

BY LAWS
VIRGIN ISLANDS STATE WORKFORCE
INVESTMENT BOARD

Article One

NAME AND LEGISLATIVE AUTHORITY

Established by Public Law 105-220, dated August 7, 1998, cited as the “Workforce Investment Act of 1998” and the Government of the Virgin Islands Executive Order 438-2008, dated January 17, 2008, this body shall be known as the Virgin Islands State Workforce Investment Board, hereafter known as the “SWIB” or the “State Board”.

Article Two

OBJECTIVES

- A. To build and promote a talent development system.
- B. To align workforce development services with current, transitional and emerging job demand.
- C. To coordinate resources with workforce partners to build a stronger education pipeline that allows for lifelong learning opportunities.
- D. To work with employers to develop career development ladders within each industry.
- E. To foster initiatives that facilitates access into the workforce for all individuals with emphasis on those with barriers to entry or employment sustainability.
- F. To review the provision of services and the use of funds and resources under applicable Federal human resource programs and advise the Governor on methods of coordinating such provision of services and use of funds and resources consistent with the laws and regulation governing such programs.
- G. To monitor the overall integrity of the Workforce System.
- H. The SWIB shall be the advisory arm to the Governor on all workforce development issues facing the Territory.

Article Three

RESPONSIBILITIES OF THE SWIB

Pursuant to Section 111(d) of the Workforce Investment Act of 1998, the SWIB shall:

- (1) Develop the State Plan;
- (2) Develop and continuously improve the statewide system of activities that are funded under this subtitle or carried out through a one-stop delivery system described in section 134(c) that receives funds under this subtitle (referred to in this title as a 'statewide workforce investment system') including –
 - development of linkages in order to assure coordination and non-duplication among the programs and activities described in section 121(b); and
 - review of local plans;
- (3) Comment at least once annually on the measures taken pursuant to section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act;
- (4) Develop and continuously improve comprehensive State performance measures;
- (5) Prepare the annual report to the Secretary described in section 136(d);
- (6) Develop the statewide employment statistics system described in section 15(e) of the Wagner-Peyser Act; and
- (7) Develop an application for an incentive grant under section 503;
- (8) Carry out any of the functions of the local board as described in section 117(d).

The State Workforce Investment Board shall also:

- a) Advise the Governor on the development and implementation of national and local standards and measures relating to applicable Federal workforce development programs and coordination of such standards and measures;
- b) Advise on the development of effective program models, research evaluation and technical services.
- c) Maintain oversight and monitoring of activities for all workforce development initiatives in the Territory to minimize the duplication of services and resources. These initiatives include but are not limited to the One-Stop Career System.

Article Four

MEMBERSHIP

- A. The membership of the State Workforce Investment Board shall be consistent with the formula set forth in section 111(b) of the Act and Executive Order 438-2008.
- B. The term of membership for representatives from standing government agencies shall be consistent with their tenure in the office held.

- C. The term of membership for non-government representatives shall be staggered at two or three years upon the discretion of the Governor.
- D. The chair is appointed by and serves at the pleasure of the Governor.
- E. Dismissal may be recommended for any non-governmental member that misses three (3) or more consecutive meetings without proper notification to the Chairman or the executive committee.
- F. Vacancies arising among non-governmental members shall be filled by the Governor.
- G. Conflict of Interest – In order to ensure the integrity of programs and services provided to the customers of the Workforce Investment System, and eliminate ‘conflict of interest’ issues, a Board member may not vote on a matter under consideration by the Board:
 - regarding the provision of services by such member (or by an entity that such member represents);
 - that would provide direct financial benefit to such member or the immediate family of such member; or
 - engage in any other activity determined by the Governor to constitute a conflict of interest.

Article Five

MEETINGS

The SWIB shall meet at such times and in such places, as it deems necessary. The meeting shall be publicly announced and to the extent appropriate, open and accessible to the public.

- A. Regular meetings shall be scheduled every quarter.
- B. The chairperson or a majority of the Executive Committee shall have the authority to call special meetings, cancel or reschedule a regular meeting.
- C. At the second meeting, an annual calendar for regular meetings will be adopted.
- D. A quorum shall consist of one-half of the membership plus one. The absence of a quorum shall not prevent the Board from conducting a general discussion of the business on hand.
- E. Committees will conduct meetings as deemed necessary.

- F. Committees are responsible for carrying out the duties defined by the Board and must submit to the board on a whole, reports and recommendations for further disposition.

Article Six

PARLIAMENTARY AUTHORITY AND OTHER OPERATING PROCEDURES

- A. Roberts Rules of Order shall govern the proceedings of the SWIB meetings in so far as they are not inconsistent with the Act. These rules may be relaxed at the discretion of the Chairperson, depending on the nature of the discussion and if there are no objections from the membership.
- B. Proxy voting shall be allowed where the SWIB member is unable to attend and that such proxy shall be exercised by the SWIB chairperson or another board member.
- C. If there is an urgent matter for the SWIB to consider, a special meeting shall be called. If there is insufficient time for a special meeting, then polling by telephone or electronic mail shall be allowed at the discretion of the Board's chairperson.
- D. Without consent from the general membership, no committee or member of the SWIB shall have the authority to commit the Board on matters that require the approval of the Governor.
- E. In the absence of the chairperson, any chairperson of a standing committee could be called upon as acting chairperson.
- F. These by-laws may be amended only by a majority vote of the membership.

Article Seven

THE SWIB STAFF

The State Workforce Investment Board is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under the Act.

- A. The SWIB's executive director will work in close concert with the Virgin Islands Department of Labor and all other agencies that have a direct interest in employment and training and human resource development within the Virgin Islands Single Local Workforce Investment Area.
- B. The executive director will bring to the attention of the Board, on a regular basis, all matters concerning program operation and direction.

- C. The SWIB's support staff shall be responsible for arranging meetings, notifying council members of meeting dates and places, preparing the minutes of meetings, preparing reports and other documents as needed by the Board, coordinating other SWIB activities and providing liaison with other employment and training institutions. Additionally, such staff shall maintain adequate office files, and maintain appropriate liaison with local and national agencies.
- D. The executive director shall be selected by the executive committee and approved by the council's membership whenever a vacancy exists.
- E. The staff of the SWIB shall report to and be accountable to the SWIB.

Article Eight

COMMITTEES

Executive Committee

This committee shall be composed of the SWIB chairperson and each of the sub-committee chairpersons. The duties shall include:

- Review and recommend changes to the SWIB's by-laws;
- Make recommendations to the Governor on all issues discussed and voted on by the SWIB to initiate change or implement action;
- Manage the affairs of the SWIB as deemed necessary by the chairperson.

Strategic Planning Committee

The duties of this committee shall be to:

- Develop a Territorial Workforce Readiness Plan
- Advise on the development of effective program models, research evaluation and technical services;
- Prepare an analysis of available resources;
- Develop and recommend procedures and policies for the coordination of inter-agency activities throughout the Territory;
- Conduct an assessment of community needs in relation to development of working relationships between the business community and school based programs;
- Develop and recommend procedures and policies for coordination with existing boards on policies relating to all workforce development initiatives to include but not limited to the Career and Technical Education Board and Board of Education;
- Review program activities for excellence and recommend incentives for those programs that excel in performance standards.

Operations Committee

This committee shall carry out the functions of the Local Workforce Investment Board and the Youth Council. Its duties shall include the following:

- Selection of One-Stop Operators, Youth service providers and eligible providers of intensive and training services as described in PL 105-220 section 117 (d);
- Monitor fiscal procedures and internal audits – advise on more efficient fiscal controls;
- Monitor grievance procedures and when necessary, conduct grievance hearings;
- Review and advise on the development and operations of management information systems to include the local labor market information system;
- Advise and offer technical assistance to correct demonstrated deficiencies in program operations;
- Advise and offer technical assistance in designing plans and programs;
- Review and make recommendations on plans and proposals arising out of the RFP.

Employer Advisory Committee

Purpose

The role of this committee is to create a link between employers and the workforce development system. Committee members will be able to advocate for the community and advise the Operations Committee on workforce development issues both current and forecasted.

Structure

The Employer Advisory Committee will be a territorial committee that breaks into sub-committees specific to each district.

The Employer Advisory Committee will consist of nine members:

- A member of the Operations committee
- Chamber representatives from each district (Executive Directors recommended)
- One small business representative from each district (SBDC recommended)
- One employer from each district (one of whom should come from St. John)

The Employer Advisory Committee will meet quarterly

Responsibilities

The Employer Advisory Committee is the point of contact for the business community. They will identify means by which the SWIB can increase its business partnerships.

The Employer Advisory Committee will share information, issues and concerns, which can enhance business growth and retention in the Virgin Islands.

The Employer Advisory Committee will provide advice to the Operations Committee.

Youth Council

In accordance with Section 117 (h) of the Workforce Investment Act, the Youth Council is established as a subgroup within the VI Workforce Investment Board.

Membership in the Youth council shall be consistent with the provisions of Section 117(h)(2) of the Act. Members of the Youth council who are not members of the State board shall be voting members of the Youth council and non-voting members of the board.

The duties of the Youth council include - -

- (A) developing the portions of the Plan relating to eligible youth, as determined by the chairperson of the State board;
- (B) subject to the approval of the local board and consistent with section 123 - -
 - (i) recommending eligible providers of youth activities, to be awarded grants or contracts on a competitive basis by the local board to carry out the youth activities; and
 - (ii) conducting oversight with respect to the eligible providers of youth activities, in the local area;
- (C) coordinating youth activities authorized under section 129 in the local area; and
- (D) other duties determined to be appropriate by the chairperson of the local board.

***The Youth Council provision has been added to modify this document as approved by Board vote on April 8, 2010.*

**The Employer Advisory Committee has been added to modify this document as approved by Board vote on April 21, 2009.*