

Ozark Region

Council of Local Elected Officials

Bylaws

Adopted by CLEO June 10, 2015. Revised and approved February 1, 2017 and June 26, 2019.

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Mission Statement

To create a well prepared workforce that meets the needs of a responsible business community.

Proceedings may follow the Roberts Rules of Order.

Definitions

- MDWD: Missouri Division of Workforce Development also referred to as DWD
MOWIB: Missouri Workforce Investment Board
WIOA Workforce Innovation and Opportunity Act
MJC: Missouri Job Center
CLEO: Council (or Chief) Local Elected Official, (consists of the chief elected official from each of the following entities):

Christian County	Stone County
Dallas County	Taney County
Greene County	Webster County
Polk County	

Voting Member: Members shall have full voting rights and privileges.

ARTICLE I IDENTITY

These are the By-Laws of the Ozark Region Council of Local Elected Officials, a Council formed under the Workforce Innovation and Opportunity Act of 2014, P. L. 113 – 128 (“WIOA”), consisting of the counties of Christian, Dallas, Greene, Polk, Stone, Taney and Webster. The City of Springfield serves as Ex Officio member as provided below.

ARTICLE II PRINCIPAL OFFICE

The principal office of the CLEO shall be located in the Missouri Job Center, 2900 E. Sunshine, Springfield, Missouri 65804. Other office locations may be established as necessary to carry out the CLEO roles and responsibilities under the WIOA.

ARTICLE III PURPOSE AND POWERS

Section 1. Purpose

- I. The purposes of the CLEO, in Partnership with the Workforce Development Board of the seven-county region, shall be consistent with those purposes that are identified for a Regional Council of Local Elected Officials under the Workforce Innovation and

Opportunity Act of 2014, P.L. 113-128 and as it may be amended in the future, and Section 620.521 et seq., RSMo, and amendments thereto, and other purposes that, in accordance with public law, may be bestowed upon the CLEO.

- II. The CLEO shall study and make recommendations regarding the improvement of the Region's employment and training delivery network, including improved federal and state resource use and expanded coordination of job training and employment activities with other related activities.
- III. The CLEO shall approve the Ozark Region Plan of Services.
- IV. The CLEO shall serve as a forum to encourage cooperative uses of employment and training funding, facilities, and staff resources for a more comprehensive and coordinated regional service delivery system.
- V. Appointment of the Ozark Region Workforce Development Board shall be in accordance with Article VII, WDB Nomination and Appointment Process.
- VI. The CLEO appoints the City of Springfield, Department of Finance, to serve as the fiscal agent in accordance with WIOA.
- VII. In consultation with the Board, the CLEO designate the City of Springfield, Department of Workforce Development, to serve as WIOA Title I Adult, Dislocated Worker, Youth and Career Services provider.

Section 2. Powers

- I. The powers of the CLEO shall be consistent with those powers that are identified for a Regional CLEO under WIOA section 107 and any amendments thereto, including, but not limited to:
 - A. Providing policy guidance and review for all employment and training programs in the Region. Developing appropriate linkages with other programs to assure non-duplication among the programs and activities; coordinating activities with local Missouri Job Center (MJC) Partners and providing advice and recommending alternatives to the WDB and MOWIB regarding the employment and training performance standards required by federal and state regulation.
 - B. Reviewing and approving the implementation status of the Local Workforce Plan and reviewing the consistency of such plan with criteria developed for coordination of activities under WIOA with other federal, state and local employment related programs.
 - C. Reviewing the operation of programs conducted within the Region and the availability, responsiveness and adequacy of regional workforce development services; and making recommendations to the WDB, Partners and service providers, MOWIB and the general public with respect to ways to improve the effectiveness of such programs or services.

- D. Developing and submitting reports as deemed necessary by the Governor. Such reports may include input from CLEO and WDB members, as well as regional employment and training partners and shall be considered public documents. The CLEO shall also issue such other studies, reports or documents as it deems advisable to assist the Region in carrying out the purposes of the WIOA, as amended.
- E. Identifying, in coordination with the appropriate Partners and service providers the employment, training and vocational education needs throughout the Region and assessing the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other federal, state and local programs and services represent a consistent, integrated and coordinated approach to meeting such needs.

ARTICLE IV CLEO MEMBERSHIP

Section 1. Organization of the Council

The membership of the CLEO shall consist of the Chief Local Elected Official from each of the seven counties within the Ozark Region. The Chief Elected Official of the City of Springfield shall be an ex-officio non-voting member of the Council.

Section 2. Terms of Office

Each member of the CLEO shall serve as long as he/she holds the position of Chief Local Elected Official of the jurisdiction which he/she represents.

ARTICLE V OFFICERS AND THEIR DUTIES

Section 1. Officers

- I. The officers of the CLEO shall be a Chair and Vice-Chair. The Chair shall be the Greene County Commission President, unless at such time the CLEO deems it necessary to elect a new Chair. Election of the Vice-Chair shall be held at the last regular Council meeting of the program year with terms running from July 1 through June 30 of each calendar year.
- II. The WDB/Council Executive Director shall assign a staff person to serve as the Board Clerk. In the event that the position of Executive Director is vacant the City Manager of Springfield shall assign a staff person to serve in that capacity.

Section 2. Duties of the Chair

The Chair shall preside at all meetings of the CLEO. The Chair shall call, or cause to be called, all meetings of the CLEO and shall approve the agenda, which shall minimally include any items relegated to the elected officials or the elected officials together with the local board they shall appoint under the WIOA and which include, but are not limited to, those powers identified in the chart attached as Exhibit A to these By-Laws. The Chair shall perform such other duties as are incident to the Chair's office or properly required by the CLEO.

Section 3. Duties of the Vice-Chair

The Vice-Chair shall assist the Chair in conducting CLEO business. In the Chair's absence, disability, or resignation, the Vice-Chair of the CLEO shall assume the position of, and perform the duties of, the Chair, with all the power and authority of the Chair's office. Further, the Vice-Chair of the CLEO shall have such powers and discharge such duties as may be properly assigned to the Vice Chair, from time to time, by the Chair.

ARTICLE VI MEETINGS

Section 1. Regular and Special Meetings

- I. Regular meetings of the CLEO shall be held at least four times each year concurrent with meetings of the WDB.
- II. Special meetings may be called by the chair in accordance with the Missouri open meetings laws.
- III. To facilitate participation the CLEO's may take advantage of the use of technology, phone, skype and/or web-based meetings to the extent allowed by state law.

Section 2. Notice of Regular, Special and Committee Meetings

- I. Notices of all meetings and committee meetings of the CLEO shall be made in accordance with Chapter 610 RSMo. Notices of regular CLEO meetings shall include a notice of the time, date, and place of each meeting, and its tentative agenda pursuant to RSMo section 610.020.
- II. When it is necessary to hold a special meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes, pursuant to RSMo section 610.020 (4)

Section 3. Meetings and Information

- I. All meetings of the CLEO shall be open to the public in accordance with WIOA and Missouri open meeting laws. The CLEO shall make available to the public, on a regular basis through its open meetings, information regarding the activities of the CLEO, including information regarding the Regional Plan prior to submission of the Plan, information regarding membership and, upon request, minutes of formal meetings of the CLEO.
- II. Meetings or portions of meetings may be closed to the general public by the Chair of the CLEO, but only in compliance with the exemptions granted by the open meetings provisions of section 610.021, RSMo.

Section 4. Meeting Minutes

Minutes of the CLEO meetings shall be taken and shall be distributed to all CLEO members at or before the next regular meeting of the Council.

Section 5. Quorum

- I. A quorum shall be required in order for the Council to transact business. The quorum shall be four of the seven members; half of which can be the designee of the Chief Elected Official (CEO). This designee must be an elected official representing said county and must present signed proxy from the CEO at each meeting. A simple majority vote of the quorum shall be sufficient for passage of any item placed before the body for action.
- II. In the event a Commissioner cannot fulfill their responsibilities leaving only six members of the Council, a quorum of three (3) members shall be sufficient to conduct business until a new member is appointed and the Council consists of seven (7) members.

ARTICLE VII WDB NOMINATION & APPOINTMENT PROCESS

Pursuant to WIOA, the CLEO appoints the members of the local Workforce Development Board in accordance with the following:

Section 1. Nomination

- I. Business representatives must be appointed from among individuals nominated by local business organizations and business trade associations. The definition of business members must meet the minimum criteria set forth by the DWD in its policy 10-2018, titled: *Local Workforce Development Board Membership Requirements and Certification/Recertification Procedures under the Workforce Innovation and Opportunity Act (WIOA or Act) Change 1*, dated May 21, 2019, or as it may be amended.
- II. Labor organization representatives must be appointed from among individuals who have been nominated by local labor federations in accordance with a formal policy established by the CLEO to facilitate these nominations.
- III. When there is more than one local area provider of adult education and literacy activities under title II, or multiple institutions of higher education providing workforce investment activities as described in WIOA 107(b)(2)(C)(i) or (ii), nominations shall be solicited from those particular entities to select a representative from adult education and literacy providers or a representative from higher education. (WIOA sec. 107(b)(6)).
- IV. Representatives appointed to local workforce development boards must have "optimum policy-making authority", that is the individual may 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 as well as meet any additional definitions set by the DWD.

- V. Members who are representatives of organizations with "demonstrated experience and expertise" shall mean an individual who contributes to the field of workforce development, human resources, training and development, or a core program function or who the Local Board recognizes for valuable contributions in education or workforce development related fields.
- VI. Members of the Local Board may be appointed as a representative of more than one entity if the individual meets all the criteria for representation.

Section 2. Appointments

- I. The Council of Local Elected Officials appoints members to the Local Workforce Development Board per WIOA 107(b)(1) and WIOA section 107(b)(2). Diversity considerations should be given when appointing members to the local Workforce Development Board to ensure racial, ethnic, and cultural diversity, as well as the diversity of individuals with disabilities from labor markets within the local Workforce Investment Area.
- II. The WDB shall consist of a minimum of 19 members of which 51% shall be local business representatives, as follows: One (1) from each of the seven counties and the balance at-large members.
 - A. The business representatives shall be owners, chief executive or operating officers, or other business executives, or employers with optimum policymaking or hiring authority. They should represent businesses that provide employment opportunities in the local area in demand industry sectors or occupations.
 - B. Two of the business representatives shall be representatives of small business as defined by the Small Business Administration.
- III. 20% of the WDB members shall be appointed from workforce representatives. These representatives:
 - A. Must include two or more representatives of labor organizations, where such organizations exist in the local area. Where labor organizations do not exist, representatives must be selected from other employee representatives.
 - B. Must include one or more representatives of a joint labor-management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.
 - C. May include one or more 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 provide or support competitive integrated

employment for individuals with disabilities or 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.

- IV. The WDB must also include:
 - A. At least one eligible provider administering adult education and literacy activities under WIOA title II.
 - B. At least one representative from an institution of higher education providing workforce investment activities, including community college.
 - C. At least one representative from each of the following governmental and economic and community development entities:
 - i. Economic and community development entities
 - ii. The State employment service office under the Wagner-Peyser Act serving the local area
 - iii. The programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or part C of that title
- V. The CLEO may include individuals or representatives of other appropriate entities in the local area, including:
 - A. 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
 - B. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs
 - C. Philanthropic organizations serving the local area; and
 - D. Other appropriate individuals as determined by the chief elected officials.
- VI. WDB appointees may represent more than one category; however, shall only have one vote per issue.
- VII. WDB members shall continue in their positions once their terms have expired until their term is renewed or a new member has been appointed to their seat.
- VIII. All WDB members shall be appointed by a consensus of the members of the Council.

- IX. The Council may appoint a nominating committee or may request that the WDB appoint a nominating committee.

Section 3. Appointments Terms

The CLEO shall appoint the members of the WDB for two year staggered terms. Members may be reappointed at the pleasure of the CLEO.

Section 5. Vacancies

- I. In the event of notification of a vacancy a new member shall be appointed from the category of membership in which the vacancy occurred.
- II. The appointment shall be made in accordance with the nomination process applicable to the category of membership in which the vacancy occurred.
- III. The member appointed shall fulfill the term of the member whose separation from the WDB resulted in the vacancy.

Section 6. Removal

The CLEO may remove a board member and reappoint someone to the seat vacated as a result of the removal at any time that the appointing CLEO becomes aware:

- I. That a WDB member has had more than three (3) unexcused absences, or
- II. That an appointed board member ceases to represent the category of membership to which they were appointed, or
- III. That a Board member has resigned, is unable to finish their term because of health reasons, death, or resignation, or
- IV. That a Board member has committed an act of moral turpitude

ARTICLE VIII CONFLICT OF INTEREST AND CONFIDENTIALITY

Section 1. Voting Prohibited

- I. CLEO members are prohibited from voting on a matter under consideration by the CLEO when:
 - A. the matter concerns the provision of services by the member or by an entity that the member represents; or
 - B. the matter would provide direct financial benefit to the member or the immediate family of the member; or
 - C. the matter concerns any other activity determined by the CLEO to constitute a conflict of interest as specified in the Regional Plan.

- II. CLEO's Policy. Members of the CLEO are expected to avoid unethical behavior in the course of performing their official duties. The CLEO not only expects its members to avoid impropriety, but also to avoid the appearance of impropriety whether or not any actually exists. Members must avoid:
 - A. using their position for private gain;
 - B. giving preferential treatment to any person or entity;
 - C. losing their independence or impartiality in making decisions; or
 - D. acting in any way that might erode public confidence in the integrity of the CLEO.
- III. Abstention. CLEO members shall individually abstain from voting on issues and matters that will result in a direct, indirect, or perceived conflict of interest. Abstentions, and the general reasons therefore, should be duly recorded in the minutes of the meeting.

Section 2. Confidentiality

All information, whether transmitted orally or in writing, that is of such a nature that it is not, at that time, a matter of public record or public knowledge is deemed confidential by the CLEO. Members shall not disclose confidential information obtained in the course of or by reason of his or her membership on the CLEO to any person or entity not directly involved with the business of the CLEO. Further:

- I. No member shall use confidential information obtained in the course of or by reason of his or her membership on the CLEO in any matter with intent to obtain financial gain for the member, the member's immediate family or any business with which the member is associated.
- II. No member shall disclose confidential information obtained in the course of or by reason of his or her membership on the CLEO in any manner with the intent to obtain financial gain for any other person.

ARTICLE IX RECORDKEEPING

Section 1. Minutes and Actions of the CLEO

The CLEO shall maintain, at its principal office, a permanent record of the minutes of all formal meetings of the CLEO.

Section 2. Miscellaneous Records

A copy of the following records shall be maintained at the CLEO's principal office:

- I. By-Laws and all amendments thereto;
- II. Resolutions of the CLEO;

- III. All written communications to all members within the past three years;
- IV. A list of the names, business, and contact information of the members and officers currently serving on the CLEO; and
- V. Any written reports, studies, recommendations, plans or other documents approved and adopted by the CLEO in the course of carrying out its duties and purposes.

ARTICLE X NON-DISCRIMINATION

The CLEO shall not discriminate against any employee, agent or provider of consulting or contract services, or applicant for employment, agency or consulting or contract services on the basis of race, color, religion, sex, national origin, disability or veteran status. It shall be the policy and practice of the CLEO to comply fully with federal and state laws, regulations and requirements governing non-discrimination, affirmative action, equal employment and civil rights.

ARTICLE XI AMENDMENTS

The By-Laws may be amended at any regular meeting of the CLEO with prior written notice having been given to all members of the CLEO at least seven (7) days in advance. Approval of any amendment to the By-Laws requires a simple majority vote of the quorum.

ARTICLE XII SEVERABILITY

If any of the provisions of these By-Laws shall be found void or unenforceable for whatever reason by any court of law or equity, it is expressly intended that such provision(s) be severable and the remainder of the By-Laws shall remain in full force and effect.

Exhibit A

Chart of Responsibilities

Elected Officials	Elected Officials/Workforce Board	Workforce Board
Identify the chief local elected official	Approval of non mandatory OS partners	Elects their Chair
Enter into agreements with each other	Comment on the State Plan	Create standing committees and appoint members
Serve as or designate a sub-grant recipient	Negotiate the performance measures	Direct the activities of the standing committees
Grant voting privileges to non- board members	Regional planning	May solicit and accept grants and donations from non-federal sources
Select the fiscal agent	Set policy for the local area	Determine and contract for Career Services Providers (may be the City)
Request local area designation from the State	Enter into an agreement with each other regarding their roles and responsibilities	May incorporate, and may operate as a not for profits
Create By-laws with respect to the appointment process	Work with the Governor in a disaster	May hire staff subject to salary caps
Appoint Workforce Board members	Develop the local four-plan and two-year modifications	Must annually assess the physical and program accessibility of all local OS centers
	Oversight	Determine local procedures regarding approval and performance of eligible training providers
	Select and Terminate One-Stop Operator (OS)	Implement pay for performance contracts for the 14 youth elements
	Agree to the Board serving as the one stop operator	Transfer funds between Adult and Dislocated Worker with State approval
	Develop Board budget	Set the Adult priorities – must be in the plan
	Develop and enter into an MOU with the OS partners	Determine occupations in demand
	Approve optional OS partners	Decide to award class size training contracts
	Negotiate OS infrastructure costs	Decide On-the-Job Training (OJT) reimbursements
		Decide to set aside funds for incumbent worker training
		Decide non federal contribution for incumbent worker training
		Decide to use 10% of the Adult / DW allocation for transitional jobs
		Use funds for employer services in collaboration with the OS

Chart of Responsibilities

Elected Officials	Elected Officials/Workforce Board	Workforce Board
		Decide to offer services on a fee basis
		Analyze economic conditions, analyze and use statewide Wagner Peyser labor market information
		Research, data collection, and analysis of the local workforce needs with input from stakeholders
		Engage Employers
		Convene stakeholders
		Lead efforts to develop and implement career pathways
		Identify and promote strategies and initiatives to meet employer, worker, and jobseekers needs
		Share proven and promising best practices
		Facilitate OS Partner Integration
		Leverage local resources and capacity
		Provide framework for Youth services
		Select and terminate Youth Providers
		Review Adult Education provider applications
		Implement Cooperative Agreements with the Core Partners