

**Attachment A:**

**BYLAWS**

**OAKLAND WORKFORCE DEVELOPMENT BOARD**

Adopted by Mayor of the City of Oakland

Executive Order No. 2016-01

Issued March 31, 2016

**ARTICLE I.**

**Name**

The name of this organization is the "Oakland Workforce Development Board."

**ARTICLE II.**

**Purpose**

It shall be the purpose of the Oakland Workforce Development Board, hereinafter referred to as the "Board," to oversee the articulation and implementation of comprehensive workforce development strategies, polices and performance outcomes of the City of Oakland's integrated service delivery system in partnership with the Mayor of the City of Oakland (the "Mayor"). The Board shall act as the local workforce development board for the Oakland area as authorized under the federal Workforce Innovation and Opportunity Act of 2014 and its implementing regulations (together "WIOA").

**ARTICLE III.**

**Functions**

It shall be the responsibility of the Board to develop policy, provide guidance for, and exercise oversight with respect to activities under Oakland's Local Plan as required under Section 108 of WIOA and such other plans developed by the City of Oakland with respect to workforce development. These responsibilities include, but are not limited to, the following:

- **Local Plan.** The Board, in partnership with the Mayor, shall develop and submit a comprehensive Local Plan to the Office of the Governor. The Board shall convene local workforce development system stakeholders to assist in development of the Local Plan.
- **Selection of One-Stop Operator.** The Board, with the agreement of the Mayor, shall designate the One-Stop Operator, and may terminate the eligibility of such One-Stop Operator.

- **Selection of providers of youth services, training services and career services.** The Board shall identify and approve eligible providers of youth services, training services and career services in Oakland. The Board shall ensure that there are sufficient numbers and types of providers of career services and training services serving Oakland that provide services in a manner that maximizes consumer choice and provides opportunities for competitive integrated employment for persons with disabilities.
- **Career pathways.** The Board shall lead efforts with representatives of secondary and postsecondary education programs to develop and implement career pathways in Oakland. The Board shall otherwise coordinate its activities with education and training providers in Oakland.
- **Accessibility for persons with disabilities.** The Board shall annually assess the accessibility of all one-stop centers in Oakland.
- **Workforce research and analysis.** The Board shall carry out research and analysis with respect to economic conditions and workforce needs in the City of Oakland and the Oakland workforce as required by WIOA and as needed to assist in the development and implementation of the Local Plan.
- **Employer engagement.** The Board shall lead efforts to engage with a diverse range of employers in Oakland to promote business representation on the Board, to develop effective linkages to support employer use of the local workforce development system, to ensure that Oakland's workforce investment activities meet the needs of employers and supports economic growth in Oakland, and to develop and implement proven strategies for meeting the needs of Oakland workers and employers. This includes strategies for using technology to maximize the accessibility and effectiveness of the workforce development system.
- **Program oversight and accountability.** The Board, in partnership with the Mayor, shall conduct oversight over workforce investment activities in Oakland and ensure the appropriate use and management of funds provided to Oakland under WIOA and other workforce development programs. This includes negotiation of local performance accountability measures.
- **Budget.** The Board shall develop a budget for the purpose of carrying out its duties consistent with the Local Plan, subject to the approval of the Mayor.

The Board, through its members, officers and staff, shall be responsible for ensuring that its members actively participate in convening stakeholders in Oakland's workforce development system, brokering relationships with a diverse range of Oakland employers, and leveraging support for Oakland's workforce development activities.

## **ARTICLE IV. Membership**

- A. Authorized membership.** The Board shall be composed of up to twenty-seven (27) members.
- B. Appointments.** Board members shall be appointed by the Mayor. The Mayor shall issue an appointment letter identifying the person appointed, the category for which the appointment is made, and the commencement and expiration date of the appointment term. The Executive Director shall be responsible for notifying the Mayor and the applicable nominating entities as set forth below as early as possible of a vacancy on the Board in order to ensure a prompt nomination and appointment.
- C. Board composition.** The Board shall be comprised of members from the following categories:
- 1. Business representation.** The Board shall include at least a majority of members who are representatives of businesses in Oakland. Such members shall be owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority. Said members shall represent businesses that provide employment opportunities that includes high-quality, work-relevant training and development in in-demand industry sectors or occupations in Oakland. Business representatives shall be appointed from persons nominated by the Oakland Metropolitan Chamber of Commerce in consultation with other local chambers and business trade associations pursuant to the nomination process set forth below. To the fullest degree possible, business representatives shall represent a cross section of Oakland's small and large business community, and reflect Oakland's geographical, ethnic and gender diversity. At least two (2) business representatives shall be representatives from small businesses in Oakland as defined by the U.S. Small Business Administration.
  - 2. Workforce representation.** At least 20 percent of the Board shall consist of members who are representatives of the workforce in Oakland, including the following:
    - i.** At least two (2) members shall be representatives of labor organizations in Oakland. Labor representatives shall be appointed from persons nominated by the Central Labor Council of Alameda County pursuant to the nomination process set forth below.
    - ii.** At least one (1) member shall be a representative from a joint labor-management, or union affiliated, apprenticeship program in

Oakland. Such representative must be a member of a labor organization or a training director.

- iii. If and as needed to meet the 20 percent requirement, the Board shall include other workforce representatives, who may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of veterans, that provide or support competitive integrated employment for persons with disabilities, or that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including organizations that serve out-of-school youth.

**3. Education and training representation.** The Board shall include up to two (2) members who are representatives of the workforce in Oakland, including the following:

- i. At least one (1) member shall be a representative from a provider administering adult education and literacy activities under WIOA title II.
- ii. At least one (1) member shall be a representative from an institution of higher education providing workforce investment activities, including community colleges.

Nominations for the above education and training members shall be solicited from entities providing those activities.

**4. Government, economic development, and community development representation.** The Board shall include up to three (3) members who are representatives of governmental, economic and community development entities in Oakland, including the following:

- i. At least one (1) member shall be a representative from an economic and community development entity.
- ii. At least one (1) member shall be a representative from the California Economic Development Department.
- iii. At least one (1) member shall be a representative from a program providing vocational rehabilitation.

**5. Additional representation.** The Board may include additional members as deemed appropriate by the Mayor and as allowed under WIOA.

**D. Prohibitions.** The Board may not include members who are either (1) elected public officials, or (2) employees or directors of grantees of Oakland WIOA funds except as required by WIOA.

**E. Nomination process.**

1. **Business representatives.** The Mayor, City staff, Board members, local chambers of commerce or other business associations may recommend business representative candidates for the Board. Candidates considered for nomination shall submit their resumes and/or biographies to the Board's Executive Director, who will review the candidates for compliance with this policy and applicable law. The Executive Director shall forward candidates to the Oakland Metropolitan Chamber of Commerce, which shall have the exclusive role of nominating business representatives for the Board. The Oakland Metropolitan Chamber of Commerce shall forward its qualified nominations to the Mayor for his or her consideration for official appointment to the Board.
2. **Labor representatives.** The Board Chair and City staff will request the Central Labor Council of Alameda County to submit nominees for consideration. The Board's Executive Director shall review the nominees for compliance with this policy and applicable law. Nominees who meet the nomination criteria will be asked to submit a resume or biography and cover letter expressing interest in serving on the Board. The Central Labor Council shall forward its qualified nominees to the Mayor for his or her consideration for official appointment to the Board.
3. **Other representatives.** The Mayor, City staff, or Board members, may recommend persons for all other Board positions. The Board's Executive Director shall review nominees for compliance with this policy and applicable law. Appropriate nominees shall then be asked to submit a resume or biography and cover letter expressing interest in serving on the Board. Nominees shall be forwarded to the Mayor for his or her consideration for official appointment to the Board.

**F. Term of office.** The term of office for Board members shall be two (2) years, except as specified below with respect to staggered terms. Terms shall start from the date of commencement of the term as set forth in the appointment letter issued by the Mayor. The term commencement date for the initial appointments to the Board shall be MARCH 31, 2016.

**G. Staggered terms.** Half of the Board members appointed in 2016 shall serve one-year terms and half shall serve two-year terms, as determined by the Mayor.

**H. Mid-term vacancies.** If a member is appointed to fill a vacancy created by the termination of a member before the normal expiration of his or her term, the term of the successor shall be the remaining term of the member vacating the position.

- I. **Term limits.** A Board member may serve no more than three consecutive terms; provided that the Mayor may make exceptions to these term limits on a case-by-case basis upon a determination by the Mayor that such an exception will be in the best interests of the City.
- J. **Holdover.** In the event an appointment to fill a vacancy has not occurred by the conclusion of a Board member's term, that member may continue to serve as a Board member during the following term in a holdover capacity, for a period not to exceed one year, to allow for the appointment of a Board member to serve the remainder of said following term.
- K. **Tenure on Board.** Board members shall remain on the Board until:
1. Their term expires, subject to the holdover provisions of these Bylaws;
  2. They resign in writing;
  3. They no longer hold the status for membership on the Board under which they were appointed, as determined by the Executive Director; or
  4. They are removed from the Board for cause after a hearing before the Board and a majority vote in favor of removal, and are notified in writing of their removal. Among other things, conviction of a felony, misconduct, incompetence, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings or four (4) regular or special meeting absences in any one-year period except on account of illness or by permission of the Board Chair, shall constitute cause for removal.

## **ARTICLE V. Officers**

- A. **Officers.** Officers of the Board shall be a Chair and a Vice Chair.
- B. **Selection of officers.** The Chair and Vice Chair shall be elected from among members of the Board by a majority vote. In the event of a tie vote, a run-off of the two highest candidates shall determine who is elected. The Chair and the Vice Chair must be chosen from business representatives on the Board.
- C. **Terms.** The term of office for Chair and Vice Chair shall be two years. If the office of the Chair becomes vacant during a term, the Board shall choose a new Chair for the remainder of the term, and the Vice Chair shall act as Chair pending election of the new Chair. If the office of the Vice Chair becomes

vacant during a term, the Board shall choose a new Chair for the remainder of the term.

- D. **Duties of the Chair.** The Chair shall preside at all meetings of the Board, represent the Board whenever the occasion demands, appoint committees and task forces, and call special meetings at any time necessary upon appropriate advance notification to all members.
- E. **Duties of the Vice Chair.** The Vice Chair shall assist the Chair as directed and shall assume all the obligations and authority of the Chair in the absence of the Chair.

## ARTICLE VI. Meetings

- A. **Regular meetings.** Regular meetings of the Board shall take place the first Thursdays in the months of February, May, August and November starting at 8:30 AM in Oakland City Hall.
- B. **Special meetings.** Special meetings of the Board may be called at the discretion of the Chair, in accordance with the Ralph M. Brown Act and the Oakland Sunshine Ordinance.
- C. **Quorum.** A quorum shall consist of at least 40 percent of the actual Board membership. A quorum shall be called for prior to any official business being conducted at the meeting. If there is no quorum at that time, no official action may be taken at that meeting.
- D. **Voting.** All Board members shall have voting privileges. Each member of the Board shall have one vote. A motion shall be passed or defeated by a simple majority of those members present and voting at a meeting where a quorum has been established.
- E. **Parliamentary procedure.** The Board may establish rules and procedures for the conduct of its business. All procedural questions not addressed herein shall be decided in accordance with Rosenberg's Rules of Order, newly revised.
- F. **Conflicts of interest.** No member of the Board shall cast a vote on or participate in a decision-making capacity on the provision of services to be provided by that member or any organization which the member represents, on any matter which would provide a direct financial benefit to such member or a member of his or her immediate family, or on any other matter which would result in the member violating any governmental conflict of interest law or regulation. Any Board member with a conflict of interest on a matter shall

recuse themselves from any vote of the Board on the matter, shall publicly announce such recusal, and shall refrain from discussing the matter formally or informally with other Board members, either in a meeting or outside a meeting.

- G. Open meetings.** All regular and special meetings of the Board and its standing committees shall be open to the public (other than closed sessions as authorized by law), shall be held in facilities accessible to people with disabilities, and shall be held in conformance with the provisions of the Ralph M. Brown Act and the Oakland Sunshine Ordinance as either law may be amended from time to time. The Board may use technology such as phone or web-based meetings only if such meetings conform to the teleconferencing rules set forth in the Ralph M. Brown Act.
- H. Transparency.** The Board shall conduct its business in an open manner as required by WIOA. This shall include making available to the public, on a regular basis through its website and open meetings, information about the activities of the Board, the Local Plan, the list and affiliation of members, the selection of one-stop operators, awards of grants or contracts to providers, minutes of Board meetings, and these Bylaws.

## **ARTICLE VII. Committees**

- A. Standing committees.** The Board may form standing committees of the Board to provide information and assist the Board in carrying out its responsibilities. Standing committees must be chaired by a Board member, may include other members of the Board, and must include other persons appointed by the Board who are not Board members and have demonstrated experience and expertise as required by WIOA.
- B. Ad hoc committees.** The Board Chair may form ad hoc committees on an as-needed basis. An ad hoc committee shall be composed of at least one Board member, and may include other interested members of the community. The purpose of ad hoc committees will be to address specific issues of immediate concern, and report back to the Board with its recommendations.

## **ARTICLE VIII. Staff**

The Board shall receive staff support from the City Administrator of the City of Oakland and his or her designees. The City Administrator shall designate a City employee to act as the Executive Director of the Board. The person selected as Executive Director must have the requisite knowledge, skills, and abilities to meet

benchmarks identified by the Board and to assist the Board in carrying out Board functions.

**ARTICLE IX.  
Definitions**

All capitalized terms not otherwise defined in these Bylaws shall have the meaning set forth in WIOA.

**ARTICLE X.  
Amendments**

These Bylaws may be amended by the Mayor through executive order.

