# COLORADO WORKFORCE DEVELOPMENT COUNCIL
# BYLAWS

## ARTICLE I
## NAME, AUTHORITY, AND RESPONSIBILITY

1. The name of this Board shall be the Colorado Workforce Development Council (the "Council").

2. The terms used in these Bylaws shall have the meaning given to them in § 8-71-203 of the Act, unless otherwise defined.

3. This Council shall serve as the convening body for the state of Colorado that represents the interests of all communities' relevant to economic vitality, education, and training, in support of and focused on students, job-seekers and business.

4. This Council shall serve on behalf of the Governor of Colorado as directed through Executive Order, B 2015-007.

5. The Council shall also serve as the state work force board under the Colorado Work Force Investment Act, C.R.S. §§ 8-71-201 *et seq.*, (the "Act") and the federal Workforce Innovation and Opportunity Act, Public Law 113-128 (29 U.S.C. Sec. 3101 et. seq.)(the "Federal Act"). The Council's responsibility is to provide strategic guidance to and maintain relationships with the Employment & Training Division of the Colorado Department of Labor and Employment and the local workforce development areas, as well as providing an information and communication forum from the areas to the Council.

Guiding principles of the Council:

a. Principle 1: We respect the sovereignty of each county.

b. Principle 2: The geographic areas (local workforce areas, economic planning regions, and workforce planning regions) are used for the purposes of organizing information, creating a communication network, and speaking as one voice on critical initiatives.

c. Principle 3: We will create and use a transparent process.

d. Principle 4: We will be inclusive by building a Council representing geographic diversity and major business sectors in Colorado.

6. The purpose of the Council will be to focus on a business-driven model for delivery of services in communities throughout the state. The Council is responsible for setting the strategic direction for the state talent development system and ensuring its integration with the vision of each system through the Talent Development Network. The strategic direction will have input from all regions across Colorado via state wide representation on the Council board. The Council will direct collaborative efforts, led by business representatives appointed from across the state of Colorado, in cooperation with the workforce system, education, and economic

development groups, in an effort to create a rich environment for economic prosperity and growth for employers and their employees throughout the communities of Colorado.

Council Objectives:

a. Strengthen communication between the businesses of Colorado, the state government and local partners by creating a safe forum to have open dialog about issues that affect Colorado businesses' ability to create jobs.

b. Create a dialogue between local communities and the Council.

c. Develop a transparent and equitable process for the distribution of discretionary funds.

d. Leverage resources of the state and other partners to find greater efficiencies, reduce duplication of services, and better serve Colorado by driving statewide initiatives that will add value to Colorado's economic vitality, while maintaining local jurisdiction.

7. The Council shall:

a. Define measurements to ensure desired performance in the state. These performance measures shall be coordinated with the workforce areas and partners.

b. Fulfill the purposes of the work force development program provided for in the Act 8-71-204, and the Federal Act 29 USC 3101.

c. Carry out the functions allocated to a work force board by the Act 8-71-222 and the Federal Act 29 USC 3101 SEC. 101.

d. At all times, operate in accordance with the "Act" and the "Federal Act".

e. Identify opportunities to align current initiatives in education, training, and workforce/economic development in order to ensure a well-educated and well-trained workforce is available and prepared to meet the needs of a growing and changing economy.

f. Develop a comprehensive statewide strategic plan and other specific functions as provided for in §3112 and §3113 of WIOA. In addition to meeting the criteria set forth by WIOA, the strategic plan shall also reflect the regional strategic workforce plans as created by subsection (D) of Executive Order B 2015-007.

g. Work with each local workforce development board to ensure that local workforce development board membership is composed of local businesses, economic development entities, workforce development entities, and higher education institutions. The Council may assist the boards in meeting the requirements of §3122 of WIOA, and in implementing local and regional strategic planning efforts.

h. Understand and engage industry as economic changes occur in the marketplace. Utilize the strategic partners (education, higher education, labor and employment, human services, and economic development) to ensure the industry needs of each sector are being met. The Council shall work with each local workforce development board in order to identify specific targeted sectors. When necessary, the Council may also assist the areas in conducting ongoing evaluations of local industry, support and training needs.

i. Promote talent development programs, sector initiatives, and career pathways in order to effectively engage Colorado business. The Council shall also work to ensure that information and workforce services are easily accessible to local businesses.

j. Facilitate the communications among the partners (education, higher education, labor and employment, human services, and economic development) to share data across workforce areas as well as within other partnerships. The Council shall serve as the governing voice representing all regions of the state with a focus on united common goals, interests, sectors, and delivering best practices among the regions. The Council shall have the responsibility to ensure the communication and information among the workforce development boards is utilized in the most effective manner.

k. Assist various entities, including but not limited to the Colorado Department of Labor and Employment, the Colorado Office of Economic Development and International Trade, the Colorado Department of Higher Education, the Colorado Department of Education, the Colorado Department of Human Services, and other departments, in promoting the use and development of statewide training credential certificates, degree completion programs, and other collaborative opportunities;

l. Undertake such additional functions, responsibilities, and missions promoting the development of the state's talent pipeline as requested by the Office of the Governor.

8. Communication and Information Structure:

a. Council members shall be the connection to their communities. Each Council member has a responsibility to coordinate information to the communities and industries they represent as well as bring critical issues of their community and industry back to the Council.

b. The Director of the Council shall be responsible for coordination and communication with the workforce system directors, education system, and economic development representatives throughout the state.

c. The Chair of the Council shall be responsible for communicating with local workforce chairs, economic development and education leaders on critical issues to the state.

## ARTICLE II
## MEMBERSHIP

1. The Council shall be a business-driven body comprised of business representatives, workforce representatives, state and local elected officials, and government entities. The composition of the Council shall conform to the minimum requirements laid out in § 3111(b) of WIOA and include additional members appointed by the Governor as allowed by that same section.

The voting membership shall be as follows:

a. The Governor, or a designee who has authority to act on his or her behalf;

b. Two members of the Senate, not more than one of whom shall be from the same political party, one to be appointed by the President of the Senate and one to be appointed by the Minority Leader of the Senate.

c. Two members of the House of Representatives, not more than one of whom shall be from the same political party, one to be appointed by the Speaker of the House and one to be appointed by the Minority Leader of the House of Representatives.

d. The majority of the board must consist of representatives of business who: are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policy-making or hiring authority, and who, in addition, may be members of a Local Board described in section §3122(b)(2)(A)(i); represent businesses (including at least on representative of small business), or organizations representing businesses and provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and are appointed from among individuals nominated by State business organizations and business trade associations.

e. Not less than 20 percent of the voting members of the full council shall be workforce representatives within the State and shall be individuals with optimum policymaking authority within the organizations, agencies, or entities they represent and experience in workforce development activities—who must include:

i. Two or more representatives of labor organizations, who have been nominated by State labor federations;

ii. One or more representative, who must be a member of a labor organization or a training director, from a joint labor- management registered apprenticeship program, or if no such joint program exists in the State, such a representative of a registered apprenticeship program in the State;

iii. In addition to the representatives enumerated above, the Governor may appoint one or more representatives of the following organizations to contribute to the 20 percent requirement: representatives of community-based organizations

that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

f. The balance of State Board membership shall include:

i. The Executive Director of the Department of Labor and Employment;

ii. The Commissioner of Education;

iii. The Executive Director of the Office of Economic Development and International Trade;

iv. The Executive Director of the Department of Higher Education;

v. The Executive Director of the Department of Human Services;

vi. Two chief elected officials (collectively representing both cities and counties, where appropriate); one representing rural communities and one representing urban communities, and

vii. Such other representatives and state agency officials as the Governor may designate.

2. The non-voting, ex-officio members of the Council shall consist of the following:

a. The Executive Director of the Department of Corrections;

b. The Executive Director of the Department of Local Affairs;

c. The President of the Colorado Community College System; and

d. The Chair/President of the State Workforce Directors/Association.

3. A majority of the voting members of the Council shall be representatives of business. The Governor shall appoint a chairperson for the Council from one of the representatives of business.

4. The members of the Council shall represent diverse regions of the State, including urban, rural, and suburban areas.

5. A member may not fulfill multiple roles and serve as the representative for more than one of the Membership Categories listed in Article II 1(a)–(f).

6. Council members shall be nominated by business or relevant trade associations,

preferably in collaboration with the local workforce boards from the nominees planning region. The Selection Criteria urges the choice of nominees who are capable of local, regional, statewide, and national thinking. Selection Criteria shall strive for a balance of:

a. Geographical representation across Colorado

b. Business sector representation

c. Rural, Sub-Urban and Urban Regions

7. The Board shall be approved and appointed by the Governor, with a priority of ensuring representation from geographic areas and key industries across the state.

8. Members who wish to apply for reappointment for a second term shall seek support of their initial nominator, are required to submit a new application, and will be considered in the same manner as above for the Governor's approval and appointment. Ex-Officio members shall be a part of the Council per the Executive Order (Exhibit A).

9. A member with voting rights shall be entitled to one vote at meetings. Voting members of the Council may give their proxy only to another voting member, with no more than one proxy given to a single member.

## ARTICLE III
## TERM, REMOVAL, AND OFFICERS OF THE BOARD

1. Each Council member shall serve a term of three years from October 1st through September 31st of each calendar year. Board members may serve up to two terms or at the pleasure of the Governor of the State of Colorado.

2. A Council member may be removed for the following:

a. Receipt by the Council Chair of the written resignation of the member.

b. Failure to attend two in person meetings or two pre-meeting discussions of the Council in one calendar year, unless excused by the Chair.

c. Failure of the member to continue to hold the qualifications that were the basis for initial appointment.

d. Failure to represent the Council in a manner deemed appropriate by the Council and maintaining a positive image of Colorado and the talent development network, e.g. not supporting initiatives approved by the Council and its sub-committees at meetings or events, negatively portraying the talent development network or any system partner of the network and the efforts of the Council, etc.

3. The officers of the Council shall consist of a Chair (chairperson)*, and either a Chair-Elect* or Past-Chair, elected from among the business representatives; as well as a Secretary and Treasurer elected from among the voting members of the full council. The

Council, every two years, shall elect a Secretary, Treasurer and Chair-Elect. The Chair-Elect will become Chair after one year, at which time the current Chair will become Past-Chair for a minimum of one year. In order for a Council member to be eligible to accept a nomination as an officer, they must be eligible to serve on the full Council for the full term of the officer position; the exception is that a member elected to the Chair-Elect position must have at least two years remaining on their term, and a special request for a term extension of up to two additional years can be made on a case-by-case basis. This request must be submitted in writing to the Colorado Office of Boards and Commissions. The term limit of officers shall be a total of two terms (note that the cycle of Chair-Elect, Chair and Past-Chair constitutes one term). *Elected by the voting members of the Council, appointed by the Governor.

4. Officers shall have such duties as they are assigned by the Chair from time to time. Duties of Council officers:

a. Past-Chair – Term of 1 year, or 2 years at the pleasure of the Council

- Serve on the Executive Committee
- Provide mentorship and support to the Chair
- Serve in the role of Chair in the absence of the Chair and Chair-Elect
- May serve up to two years as Past-Chair in an honorary membership role (act as an advisor, not appointed by the Governor, without voting privileges)

b. Chair – Term of 2 years (as appointed by the Governor), immediately followed by 1 or 2 years as Past-Chair, as outlined above

- Develop Council meeting and Executive Committee Meeting agendas, in conjunction with staff
- Conduct Council meetings and Executive Committee Meetings according to Roberts Rules of Order
- Collaborate with the Director to ensure timely membership renewal and nomination processes are followed
- Lead the Council membership in ensuring that the Council Bylaws are followed and kept current
- Lead the Council in ensuring that the work of the Council is guided by its strategic plan and remains committed to its Vision and Mission
- Other duties as described throughout the bylaws and as required for the Council's success

c. Chair-Elect – Term of 1 year (as appointed by the Governor), immediately followed by 2 years as Chair and 1 or 2 years as Past-Chair, as outlined above

- May oversee one subcommittee of the Council
- Represent the Chair in his or her absence
- Must have at least two years remaining on their term; a special request for a term extension of up to two additional years will be granted on a case-by-case basis.

- Must agree to serve one year as Chair-Elect, two years as Chair, and at least one year as Past-Chair; a four year commitment

d. Treasurer – Term of 2 years
- Will oversee the creation of a proposed funding policy and procedure structure for the Council
- Oversee financial reports maintained and produced by staff

e. Secretary – Term of 2 years
- Will serve on the Executive Committee and oversee the revision of Council bylaws for the creation of a bylaws proposal to the full Council
- Oversee documents produced by staff and presented to Council

5. Any officer may resign from his or her position by written notice to the Chair of the Council, at which time the Council will act to replace any such officer.

6. The Council may appoint such subcommittees and task groups to make recommendations to the Council as it deems fit.

7. The Executive Committee of the Council shall be comprised of:

a. The officers of the Council

b. The standing committee Chairs of the Council: the Education & Training Steering Committee Chair, the Advocacy Committee Chair and the Sectors Steering Committee Chair, as chosen from among the business members;

c. The Chair of the Business Experiential Learning Commission

d. Up to four voting members representing the Colorado Department of Labor & Employment, the Colorado Office of Economic Development & International Trade, the Colorado Department of Higher Education, the Colorado Department of Education, or other voting member as selected by the Executive Committee, shall serve as full members of the Executive Committee. These positions may not be delegated to other positions within an organization.

e. One workforce representative from the full Council.

8. The Executive Committee shall have all authority of the Council when Council action is required and is of an emergency nature or when a full Council meeting cannot be called in time to fulfill a required Council responsibility. Immediate notification to the full Council will take place whenever any action is taken without prior consent of the Council.

9. The Executive Committee shall make recommendations to the Council on various issues that come before the body to streamline decision making.

## ARTICLE IV
## MEETINGS

1. The Council shall meet no less often than three times per year at a regular in-person meeting, and via virtual meetings as needed for Council business.

2. Special meetings of the Council may be called at any time by the chairperson of the Council or by written request to the chairperson by a majority of Council members.

3. Such meetings shall be held at the times and in the places designated by the chairperson and all meetings shall be conducted in accordance with the Colorado Open Meetings Law, C.R.S. §§ 24-6-401 *et seq.*

4. Attendance at a meeting of the Council, or of a subcommittee of the Council, by means of conference telephone or by any means of electronic communication by which all persons participating in the meeting are able to communicate contemporaneously with one another shall constitute presence in person at the meeting. Notwithstanding this provision, the chairperson of the Council may call a meeting where participation by electronic communication is not allowed and all members must be physically present to participate.

5. Meetings of the Council shall be conducted by the chairperson or by his or her designee if absent. Unless otherwise unanimously agreed by the Council, the meeting shall be conducted according to Robert's Rules of Order, with provisions for virtual meeting circumstances.

6. Quorum shall exist when (i) a majority of the Council members are present in person or by proxy and (ii) a majority of the Council members present are voting representatives. Council members are expected to attend meetings in person to the greatest extent possible; therefore, proxies should only be used in extenuating circumstances.

7. Unless otherwise provided in these Bylaws, the action of a majority of the Council members constituting quorum shall be the action of the Council.

## ARTICLE V
## CONFLICTS OF INTEREST AND MANDATORY RECUSAL

1. Prior to taking office as a member of the Council, a member must deliver to the chairperson of the Council a declaration in writing of all substantial business interests or representational interests the member has to a known past, current, or potential recipient of Act or Federal Act funds or any funds guided by the Council. The written declaration must be updated annually to reflect any material changes and must include substantial business interests or representational interests of the Council member's immediate family members.

2. When a Council member or his or her business partner and/or his or her immediate family member has any interest as described above in any proposal or request for funds which comes before the Council, that member must, prior to any discussion or vote relating to such matter, publicly disclose the nature of the interest in the matter on consideration, remove himself or herself from any discussion relating to such matter, and abstain from voting

on the matter. Any member with such a conflicting interest may not vote or initiate or participate in any discussion on any proposals or requests for funds that compete with the proposals or requests in which the member has the interest. All declarations of conflicts of interest and abstentions from voting shall be recorded in the minutes of the Council meeting.

3. For purposes of this provision, a "substantial business interest" is defined as any ownership of the business, receiving any gross income during the previous or current year from the business, or ownership in real property relating to the business valued at $10,000 or more.

4. For purposes of this provision, a "representational interest" is defined as (i) being employed by the organization; and/or (ii) being a member of the board of directors, commission, council, or other direct governing body of the organization; and/or (iii) being a creditor of the organization in an amount in excess of $10,000; and/or (iv) being an equity owner of any portion of the organization.

5. For purposes of this provision, an "immediate family member" is defined as (i) father, mother, brother, sister, daughter, or son of the member; and/or (ii) the spouse of the member; and/or (iii) father, mother, brother, sister, daughter, or son of the member's spouse.

## ARTICLE VI
## REVISIONS AND AMENDMENTS

These Bylaws may be revised or amended at any regular or special meeting of the Council by two-thirds vote of Council members constituting quorum, provided notice has been provided to all Council members and the proposed amendment has been identified in such notice. Notwithstanding this provision, the Bylaws must conform to the provisions of the Act and the Federal Act at all times.

## ARTICLE VII
## RATIFICATION AND ACCEPTANCE

These Bylaws shall become effective immediately upon approval by a majority vote of the Council, and such ratification shall be evidenced by the signature of the chairperson set forth below. Upon appointment to the Council, each member must acknowledge in writing that he or she has read, understands, and will comply with the provisions set forth in these Bylaws.

CHAIRPERSON

Taryn Edwards

Taryn Edwards, Chair 2/16/2011

Bylaws Revised
CHAIRPERSON

David Csintyan, Chair 7/18/2013

Bylaws Revised
CHAIRPERSON

Toya Paynter, Chair 10/9/2014

Bylaws Revised
CHAIRPERSON

Jay Hardy, Chair 1/13/2016

**COLORADO WORKFORCE DEVELOPMENT COUNCIL**
**BYLAWS**

**EXHIBIT A**

**EXECUTIVE ORDER B 2015-007**

**EXHIBIT B**

**THE COLORADO WORKFORCE INVESTMENT ACT ("ACT")**

**EXHIBIT C**

**WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014 ("FEDERAL ACT")**