

# **BY-LAWS**

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# Eastern Area Workforce Development Board

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## **BY-LAWS of the Eastern Area Workforce Development Board State of New Mexico**

### **Article 1 Establishment**

- A. **Authority.** The Eastern Area Workforce Development Board of the State of New Mexico is established in accordance with Section 107 of the federal Workforce Innovation and Opportunity Act (WIOA) of 2014 to carry out the functions and workforce development activities within the 12 counties of the eastern area of New Mexico.
- B. **Creation.** The Eastern Area Workforce Development Board of the State of New Mexico was created on April 5, 2000, by the Chief Elected Officials of the Local Governments of the Eastern Plains Council of Governments and the Southeastern New Mexico Economic Development District/Council of Governments.

### **Article 2 Name**

The name of this Board shall be the Eastern Area Workforce Development Board (hereinafter referred to as the “EAWDB”).

### **Article 3 Purpose**

It shall be the purpose of the EAWDB to set policy for and provide operational oversight of the local workforce investment system geographically comprised of the counties of Union, Harding, Quay, Guadalupe, Curry, De Baca, Roosevelt, Chaves, Lincoln, Otero, Eddy, and Lea, of the State of New Mexico.

- A. Specific purposes of the EAWDB shall include:
1. Provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to help develop a comprehensive and high-quality workforce development system in the local area and larger planner region;
  2. Assist in the achievement of the state’s strategic and operational vision and goals as outlined in the Combined State Plan; and
  3. Maximize and continue to improve the quality of services, customer satisfaction, effectiveness of the service provided.

- B. The purposes of the EAWDB shall not in any way preclude direct relationships between any local government entity and any other regional job development organization, public or private.
- C. Each of the local government entities in the Eastern Area remains autonomous and retain all rights and authority provided to them under their charters and ordinances, the laws of the State of New Mexico, or any other procedures and regulations not in conflict with state or federal law.

## **Article 4**

### **Responsibilities**

The objective of the EAWDB is to carry out its duties and responsibilities according to the federal WIOA and all federal and New Mexico regulations duly promulgated under those acts.

- Analyses of regional economic conditions and labor market;
- Leading efforts to engage employers and ensuring that local workforce investment activities meet the needs of employers and support economic growth
- Leading efforts to develop and implement career pathways with secondary and postsecondary education programs
- Identifying and promoting proven and promising practices;
- Establish standing committees to more effectively accomplish the work of the local board;
- Develop strategies for using technology to facilitate connections among the intake and case management information systems of one-stop partners, to access services provided through the one stop system (including remote areas), to meet the needs of individuals with barriers to employment, and to leverage resources and capacity;
- Selection and termination as appropriate the providers of Title I services, training and career services and one stop operators and working with the state to ensure there are sufficient numbers and types of providers;
- Coordinating activities with education and training providers;
- Assessing the physical and programmatic accessibility of one-stop centers annually in accordance with applicable nondiscrimination provisions under Title I of the WIOA and the Americans with Disabilities Act and certification of the one stop centers;
- In partnership with the CEOs, provide oversight of the workforce system and Title I activities while ensuring appropriate use and management of Title I activities and funding to maximize performance outcomes and establish policy for the workforce development system, consistent with state and federal policy;
- Negotiate local area performance indicators with CEOs and Governor
- Negotiate with CEOs and partners on methods for funding infrastructure costs on the comprehensive one stop centers
- Enter into agreement with the CEOs that describe the respective roles and responsibilities of the respective parties; and

- Convene local workforce development system stakeholders to assist in the development of the four year local plan in partnership with the area’s chief elected officials. Develop and submit regional plans in collaboration with other local areas if planning regions include other local areas
- Develop a budget for the activities of the board with the approval of the CEOs

Additionally, the EAWDB shall administer Eastern Area WIOA activities and those funds allocated to the Eastern Area workforce investment activities pursuant to the WIOA, federal Uniform Guidance (CFR200), and all applicable state and federal regulations including but not limited to the New Mexico Procurement Code, and New Mexico Travel and Per Diem Act, ?

## Article 5 Membership

A. **Composition.** The Eastern Area membership shall include those persons appointed by the chief elected official(s) of the Eastern Area. The composition of the EAWDB shall comply with Section 107(b) (2) (A) through (E) of the WIOA and 16-003 NMDWS Local Governance, Appendix I shown below:

### APPENDIX I - Local Board Member Requirements

LWDB Members	Who May Satisfy The Requirement
<p style="text-align: center;"><b>Representatives of Business</b> (WIOA Sec. 107(b)(2)(A))</p>	<p>The majority of the members of the Local board must be representatives of business in the local area. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Business representatives serving on local boards may also serve on the State Board. Each business representative must meet the following criteria:</p> <ul style="list-style-type: none"> <li>• be an owner, chief executive officer, chief operating officer, or other individual with <i>optimum policymaking or hiring authority</i>;</li> <li>• provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA section 3(23); and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others (in the case of organizations representing business as per WIOA Sec.107(b)(2)(A)(ii); and</li> <li>• are appointed from among individuals nominated by local business organizations and business trade associations.</li> </ul>

<p><b>Representatives of the Workforce</b> (WIOA Sec. 107(b)(2)(B))</p>	<p><b>Not less than 20 percent</b> of the members of the local board must be workforcerepresentatives. These representatives:</p> <ul style="list-style-type: none"> <li>• must include <b>two or more representatives</b> of labor organizations, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives;</li> <li>• must include <b>one or more representatives</b> of a joint labor-management, or union affiliated, registered apprenticeship programs within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.</li> </ul> <p>In addition to the above representatives, the board may include the following to contribute to the 20 percent requirement:</p> <ul style="list-style-type: none"> <li>• <b>one or more representatives</b> 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 provide or support competitive integrated employment for individuals with disabilities; and</li> <li>• <b>one or more</b> representatives of organizations with 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.</li> </ul>
<p><b>Representatives of Education and Training</b></p>	<p><b>The balance</b> of Local board membership must include:</p> <ul style="list-style-type: none"> <li>• <b>At least one</b> eligible provider administering adult education and</li> </ul>
<p>(WIOA Section 107(b)(2)(C))</p>	<p>literacy activities under WIOA title II;</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>At least one</b> representative from an institution of higher education providing workforce investment activities, including community colleges; and</li> <li><input type="checkbox"/> 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.</li> </ul>

<p><b>Representatives of Governmental and Economic and Community Development Entities</b> (WIOA Sec. 107(b)(2)(D))</p>	<p>Each local board must include <b>at least one</b> appropriate representative from:</p> <ul style="list-style-type: none"> <li>• Economic and community development entities;</li> <li>• The state Employment Service Office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and</li> <li>• The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or Part C of that title, serving the local area, and</li> </ul> <p>May include representatives from:</p> <ul style="list-style-type: none"> <li>• Agencies or entities administering programs serving local area relating to transportation, housing, and public assistance;</li> <li>• Philanthropic organizations serving the local area; and</li> <li>• Other appropriate individuals deemed appropriate by the chief elected official.</li> </ul>
<p><b>Other Recommended Entities</b></p>	<p><b>Each local board should include representatives from the core and combined State Plan workforce system partner programs, if not already serving in another capacity, as follows:</b></p> <ul style="list-style-type: none"> <li>• Adult Program (WIOA Title I)</li> <li>• Dislocated Worker Program (WIOA Title I)</li> <li>• Youth Program (WIOA Title I)</li> <li>• Adult Education and Family Literacy Act Program (WIOA Title II)</li> <li>• Wagner-Peyser Act Program (Wagner-Peyser Act, as amended by title III)</li> <li>• Vocational Rehabilitation Program (Title I of the Rehabilitation Act of 1973, as amended by Title IV)</li> <li>• Senior Community Service Employment Program (Title V of the Older Americans Act of 1965)</li> </ul> <p><b>Other members can include representatives from any of the following workforce system partner programs, as appropriate, if not already serving in another capacity, as follows:</b></p> <ul style="list-style-type: none"> <li>• Career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.)</li> <li>• Temporary Assistance for Needy Families program (42 U.S.C. 601 et seq.)</li> </ul>

	<ul style="list-style-type: none"> <li>• Employment and Training programs under the Supplemental Nutrition Assistance Program (programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)))</li> <li>• Work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o))</li> <li>• Trade Adjustment Assistance for Workers programs (activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.))</li> <li>• Jobs for Veterans State Grants program (programs authorized under 38, U.S.C. 4100 et. seq.)</li> <li>• Unemployment Insurance programs (programs authorized under State unemployment compensation laws in accordance with applicable Federal law)</li> <li>• Employment and training activities carried out by the Department of Housing and Urban Development</li> <li>• Community Services Block Grant (Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.))</li> <li>• Reintegration of Ex-Offenders program<sup>3</sup> (programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532))</li> </ul>
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**B. Terms of Appointment.** Each member shall serve a term of two (2) consecutive years and may automatically renew for an additional term of two (2) years upon expiration. There is no limit to the number of two (2) year terms a member can serve.

**C. Replacement.**

1. A vacancy/replacement on the EAWDB shall be filled in the same manner as regular appointments are made and from the same representational category. Participating CEOs shall appoint duly nominated replacement members from the same category.
2. A member who misses three (3) consecutive regular meetings of the EAWDB may be automatically replaced.
3. A person selected to fill a vacancy as provided in these by-laws shall hold office for the unexpired term of his/her predecessor or until his/her death, removal, or resignation.

**D. Status Notification.** Members shall have the responsibility to inform the EAWDB of any changes in status which would affect their categorical representation.

**E. Committee Service.** Members shall serve on committees and ad hoc committees as appointed by the EAWDB chairperson.

F. **Conflict of Interest.** On March 21, 2017 in Clovis, New Mexico, a quorum of the EAWDB approved a Code of Conduct and Conflict of Interest Policy. This policy, along with any amendments, is incorporated as a part of these by-laws.

Additionally, the EAWDB shall:

1. Record abstentions in the minutes and such abstentions shall be maintained as part of the official record;
2. Monitor potential conflicts of interest;
3. Ensure that local board members or its administrative staff do not directly control the daily activities of its workforce providers, workforce system partners or contractors.

I. **Compensation/Reimbursement of Expenses.** Members of the EAWDB shall not receive any salary or wages for their services, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties. Every claim for reimbursement for per diem and travel, as allowed the Per Diem and Mileage Act of the State of New Mexico, shall be recorded on a travel voucher and in accord with the appropriate rules, formats and informational requirements of the New Mexico Department of Finance and Administration.

J. **Liability.** Members of the EAWDB shall not be held personally liable for the debts, liabilities or other obligations of the EAWDB.

K. **Gifts and Contributions.** EAWDB members may not accept any contribution, gift, bequest or devise of any property whatsoever that would personally or professionally benefit the member. Contributions, gifts, bequests or other devises or property directly benefiting the WIOA mission and participants may be accepted without reimbursement of any kind to the donor.

L. **Representation of the EAWDB.** Members appointed to the EAWDB are considered representatives of the State in matters of workforce development programs in the Eastern Area and are entitled to any right attendant to membership on the EAWDB. However, no EAWDB member may take any action or carry out activity on behalf of the EAWDB not permitted to be taken or carried without the approval of the EAWDB.

M. **Delegation.** Members are not permitted to delegate local board duties to any proxies or alternates.

## **Article 6 Officers**

A. **Positions.** The officers of the EAWDB shall be a chairperson and a vice-chairperson and shall be members from the private sector.



**B. Chairperson.** The EAWDB chairperson shall be elected by a majority of the EAWDB members present at a regularly scheduled meeting and she/he shall preside at all meetings of the EAWDB, appoint members to Committees, and perform general and active management of the administrative business of the EAWDB. It shall be the chairperson's duty to:

1. Perform all such duties as are incident to his/her office and such other duties as may be required by the WIOA and which may be prescribed by the EAWDB;
2. Preside at meetings of the Eastern Area Workforce Development Board and of the Executive Committee;
3. Execute legal documents when authorized by the Eastern Area and the WIOA; and
4. Appoint all committees and committee chairpersons, subject to the approval of the EAWDB, except as otherwise provided by the WIOA.

The Chairperson shall be elected at the last quarterly meeting of a program year for a period of two (2) years commencing on July 1<sup>st</sup>. A chairperson may not serve more than three (3) consecutive terms for a total of six (6) consecutive years. Individuals who have served as chairperson are eligible to serve as chair again after two (2) program years. If a chairperson resigns mid-term, the individual elected as chairperson shall be eligible to complete the remainder of the current term and two full consecutive terms.

**C. Vice-Chairperson.** The vice-chairperson shall be elected by a majority of the EAWDB members present at a regularly scheduled meeting and he/she shall perform the duties of the chairperson in his/her absence, inability or refusal to perform duties of the chairpersons may be prescribed by the WIOA, these by-laws or the EAWDB and, when so acting, shall have all the powers and be subject to all the restrictions of the chairperson. The vice-chairperson shall perform such additional duties as may from time to time be assigned to him by the chairperson.

The Vice-Chairperson shall be elected at the last quarterly meeting of a program year for a period of two (2) years commencing on July 1<sup>st</sup>. The chairperson may not serve more than three (3) consecutive terms for a total of six (6) consecutive years. Individuals who have served as vice-chairperson are eligible to serve as vice-chair again after two (2) program years. If a vice-chairperson resigns mid-term, the individual elected as chairperson shall be eligible to complete the remainder of the current term and two full consecutive terms.

**D.** The EAWDB may elect such other officers as it may deem appropriate, and such officers shall serve such terms, have such authority and perform such duties as may be prescribed by the EAWDB.

- E. Any officer may be removed for cause by a majority of the EAWDB at any regular or special meeting. Any officer may resign at any time by giving written notice to the EAWDB but that officer will continue to serve until their successor is elected.
- F. Any vacancy caused by the death, resignation, removal or otherwise of any officer shall be filled by the EAWDB for the unexpired portion of the term.

## **Article 7 Meetings**

- A. **Meetings.** The EAWDB shall conduct a regular meeting at least once each quarter at a time and location to be determined at the prior meeting. Special meetings may be called by the Chairperson, or a majority of EAWDB members at his/her/their discretion. The time and location shall be determined by the individual(s) calling the meeting. All meetings shall be held in the Eastern Area of New Mexico.
- B. **Open Meeting Requirements.** All meetings shall be in compliance with the New Mexico's Open Meetings Act, Section 10-15-1, NMSA 1978 Compilation. An open meeting resolution shall be adopted each year to establish reasonable notice of meetings.
- C. **Meeting Announcements.** Once the meeting date, time and location have been established a written announcement shall be sent by mail, e-mail or by fax to all EAWDB members no less than 14 days prior to the meeting.
  - 1. All EAWDB members shall receive notice of any regular, special, or emergency meetings as required by the approved Open Meetings Act resolution. Telephone calls, emails or fax notification may also be made to inform members of meetings.
  - 2. Notice of all meetings shall specify the nature of the business to be conducted at such meeting. No action can be taken except on business specified in the notice. New business not specified in the notice may be raised, but no vote or other dispositive action may be taken on such business at that time.
- D. **Quorum.** A quorum of the EAWDB shall consist of a simple majority of the currently appointed membership. When a quorum is present, the affirmative vote of the majority shall be an official act of the EAWDB. If a quorum is not present, those members present may vote to approve an item before the board pending the ratification of the action by a quorum of the EAWDB at the next meeting.
- E. **Use of Technology.** Meeting participation by video or teleconference is allowed. Other electronic strategies include sending out meeting materials-
- F. **Minutes.** Minutes of the proceedings for each EAWDB meeting shall be taken and maintained in the permanent files of the EAWDB. Minutes shall document attendance and absences of EAWDB members. A draft set of minutes must be prepared and distributed to

each member within ten working days, per the Open Meetings Act. The minutes and agenda, as well as supporting and informational material of any meeting of the EAWDB shall be made available to the public upon written request to the EAWDB.

## **Article 8 Committees**

- A. The EAWDB shall establish four standing committees, as set forth below in section F, and an Executive Committee and may establish such other committees or advisory groups as it deems necessary in order to carry out its duties and discharge its responsibilities. The chairperson shall define the duties and responsibilities of all committees, subject to approval of the EAWDB. The chairperson shall nominate all committee members and chairpersons of all committees, but all such committee members and chairpersons must be certified by a majority vote of a quorum of EAWDB members.
- B. Appointments to all Committees shall encompass categorical and geographical representations as broadly as possible to ensure that each Committee reasonably represents the membership of the EAWDB.
- C. When nominating committee members and selecting chairpersons, the EAWDB chairperson shall do so considering the knowledge, experience and preference of the particular members so appointed.
- D. The titles, duties and responsibilities of the four standing committees shall be as follows:
  - 1. **One-Stop Delivery System Committee:** The One-Stop Delivery System Committee shall act in an advisory capacity to the EAWDB in making recommendations relating to establishing the number and operating procedures of One-Stop Centers in the area including Business Services, On-the-job training, customized training and such other appropriate matters as the committee may consider.
  - 2. **Youth Services Committee:** The Youth Services Committee shall act in an advisory capacity to the Eastern Area Workforce Development Board in making recommendations related to 1) coordinating youth activities in the area; 2) developing portions of the local plan related to eligible youth; 3) recommending eligible youth providers subject to the approval of the local board; 4) conducting oversight with respect to eligible providers of youth activities in the local area; and 5) carrying out other duties as authorized by the local board.
  - 3. **Individuals with Disabilities Committee:** The Individuals with Disabilities Committee shall act in an advisory capacity to the EAWDB in making recommendations related to providing and coordinating services for individuals with disabilities and such other appropriate matters as the committee may consider.

4. **Operations and Finance Committee:** The Operations and Finance Committee shall act in an advisory capacity to the EAWDB in making recommendations related to fiscal oversight and budgeting, technology and automation, grants to enhance program capabilities, requests for proposals for contractors to the EAWDB, Quality Assurance oversight, and such other appropriate matters as the committee may consider.

#### **G. Executive Committee.**


1. The responsibilities of the Executive Committee shall include vision alignment, statutes and regulations, relations with state and federal governmental entities, fund-raising, the strategic planning process, chief elected official liaison, and all EAWDB policy matters.
2. Membership of the Executive Committee shall consist of the chairperson and vice chairperson of the EAWDB, the chairperson of each standing committee, and one other member appointed by the EAWDB chairperson.
3. The Executive Committee shall have the authority of the EAWDB to act during the interim between Board meetings, but shall defer action to the full EAWDB whenever practical on matters of major policy implications. Such Executive Committee decisions will be implemented immediately, but will be subject to the EAWDB ratification or disapproval at the next Board meeting.
4. The EAWDB chairperson shall act as the Executive Committee chairperson and shall exercise the power to vote on the Executive Committee only as required to either constitute a quorum or break a tie vote.
5. The EAWDB chairperson shall refer to the Executive Committee such business that in the chairperson's judgment may require action or approval by the Board. All action of the Executive Committee shall be reported to the EAWDB at its next meeting following such action, and such reports shall become part of the EAWDB minutes. Any member of the EAWDB may appear before the Executive Committee to discuss any items of business of the Board. Meetings of the Executive Committee shall be called by the chairperson in such places the chairperson may designate.

### **Article 9 General Provisions**

- A. **Parliamentary Authority.** Where not otherwise provided for in these by-laws, Robert's Rules of Order shall be followed in conducting all meetings of the EAWDB and its committees. The EAWDB chairperson shall appoint a parliamentarian for the EAWDB and its committees as appropriate.

- B. **Amendment of By-Laws.** These by-laws may be amended or repealed by a quorum of the EAWDB after notification of such amendments to the full EAWDB membership, in compliance with Article 7C of these by-laws. These by-laws shall be reviewed periodically as necessary by the EAWDB or a committee duly appointed by the EAWDB.
- C. **Dissolution.** Upon any dissolution of the EAWDB, the EAWDB shall, after paying or making provision for payment of all its liabilities, dispose of all of the assets of the EAWDB in accordance with the WIOA and any other applicable laws of the State of New Mexico.
- D. **Compliance with Law.** The EAWDB, in execution of its business, shall comply with all applicable New Mexico Statutes and regulations including, but not limited to, the State Procurement Code, the State Open Meetings Act, and the State Mileage and Per Diem Act.

These By-laws were amended and approved and became effective on the 21<sup>st</sup> day of March, 2023.

  
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Terry Christesson, Chair