



## Pinal County Workforce Development Board By-Laws

*Approved by Pinal County Workforce Development Board: March 21, 2024*  
*Approved by Pinal County Board of Supervisors: \_\_\_\_\_, 2024*

**ARTICLE I – NAME, AREA OF SERVICE, AND AUTHORIZATION**

- A. This workforce development board will be known as the Pinal County Workforce Development Board (hereinafter referred to as “PCWDB”).
- B. The Chief Elected Officials are defined as the Pinal County Board of Supervisors (hereinafter referred to as “PCBOS”).
- C. The area of service shall be Pinal County, State of Arizona, inclusive of all municipalities and unincorporated areas.
- D. The PCBOS appoints all PCWDB members as prescribed in the Workforce Innovation and Opportunity Act (hereinafter referred to as “WIOA”), Public Law 113-128 and the Shared Governance Agreement between the PCWDB and the PCBOS.
- E. The PCWDB and any teams, committees, task forces, or work groups derive their authority from Section 107 of the WIOA. In execution of its business, the PCWDB must comply with the WIOA and its regulations, applicable Federal, State, and local Laws, and applicable Federal, State, and local rules and regulations and policies and procedures.

**ARTICLE II – MISSION STATEMENT OF PCWDB AND PURPOSES OF WIOA**

- A. The **mission** statement of the PCWDB is:

*“The mission of the Pinal County Workforce Development Board is to fulfill the Six Purposes of WIOA.”*

- B. The six purposes of the WIOA are:

- 1. Increase opportunities for individuals with barriers to employment;
- 2. Support alignment of services;
- 3. Improve quality and relevance;
- 4. Improve structure and delivery;
- 5. Increase prosperity of workers and employers; and
- 6. Enhance productivity and competitiveness.

**ARTICLE III – VISION AND PURPOSE OF PCWDB**

A. The **vision** statement of the PCWDB is:

*“Pinal County: A vibrant, affordable community, home to a skilled, diverse workforce; providing innovative opportunities for job seekers, employers, and employees to learn, grow, and prosper.”*

B. The purpose of the PCWDB is to:

1. Provide strategic and operational oversight of the ARIZONA@WORK Pinal County service delivery system in collaboration with partners and workforce stakeholders;
2. Serve, on behalf of the PCBOS, as the steward of WIOA grant funds allocated to Pinal County;
3. Assist in the achievement of the State’s strategic and operational vision and goals as outlined in the Arizona WIOA State Plan; and
4. Maximize and continue to improve the quality of services, customer satisfaction, and effectiveness of the services provided.

**ARTICLE IV – DUTIES AND RESPONSIBILITIES**

A. The PCWDB is established in accordance with the requirements of WIOA Sec. 107(d).

B. The PCWDB shall operate on a Program Year basis. A **Program Year is defined as July 1 – June 30.**

C. As provided in WIOA Sec. 107(d), 20 CFR § 679.370, and the Shared Governance Agreement between the PCWDB and the PCBOS, the PCWDB must:

1. Develop and submit a 4-year local plan, in partnership with the PCBOS and consistent with WIOA Sec. 108.
2. If Pinal County is part of a planning region that includes other local areas as defined in WIOA Sec. 106, the PCWDB will develop and submit a regional plan in collaboration with those local areas. If Pinal County is part of a planning region, the local plan must be submitted as a part of the regional plan.

3. Conduct workforce research and regional labor market analysis to include:
  - a. Analyzing and providing regular updates of economic conditions, providing needed knowledge and skills, and providing workforce, and workforce development (including education and training). Activities should include an analysis of the strengths and weaknesses (including the capacity to provide) of such services to address the identified education and skill needs of the workforce and the employment needs of employers;
  - b. Providing assistance to the Governor in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and
  - c. Providing other research, data collection, and analysis, including input from stakeholders, related to the workforce needs of the regional economy, so the PCWDB can carry out its functions.
4. Convene local workforce development system stakeholders to assist in the development of the local plan under 20 CFR § 679.550 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Stakeholders may assist the PCWDB and its teams, committees, task forces, or work groups in carrying out, brokering, and leveraging functions at the direction of the PCWDB.
5. Lead efforts to engage with a diverse range of employers and other entities in the region in order to:
  - a. Promote business representation (particularly representatives with optimum policy-making or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the PCWDB;
  - b. Develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;
  - c. Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
  - d. Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

6. Lead efforts, with representatives of secondary and postsecondary education programs, to develop and implement career pathways within Pinal County by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
7. Lead efforts in Pinal County to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
8. Develop strategies for using technology to maximize the accessibility and effectiveness of the ARIZONA@WORK Pinal County workforce development system for employers and workers and job seekers by:
  - a. Facilitating connections among the intake and case management information systems of the ARIZONA@WORK partner programs to support a comprehensive workforce development system in Pinal County;
  - b. Facilitating access to services provided through the ARIZONA@WORK Pinal County delivery system including access in remote areas;
  - c. Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the ARIZONA@WORK Pinal County delivery system, such as improving digital literacy skills; and
  - d. Leveraging resources and capacity within the ARIZONA@WORK Pinal County workforce development system, including resources and capacity for services for individuals with barriers to employment.
9. In partnership with the PCBOS:
  - a. Conduct oversight of youth workforce investment activities authorized under WIOA Sec. 129(c), adult and dislocated worker employment and training activities under WIOA Sec. 134(c) and (d), and the entire ARIZONA@WORK delivery system in Pinal County;
  - b. Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and ARIZONA@WORK delivery system in Pinal County; and
  - c. Ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA Sec. 116.

10. Negotiate and reach agreement on local performance indicators with the PCBOS and the Governor.
11. Negotiate with PCBOS and required partners on the methods for funding the infrastructure costs of ARIZONA@WORK Job Centers in Pinal County in accordance with 20 CFR § 678.715 or must notify the Governor if agreement is not reached at the local level and the Governor will use a State infrastructure funding mechanism.
12. Select the following providers in Pinal County, and where appropriate terminate such providers in accordance with 2 CFR part 200:
  - a. Providers of youth workforce investment activities through competitive grants or contracts; however, if the PCWDB determines there is an insufficient number of eligible training providers in Pinal County, the PCWDB may award contracts on a sole-source basis pursuant to WIOA Sec. 123(b);
  - b. Providers of training services to be listed on the Eligible Training Provider List (ETPL) consistent with the criteria and information requirements established by the Governor and WIOA Sec. 122;
  - c. Providers of career services through the award of contracts, if the One-stop Operator does not provide such services; and
  - d. One-stop Operators in accordance with 20 CFR §§ 678.600 through 678.635.
13. Work with the State, in accordance with WIOA Sec. 107(d)(10)(E), to ensure there are sufficient numbers and types of providers of career services and training services serving Pinal County and providing services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.
14. Coordinate activities with education and training providers in Pinal County, including:
  - a. Reviewing applications to provide adult education and literacy activities under WIOA Title II for Pinal County, to determine whether such applications are consistent with the local plan;
  - b. Making recommendations to the eligible agency to promote alignment with such plan; and
  - c. Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals,

such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

15. Develop a budget for the activities of the PCWDB, with approval of the PCBOS and consistent with the local plan and the duties of the PCWDB.
16. Assess, on an annual basis, the physical and programmatic accessibility of all ARIZONA@WORK Job Centers in Pinal County, in accordance with WIOA Sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*).
17. Ensure ARIZONA@WORK Job Centers are certified in accordance with 20 CFR § 678.800 and applicable polices issued by the State Workforce Development Board.
18. Ensure PCWDB members will complete tasks assigned by the PCWDB Chair and will carry out assignments from teams, committees, task forces, or work groups to which they have been appointed.
19. Ensure PCWDB members are knowledgeable about PCWDB related topics, including policy guidelines.
20. Ensure PCWDB members are assisting each other in orientation and education related to PCWDB responsibilities.

#### **ARTICLE V – MEMBERSHIP/COMPOSITION OF THE PCWDB**

- A. The PCWDB shall have members in accordance with the WIOA. PCWDB members must be appointed by the PCBOS consistent with criteria established under WIOA Sec. 107(b)(1) and criteria established by the Governor, and must meet the following requirements of WIOA Sec. 107(b)(2):
- B. The PCWDB members may not be employees or directors of grantees or sub-grantees of Arizona WIOA funds, except as required by WIOA.
- C. An individual may be appointed to represent more than one category. When an individual is appointed to represent more than one category, the individual must have policy-making authority in each category. Documentation is required indicating the dual/multiple role is acceptable based on a majority vote of the PCWDB members at a regular or special meeting with a quorum present.
- D. **The majority of PCWDB members must be representatives of businesses in Pinal County.** At least two PCWDB members must represent small business as defined by the

U.S. Small Business Administration. Business representatives serving on local workforce development boards may also serve on the State Workforce Development Board. Each business representative must meet the following criteria:

1. Be owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority. A representative with optimum policy-making authority is an individual who can 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.
2. Provide employment opportunities in in-demand industry sectors or occupations, and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others (in the case of organizations representing business as per WIOA Sec. 107(b)(2)(A)(ii).
3. As defined in WIOA Sec. 3(23), in-demand industry sector or occupation means:
  - a. an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or
  - b. an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.
4. The determination of whether an industry sector or occupation is in-demand shall be made by the State Workforce Development Board or PCWDB, as appropriate, using State and regional business and labor market projections, including the use of labor market information.
5. Be appointed from among individuals nominated by local business organizations and/or business trade associations.

**E. Not less than 20 percent of the PCWDB members must be representatives of the workforce. These representatives:**

1. **Must include** two or more representatives of labor organizations who have been nominated by local labor federations, or other representatives of employees (for areas where labor organizations do not exist);



2. **Must include** one or more representatives (must be a training director or a member of a labor organization) of a joint labor-management, or union affiliated, registered apprenticeship program within the area. 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;
3. *May include* one or more representatives of community-based organizations (CBOs) that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
4. *May include* 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.

**F. The balance of PCWDB members must include:**

1. *At least* one eligible provider administering adult education and literacy activities under WIOA Title II (Adult Education). When there is more than one Pinal County provider of adult education and literacy activities under Title II, nominations are solicited from those particular entities (WIOA Sec. 107(b)(2)(C)(i));
2. *At least* one representative from an institution of higher education providing workforce investment activities, including community colleges. When there are multiple institutions of higher education providing workforce investment activities nominations are solicited from those particular entities (WIOA Sec. 107(b)(2)(C)(ii)); and
3. *At least* one representative from each of the following governmental and economic and community development entities:
  - a. Economic and community development entities;
  - b. The State Employment Service Office under the Wagner-Peyser Act (29 U.S.C. 49 *et seq.*) serving Pinal County; and
  - c. The programs carried out under Title I of the Rehabilitation Act of 1973, other than section 112 or Part C of that Title.

**G. In addition to the representatives enumerated above, the PCBOS may appoint individuals or representatives from other appropriate entities in Pinal County, including:**

1. Entities administering education and training activities who represent local educational agencies or CBOs with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
2. Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
3. Philanthropic organizations serving Pinal County; and
4. Other appropriate individuals as determined by the PCBOS.

### **ARTICLE VI – APPOINTMENT TO THE PCWDB**

- A. Individuals are appointed to the PCWDB by the PCBOS in accordance with State criteria established under WIOA Sec. 107(b)(2). The PCWDB is to be certified by the Governor every two years, in accordance with Sec. WIOA Sec. 107(c)(2).
- B. Each individual that wishes to be appointed to the PCWDB must submit an application as a nominee for membership to serve on the PCWDB.
- C. Nominees that are representatives of businesses shall describe their optimum-policy making or hiring authority in the application, and include documentation of curriculum vitae, resume, or work history supporting the qualifications of nomination, and shall submit a letter of nomination from a local business organization or business trade association.
- D. Applications will be reviewed by PCWDB staff for qualification, including, but not limited to, the following:
  1. Strategic alignment with and composition of PCWDB;
  2. Categorical requirements of membership, including optimum-policy making or hiring authority, if applicable;
  3. Time commitments; and
  4. Qualifications that benefit the PCWDB.
- E. Qualified applications will be presented to the PCWDB for a vote at a PCWDB meeting.
- F. A majority vote of the PCWDB members at a regular or special meeting with a quorum present in favor of the appointment is required for letter(s) of recommendation to be provided to the PCBOS.

- G. PCBOS appointments will be evidenced in PCBOS minutes.
- H. All newly appointed PCWDB members shall receive a PCWDB Appointment Letter.
- I. All newly appointed PCWDB members shall review the Open Meeting Law at least one day before the day that person takes office pursuant to A.R.S. § 38-431.01(H).
- J. All newly appointed PCWDB members shall take an Oath of Office and file the original with PCWDB staff.
- K. All newly appointed PCWDB members must complete PCWDB-approved onboarding within sixty (60) days of being appointed, which may include, but not be limited to:
  - 1. Open Meeting Law video training.
  - 2. Laws and policies concerning conflicts of interest.
  - 3. Review of Public Records Law and/or presentation on Public Records Law.
  - 4. Being provided a PCWDB staff point of contact.
  - 5. Acknowledgement and confirmation by newly appointed PCWDB member.
- L. Newly appointed PCWDB members who fail to complete the onboarding within the designated timeframe will be referred to the Executive Team for consideration of membership and the PCWDB may consider action pursuant to A.R.S. § 38-431.03(A)(1).

## **ARTICLE VII – TERMS OF OFFICE**

Staggered appointments ensure that only a portion of the PCWDB members terms expire in a given year.

- A. The terms of the PCWDB members that are representatives of businesses shall be for **two years**.
- B. The terms of the PCWDB members that are not representatives of businesses shall be for **three years**.
- C. Terms of PCWDB members shall be based on the following:
  - 1. For New Appointees (New Full Term). For a new appointee (not currently a PCWDB member) who is becoming a PCWDB member for the first time, appointment has an effective start date based on day after appointment by PCBOS.

2. For New Appointees (taking over term of a PCWDB member). For a new appointee (not currently a PCWDB member) who is taking over the term of a PCWDB member that did not complete the term of appointment, appointment has an effective start date based on day after appointment by PCBOS, *but term is based on term of the seat that was vacated.*
  3. For re-appointment (current PCWDB member seeking to continue to serve for a new term). For a current PCWDB member, appointment or re-appointment has an effective start date based on appointment date and term of appointment (appointment letter should reflect a retroactive date if necessary if re-appointment is made after the start of the new term).
- D. PCWDB members may serve multiple terms, but must be re-appointed by the PCBOS. PCWDB members that are representatives of businesses will have the option to re-apply for a term of two years. PCWDB members that are not representatives of businesses will have the option to re-apply for a term of three years.
- E. Ninety (90) days prior to the end of a PCWDB member’s term, PCWDB staff will try to notify a PCWDB member that the PCWDB member’s term is ending.
- F. 90 days prior to the end of a PCWDB member’s term, the PCWDB member will notify the PCWDB if the PCWDB member is interested in re-appointment.
1. If a PCWDB member is interested in re-appointment, a new PCWDB application must be completed.
  2. If a PCWDB member does not commit to re-appointment 60 days before the expiration of the PCWDB member’s term, a replacement may be sought to fill the vacancy, and the PCWDB staff will notify the PCBOS of the vacancy.
- G. PCWDB members shall serve without compensation except for reimbursement for travel and subsistence expenses as permitted by law.

## **ARTICLE VIII – ATTENDANCE**

- A. All PCWDB members are expected to attend all regularly scheduled meetings. All PCWDB members shall confirm no later than two (2) business days prior to a scheduled meeting whether they plan to attend.
- B. Engagement as a PCWDB member is critical to the goals of the PCWDB. It is preferred that all PCWDB members attend meetings in person. However, in instances where in-

person attendance is not feasible, PCWDB members are expected to participate via video or telephone conferencing.

1. It is preferred that all PCWDB members attend all regularly scheduled meetings, including special meetings and meetings of teams, committees, task forces, or work groups to which they are a member.
2. A PCWDB member's failure to attend four (4) PCWDB meetings within one calendar year may result in recommendation for removal by a majority vote of the PCWDB members at a regular or special meeting with a quorum present, and the PCWDB may consider action pursuant to A.R.S. § 38-431.03(A)(1).
3. A recommendation for removal must be approved by a majority vote of the PCWDB members at a regular or special meeting with a quorum present and then must be forwarded to and approved by the PCBOS for removal.

## **ARTICLE IX – VACANCIES, RESIGNATIONS, AND REMOVAL OF PCWDB MEMBERS**

A PCWDB member must notify the PCWDB if there is a change in position or status as a representative of businesses, the workforce, or governmental and economic and community development entities or if the PCWDB member is no longer eligible under the WIOA and its implementing regulations. The PCWDB will assess the PCWDB member's eligibility and determine whether that PCWDB member may remain on the PCWDB.

PCWDB members must resign immediately or be removed by the PCBOS if they are determined to be ineligible to be a PCWDB member.

### **VACANCIES:**

- A. If a vacancy occurs, the vacancy shall be filled in accordance with law and these By-Laws.
- B. In the event of a vacancy, PCWDB staff will notify the Pinal County Clerk of the Board for the purpose of informing the PCBOS.
- C. In order to comply with State Workforce Development Board Local Governance Policy, PCWDB vacancies must be filled within one hundred twenty (120) days of the vacancy.
- D. In the event a vacancy cannot be filled within 120 days, the PCWDB must request a waiver in writing from the PCWDB Chair or designee of the State Workforce Development Board with an explanation as to why a vacancy was not filled in the 120-day timeframe and a description of the process used to fill the vacancy. The PCWDB must maintain the written approval of the waiver request by the PCWDB Chair or designee of the State Workforce

Development Board and will be monitored according to the process outlined in the approved waiver request.

**RESIGNATIONS:**

- A. Resignation by a PCWDB member shall be submitted in writing to the PCWDB Chair.
- B. An agenda item will be placed on a PCWDB meeting for the PCWDB to “acknowledge” that PCWDB member’s resignation. The resignation will then be forwarded to the Pinal County Clerk of the Board to inform the PCBOS.

**REMOVAL:**

- A. PCWDB members may be removed by the PCBOS, including, but not limited to, if any of the following occurs:
  - 1. Ongoing or repeated absences;
  - 2. Documented conflict of interest;
  - 3. Failure to meet PCWDB member representation requirements;
  - 4. Documented proof of malfeasance, fraud, or abuse; or
  - 5. A PCWDB member fails to fulfill the requirements of membership.
- B. The state administrative entity reserves the right to conduct an investigation regarding allegations of wrongdoing that result in the removal of a PCWDB member. The PCBOS Chair and the PCWDB Chair will be formally notified in advance of any such investigation and of the results.
- C. PCWDB members may be requested to be removed by another PCWDB member or members. If a PCWDB member seeks to have another PCWDB member removed, the PCWDB may consider action pursuant to A.R.S. § 38-431.03(A)(1). The recommendation for removal may be approved by a majority vote of the PCWDB members at a regular or special meeting with a quorum present and forwarded to the PCBOS for consideration.
- D. Should the Executive Team determine that it is in the best interest of the PCWDB to remove a PCWDB member, a recommendation for removal will be presented to the PCWDB and the PCWDB may consider action pursuant to A.R.S. § 38-431.03(A)(1). The recommendation for removal may be approved by a majority vote of the PCWDB members at a regular or special meeting with a quorum present and forwarded to the PCBOS for consideration.

- E. PCWDB recommendations for removal of PCWDB members will be forwarded to the PCBOS, and the PCBOS will approve or disapprove the request.

## **ARTICLE X – OFFICERS**

The PCWDB shall have Officers, including, but not limited to, a Chair, Vice Chair, and Fiscal Liaison. The PCWDB may also have an Officer that is the Immediate Past Chair.

### **A. PCWDB Chair**

1. The PCWDB Chair shall be a representative of businesses.
2. The PCWDB Chair shall be elected by a majority vote of the PCWDB members at a regular or special meeting with a quorum present.
3. The PCWDB Chair shall perform the duties pursuant to the WIOA, pursuant to these By-Laws, and as prescribed by the PCWDB. The PCWDB Chair is the attester to all documents containing necessary concurrences required by the Governor and/or the PCWDB recommendations deemed necessary to the PCBOS.
4. The PCWDB Chair shall be the Lead Officer of the PCWDB and shall preside at all PCWDB meetings.
5. The term of office for the PCWDB Chair shall be two years.
6. In the event the PCWDB Chair cannot fulfill the terms of appointment for any reason, the PCWDB Chair must submit in writing to the PCBOS the intention to resign as PCWDB Chair. Voting for a new PCWDB Chair will be conducted at a PCWDB meeting.
7. No individual may be PCWDB Chair for more than two consecutive terms.

### **B. PCWDB Vice Chair**

1. The PCWDB Vice Chair shall be a representative of businesses on the PCWDB.
2. The PCWDB Vice Chair shall be elected by a majority vote of the PCWDB members at a regular or special meeting with a quorum present.
3. The PCWDB Vice Chair shall perform the duties of the PCWDB Chair when the PCWDB Chair is absent and shall perform such other duties as may be designated by the PCWDB Chair or as prescribed by the PCWDB.

4. The PCWDB Vice Chair automatically assumes the duties of the PCWDB Chair if the PCWDB Chair is removed, unable to serve, or resigns before the PCWDB Chair's term is completed.
5. The term of office for the PCWDB Vice Chair shall be two years.
6. In the event the PCWDB Vice Chair cannot fulfill the terms of appointment for any reason, the PCWDB Vice Chair must submit in writing to the PCWDB Chair the intention to resign as PCWDB Vice Chair. Voting for a new PCWDB Vice Chair will be conducted at a PCWDB meeting.
7. No individual may be PCWDB Vice Chair for more than two consecutive terms.

**C. Immediate Past PCWDB Chair**

1. The Immediate Past PCWDB Chair may serve as a liaison to representatives of businesses for member recruitment as well as providing advice/assistance to the new PCWDB Chair.
2. The Immediate Past PCWDB Chair position is not required to be filled.

**D. Fiscal Liaison**

1. The Fiscal Liaison will provide fiscal oversight by reviewing fiscal reports and tracking WIOA funds allocated to Pinal County.
2. The Fiscal Liaison will provide fiscal reports during PCWDB meetings and may make expenditure recommendations to the PCWDB.
3. The Fiscal Liaison shall serve a two-year term with the option to extend by majority vote of the PCWDB members at a regular or special meeting with a quorum present.

**ARTICLE XI – ELECTION OF OFFICERS**

- A. Election of officers will try to be held during the last meeting of each Program Year.
- B. Elections will be conducted by the following schedule:
  1. **No later than February 1 of the election year:** The “PCWDB Officer Nomination Form” will be provided to each eligible PCWDB member.



2. **No later than April of the election year:** Candidates are announced to the PCWDB.
3. **No later than a June meeting of the PCWDB:** the PCWDB will vote for officers.
  - a. A quorum of the PCWDB must be present.
  - b. Voting will be by a verbal roll call of each attending PCWDB member.
  - c. The candidate receiving the majority of votes of present quorum will be declared the winner for that office.
- C. The PCWDB Chair, PCWDB Vice Chair, and Fiscal Liaison will commence their terms on July 1, which should be the commencement of the following Program Year in which they were elected.
- D. Results of the PCWDB elections will be forwarded to the Pinal County Clerk of the Board in order to inform the PCBOS.

## **ARTICLE XII – TEAMS, COMMITTEES, TASK FORCES, OR WORK GROUPS**

### **A. Teams, Committees, Task Forces, or Work Groups**

1. The PCWDB has authority to establish teams, committees, task forces, or work groups in order to address specific issues and to accomplish strategic goals of the PCWDB.
2. Recommendations to form teams, committees, task forces, or work groups are to be presented to the PCWDB.
3. The PCWDB Chair may appoint PCWDB members to serve on teams, committees, task forces, or work groups.
4. The PCWDB may establish an Executive Team. If an Executive Team is established, then the Executive Team:
  - a. Shall consist of an odd number of PCWDB members;
  - b. Shall consist of the PCWDB Chair, PCWDB Vice Chair, Fiscal Liaison, and at least two other PCWDB members, which may include the Immediate Past PCWDB Chair, so long as an odd number of PCWDB members is maintained;
  - c. Shall have an Executive Team Chair that is the PCWDB Chair;
  - d. Shall meet as prescribed by the PCWDB, and such meetings are intended to occur between PCWDB scheduled meetings;

- e. Shall be responsible for interpreting and putting into effect the decisions, policies, and programs of the PCWDB, including, but not limited to, attendance, By-Laws, or disciplinary actions of the PCWDB; and
- f. May be granted authority the PCWDB provides it.

## **ARTICLE XIII – MEETINGS**

### **A. PCWDB Meetings**

1. PCWDB Meetings will be held at least quarterly per Program Year for the conduct of official business. The PCWDB will designate the date, time and place of PCWDB meetings. The meeting schedule shall be posted on the Pinal County public website and the ARIZONA@WORK Pinal County website.
2. PCWDB Meeting agendas will be posted at least 24 hours in advance of each meeting on the Pinal County website pursuant to A.R.S. § 38-431.02(G).
3. Meeting agendas may contain a consent agenda. A consent agenda may have items grouped and routine business and reports may be part of one consent agenda item. All consent items on the consent agenda will be handled by a single vote, unless a PCWDB Member or member of the public objects and wants an item pulled from the consent agenda at the time the consent agenda is called. The PCWDB Chair decides which items or types of items may be placed on the consent agenda.
4. A simple majority of appointed PCWDB members shall constitute a quorum for the transaction of business at all PCWDB meetings. A meeting at which a quorum is initially established, but the quorum is not maintained due to the departure of PCWDB members, may continue business discussions *but take no action*.
5. In accordance with A.R.S. 38-431.01, all PCWDB meetings shall provide for the taking of written minutes or a recording of the meeting, including executive sessions. For meetings, other than executive sessions, such minutes or recording shall include:
  - a. The date, time, and place of the meeting;
  - b. Names of PCWDB members recorded as either present or absent;
  - c. A general description of the matters considered; and
  - d. An accurate description of all legal actions proposed, discussed or taken, including a record of how each PCWDB member voted. The minutes shall also include the names of the PCWDB members who propose each motion and the names of the persons, as given, who make statements or present material to the public body and a reference to the legal action about which they made statements or presented material.

6. The minutes or a recording of a meeting shall be available for public inspection no later than three working days after the meeting, except as otherwise provided in Arizona's Open Meeting Law.
7. The PCWDB may go into "Executive Session" during the course of a PCWDB meeting, as allowed under Arizona's Open Meeting Law.
8. The PCWDB will follow Robert's Rules of Order where applicable and not in conflict with these By-Laws or other superior rules. The order of precedence in determining parliamentary procedure is as follows:
  - a. WIOA and its implementing regulations;
  - b. Constitution of Arizona;
  - c. Arizona Revised Statutes and regulations;
  - d. These By-Laws; and
  - e. Rules of the PCWDB.

**B. PCWDB Special Meetings or Teams, Committees, Task Forces, or Work Groups Meetings**

1. PCWDB special meetings or teams, committees, task forces, or work groups meetings may be called, as needed, by the PCWDB Chair and/or by the respective teams, committees, task forces, or work groups in order to address specific issues and to accomplish strategic goals of the PCWDB.
2. When required, special meetings or teams, committees, task forces, or work groups meetings, will be conducted in accordance with Arizona's Open Meeting Law.

**ARTICLE XIV – VOTING/MOTIONS**

- A. Each PCWDB member shall be entitled to one (1) vote on all matters brought before the PCWDB at any scheduled meeting.
- B. PCWDB members may not delegate proxies or alternates in their absence.
- C. Whenever these By-Laws specify that an action is to be taken by vote of the PCWDB, the approval shall be granted by a simple majority of the PCWDB members present and qualified to vote at any scheduled meeting of the PCWDB at which a quorum exists, unless the law requires otherwise.
- D. Agenda items that require a motion, a second, and a majority vote of the PCWDB members at a regular or special meeting with a quorum present may include the following:

1. Minutes from a previous meeting;
2. New PCWDB member approvals;
3. ETPL approvals;
4. Consent agenda items;
5. Organizational policies or revisions;
6. Strategic Plan;
7. Annual budget, including revisions;
8. Assumption of a new financial obligation or risk or PCWDB expenditure;
9. Contracts, including amendments;
10. By-Laws, including amendments or revisions;
11. Allocation of surplus items; and
12. Adjournment of meetings.

## **ARTICLE XV –CONFLICT OF INTEREST AND ETHICS**

- A. PCWDB members shall avoid both conflict of interest and the appearance of conflict of interest in the conduct of the PCWDB business. The PCWDB and all PCWDB members shall follow:
1. WIOA and its implementing regulations, including, but not limited to, 20 CFR § 679.430.
  2. Arizona laws on Conflict of Interest, including, but not limited to, Arizona Revised Statutes, Title 38 – Public Officers and Employees, Chapter 3 – Conduct of Office, Article 4 Section 38-447 and Article 8 Sections 38-501 through 511.
  3. Arizona Department of Economic Security WIOA Policies, including, but not limited to, Chapter 2, Section 1200(03)(L) By-Laws requirements.
  4. State Workforce Development Board Local Governance Policies, including, but not limited to, Section H(k) “Conflict of interest” and State Workforce Development

Board Conflict of Interest Policy.

5. PCWDB policies.
  6. Pinal County Policies and Procedures, including, but not limited to:
    - a. Conflict of Interest; and
    - b. Ethics in County Employment.
- B. Each PCWDB member must sign an acknowledgment form that such PCWDB member has reviewed and agrees to comply with all conflict of interest policies and requirements.
- C. A PCWDB member may not vote on any matter that would provide direct financial benefit to the PCWDB member or the PCWDB member's immediate family, or on matters of the provision of services by the PCWDB member or the entity the PCWDB member represents.
- D. Prior to taking office, PCWDB members must provide to the PCWDB Chair a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the PCWDB. Such declarations must be updated annually or within 30 days to reflect any changes in such business interests or relationships. The PCWDB must appoint an individual to review the disclosure information in a timely manner and advise the PCWDB Chair and appropriate members of potential conflicts.
- E. Prior to a discussion, vote, or decision on any matter before the PCWDB, if a PCWDB member, or a person in the immediate family of such PCWDB member, has a substantial interest in or relationship to a business entity, organization, or property that would be affected by any official PCWDB action, the PCWDB member must disclose the nature and extent of the interest or relationship and must abstain from discussion and voting on or in any other way participating in the decision on the matter.
- F. All abstentions must be recorded in the minutes of the PCWDB meeting and be maintained as part of the official record.
- G. It is the responsibility of the PCWDB members to monitor potential conflicts of interest and bring them to the PCWDB's attention in the event a PCWDB member does not make a self-declaration.
- H. In order to avoid a conflict of interest, the PCWDB must ensure that the PCWDB's workforce service providers for WIOA Title IB adult, dislocated worker, and youth programs must not employ or otherwise compensate a current PCWDB member or

PCWDB staff who is employed or compensated by the PCWDB or its administrative entity, fiscal agent, or grant recipient to support the PCWDB in carrying out its duties.

- I. The PCWDB must ensure that the PCWDB, PCWDB members, or PCWDB staff do not have any supervisory responsibility for the daily activities of its workforce service providers, workforce system partners, or contractors. There must be complete separation between governance functions and operating functions within an organization including different reporting structures.
- J. PCWDB members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner.

### **ARTICLE XVI – CONFLICT RESOLUTION**

- A. When a conflict arises between PCWDB members, or, ARIZONA@WORK Pinal County partners who have signed the ARIZONA@WORK Pinal County Memorandum of Understanding and Infrastructure Funding Agreement that cannot be resolved, the parties to the issue shall summarize the issue in writing and submit to the Executive Team for mediation. Executive Team members must recuse themselves if they are a party to the conflict.
- B. If Executive Team members’ recusals result in the lack of a quorum, the matter cannot be head until a quorum can be established. If Executive Team members’ recusals result in the lack of a quorum, then the remaining Executive Team members may recruit PCWDB member(s) to fulfill the role of Executive Team members that have recused themselves for purposes of establishing a quorum for the mediation.
- C. All decisions regarding conflict resolution by the Executive Team will be documented in writing.
- D. All decisions regarding conflict resolution by the Executive Team are final unless the PCWDB otherwise requires approval or a different process or if the law requires a different result or process.

### **ARTICLE XVII - AMENDMENTS**

- A. Amendments to these By-Laws may be necessary from time to time. These By-Laws may be amended or repealed in part or in whole only by a majority vote of the PCWDB members at a regular or special meeting with a quorum present.
- B. Each time the By-Laws are amended, a copy of the updated By-Laws will be distributed to all PCWDB members, the PCBOS, and posted on the ARIZONA@WORK Pinal County website.



Innovative Workforce Solutions

Pinal County Workforce Development Board

## **ARTICLE XVIII – REPORT TO PCBOS**

It is recommended that annually a report, summary, or presentation be provided to the PCBOS about the PCWDB’s activities in Pinal County.

135 North Pinal Street, Florence, AZ, 85132 | (520) 866-6227 | [ARIZONA@WORK.com/pinal](https://www.arizona@work.com/pinal)

A proud partner of the americanjobcenter®network

Approved by PCWDB: March 21, 2024

Approved by PCBOS: \_\_\_\_\_, 2024