- A. The OWDB members are expected to attend a majority of the full board and committee meetings of the Local Board.
- B. The OWDB members who do not provide a minimum of two (2) days advance notice for multiple absences or are absent for a majority of the full board and committee meetings of the OWDB in the twelve (12) month period following their appointment shall be asked to tender their resignation.
- C. In the event that an OWDB member is unable to physically attend full board and committee meetings, he or she shall be given the opportunity to participate in the meetings through phone and web-based means as authorized by Hawaii’s Sunshine Law.
- D. To ensure meeting attendance, quorum, and the completion of committee tasks in a timely manner, each OWDB member shall name a designee from his or her organization to serve on the Board in his or her absence in accordance with WIOA Section 679.110(d)(4). The designee is subject to the same membership requirements as an OWDB member. Each OWDB member shall address his or her designee letter to the Board Chair. Designee letters shall be kept on file with Board Staff.

Executive Committee Meetings

**Sec. 3**

- A. The Chairperson may call meetings of the Executive Committee as necessary.
- B. The OWDB Staff are responsible for sending a notice via email or fax or telephone or mail of each meeting to Executive Committee members, giving adequate time for preparation for the meeting.

C. Except for actions required by the WIOA or its implementing regulations to be taken by the OWDB, the Executive Committee shall have the power to transact business between regular OWDB meetings and be authorized to act on behalf of the OWDB. All transactions of the Executive Committee shall be reported in full as the next scheduled meeting of the OWDB.

Quorum      Sec. 4      A quorum shall consist of ten (10) members or a majority of the voting members of the OWDB, whichever is greater.

Conflict of Interest      Sec. 5      A conflict of interest occurs when an OWDB member has a personal interest that may affect how the official carries out his or her city duties. The test is whether a reasonable person would question the official's impartiality. A conflict of interest may occur even if the official is not actually influenced by the personal interest. Each OWDB member shall consult with the City Ethics Commission about any conflict of interest or potential conflict of interest before participating in discussion and decision-making of potential conflict of interest matters.

#### **ARTICLE V – EXPENSES AND COMPENSATION**

Expenses      Sec. 1      Any authorized expenses incurred by OWDB members and Board Staff shall be compensated according to guidelines set by current Federal, State, and County statutes and regulations.

#### **ARTICLE VI - AMENDMENTS**

Amendments      Sec. 1.      The by-laws of the OWDB may be amended at any regular or special meeting by thirteen (13) members or a two-thirds vote of the quorum, whichever is greater, provided at least ten (10) calendar days written notice is given to each OWDB voting member. No by-law restricting the power of the Mayor to freely appoint or remove a member of the Board, or to otherwise exercise the authority granted to him or her by the WIOA, shall be effective unless consented to by the Mayor. Any such by-law shall remain in effect only so long as the Mayor continues to so consent.