

BYLAWS OF THE STATE OF HAWAII WORKFORCE DEVELOPMENT COUNCIL

ARTICLE I – DEFINITIONS

Section 1.1. As used in these bylaws:

“Chairperson” means the Chairperson of the Council.

“CFR” means Code of Federal Regulations.

“Council” means the State of Hawaii Workforce Development Council.

“HRS” means Hawaii Revised Statutes.

~~“Quorum” means the majority of all the members to which the Council or its committees are entitled.~~

“USC” means United States Code.

“Vice-Chairperson” means the Vice-Chairperson of the Council.

~~“Assistant Vice-Chairperson” means the Assistant Vice-Chairperson of the Council.~~

“WIOA” means the federal Workforce Innovation and Opportunity Act of 2014.

ARTICLE II – PURPOSE

Section 2.1. The purpose of the bylaws is to provide general guidance in Council governance to the extent permitted by State and Federal law.

Section 2.2. The functions, duties, and powers of the Council are outlined in HRS Chapter 202 and WIOA. The bylaws shall be interpreted and applied in a manner consistent with HRS Chapter 202, WIOA, and any other statutes or regulations applicable to State boards generally. To the extent that any section in the bylaws conflict with State or Federal law, the State or Federal law concerning the conflicting section shall control.

ARTICLE III – MEMBERSHIP

Section 3.1. Except for ex-officio members or their designees, Council members are appointed by the Governor for up to four-year staggered terms with a limit of two consecutive terms (eight consecutive years) pursuant to HRS § 202-1 and HRS § 26-34.

Section 3.2. A member of each house of the legislature appointed by the appropriate presiding officer of each house shall be appointed to two-year terms beginning in January of odd-numbered years pursuant to HRS § 202-1.

Section 3.3. Any member of the Council may resign at any time by giving written notice to the Governor and Chairperson.

Section 3.4. If it comes to the Chairperson's attention, either by written notification from the Council member or otherwise, that a Council member may no longer be eligible for Council membership, the Chairperson may convene an Executive Committee meeting to review that Council member's eligibility and determine the course of action.

Section 3.5. The Executive Director of the Council and Workforce Development Division Administrator are ~~is not a~~ members of the Council.

ARTICLE IV – CHAIRPERSON, AND VICE-CHAIRPERSON, AND ASSISTANT VICE-CHAIRPERSON

Section 4.1. The Chairperson shall be appointed by the Governor pursuant to HRS § 202-1. The Chairperson shall serve until or thereafter until his or her successor is appointed.

Section 4.2. The Chairperson, or his or her designee, shall preside over Council meetings, serve as the spokesperson for the Council, and assist the Council in carrying out its duties under Chapter 202 and WIOA. The Chairperson shall perform such other duties as directed by the Council.

Section 4.3. The Vice-Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson and will undertake such other duties as may be assigned by the Chairperson. Any member of the Council may nominate a Vice-Chairperson. The nominated Vice-Chairperson shall be approved by the Council upon the concurrence of at least a quorum of the Council. The Vice-Chairperson shall serve ~~until or thereafter~~ until his or her successor is approved by the Council upon the concurrence of at least a quorum of the Council.

Section 4.4. The Assistant Vice-Chairperson shall assume the duties of the Vice-Chairperson in the absence of the Vice-Chairperson and will undertake such other duties as may be assigned by the Vice-Chairperson. Any member of the Council may nominate an Assistant Vice-Chairperson. The nominated Assistant Vice-Chairperson shall be approved by the Council upon the concurrence of at least a quorum of the Council. The Assistant Vice-Chairperson shall serve until his or her successor is approved by the Council upon the concurrence of at least a quorum of the Council.

ARTICLE V – MEETINGS, ATTENDANCE, VOTING, AND QUORUM

Commented [ACT1]: What would be examples of ineligibility? When a member changes jobs they have the option of resigning or finishing their term, unless the Governor wishes them to submit resignation. Is that an example or is it if there is an impropriety by a member?

Commented [DD2]: I think this section contemplates situations where the member, who was appointed by the governor, changes jobs and perhaps situations of impropriety by a member.

Commented [ACT3]: Suggest reinstating to make absolutely clear that the Executive Director is not a member of the board and based on the legislative intent that the WDD provide staff and support to the WDC, it implies that WDD staff are "staff" to the WDC and should be made clear they are not members of the board, including the Administrator and Program Officer positions.

Commented [DD4]: Inserted language in Section 3.5.

Commented [ACT5]: Suggest revised language

Commented [ACT6]: Perhaps adding language that the Chair must be confirmed by the Senate is needed to avoid future misinterpretation

Commented [DD7]: Suggest leaving it as is; the statute itself is ambiguous and future Directors may interpret it differently, we wouldn't want the bylaws to bind the Director

Commented [ACT8]: Okay, will accept your suggestion to leave as is

Commented [ACT9]: The approved by laws revised Sept 14, 2017 states the Vice Chairperson shall be serve a term of 2 years and may serve another term upon the Council's approval. I'll send this version to you.

Commented [DD10]: I deleted the 2 year term to give the Council more flexibility in letting the Vice Chair serve as long as he needs to until the Council approves a new Vice Chair. We can definitely put the 2-year term back in but be aware that staff has to keep track of when the Vice Chair term expires.

Section 5.1. HRS Chapter 92 and 29 USC § 3111(g) of WIOA govern the Council's meetings. The Council shall endeavor to meet quarterly. The Chairperson may convene the Council as necessary.

Section 5.2. Under HRS § 92-15.5, except for ex-officio members or their designees, the term of a Council member shall expire upon the failure of the Council member, without valid excuse, to attend three consecutive meetings duly noticed to all Council members and where the Council failed to constitute quorum necessary to transact Council business. The Chairperson shall determine if the absence of the Council member is excusable. The expiration of the Council member's term shall be effective immediately after the third consecutive unattended meeting and unexcused absence.

Section 5.3. Other than designees of ex-officio members, Proxy and/or absentee voting is not permitted.

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Section 5.4. The following ex-officio members or their designees may each cast one vote:

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- Governor, State of Hawaii
- Mayor, City & County of Honolulu
- Mayor, County of Hawaii
- Mayor, County of Kauai
- Mayor, County of Maui
- Director, Department of Business, Economic Development and Tourism
- -Administrator, Division of Vocational Rehabilitation, Department of Human Services
- Director, Department of Labor & Industrial Relations
- Superintendent, Department of Education
- President, University of Hawaii
- Chair, County of Hawaii Workforce Development Board
- Chair, County of Kauai Workforce Development Board
- Chair, County of Maui Workforce Development Board
- Chair, Oahu Workforce Development Board
- Member, House of Representatives – State Legislature
- Member, Senate – State Legislature

Section 5.5. The following Council members appointed by the Governor may each cast one vote:

- The representatives from the private sector, including nonprofit organizations and businesses in the State, appointed from individuals nominated by state business organizations and business trade associations.

- The representatives from labor organizations and workforce training organizations.

Section 5.6. Ex-officio members wishing to designate a designee for purposes of attending a Council meeting and voting at such meeting should submit written notice to Council staff no later than one week before the Council meeting that the designee wishes to attend.

Section 5.7. Under HRS § 92-15 and HRS § 202-1, until such time the Council has 41 members, 16 Council members shall constitute a quorum to do business, and the concurrence of at least 16 Council members shall be necessary to make any action of the Council valid.

ARTICLE VI – COMMITTEES

Section 6.1. The Council may establish, upon the concurrence of at least a quorum of Council members, standing committees to assist the Council in carrying out its duties under HRS Chapter 202 and WIOA.

Section 6.2. For each standing committee, the Chairperson shall appoint from the standing committee membership a Chairperson and a Vice-Chairperson. The Chairperson of the standing committee and the Vice-Chairperson of the standing committee must also be Council members. Standing committees may include Council members and individuals who are not Council members. The standing committees may convene as necessary.

Section 6.3. The following are ~~S~~standing ~~C~~committees of the Council:

- Executive Committee
- Employer Engagement Committee
- Finance Committee
- Military and Veterans Affairs Committee
- Performance Measures & Accountability Committee
- Sector Strategies & Career Pathways Committee
- Youth Services Committee
- Data Management & Technology Committee
- Special Projects Committee

Section 6.4. The Executive Committee reviews and makes recommendations on all personnel matters, Council governance and compliance matters, standing committee matters, and other matters as directed by the Council. The Executive Committee shall be composed of the Chairperson, the Vice-Chairperson, and the Chairpersons or Vice-Chairpersons of the standing committees.

Commented [ACT11]: The approved 2017 version states “Council has 41 members, 16 Council members shall constitute a quorum to do business, and the concurrence of at least 16 Council members shall be necessary to make any action of the Council valid.” This wording is preferred.

Commented [ACT12]: If/when the Special Projects Committee is approved, there may be committees that can be merged to keep the standing committees at 8 instead of 9 to lessen the burden on staffing another committee

Commented [AU13]: The WDC has to vote to establish the special projects committee so we can’t insert this yet unless the WDC votes to establish on Nov. 18 before they approve the bylaws

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Commented [AU14]: Note that the Assistant Vice Chairperson is not listed as a member of the EC.

Commented [AU15]: Should decide whether they would like temporary advisory committees or standing special projects committee or neither. If a special projects committee is established as a standing committee, note that its Chair is a member of the executive committee.

~~Section 6.5. The Council may establish, upon the concurrence of at least a quorum of Council members, advisory committees to assist the Council in carrying out its duties under HRS Chapter 202 and WIOA. The tenure of the advisory committee shall expire at the completion of the assigned task.~~

~~Section 6.6. For each advisory committee, the Chairperson shall appoint from the advisory committee membership a Chairperson and a Vice Chairperson. The Chairperson of the advisory committee must also be a Council member. Advisory committees may include Council members and individuals who are not Council members. The advisory committees may convene as necessary.~~

ARTICLE VII – MISCELLANEOUS

Section 7.1. 20 CFR § 683.200 governs conflicts of interest and codes of conduct under Federal law for Council members. Article XIV of the Hawaii State Constitution and HRS Chapter 84 governs conflicts of interest and ethics under State law for Council members.

Section 7.2. Council members shall serve without compensation but shall be reimbursed for necessary travel expenses for the performance of their duties to the extent permitted by law.

Section 7.3. To the extent permitted by law, Robert’s Rules of Order, newly revised, or applicable statutes shall apply in situations not covered by these bylaws.

Section 7.4. The bylaws may be amended at any Council meeting with the concurrence of at least a quorum of Council members.

Section 7.5. To the extent that any section in the bylaws is held invalid, the invalidity does not affect the other sections in the bylaws which can be given effect without the invalid section, and to this end the invalid section of the bylaws is severable.

Section 7.6. The bylaws are effective upon Council concurrence of at least a quorum of Council members.

Section 7.7. The bylaws were duly approved by the Council on [DATE OF COUNCIL ACTION].

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