

# **BY-LAWS OF THE SOUTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL**

## **ARTICLE I. PURPOSE:**

Section 1. The purpose of the South Dakota Workforce Development Council is to serve as the designated Workforce Development Board as established by the Governor of South Dakota under authority of Section 101 of Public Law 113-128, the Workforce Innovation and Opportunity Act. The South Dakota Workforce Development Council was established under Executive Order 95-14, June 19, 1995, and consistent with Public Law 97-300, Section 112 of Public Law 98-524 as amended, and Executive Order 94-7.

## **ARTICLE II. OFFICES:**

Section 2. The principal offices of the Council shall be located at the South Dakota Department of Labor and Regulation, 123 West Missouri Avenue, Pierre, SD 57501.

## **ARTICLE III. MEMBERSHIP:**

Section 1. The membership of the Council is appointed by the Governor and shall consist of 17 members as follows:

- a. A simple majority which will serve fixed, staggered, three-year terms; shall be representatives of the private sector, who shall be owners of business concerns, chief executives or chief operating officers of non-governmental employers; or other private sector executives who have substantial management or policy responsibility.
- b. Membership to represent the Governor shall include the Cabinet secretaries of the South Dakota Department of Labor and Regulation, Education, and Human Services; the Commissioner of the Governor's Office of Economic Development; and the Executive Director of the Board of Regents, or their designees.
- c. Representatives of organized labor and community-based organizations shall constitute not less than 15% of the membership of the council.

Section 2. The member nomination process involves the Council Director seeking recommendations from Council members and Department of Labor and Regulation staff, and then providing those recommendations to the Governor's Office for consideration.

Section 3. If any seat on the Council becomes vacant, the Council Director will promptly notify the Governor's Office in writing via email and seek a new nomination.

Section 4. If any Council member requires a proxy or alternative designee, the member may notify the Council Director in writing via email prior to the scheduled meeting.

## **ARTICLE IV. MEETINGS**

Section 1. The Council will meet four times a year.

Section 2. The Chairperson for the Council and the Director will determine the dates and locations of the meetings.

Section 3. Special meetings may be called by the Chairperson or by majority of members of the Council. The date and locations for special meetings will be set by the Chairperson and the Director.

Section 4. Council meetings may be conducted in person, by conference call, or virtually.

Section 5. Meetings are open to the public.

Section 6. Executive Session may be called by the Chairperson. Such sessions shall be consistent with the state statutes governing Executive Session.

Section 7. The Council is strongly encouraged to attend and participate in the annual Workforce Innovation and Opportunity Act annual partner symposium.

#### **ARTICLE V. Officers of the Council**

Section 1. Under Section 101 of the Workforce Innovation and Opportunity Act, the Governor shall select a Chairperson from among Council members who represent businesses in the state.

Section 2. The Chairperson shall preside at all meetings, appoint committees, and perform such other duties as authorized by statute, policy, agreement, Council by-laws, and as delegated by the Council.

Section 3. The vice-Chairperson shall assume the duties of Chairperson when ordered or when the Chairperson is absent or otherwise unable to serve. The vice-chair shall perform other such duties as may be assigned by the Chair and the Council.

Section 4. The Department of Labor and Regulation, as the designated agent for the Workforce Development Council, may act on behalf of the Council Chairperson in handling business matters that do not require Council action.

Section 5. The Department of Labor and Regulation, as the designated agent for the Workforce Development Council, will assign Council Director responsibilities to an appropriate staff member. The Council Director will provide the Council with technical assistance on Council matters.

#### **ARTICLE VI. Procedure**

Section 1. A simple majority of active Council members constitute a quorum for conduct of business before the Council.

Section 2. Action items require a simple majority vote of those present for passage.

Section 3. All business of the Council shall be conducted by motions or resolutions. Motions and resolutions have equal validity and the most recent adoptions prevail in the event of a conflict. A simple majority of those present is required for passage.

Section 4. On questions of parliamentary procedure, interpretation of Robert's Rules of Order by the Chairperson prevails.

## **ARTICLE VII. Committees**

Section 1. The Council may establish standing committees with prescribed jurisdiction that may meet independently of the Council.

Section 2. The Council may from time to time appoint ad hoc committees for specific purposes.

Section 3. Committees are appointed by the Chairperson of the Council. The term of a member of a standing committee shall be for one year and may be extended by the Chairperson. Ad Hoc committee members shall serve such term as determined by the Chairperson.

Section 4. The Chairperson of the Council is an ex-officio member of all Council committees.

Section 5. The Council Director will provide technical assistance for all Council committees.

Section 6. Assigned committees will select a Chairperson for the committee to conduct the meeting and report to the Council. Assigned committees will schedule times and locations of meetings. Committees will report to the full Council on action taken by the committee and recommendations they propose for Council action.

Section 7. A majority of the committee members present and voting is a quorum. The affirmative vote of a majority of the Council members present may bring any item of business on a committee agenda before the full Council.

Section 8. A special meeting of any committee may be called by the Chairperson of the Council, the Council Director, or the Chairperson of a committee.

Section 9. The rules of procedure followed by the Council shall be the rules of procedure of a committee.

## **ARTICLE VIII. Agenda**

Section 1. Before a Council meeting or committee meeting, an agenda showing the items of business to be conducted at the meeting shall be prepared. The Chairperson or Council Director may prepare the agenda.

Section 2. The agenda shall be made available to each member of the Council or committee prior to the meeting.

Section 3. A Council member may have an item placed on the agenda of the Council meeting or a committee meeting by notification to the Chairperson. Persons who are not members of the Council may request agenda items to be placed upon the Council agenda or committee agenda by request to the Chairperson or Council Director. The Chairperson has discretion as to whether the items should be placed on the agenda.

Section 4. The official agenda shall constitute the principal business at regular meetings of the Council and of each committee.

Section 5. The Chairperson of the Council or Committee has the authority to add items to the agenda.

## **ARTICLE IX. Communications**

Section 1. The Chairperson of the Council is authorized to make official pronouncements for the Council. The Chairperson may authorize the South Dakota Department of Labor and Regulation, as the agent for the Council, to speak on behalf of the Council.

## **ARTICLE X. Records and Minutes**

Section 1. The Council and committees shall keep complete records and minutes of its proceedings which shall be open to public inspection pursuant to law.

Section 2. An official copy of the minutes of the Council and all committees will be made available to each member of the Council.

Section 3. Records and Minutes of the official Council proceedings shall be posted for public access.

## **ARTICLE XI. Amendments**

Section 1. These by-laws may be amended or repealed at any regular meeting of the Council by a two-thirds vote of the members present, provided the full text of the amendments is given to each member of the Council when the agenda is distributed.

## **ARTICLE XII. Conflict of Interest**

Section 1. In accordance with WIOA Section 101 (f) members of the South Dakota Workforce Development Council may not vote on a matter under consideration by the Council

- a. Regarding the provision of services by such member, or by an entity that such member represents; or
- b. That would provide direct financial benefit to such member or the immediate family of such member; or
- c. That would engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State Plan.

**THESE BY-LAWS WERE ADOPTED ON September 27, 2023.**

Signed by Lee Anderson,

**Lee Anderson, Chairperson**