

# Phoenix Business and Workforce Development (PBWD) Board Bylaws

## ARTICLE I. NAME AND ESTABLISHMENT

The City of Phoenix Business and Workforce Development Board shall be named the Phoenix Business and Workforce Development Board, hereinafter referred to as the “PBWDB” or the “Board.”

The PBWDB is established and receives its authority in accordance with the Workforce Innovation and Opportunity Act (hereinafter referred to as the “WIOA”), which was signed into law on July 22, 2014 as Public Law 113-128. The PBWDB and its committees derive their authority from Section 107 of the WIOA. In execution of its business, LWDB must comply with the Workforce Innovation Opportunity Act and its regulations, applicable Federal and State Laws, rules and regulations, and State policies and procedures. The City of Phoenix Mayor and City Council shall have final authority.

## ARTICLE II. AREA SERVED

Pursuant to the State of Arizona designation and in compliance with WIOA, the area to be serviced by the PBWDB shall be the City of Phoenix. This area shall be known as the City of Phoenix Local Workforce Development Area (hereinafter referred to as the “LWDA”). PBWDB may also provide services in cooperation and coordination with other local workforce areas in the region and the State of Arizona.

## ARTICLE III. VISION AND MISSION

### Section I. Vision

Consistent with 20CFR §679.300, the vision for the PBWDB is to serve as a strategic leader and convener of local workforce development stakeholders. The Phoenix Business and Workforce Development Board’s **vision**:

*“Phoenix is a world-class community delivering sustainable opportunities to earn, learn, and grow.”*

### Section II. Mission

The Phoenix Business and Workforce Development Board’s **mission**:

*“The mission of the Phoenix Business and Workforce Development Board is to fulfill the Six Purposes of the Workforce Innovation and Opportunity Act.”*

### The Six Purposes of WIOA

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1. Increase opportunities for employment, education, training, and support services needed to succeed in the labor market, particularly for those individuals with barriers to accessing such opportunities.
2. Support the alignment of workforce development, education, and economic development systems.
3. Improve the quality and relevance of workforce investment, education, and economic development efforts, leading to family-sustaining wages for workers, and skilled employees for employers.
4. Improve the structure and delivery of services throughout the workforce development system.
5. Increase the prosperity of workers and employers in the United States.
6. Enhance the productivity and competitiveness of the Nation.

## **ARTICLE IV. RESPONSIBILITIES AND METHODS**

### **Section I. Responsibilities**

As provided in WIOA Sec.107(d) and 20 Code of Federal Regulations (CFR). §679.390, the PBWDB must:

1. Develop and submit a 4-year local plan for the local area, in partnership with the Chief Elected Official (CEO) and consistent with WIOA Sec. 108.
2. 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.
3. Conduct workforce research and regional labor market analysis to include:
  - a. 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;
  - b. Assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and
  - c. Other research, data collection, and analysis related to the workforce needs of the regional economy as the PBWDB, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions;

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4. Convene local workforce development system stakeholders to assist in the development of the local plan under § 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the PBWDB and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the PBWDB.
5. Lead efforts to engage with a diverse range of employers and other entities in the region in order to:
  - a. Promote business representation (particularly representatives with optimum policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the PBWDB;
  - b. 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;
  - c. 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
  - d. 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.
6. 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.
7. 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.
8. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers and job seekers, by:
  - a. 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;

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- b. Facilitating access to services provided through the one-stop delivery system involved, including access in remote areas;
  - c. 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
  - d. Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
9. In partnership with the chief elected official for the local area:
- a. Conduct oversight of youth workforce investment activities authorized under WIOA Sec. 129(c), adult and dislocated worker employment and training activities under WIOA Sec. 134(c) and (d), and the entire one-stop delivery system in the local area;
  - b. 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
  - c. Ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA Sec. 116.
10. Negotiate and reach agreement on local performance indicators with the CEO and the Governor.
11. Negotiate with CEO and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area in accordance with 20 CFR 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.
12. Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:
- a. Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the Board/Committee. The PBWD Board may award grants or contracts on a sole-source basis if the board determines there is an insufficient number of eligible providers of youth workforce investment activities in the local area as per the provisions at WIOA Sec. 123(b);
  - b. Providers of training services consistent with the criteria and information requirements established by the Governor and WIOA Sec. 122;

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- c. Providers of career services through the award of contracts, if the one-stop operator does not provide such services; and
  - d. One-stop operators in accordance with CFR 20 678.600 through 678.635.
13. In accordance with WIOA Sec. 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.
14. Coordinate activities with education and training providers in the local area, including:
- a. 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;
  - b. Making recommendations to the eligible agency to promote alignment with such plan; and
  - c. 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 in cooperation, collaboration, and coordination.
15. Develop a budget for the activities of the PBWDB, with approval of the chief elected official and consistent with the local plan and the duties of the PBWDB.
16. Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with WIOA Sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*).
17. Certification of one-stop centers in accordance with 20 CFR 678.800 and applicable policies issued by the Workforce Arizona Council (WAC).

## **Section II. Methods**

The PBWDB will perform all duties in accordance with these methods:

- 1. Convener – Bring together business, labor, education and economic development to focus on community workforce issues.
- 2. Workforce Analyst – Understand and disseminate current local and regional labor market and economic information and trends.

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3. Broker – Bring together systems to solve common problems, or broker new relationships with businesses and workers.
4. Community Voice – Advocate for the importance of workforce policy, providing perspective about the need for and availability of a skilled workforce.
5. Capacity Builder - Enhance the workforce development area's ability to meet the workforce needs of local employers.

## **ARTICLE V. MEMBERSHIP**

### **Section I. Composition and Size**

The members of the PBWDB must meet the following requirements of WIOA Sec. 107(b)(2):

- A. The PBWDB membership shall consist of no more than twenty-five (25) members with a majority of those members being from the business community.
- B. Members of the PBWDB shall not be permitted to delegate any duties to proxies or alternates.
- C. Members on the PBWDB shall serve without compensation, except for the reimbursement for travel and sustenance as provided by law for other City of Phoenix officers and employees (A.R. 3.14) while on approved City business and/or business travel.
- D. The majority of the members of the PBWDB must be representatives of business in the local area and within Maricopa County. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Business representatives serving on the PBWDB may also serve on the State Workforce Board. Each business representative must meet the following criteria:
  1. Be owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority. A representative with optimum policy-making authority is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.
  2. Provide employment opportunities in in-demand industry sectors or occupations, 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)).

As defined in WIOA Sec. 3(23), in-demand industry sector or occupation means:

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- a. An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or
- b. An occupation that currently has or is projected to have several positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

The determination of whether an industry sector or occupation is in-demand shall be made by the State or PBWDB, as appropriate, using State and regional business and labor market projections, including the use of labor market information.

3. Be appointed from among individuals nominated by local business organizations and/or business trade associations, former and existing PBWDB members.
- E. Not less than 20 percent of the members of the PBWDB must be workforce representatives. These representatives:
1. Must include two or more representatives of labor organizations who have been nominated by local labor federations, or other representatives of employees (for areas where labor organizations do not exist);
  2. Must include one or more representatives (must be a training director or a member of a labor organization) of a joint labor-management, or union affiliated, registered apprenticeship program within the area. 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;
  3. May include one or more 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
  4. 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.

F. The balance of membership for the PBWDB must include:

1. At least one eligible provider administering adult education and literacy activities under WIOA Title II (Adult Education). When there is more than one local area

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provider of adult education and literacy activities under Title II, nominations are solicited from those particular entities (WIOA Sec. 107(b)(2)(C)(i));

2. At least one representative from an institution of higher education providing workforce investment activities, including community colleges. When there are multiple institutions of higher education providing workforce investment activities nominations are solicited from those particular entities (WIOA 107(b)(2)(C)(ii)); and
  3. At least one representative from each of the following governmental and economic and community development entities:
    - a. Economic and community development entities;
    - b. The State Employment Service Office under the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*) serving the local area; and
    - c. The programs carried out under Title I of the Rehabilitation Act of 1973, other than section 112 or Part C of that Title.
- G. In addition to the representatives enumerated above, the City of Phoenix Mayor and City Council may appoint other appropriate entities in the local area, including:
1. Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
  2. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
  3. Philanthropic organizations serving the local area; and
  4. Other appropriate individuals as determined by the CEO.

## **Section II. Nominations and Appointments**

- A. Individuals are appointed to the PBWDB by the City of Phoenix Mayor and approved by the City Council in accordance with State criteria established under WIOA Sec. 107(b)(2).
- B. All PBWDB applicants must register on the City of Phoenix Boards and Commissions website. <https://boards.phoenix.gov/>
- C. The City of Phoenix Mayor will identify candidates for appointment to serve on the Board by the following process:



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1. Vacancies can occur due to member term expiration, member resignation, member removal or if a member no longer meets the requirements of the Board seat. The PBWD Board Liaison will notify the Mayor's Office and the Community and Economic Development Director in advance of the vacancy when possible or within five days of the vacancy.
2. The Mayor's Office will identify a candidate for the vacant Board seat and confirm the candidate's eligibility with the PBWD Board Liaison.
3. The Mayor's Office will instruct the candidate to complete a registration on the City of Phoenix Boards and Commissions website: <https://boards.phoenix.gov/> via email and will cc the Board Liaison.
4. The PBWD Board Liaison will email the candidate, and copy the Mayor's Office, with instructions to complete and provide the following documents:
  - i. PBWD Board Application
  - ii. A copy of the candidate's resume
  - iii. Complete the required Nomination Letter using the appropriate template
5. The Mayor's Office will schedule the candidate for appointment at the Phoenix City Council meeting and will provide notification to the candidate and PBWD Board Liaison.
6. If the Phoenix City Council is not allowing in-person participation, or if the candidate is unable to attend the City Council meeting, the PBWD Board Liaison will obtain the documents listed below from the candidate. Upon receipt of the original documents, the PBWD Board Liaison will forward the documents to the City of Phoenix Clerk's Office.
  - i. Loyalty Oath
  - ii. Appendix D- Ethics Certification and Acknowledgement
    - a. The City of Phoenix Boards and Commissions Ethics Handbook is located here:  
[https://www.phoenix.gov/citymanagersite/Documents/Ethics/Ethics\\_Handbook\\_Boards\\_Commissions.pdf](https://www.phoenix.gov/citymanagersite/Documents/Ethics/Ethics_Handbook_Boards_Commissions.pdf)
7. After appointment by the Mayor, the PBWD Board Liaison will schedule the Board member for a PBWD Board orientation session.

## **Section III. Membership Terms**

- A. The PBWDB members shall be appointed by the Mayor and the Board shall consist of no more than twenty-five (25) unpaid members, a majority of whom shall represent businesses.

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- B. Appointments shall be for a fixed term of three years. Members may serve for two (2) consecutive three-year terms. However, members appointed as Mandated Partners shall continue to serve until the agency/organization that appointed them identifies a replacement. Membership terms shall be staggered, as illustrated below, to ensure only a portion of the membership terms expire in any given year.

Term Expirations	Business Seats	Workforce Seats	Community Based Org.	Economic Dev.	Education Seats	Partner Programs
Cohort 1	5	1				
Cohort 2	4	1		1	1	1
Cohort 3	4	3	1		1	2

- C. The term of a member shall expire on the last day of June of the member’s third year, unless the member is reappointed for a second three-year term.
- D. Members appointed to fill a vacancy shall serve until the expiration of the term of the vacant seat with the option to serve two full three-year terms, thereafter.
- E. Members who no longer hold the position or status that made them eligible for the PBWDB must resign or be reassigned to another Board seat if a vacancy exists. If a vacancy is not available, the Board member must be removed by the City of Phoenix Mayor immediately upon notification to the Board Chair of the members change of status.

## Section IV. Vacancies and Resignations

- A. The PBWDB shall identify where vacancies have occurred and ensure a broad range of representation from identified business and industry sectors, education, labor organizations, apprenticeships, community and faith-based organizations, economic development agencies, and other members as outlined in the WIOA. It will be determined if existing members are eligible for re-appointment or have served the maximum two full three-year terms. (Filling an unexpired term does not count toward two full terms).
- B. In order to comply with Workforce Arizona Council Local Governance Policy, PBWDB vacancies must be filled within 120 days of the vacancy. Reappointments must be made within 120 days of the term of expiration.
- C. In the event a vacancy cannot be filled within 120 days, the PBWDB must request a waiver in writing to the Director of the Workforce Arizona Council with an explanation of why a vacancy was not filled in the 120-day timeframe and a description of the process underway to fill the vacancy.
- D. The PBWDB must maintain written approval of the waiver request by the Director of the Workforce Arizona Council and will be monitored according to the process outlined in the approved waiver request.

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- E. Board members may resign at any time by written notice to the PBWDB Chair with 30 days' notice.

## **Section V. Attendance**

- A. All PBWDB members are expected to attend regularly scheduled Board and Committee meetings in person. Under extraneous circumstances, members may participate via phone or web-based meetings (if available).
- B. All members must confirm their attendance five (5) business days prior to a scheduled meeting. If unable to attend a meeting, PBWDB members must report their absence to the PBWDB Chair and Board Liaison.
- C. Any three (3) unexcused absences from regularly scheduled Board and Committee meetings during a program year (July 1 – June 30) shall result in notification to the City of Phoenix Mayor and possible removal from the PBWDB.

## **Section VI. Removal of PBWDB Members**

- A. Board members must be removed by the City of Phoenix Mayor if any of the following occurs:
  - 1. Documented violation of conflict of interest;
  - 2. Failure to meet Board member attendance requirements as defined in the PBWDB Bylaws Article V.5 Attendance;
  - 3. Documented proof of malfeasance, fraud or abuse; or
  - 4. Failure of a Board member to continue to hold the qualifications of membership which were the basis for their initial appointment.
- B. The state administrative entity reserves the right to investigate regarding allegations of wrongdoing that result in the removal of a Board member. The City of Phoenix Mayor and PBWDB Chair will be formally notified in advance of any such investigation and of the results.
- C. Recommendations for removal of the PBWDB members will be forwarded to the City of Phoenix Mayor for final approval.

## **ARTICLE VI. ELECTION OF OFFICERS**

### **Section I. Officers**

- A. The Officers of the PBWDB shall be Chair and Vice Chair.

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- B. There will be an Immediate Past Chair (Chair Emeritus) of the PBWDB.
- C. There shall be one (1) individual to serve in each designated office.

## **Section II. Election and Term**

- A. Election of officers shall be held during the last meeting of each election year.
- B. The Chair and Vice Chair shall serve concurrent two-year terms, beginning on July 1 of the following program year.
- C. Board staff will contact the business members of the PBWDB to gauge their interest in serving in a Chair or Vice Chair role.
- D. Of the business members identified, the Executive Leadership Committee (ELC) shall identify at least two (2), but no more than (3) persons, based on member attendance and engagement, who are current business members of the PBWDB to run for Chair and Vice Chair.
- E. Elections will be conducted by the electronic dissemination of a ballot to each Board member no later than April of the election year.
- F. Recommendations for Board officers shall be presented to the full board for election in May. The election results will be forwarded to the City of Phoenix Mayor's Boards and Commissions Office.
- G. Candidates for office must be eligible to serve for at least two (2) more years. Members whose eligibility expires prior to the end of a two-year term, may not be a candidate for office. Board members may not have their term of office on the Board extended to fill a chair or vice chair role.
- H. The Immediate Past Chair (Chair Emeritus) shall mentor the newly elected Chair during a transition period of up to one (1) year.
- I. If a vacancy occurs by other than an expiration of an Officer term, the vacancy shall be filled for the unexpired portion of the term.

## **Section III. Duties of Officers**

### **A. Chair**

The Board Chair maintains focus on what is best for the PBWDB. He/she facilitates good board leadership and governance and sets the tone for the meetings. Working collaboratively with the PBWDB Executive Director, the Board Chair molds the board's culture and work. An effective Board Chair influences the direction and priorities of the board. It's an active role that engages the board members, building upon each member's individual strengths.

1. The Chair shall be elected by a majority vote of the PBWDB.

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2. The Chair shall be a representative of the business community on the PBWDB.
3. The Chair shall serve as Chair of the Executive Leadership Committee (ELC) of the PBWDB.
4. The Chair shall facilitate all regular, special and executive leadership meetings of the PBWDB.
5. In the event that the Chair and Vice Chair are absent, the Chair may designate a chairperson pro tempore from the ELC to serve as the presiding officer of the PBWDB and ELC meeting.
6. The term of office for the Chair shall be two (2) years. No one individual may hold this office for more than one (1) term unless so voted by a majority of the PBWDB.
7. In the event the Chair cannot fulfill the terms of his/her appointment for any reason, the Vice Chair shall perform such duties as the Acting-Chair until a new Chair is appointed.
8. The Chair shall provide information for the preparation of the agenda for PBWDB meetings.
9. The Chair shall encourage best and broadest participation possible from all Board members.
10. The Chair shall appoint all committee Chairs, Vice Chairs and assigns board members to each standing committee.
11. The Chair shall create and/or appoint committees, workgroups or advisory groups as needed.
12. The Chair assigns and delegates responsibilities as needed.
13. The Chair shall mentor the chair elect in conducting their duties and assumes the role of Immediate Past Chair (Chair Emeritus) once their term has expired.

## B. Vice Chair

The Vice Chair performs the duties of the Chair in his/her absence or assumes the role and duties of the Chair should they resign or are no longer able to perform their duties. The Vice Chair assists in carrying out the functions of that office and performs specific duties as delegated to him/her.

1. The Vice Chair shall be a representative of the business community on the PBWDB.
2. The Vice Chair shall be elected by a majority vote by the PBWDB.

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3. The term of office for the Vice Chair shall be two (2) years. No one individual may hold this office for more than one (1) consecutive term unless so voted by a majority of the PBWDB.
4. The Vice Chair will work in conjunction with other members of the ELC and Board staff to evaluate the performance of the Board and its committees.
5. The Vice Chair works to ensure the Board adheres to the goals and objectives of the strategic plan.
6. The Vice Chair shall work with the ELC to identify engagement, training and development opportunities for Board members.
7. The Vice Chair shall work with Board members to address membership compliance as stated in Article V. of the PBWDB bylaws.
8. If the Vice Chair cannot fulfill the terms of his/her appointment for any reason, the Chair may appoint an interim Vice Chair from the business community of the PBWDB until a new Vice Chair has been elected by the PBWDB.

## **Section IV. Removal of Officers**

Any officers may be removed from office for cause and a vote of at least two-third (2/3) of the current members of the ELC.

## **ARTICLE VII. COMMITTEES**

### **Section I. General**

- A. All Committees and workgroups established under the Board shall comply with these bylaws.
- B. All actions of the Board committees and workgroups shall be recommendations or information to the ELC or PBWDB.
- C. All Standing Committees shall hold meetings monthly at the date and time established by majority of the committee members.
- D. The meeting location and schedule shall be posted at least 48 hours in advance of each meeting on the City of Phoenix website (<https://www.phoenix.gov/cityclerk/publicmeetings/notices>) and the ARIZONA@WORK City of Phoenix website (<https://arizonaatwork.com/phoenix/local-board>).
- E. Chairs and/or Vice Chairs of standing committees in consultation with the PBWDB Executive Director, and with support from Board staff, shall drive the agenda for committee meetings.

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- F. If the PBWDB determines that a specific standing committee is no longer needed, it shall officially disband the committee. The bylaws will thereafter be amended to remove the standing committee.

## Section II. Executive Leadership Committee (ELC)

- A. The Executive Leadership Committee shall be comprised of the following Board members: PBWDB Chair, PBWDB Vice Chair, and Chair and two (2) Vice Chairs of all standing committees. At the discretion of the Board Chair, up to two (2) additional members of the Board may be appointed to the ELC.
- B. If the Immediate Past Chair position is filled (Chair Emeritus), this position may also be on the ELC as determined by the PBWDB Chair.
- C. The responsibilities of the ELC shall include, but are not limited to the following:
  - 1. Shall meet as necessary between scheduled meetings of the PBWDB and may be responsible for interpreting and putting into effect the decisions, policies and programs of the Board. Including but not limited to attendance, workplan, bylaws and any conflict resolution.
  - 2. If a PBWDB meeting has been cancelled and action items are needed to continue the programs, ELC shall put into effect and vote on the action items until the next meeting of the PBWDB is scheduled.
  - 3. Report on all action taken by the committee at regularly scheduled Board meetings.
    - a. Emergency actions and all other actions taken by the ELC without the prior approval of the PBWDB are conditional and subject to either ratification, or rescission by the PBWDB at its subsequent meeting.
  - 4. In consultation with Board staff, make recommendations for membership to the Board and committees in compliance with membership requirements as outlined in Article V. of these bylaws.
  - 5. Reinforce Board member roles and expectations by focusing on strategic planning and Board involvement.
  - 6. Reviews Board Strategic Plan goals and objectives and makes recommendations as needed.
  - 7. Develop a budget for the workforce activities in the City of Phoenix that are consistent with the local plan and the duties of the PBWDB.
  - 8. In partnership with the CEO and Board staff, work to develop the ARIZONA@WORK City of Phoenix Local Workforce Development Area Plan.
  - 9. Provide guidance in the convening of workforce development organizations in order to develop the workforce system partners Memorandum of Understanding

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that align efforts and resources to enhance the talent development capacity of the local area.

10. Provide oversight, management, and monitoring of all Board contracts and agreements.

## **Section III. Standing Committees**

PBWDB Standing Committees listed below will recommend policy direction for the design, development and implementation of workforce operations and governance for approval to the PBWDB.

### A. Business and Workforce Engagement Committee (BWEC)

1. The Business and Workforce Engagement Committee shall be comprised of the following Board members: A Chair, two (2) Vice Chairs, up to eight (8) Board members, and up to five (5) ad-hoc, non-Board members.
2. The goal of the BWEC is: *Drive economic mobility and impact*. The responsibilities of the committee shall include, but are not limited to the following:
  - a. Leverage labor market information to inform decisions and strategic impact of workforce development.
  - b. Ensure return on investment for workforce development in the City.
  - c. Invest in education programs that lead to pre-defined, sustainable career pathways and business competitiveness.
  - d. Identify industry trends and develop sector strategies.
  - e. Effectively engage the business community with the ARIZONA@WORK City of Phoenix workforce development system.
  - f. Provide guidance in the use of evidence-based decision-making practices when convening employers or pursuing and implementing sector partnership initiatives.
  - g. Provide guidance and oversight in the development of customized trainings for employers to include Customized, Incumbent Worker, and On-the-Job Training.
  - h. Reviews the addition of training providers to the State Eligible Training Provider List based on performance.

### B. Communication and Outreach Committee (COC)



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1. The Communication and Outreach Committee shall be comprised of the following Board members: A Chair, two (2) Vice Chairs, up to eight (8) Board members, and up to five (5) ad-hoc, non-Board members.
2. The goal of the COC is: *ARIZONA@WORK is the recognized workforce authority in the region.* The responsibilities of the COC shall include, but are not limited to the following:
  - a. Raise external awareness of ARIZONA@WORK City of Phoenix.
  - b. Build an internal communication strategy.
  - c. Identify and reach the populations we intend to serve and connect them with resources and services.
  - d. Focus on the use of technology for communication and outreach to include social media, website content and virtual media platforms.
  - e. Ensure the PBWDB participates in workforce events and conferences where ARIZONA@WORK City of Phoenix programs and services can be shared.

## C. Program Excellence Committee (PEC)

1. The Program Excellence Committee shall be comprised of the following Board members: A Chair, two (2) Vice Chairs, up to eight (8) Board members, and up to five (5) ad-hoc, non-Board members.
2. The goal of the PEC is: *Instill hope.* The responsibilities of the PEC shall include, but are not limited to the following:
  - a. Develop opportunities for individual connections and relationships to support vulnerable populations including youth and dislocated workers.
  - b. Align with local investment in diversity and inclusion as a primary business strategy.
  - c. Show promise for individuals seeking careers through the sharing of simple approaches.
  - d. Ensure WIOA performance standards and agreement terms are met for the adult, dislocated worker, and youth programs and specialty grants.
2. In accordance with the Arizona Department of Economic Security Youth Program Policy, Section 201.02, the Program Excellence Committee will provide information and assist with planning, operational, oversight, and other issues

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relating to the provision of services to youth. Under the direction of the PBWDB, the PEC may:

- a. Recommend policy direction for the design, development and implementation of programs that benefit all youth.
- b. Recommend the design of the comprehensive community youth workforce development system to ensure a full range of services and opportunities for youth, including disconnected youth.
- c. Recommend ways to leverage resources and coordinate services among schools, public programs, and community-based organizations serving youth.
- d. Recommend ways to coordinate youth services and eligible youth service providers.
- e. Provide on-going leadership and support for continuous quality improvement for local youth programs.
- f. Assist with the planning, operational and other matters related to youth.

## D. Workgroups

1. The PBWDB Chair may establish workgroups to assist the Board in carrying out its duties or current work and appoint a PBWDB member as the Chair of that workgroup.
2. Workgroups may include individuals who are not appointed to the Board, so long as the PBWDB Chair determines the individual has expertise in the topic/task.
3. Workgroup member appointments end at the conclusion of the topic/task.

## Section V. Ad-Hoc Membership

- A. Ad-Hoc members shall serve without compensation and may be appointed to serve on a Board workgroup or committee for a period of up to 24 months. Ad-Hoc members demonstrating proven performance, engagement, participation and in good standing (attendance) may request to serve an additional term if recommended and approved by the Committee Chair.
- B. Ad-Hoc members shall be at the supervisory/professional level and above in their organizations and shall have demonstrated expertise and be able to provide input pertaining to the committee they are appointed to.
- C. Applications for Ad-Hoc membership must be reviewed and approved by the standing committee.
- D. Up to five Ad-Hoc members shall serve on each committee as determined by the Chair and Vice-Chair of the committee.

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- E. Each Ad-Hoc member shall be entitled to one (1) vote on an action.

## ARTICLE VIII. PBWD BOARD AND COMMITTEE/WORKGROUP MEETINGS

### Section I. Public Meetings

- A. All meetings of the PBWDB, including its standing Committees and Workgroups shall be held in accordance with the Arizona Open Meeting Law (Arizona Revised Statutes 38-431 et seq.)  
<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/38/00431.htm>
- B. The PBWDB shall hold board meetings at least six (6) times per Program Year on the date and time established by majority of the PBWDB. The meeting location and schedule shall be posted at least 48 hours in advance of each meeting on the City of Phoenix website (<https://www.phoenix.gov/cityclerk/publicmeetings/notices> ) and the ARIZONA@WORK City of Phoenix website (<https://arizonaatwork.com/phoenix/local-board>).
- C. Special meetings of the PBWDB or its committees and workgroups may be called by the PBWDB Chair.
- D. The PBWDB meetings shall be governed by Roberts Rules of Order. Consistent with City practice, the PBWDB Chair will be permitted to vote on all motions that do not involve a conflict of interest.
- E. At the discretion of the PBWDB Chair, public comment shall be allowed during the discussion of any agenda item of the PBWDB meeting. Public comment will be permitted at all regularly scheduled meetings of the PBWDB.
- F. Meeting agendas may contain a Consent Agenda Item. A consent agenda groups routine business and reports into one agenda item. The consent agenda item can be approved in one action rather than filing motions on each item separately.
- G. In accordance with Arizona Revised Statutes, 38-431.01 (B), all PBWDB meetings shall provide for the taking of written minutes of all their meetings. For meetings other than executive sessions, such meetings shall include, but are not limited to:
  - 1. The date, time and location of the meeting.
  - 2. The members of the PBWDB recorded as either present or absent.
  - 3. A general description of the matters considered.

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4. An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. The minutes shall also include the names of the person(s) making statements or presenting material to the PBWDB.

## Section II. Quorum

- A. A simple majority of appointed members shall constitute a quorum for the transaction of business at all PBWDB meetings.
- B. A meeting at which a quorum is initially established, but the quorum is not maintained due to the withdrawals or departure of members, must end immediately.

## Section III. Voting

- A. Each member of the PBWDB, shall be entitled to one (1) vote on an action.
- B. No member shall cast a vote on any matter which has direct bearing on services to be provided by the member or any organization with which that member is associated or would otherwise be the basis for a conflict of interest as outlined in Article IX. of these bylaws.
- C. Action brought before the Board shall be resolved by a vote of a simple majority of the members present, provided a quorum is present.
- D. At the request of any member, or discretion of the Chair, a roll-call vote may be taken for any action of the PBWDB.
- E. The outcome of voting shall be recorded in the minutes of the Board.

## ARTICLE IX. ETHICS AND CONFLICT OF INTEREST

Board members must adhere to the following rules regarding conflict of interest:

- A. A PBWD Board member may not vote on any matter that would provide direct financial benefit to the member or the member's immediate family, or on matters of the provision of services by the member or the entity the member represents.
- B. A PBWD Board member must avoid even the appearance of a conflict of interest. Prior to taking office, Board members must provide to the PBWD Board Chair and PBWD Board Liaison a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the Board. Such declarations must be updated annually or within 30 days to reflect any changes in such business interests or relationships. PBWD Board staff will review the disclosure information in a timely manner and advise the PBWD Board Chair and appropriate members of potential conflicts.
- C. Prior to a discussion, vote, or decision on any matter before the PBWD Board, if a PBWD Board member, or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization, or property that

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would be affected by any official Board action, the member must disclose the nature and extent of the interest or relationship and must abstain from discussion and voting on or in any other way participating in the decision on the matter. All abstentions must be recorded in the minutes of the Board meeting and be maintained as part of the official record.

- D. It is the responsibility of the PBWD Board members to monitor potential conflict of interest and bring it to the Board staff's attention in the event a member does not make a self-declaration.
- E. In order to avoid a conflict of interest, the PBWD Board will ensure that the PBWD Board's workforce service providers for WIOA Title IB adult, dislocated worker, and youth programs must not employ or otherwise compensate a current Board member or Board employee who is employed or compensated by the Board or its administrative entity, fiscal agent, or grant recipient to support the Board in carrying out its duties.
- F. The PBWD Board will ensure that the Board, its members, or its administrative staff do not have any supervisory responsibility for the daily activities of its workforce service providers, workforce system partners or contractors. There must be complete separation between governance functions and operating functions within an organization including different reporting structures.
- G. PBWD Board members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner.
- H. The PBWD Board shall follow:
  - 1. Arizona law on conflict of Interest as set forth in Arizona Revised Statutes, Title 38 – Public Officers and employees, Chapter 3 – Conduct of Office, Article 8 Section 38-501 – 511. <https://www.azleg.gov/arsDetail/?title=38>
  - 2. Workforce Arizona Council #8 Conflict of Interest Policy.
  - 3. City of Phoenix Ethics and Gift Policies, Phoenix City Code Section 2-52. <https://www.phoenix.gov/ethics>.
  - 4. City of Phoenix Boards and Commissions Ethics Handbook [https://www.phoenix.gov/citymanagersite/Documents/Ethics/Ethics\\_Handbook\\_Boards\\_Commissions.pdf](https://www.phoenix.gov/citymanagersite/Documents/Ethics/Ethics_Handbook_Boards_Commissions.pdf)
  - 5. Phoenix Business and Workforce Development Board Conflict of Interest Policy and Code of Conduct. <https://arizonaatwork.com/sites/default/files/900.912%20Conflict%20of%20Interest%20%26%20Code%20of%20Conduct%20Policy.pdf>
  - 6. [Workforce Arizona Council Policy #1 Local Governance](#)

## ARTICLE X. CONFLICT RESOLUTION

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- A. When a conflict arises between PBWDB members, or system partners who have signed the ARIZONA@WORK City of Phoenix Memorandum of Understanding and Infrastructure Funding Agreement that cannot be resolved, the parties to the issue shall summarize the issue in writing and submit it to the PBWDB Executive Leadership Committee (ELC) for mediation. All impacted ELC members must recuse themselves if a party to the conflict.
- B. If the stated recusals result in the lack of quorum, the remaining members of the ELC will recruit a standing PBWDB member to fulfill the role for purposes of mediation.
- C. All decisions by the ELC are final unless requiring legal review.
- D. Decisions will be documented in writing to the impacted parties.

## **ARTICLE XI. AMENDMENTS**

- A. Proposed changes to the bylaws must be presented to the PBWDB or ELC and approved by a majority vote.
- B. The amended bylaws will then be presented to the City of Phoenix Mayor and City Council for final approval.
- C. When the bylaws are amended, a copy of the updated bylaws will be distributed to all PBWDB members and posted on the ARIZONA@WORK City of Phoenix website.

## **ARTICLE XII. SEVERABILITY**

If any part of these bylaws is held to be null and/or void, the validity of the remaining portion of the bylaws shall not be affected.