

Adopted by the WIB
at their Meeting on
November 20, 2003
Amended by the WIB on May 20, 2009



WORKFORCE INVESTMENT BOARD OPERATING GUIDELINES

Montgomery County, Maryland
Department of Economic Development
Division of Workforce Services

111 Rockville Pike, Suite 800
Rockville, Maryland 20850

INTRODUCTION

In 1998, the Federal Government adopted the Workforce Investment Act of 1998 (the Act), which sets guidelines for State and Local governments to administer workforce programs and services in Local Workforce Investment Areas. Montgomery County has been designated as a Local Workforce Investment Area. The Act further provides that in each local workforce investment area the chief elected official must appoint a Local Workforce Investment Board (the Board) which is then certified by the Governor of the State every two years.

The primary purpose of the local board is to work in partnership with the chief elected official and the County to strengthen the public-private involvement through which local business leaders, government representatives, educators, and organized labor provide input into policy formulation and oversight of the Workforce Investment Act programs and services, and to assist in the development of the local plan, which is ultimately approved by the Governor.

The Montgomery County Workforce Investment Board was established by Montgomery County Executive Order 159-02, effective July 3, 2002. This Order establishes the Board membership, states the purpose and duties of the Board, and outlines its basic operating procedures.

In addition to the Federal Act and Executive Order, the Board is subject to Montgomery County law, including, but not limited to, Chapter 2, Article XI, which establishes a uniform system for classifying all County Boards and Committees and proscribes procedures for their operation.

The purpose of these guidelines is to provide each Board member with the framework for how the Board operates and to provide information about the purpose and authority of the Board. Any questions should be directed to, the Manager of the Division of Workforce Investment Services.

Montgomery County Workforce Investment Board Operating Guidelines

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ATTACHMENTS

- Attachment A. Policies and Procedures of Montgomery County Boards and Commissions
- Attachment B. Montgomery County Code – Chapter 19A
- Attachment C. Executive Order No. 159-02 dated 7.03.02

OPERATING GUIDELINES
of the
MONTGOMERY COUNTY
WORKFORCE INVESTMENT BOARD

SECTION I
NAME

The name of the organization is the Montgomery County Workforce Investment Board. It is hereinafter referred to as the “Board”.

SECTION II
AUTHORITY

The Board derives its authority from Montgomery County Executive Order No. 159-02 (July 2002) and the Workforce Investment Act of 1998 (Public Law 105-220).

SECTION III
PURPOSES

PURPOSE

The general purpose of the Board is:

- a) to provide policy guidance and program oversight to workforce-related programs and services in Montgomery County,
- b) the development of private-sector employment opportunities for all residents,
- c) to assist in the creation of training and education under the Workforce Investment Act with related programs supported by other federal, state and local agencies, and
- d) to ensure compliance with federal, state and local legislation regarding effective workforce development in Montgomery County. Its oversight includes:
 - i. One-Stop Career Center system
 - ii. WIA financial oversight
 - iii. Establishment of performance measures
 - iv. Maintenance of an employment statistics system
 - v. Employer and training linkages
 - vi. Connecting, brokering and coaching to assist employers in meeting hiring needs
 - vii. Advocating and promoting innovative workforce development strategies/programs

OBJECTIVES

The specific objectives of this Board will include:

- a) To promote a strategic and comprehensive workforce development agenda that will:
 - i. ensure Montgomery County has a well-prepared, educated and adaptable workforce to meet the needs of employers, and
 - ii. ensure the County's workforce has the tools and resources to successfully compete in a changing global economy.
- b) To provide a variety of job-assessment, job-readiness, job-training and job-placement assistance to a variety of populations, including (but not limited to) dislocated workers, low-income workers, older workers and workers with disabilities; entering, incumbent, and transitional workers; and disadvantaged and out-of-school youth.
- c) To provide oversight and policy guidance for the expenditure of federal, state, local, and private sector funds to enable local business, public and private sectors to work collaboratively in meeting the workforce development needs of Montgomery County.
- d) Such other objectives and purposes as determined by the Board in reviewing the needs of Montgomery County and requirements arising from legislation or funding.

PUBLIC COMMENT

The Board will advise the County Executive and the County Council by doing the following:

- a) Periodically reviewing available County workforce programs, services, and facilities.
- b) Commenting on gaps, deficiencies or duplications in County workforce programs, services, and facilities.
- c) Commenting on the proposed allocation of funds to County workforce programs in accordance with the department's priorities, considering the available financial resources and the need for workforce services within the County.

SECTION IV MEMBERSHIP

POWERS

Subject to the provisions of the Policies and Procedures of Montgomery County Boards, Committees and Commissions, the Board will conduct all activities in accordance with the Workforce Investment Act of 1998 and Montgomery County Executive Order No.159-02 and the Montgomery County Code. All actions shall be exercised by or under the direction of the Board, unless such action must take place between scheduled board meetings, when such powers are delegated to the Executive Committee.

NUMBER OF BOARD MEMBERS

The number of board members constituting the entire Board shall not be less than thirty (30). The number of board members may be increased or decreased by amendment to Montgomery County Executive Order No.159-02.

QUALIFICATIONS

- a) Business Representatives. The majority of the Board (at least 51 percent) will consist of representatives of businesses in the local area who are owners of businesses, chief executives or operating officers of businesses, other business executives or employers with optimum policymaking or hiring authority. In addition, these representatives must include businesses with employment opportunities that reflect the local area.
- b) Community Based Organizations and Labor Organization Representatives. The Board must include representatives of community-based nonprofit organizations and organized labor.
- c) Local Agency Representation. The Board must include each of the following individuals, for so long as the individual holds the position:
 - i. Montgomery County Public Schools (Superintendent or designee);
 - ii. Montgomery College (President or designee);
 - iii. Director, Montgomery County Department of Health and Human Services (or designee);
 - iv. Director, Montgomery County Department of Economic Development;
 - v. Director, Montgomery County Housing Opportunities Commission;
 - vi. Most Senior Representative in Montgomery County of the State of Maryland Employment Service;
 - vii. Most Senior Representative in Montgomery County of the State of Maryland Division of Rehabilitation Services;
 - viii. Most Senior Representative (or designee) of Title V of the Older Americans Worker Act;
 - ix. Most Senior Representative (or designee) of a four-year Educational Institution in Montgomery County.

APPOINTMENT PROCEDURE

Board members are appointed by the County Executive and confirmed by the County Council. Applications for Board membership will be solicited through press releases to the news media, and mailings to umbrella civic associations and community groups that have requested them. The Board Executive Committee must propose nominations to the Montgomery County Executive, who will appoint the members from among all applications received from the community.

AUTHORITY

Members of the Board that represent organizations, agencies or other entities must be individuals with optimum policy-making authority within the organizations, agencies or entities.

TERM OF OFFICE

Each board member will be appointed for a term of one to three years and may serve a maximum of two consecutive three-year terms, except for the representatives of local agencies, who will serve for so long as they hold the local agency position. If an individual is appointed to fill an unexpired term, that individual may then be appointed for two consecutive three-year terms.

The terms of the directors will be staggered, so that, except for the representatives of local agencies described in Section 4 (c), one-third of the remainder of the Board will be appointed each year.

PLACE OF MEETINGS

Meetings must be held in public meeting space in Montgomery County. Meetings will take place at Montgomery County offices or at the location of the MontgomeryWorks One-Stop Career Center in Wheaton, Maryland, unless otherwise provided by the Board or at such other public place as may be designated from time to time by the Board.

REGULAR MEETINGS

Regular meetings of the Board will be held at least quarterly per calendar year at a time and place to be designated annually by the Board.

SPECIAL MEETINGS

Special meetings of the Board may be called by the Chair of the Board, the Vice-Chair or the Secretary, upon the request of the Chair of the Board. Such meetings will be held at the principal office of the Board or, if different, at a public place designated by the person or persons calling the special meeting.

NOTICE OF MEETINGS

The State Open Meetings Act applies to County Boards and requires that boards give reasonable advance public notice of meetings. Meetings must be open to the public and be held in an accessible public place. Notices of upcoming meetings are published by the County Executive's Office in an official monthly schedule posted in County buildings and distributed to interested citizens and the press. Notice includes the date, time and place of the meeting. If there is insufficient time to give notice in the official listing, notice of the meeting must be posted in a public place in the building in which the meeting will be held and in either the Executive Office Building or the Council Office Building.

- a) Regular Meetings. Notice must be given of all regular meetings of the Board. Meetings will be held on the third Thursday of the month as indicated on the published calendar.
- b) Committee Meetings. Committee meeting will be held at a minimum of quarterly at a place and time determined by the Committee Chair.

QUORUM FOR MEETINGS

The presence of a simple majority of the members will constitute a quorum. No official action may be taken unless a quorum is in attendance.

CONDUCT OF MEETINGS

Meetings will be conducted using the parliamentary procedures of Robert's Rules of Order to govern formal actions and decisions. Meetings of the Board will be presided over by the Chair of the Board or, in his or her absence, the Vice Chair of the Board or, in his or her absence, by a board member selected by those board members present. The Secretary of the Board will act as secretary of all meetings of the Board (in his or her absence, the presiding officer will appoint another person to act as secretary for that meeting).

Members of the Board may participate in a meeting by means of telephone conference or similar communications equipment if all persons participating in the meeting can hear each other at the same time. Participation in a meeting by such means shall constitute presence in person at the meeting.

VACANCIES

Vacancies on the Board will exist

- a) on the death, resignation, or removal of any member,
- b) whenever the number of authorized members is increased, or
- c) whenever a board member's term has expired.

Any member may resign effective 30 days after notification to the County Executive.

Vacancies on the Board will be filled in the same manner as board members are originally appointed.

COMPENSATION

Directors will serve without compensation except that they will be allowed reasonable reimbursement of expenses incurred in the performance of their duties, in accordance with the policies and procedures of the Montgomery County Board, Committee and Commissions structure.

LIABILITY

Committee members have liability protection under the Local Government Tort Claims Act for actions arising out of their scope of employment, i.e. their Board responsibilities. The board members will not be personally liable for the debts, liabilities or other obligations of the County.

ETHICS

With certain specific exceptions, as a member of the Workforce Investment Board, you are subject to the Montgomery County Public Ethics Law, including the provisions related to conflicts of interest. The Montgomery County Public Ethics Law is found in Chapter 19A of the Montgomery County Code and the conflicts of interest provisions are in Article III of that chapter.

The law prohibits a Board member from participating in matters which the Board member or his or her immediate family has an economic or fiduciary interest. You should refer to the Code for a detailed definition and explanation of when a conflict exists.

Any Board member who has a conflict of interest or believes that they may have a conflict of interest must disclose that conflict and abstain from any discussion or vote on the issue.

In the event a question arises about a conflict or any other ethical issue involving the Board, the matter may be referred to the Ethics Commission of Montgomery County for an opinion.

The Workforce Investment Act also provides that a member of a local board may not:

- a) vote on a matter under consideration by the local board:
 - i. regarding the provision of services by such member (or by an entity that such member represents); or
 - ii. that would provide direct financial benefit to such member or the immediate family of such member; or
- b) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State Plan.

ABSTENTION FROM DISCUSSION OR VOTING

No Board member or committee member may vote or participate in discussions on decisions or other matters that would involve the member in a conflict of interest.

DISCLOSING CONFLICT OF INTEREST

Any Board member who has a conflict of interest or believes there may be the appearance of a conflict of interest must disclose such a conflict prior to any vote or discussion on an issue where a conflict or apparent conflict may exist.

DECISIONS ON CONFLICT OF INTERESTS

A member who has not revealed a conflict of interest or who has not removed himself or herself from discussion or voting due to conflict of interest must be given an opportunity to explain his or her position to the Board. If the question is not resolved to the satisfaction of the Commission, the matter will be referred to the Ethics Commission of Montgomery County.

SECTION V OFFICERS

DESIGNATION OF OFFICERS

The officers of the Board will consist of the Chair, Vice-Chair, Immediate Past Chair, Secretary, and Chair of the Finance and Grants Committee.

QUALIFICATIONS

Any member may serve as an officer of this Board. The Chair and Vice Chair are required to represent a private-sector, non-governmental business or organization.

ELECTION AND TERM OF OFFICE

Officers will be elected by the Board at a board meeting between September and December each year or at such other time as the Board determines advisable, and each officer will hold office for one year and until his or her successor is elected and qualified. Officers may serve two consecutive one-year terms.

REMOVAL AND RESIGNATION

Any officer may be removed, with or without cause, by the Board at any time. Any officer may resign at any time by giving written notice to the Board Chair or to the County Executive. Members are deemed to have resigned from the Board if absent from 25 percent or more of scheduled meetings during any six-month period, per Montgomery County Code (refer to County Code Section 2-148).

VACANCIES

Any vacancy will be filled by the Board. In the event of a vacancy in any office other than that of Chair, such vacancy may be filled temporarily by appointment by the Chair until such time as the Board shall fill the vacancy.

DUTIES AND QUALIFICATIONS OF CHAIR

The Chair must be any member of the Board who is classified as a Business Representative and will perform all duties incident to his or her office and such other duties as may be required by law, including the Federal Workforce Investment Act and by the Montgomery County Executive Order. The Chair will preside at all meetings of the Board.

DUTIES OF VICE-CHAIR

In the absence of the Chair, or in the event of his or her inability or refusal to act, the Vice Chair will perform all the duties of the Chair, and when so acting will have all the powers of, and be subject to all the restrictions on, the Chair.

DUTIES OF SECRETARY

At the direction of the Board, the Secretary will have the oversight of:

- a) Keeping a book of minutes of all meetings of the Board, and, if applicable, meetings of committees of board members, recording therein the time and place of the meeting, whether regular or special, how called, how notice thereof was given, the names of those present or represented at the meeting, and the proceedings thereof.
- b) In general, performing all duties incident to the office of Secretary and such other duties as may be required by law, or which may be assigned to him or her from time to time by the Chair and the Board.

DUTIES OF CHAIR OF THE FINANCE AND GRANTS COMMITTEE

At the direction of the Board, the Chair of the Finance and Grants Committee must have oversight of:

- a) Keeping and maintaining adequate oversight of Workforce Investment Act funds, workforce grants, budget oversight and management of grants provided to the County.
- b) Exhibiting at all reasonable times the financial statements and grant reports and financial records to any member of the Board or community.
- c) Preparing (or causing to be prepared) and certifying (or causing to be certified) the financial statements to be included in any required reports.

DIRECTOR AND STAFF

The Board will be staffed by the Montgomery County Department of Economic Development, Division of Workforce Services (DWS). The Division Manager will act as the Chief Executive Officer. The DWS Manager and DWS staff will provide staff support and workforce management services on behalf of the Board. The Manager will have overall responsibility for day-to-day operations and management of the workforce programs and services, including staff support, financial planning and fiscal management, and will carry out

the goals and objectives of the Board consistent with the requirements of the Workforce Investment Act and the policies and procedures of the County.

SECTION VI COMMITTEES

COMMITTEES

Standing committees of the Board will include the Executive Committee; Youth Council Committee; Finance and Grants Committee; Program Operations and Evaluation Committee; Communications and Outreach Committee, and Board Development Committee as well as ad-hoc committees and task forces as required.

EXECUTIVE COMMITTEE

The Board may establish an executive committee. The Executive Committee will consist of the Chair, Vice Chair, Immediate Past Chair, Secretary and Chairs of all standing Committees (Finance and Grants, Program Evaluation and Monitoring, Communications and Outreach, and the Youth Council).

The Executive Committee will meet as a committee as it determines but not less often than quarterly. Regular minutes of these proceedings will be kept and filed with the Board's record, and reported to the Board from time to time as the Board may require.

YOUTH COUNCIL

The Board must establish a Youth Council to develop and coordinate policies and guidance for youth employment and job-training initiatives in the community. The Youth Council will be chaired by member(s) the Board that are be appointed by the Board Chair. Youth Council membership will be composed of youth advocates and youth program representatives according to the requirements of the Act.

OTHER COMMITTEES

The Board will have such other committees as may from time to time be designated by resolution of the Board or the Executive Committee. These committees and the standing committees except for the Executive Committee may consist of persons who are not members of the Board and will act in an advisory capacity to the Board. Each committee of the Board will serve at the pleasure of the Board. The recommendations of committees will be presented at the next Executive Committee or Board meeting in a form as determined appropriate by the Chairperson.

SECTION VII
POLICIES AND PROCEDURES

These Guidelines are to be consistent with the Montgomery County Policies and Procedures for Citizen Boards, Committees and Commissions. Attached to these Guidelines is a copy of the Montgomery County Policies and Procedures for Citizen Boards, Committees and Commissions, the County Code relating to conflicts of interest, and Executive Order 159-02. In the event of any inconsistency between these Guidelines and the Act, County Policies and Procedures, the County Code, or Executive Order, the Act, County Policies and Procedures, County Code and Executive Order will control.
