Governing Board Meeting
Franklin Service Center
121 Franklin St. S.E. (CAA Multipurpose Room A)
Grand Rapids, MI 49507
Monday, February 24, 2020 • 8:30 a.m. – 10:00 a.m.

AGENDA

1. Call to Order and Introductions  
2. Public Comment – Agenda Items  
3. Approval of the December 9, 2019 Minutes  Action Required  
4. 2020 Governing Board Election of Chair and Vice-Chairperson  Action Required
   Melanie White, Staff Attorney  
5. Procurement Policy, Melanie White  Action Required  
   a. Presentation of the Audited Financial Statements  Action Required
      William Tucker IV, CPA, Maner Costerisan P.C.
   b. ACSET Financial Report- Notes to January 2020 Board Financials  Information Item
      Nichole Northern, Accounting Manager  
   c. FYE 2020 Budget Modification Request  (75% affirmative vote of members present)  Action Required
   d. Renewal of Line of Credit Request  Action Required  
   a. ACSET Personnel Actions Report  Information Item  
   b. ACSET Operations Staffing  Information Item  
   c. Update to Staffing Chart  Action Required  
   Jacob Maas, Chief Executive Officer  (75% affirmative vote of members appointed and serving)
9. Strategic Plan Update: Jacob Maas  Information Item  
10. Solutions Driven Updates: Angie Barksdale, Chief Operating Officer  Information Item  
11. Other Business  Information Item  
12. Public Comment  
13. Adjournment  

Next Scheduled Governing Board Meeting:
Monday, April 27, 2020 located at:
Franklin Service Center, 121 Franklin St. S.E. (CAA Multipurpose Room A) Grand Rapids, MI 49507
Governing Board Meeting
Frederik Meijer Gardens (Klopcic Family Foundation Room)
1000 East Beltline NE • Grand Rapids, MI 49525
Monday, December 9, 2019 • Meeting 11:00 a.m.

MINUTES

Governing Board Members Present: Commissioners Mahoney, De Young, Storey, Geiger, Tiejema, Sparks, Womack, Lenear, Reppart

Governing Board Members Absent: Commissioners Stek, Hughes, DeJong, Garcia

Staff Present: Jacob Maas, Laura Krist, Janette Monroe

Guests Present: None

1. Call to Order, Vice-Chairperson Mahoney at 11:02 a.m.

2. Public Comment- Agenda Items- None

3. Approval of the October 28, 2019 Minutes

   Motion – Com. Tiejema
   Second – Com. Sparks
   Item Approved by Vote – Motion carried

4. Request to Update Staffing Chart

   Laura Krist, Human Resource Director, reported that in order to support the launch of the Healthy Michigan Program (HMP), staff have determined the need to add following positions to the staffing chart: one (1) Resource Specialist and two (2) Career Coaches. Laura stated that a draft policy with funding available to support this request has been received. Laura also requested approval to add the Assistant Manager for Youth Solutions position. Brief discussion took place, and Jacob Maas, Chief Executive Officer, and Laura answered board members’ questions.

   Motion – Com. Lenear
   Second – Com. Storey
   Item Approved by Vote – Motion carried

5. Request for Closed Session: Chief Executive Officer Annual Review (roll call vote)  Action Required

   Vice-Chairperson Mahoney reported that Mr. Jacob Maas, West Michigan Works! Chief Executive Officer would like to go into closed session to further discuss his 2019 annual performance review with Governing Board members.

   Motion – Com. De Young
   Second – Com. Lenear
   Roll call taken – All 9 members in attendance voted affirmatively.
6. Approval of the December 9, 2019 Closed Session Minutes
   Action Required
   Vice-Chairperson Mahoney reported that Governing Board members were provided a copy of closed
   session minutes to review in closed session. Vice-Chairperson Mahoney requested approval of the closed
   session minutes which validate that the CEO 2019 key objectives were met.

   **Motion – Com. Geiger**
   Second – Com. Womack
   Item Approved by Vote – Motion carried

   Commissioner Tiejema made a motion to grant the suggested performance incentive for Mr. Maas
   based on meeting his 2019 yearly objectives.

   **Motion – Com. Tiejema**
   Second – Com. Sparks
   Item Approved by Vote – Motion carried

7. Other Business – None

8. Public Comment – None

9. Adjournment at 11:44 a.m. by Vice-Chairperson Mahoney.

   **Motion – Com. De Young**
   Second – Com. Storey
   Item Approved by Vote – Motion carried

Recorded by: ___________________________      Received by: ________________________________
MEMORANDUM

TO: ACSET Governing Board

FROM: West Michigan Works! Staff

DATE: February 18, 2020

RE: ACSET Governing Board Election of Chair and Vice-Chair

Pursuant to the 4th Amended Interlocal Agreement between the Counties of Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, Ottawa and the City of Grand Rapids, it is time for a Chairperson and Vice-Chairperson of the ACSET Governing Board to be elected. The newly elected officers shall begin their duties at the February 24th meeting immediately following the election. The Interlocal Agreement provides as follows:

The Governing Board shall have a Chairperson and Vice-Chairperson, which officers shall be elected annually by members of the Governing Board; provided, that the Chairperson shall be elected from among the representatives of one of the Public Agencies in the following annual rotation: Allegan County, Barry County, Ionia County, Kent County, Montcalm County, Muskegon County, Ottawa County, and the City of Grand Rapids. The Public Agency from which the Chairperson shall be elected for the first calendar year following the effective date of this Interlocal Agreement shall be chosen by lot, and the Vice-Chairperson shall be chosen from among the representatives of the next Public Agency in the above rotation.

a. **Chairperson.** The Chairperson shall preside at all the meetings of the Governing Board.

b. **Vice-Chairperson.** The Vice-Chairperson shall perform the duties and exercise the power of the Chairperson in the absence or disability of the Chairperson.

Based on the above rotation listed in the Interlocal Agreement, it is Muskegon County’s turn to serve as Chairperson of the Board for 2020. The names of the two representatives from the Muskegon County Board of Commissioners (Commissioners Susie Hughes and Kenneth Mahoney) who will be serving on the 2020 ACSET Governing Board will be considered for Chairperson unless the representative wishes to be removed from consideration. As far as voting is concerned and assuming there is more than one candidate for the office of Chairperson, the members of the Governing Board can decide if they prefer to vote by (1) a show of hands for each candidate; (2) a roll call vote; or (3) by any other way the member’s vote is made known to the public, e.g., a ballot but not a secret ballot. If the ballot method is selected, then each voting member must place his or her own name on the ballot, and then the member’s name along with his or her selected candidate can be read aloud at the meeting or if the member’s name...
is not read aloud at the meeting, then the member’s selected candidate along with each voting member’s name will be recorded in the official minutes of the meeting for any interested member of the public to see. If there is only one candidate for the office of Chairperson, then action (i.e., nomination* and a vote of yeas and nays) would be required by the members to officially elect the representative as Chairperson.

Regarding the office of Vice-Chairperson, the next listed public agency in the above rotation is Ottawa County. The names of the two representatives from the Ottawa County Board of Commissioners (Commissioners Roger Bergman and Frank Garcia) who will be serving on the 2020 ACSET Governing Board will be considered for Vice-Chairperson unless the representative wishes to be removed from consideration. As far as voting is concerned and assuming there is more than one candidate for the office of Vice-Chairperson, the members of the Governing Board can decide if they prefer to vote by (1) a show of hands for each candidate; (2) a roll call vote; or (3) by any other way the member’s vote is made known to the public, e.g., a ballot but not a secret ballot. If the ballot method is selected, then each voting member must place his or her own name on the ballot, and then the member’s name along with his or her selected candidate can be read aloud at the meeting or if the member’s name is not read aloud at the meeting, then the member’s selected candidate along with each voting member’s name will be recorded in the official minutes of the meeting for any interested member of the public to see. If there is only one candidate for the office of Vice-Chair, then action (i.e., nomination* and a vote of yeas and nays) would be required by the members to officially elect the representative as Vice-Chair.

*Robert’s Rules of Order state that it is customary to nominate one or more candidates before proceeding to an election to fill an office (unless the election is by ballot or roll call).
MEMORANDUM

TO: ACSET Governing Board
FROM: West Michigan Works! Staff
DATE: February 18, 2020
RE: Procurement Policy

Background
This policy seeks to include changes to align with the State Policy Issuance from October 2019. The changes to this policy include an increase to the Micro-Purchase amount, Small Procurements amount, and Procurement requirements amount. The policy also increases the number of quotes from qualified sources that must be obtained under the Small Procurements purchases.

Action
We are asking for ACSET Governing Board approval of the following policy.
I. IDENTIFICATION OF THE POLICY

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II. PURPOSE

The overall purpose of a Procurement Policy is to ensure that the Area Community Services Employment and Training (ACSET) Council gets the highest quality of desired goods and services at the best price possible. Further, the policy is aimed at streamlining the process of procurement while maintaining adequate controls.

III. PROCUREMENT POLICY

3.11 PROCUREMENT

This section details the procedures for procuring all goods and services except for the selection of contracted service providers for our various employment and training programs.

All procurement transactions must be conducted in a manner that provides for open and free competition. ACSET will make every effort to utilize minority-owned, female-owned, veteran-owned, small business and labor surplus area firms.

Benefit to Program

Procurement requests will go through at least two levels of review to assure that purchases are necessary, allowable and budgeted. In those instances where procurement is deemed necessary but is not allowable and/or budgeted within the program, the purchase can be made with the Executive Director’s approval from unrestricted funds.

ACSET Procurement Practices

At minimum, ACSET procurement practices will include:

- Reviewing all proposed procurements to prevent unnecessary purchases;
- Conducting a cost and/or price analysis for every procurement in excess of the Workforce Development (WD) simplified acquisition threshold;
- Conducting a lease vs. purchase analysis for every procurement where leasing is a viable option;
- Producing and documenting an independent cost estimate prior to issuing an RFP or RFB;
- Generating a clear and accurate description of the technical requirements of the product or...
included when “brand name or equal” is specified in a solicitation;
• Documenting all procurements by ACSET and ACSET sub recipients;
• Having written standards for all types of procurement;
• Conduct which ensures full and open competition;
• Methods for acquisition of equipment, building space, or related facilities, as well as the selection of service providers;
• Provisions for leases and contracts;
• Provisions which prohibit conflict of interest and discrimination;
• Procedures for inventory, record keeping, and reporting to show history of each procurement;
• Methods to ensure sub recipient compliance with the terms and conditions of contractor purchase orders and awards made to responsible sub recipients;
• Consolidating or breaking out procurements to obtain a more economical purchase;
• Identifying all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

Practices Considered Restrictive of Competition

In order to ensure that unfair requirements are not placed on procurement procedures, the following situations that are considered restrictive of competition will be avoided:

• Placing unreasonable requirements on firms or organizations in order to qualify to do business;
• Requiring unreasonable amount of time that bids must be submitted by;
• Requiring unnecessary experience and/or excessive bonding;
• Noncompetitive pricing practices between firms or organizations or between affiliated companies or organizations;
• Noncompetitive awards to consultants that are on retainer contracts;
• Awards that would create organizational conflicts of interest;
• Specifying brand name products instead of allowing a similar product of equal quality
• Overly restrictive specifications; and
• Any arbitrary action in the procurement process.

Code of Conduct

ACSET has adopted written standards for conduct, ACSET Conflict of Interest Guidelines, which must be followed by all ACSET staff engaged in the award and administration of contracts.

Value of a Procurement

The total value of a procurement is determined as follows:

1. A two-year contract at $40,000 per year with an option for a third year, for example, is a procurement valued at $120,000.
2. An item’s cost will include delivery, set-up and other ancillary charges necessary for the purchase.
3. The procurement value of computers, phone systems, network devises, etc., will include the cost of application and system software to make the item usable for the purpose for which it is purchased.
4. A procurement may not be separated into multiple purchases unless it is documented that the practice is more economical.
5. Rebates, trade-in amounts, sales proceeds, etc. may be used to reduce the cost of the procurement.

**Micro-Purchase (less than $3000/less than $10,000)**

Procurement by micro-purchase is the acquisition of supplies or services when the aggregate dollar amount does not exceed $3,000/$10,000 (or $2,000 in the case the acquisitions for construction subject to the Davis-Bacon Act). To the extent practical, micro-purchases are to be distributed equitably among qualified suppliers. Micro purchases may be awarded without competitive quotes if the price is considered to be reasonable. [2 CFR Part 200.320(a)]

The micro-purchase method can be an effective tool for procuring items, such as, participant supportive services and office supplies. However, this method is not appropriate for every situation in which the cost will not exceed $3000/$10,000. Planned recurring services such as payroll, accounting, security, lawn care, janitorial, etc. are not viewed as separate purchases each time the service is rendered. Therefore, if the aggregate value of the individual purchased service exceeds $3000/$10,000 in a 12-month period, the micro-purchase method cannot be used.

**Small Procurements (less than $150,000/less than $250,000)**

This is a relatively informal method used primarily to procure standardized goods and services that do not cost more than the WD simplified acquisition threshold of $150,000.00/$250,000.00. [2 CFR Part 200.320(b)]

The small purchase method is not appropriate for all procurements that do not cost more than the WD simplified acquisition threshold. It is only appropriate when price is the overriding factor and may be easily quoted and compared, delivery is standardized, and performance outcomes are not dependent upon the content of the goods or services being procured.

When small purchase procedures are used, price or rate quotations from a minimum of three qualified sources must be obtained if the value of the procurement exceeds $25,000. Quotes are to be dated and current for the purchase being made. Price quotes must also be viable, in that the Entity must be able to purchase the item for the quoted price.

Quotes in excess of the WD simplified purchase threshold are not usable quotes in meeting the requirements of this method. If an adequate number of quotes cannot be obtained, this method cannot be used.

If this method is used to consolidate into a single process the procurement of frequently needed goods or services, the time period cannot exceed five years and the total costs during the time period cannot exceed the WD simplified acquisition threshold. If actual costs exceed the dollar threshold originally procured, a new procurement process must be conducted. Example: A $30,000 procurement was done to cover legal services for two years. Sixteen months into the procurement $30,000 has been spent on legal services. Having reached the value of the original procurement, a new procurement process for legal services must be conducted at sixteen months rather than the two years originally planned.
ACSET staff will use the Intranet to electronically submit a Request to Purchase form for any purchase. The RTP will automatically route to the staff person’s immediate supervisor for approval, then to the Procurement Manager for any necessary procurement and, based on internal workflow rules, to other staff for approvals. Once all approvals have been obtained, the RTP will route back to the appropriate staff for purchase by purchase order or purchasing card.

**Procurements of Goods or Services Costing Over $150,000-$250,000**

There are two methods of formal competitive procurements for goods or services costing over $150,000-$250,000; sealed bids or request for proposals (RFP).

**Sealed Bids**

Sealed bids are publicly solicited procurements for which a firm fixed price (lump sum or unit price) or other fixed price arrangement is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. Invitations for bids shall be publicly advertised, and solicited from at least two or more vendors. The invitation for bids shall include any specifications and pertinent attachments, and shall define the item or services in order for the bidder to properly respond. All bids shall be publicly opened at the time and place prescribed in the invitation for bids. An independent estimate of the cost/price will be made prior to receiving bids.

**Competitive Proposals**

Competitive proposals are used when there is more than one prospective bidder, the lowest price is not necessarily the determining factor for award, and either a fixed-price or cost-reimbursement agreement will be awarded. ACSET will document the procedures used for evaluating proposals and make the award to the responsible offeror whose proposal is most advantageous to the program with respect to price, technical aspects, approach, program design and outcomes, innovation, coordination and experience. An independent estimate of the cost/price will be made prior to receiving proposals.

RFPs must be publicized. They must contain the specifications that provide a common understanding for the proposed goods or services and identify all the evaluation factors and their relative importance or weight in selection of successful bidders. Proposals will be solicited from an adequate number of qualified sources and there must be a written method for conducting technical evaluations of proposals received and for selecting recipients.

**Noncompetitive/Sole Source Procurements**

A “sole source” procurement is the solicitation of a proposal from only a single source, or the solicitation of a proposal from more than one source and competition is found to be inadequate to comply with applicable federal regulations or guidelines. The Executive Director must approve all "sole source" procurements and purchases of equipment of $5,000-$10,000 or more.
This method may only be used when the procurement is not practical using one of the other methods discussed above and one of the following conditions apply:

a. The item is available from only one source [2 CFR Part 200.320(f)(1)]
b. A public emergency for the requirement will not permit a delay resulting from a competitive solicitation. [2 CFR Part 200.320(f)(2)]

A Public emergency must meet one of the following criteria:

i. Necessary for the imminent protection of public health
ii. Emergency repairs to protect life or property
iii. Unforeseen crisis requiring immediate procurement

c. The federal awarding agency or WDA expressly authorizes noncompetitive proposals in response to a written request from the Entity [2 CFR Part 200.320(f)(3)]
d. After solicitation of a number of sources competition is determined inadequate. This usually occurs after a competitive process has been used and there are insufficient bidders. [2 CFR Part 200.320 (f)(4)]

A cost analysis is required for all noncompetitive procurement actions. This entails verification of the proposed cost data and evaluation of the specific elements of costs and profits; including comparison with the independent price estimate.

Documentation must be retained supporting the rationale for sole source procurements including efforts made to solicit other bidders and a cost analysis.

**Capital Assets and Capital Improvements**

Procurement of capital assets (i.e. equipment, buildings, land) and capital improvements (cost of improvements to capital assets that materially increase their value or useful life) require special treatment.

a. **Buildings and Land**

With limited exceptions, the purchase or construction of buildings and the purchase of land is prohibited under federal grants. Therefore, regardless of the amount, prior WDA approval is required for all procurements (including capital leases) for the construction or purchase of buildings and land that is to be made in whole or in part with funds administered by WDA.

b. **Equipment and Capital Improvements**

1. Formula Grants – under formula grants awarded to the state and administered by WDA, the procurement of all equipment, capital improvements and other capital expenditures in excess of the WDA simplified acquisition threshold require prior WDA approval.

2. Discretionary Grants – discretionary grants and other non-formula grants
administered by WDAWD may have lower thresholds for which prior WDAWD and/or federal awarding agency approval is required. Lacking specific guidance, approval from the federal awarding agency is required for capital expenditures, including equipment, of $5,000 or more.

c. Approval Requests

It is incumbent upon the grantee or subgrantee making the procurement to follow the applicable approval requirements under the grant in which the procurement is made. All necessary approvals must be obtained and documented prior to initiating the purchase.

1. WDAWD approval requests shall contain:
   a. how the item benefits the program(s) for which it is being purchased.
   b. an independent estimate of the expected cost/price of the item.
   c. a copy of the solicitation that will be used for the procurement.
   d. bidder’s list and how the solicitation will be publicized.

2. Submit WDAWD approval request to:
   Workforce Development Agency
   Executive Office
   Victor Office Center
   201 North Washington Square
   Lansing, MI 48913

Leases

Leases must contain the following:

1. The agency or organization name and business address of the lessee and the lessor;
2. The signatures of authorized representatives of both the lessee and lessor;
3. The effective dates of the agreement (beginning and ending dates);
4. Specific items covered by the agreement (i.e. address of the facility, quantity and description of equipment items, quantity and type of motor vehicles);
5. Basis of payment;
6. Specific maintenance and operating costs which are included or excluded and;
7. Conditions for termination of the lease, (without penalty costs) should grant funds become unavailable.

Rent must be reasonable in light of such factors as comparable property, market conditions and value. If there is idle capacity or idle facilities, rent must be reassessed to ensure allowability under grant programs. The depreciation method must be followed when determining allowable rent charged to federal programs. (2 CFR Part 200.436(a), (d)(5) and .443(b)(4)) With limited exceptions, capital leases for land, buildings and other real property are prohibited under federal programs and, if permitted, prior written approval from the funding agency is required.

“Sale and Lease Back” arrangements are allowable only up to the amount that would be allowed had the non-Federal entity continued to own the property. This amount would include expenses such as depreciation, maintenance, taxes and insurance. (2 CFR Part 200.436 and .465(b))
“Less-than –Arm’s-Length” lease is one under which one party to the lease agreement is able to control or substantially influence the actions of the other. Rental costs under these type of leases are allowable only up to the amount that would be allowed had the non-Federal entity continued to own the property. This amount would include expenses such as depreciation, maintenance, taxes, and insurance. (2 CFR Part 200.436 and .465(b))

Capital leases are allowable only up to the amount that would have been allowed had the Entity purchased the property on the date the lease agreement was executed. This amount would include depreciation, maintenance, taxes, and insurance. The provisions of Generally Accepted Accounting Principles (GAAP) must be used to determine whether a lease is a capital lease.

With limited exceptions, capital leases for land, buildings and other real property are prohibited under federal programs administered by WDA. If permitted under the federal program, prior WD approval is required.

Third Party Procurements

ACSET may purchase goods or services through vendors procured through a third party (such as MiDeal and REMC) as permitted by law.

Documentation and Record Retention

Documentation must be maintained in the procurement files that adequately supports procurement decision-making. This documentation shall include the prices for goods and services from vendors, the source of the prices, rationale for selection of the vendor, independent estimates, cost/price analysis, proposals, justification, bidder lists, contracts and receipts or other documentation that support delivery and receipt of goods and services etc. (2 CFR Part 200.318(i))

Procurement records shall be maintained a minimum of three (3) years after final disposition of the item procured. If any litigation, audit or claim is initiated involving the procured item during the retention period, the procurement records must be retained until the issues are resolved or until the end of the retention period, whichever is later. (2 CFR Part 200.333)

Debarred and Suspended Parties

ACSET will not contract with any party which is debarred or suspended or is otherwise excluded from, or ineligible for, participation in federal government programs. A party’s eligibility for participation in federal government programs can be determined by accessing the Federal System for Award Management located on the Internet at http://www.sam.gov.

For all procurements of $25,000 or more, it must be verified and documented that an award is not given to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs [2 CFR Part 80; 2 CFR Part 200.205(d)]
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Micro-Purchase (less than $10,000)

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Small Procurements (less than $250,000)

This is a relatively informal method used primarily to procure standardized goods and services that do not cost more than the WD simplified acquisition threshold of $250,000.00. [2 CFR Part 200.320(b)]

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When small purchase procedures are used, price or rate quotations from a minimum of three qualified sources must be obtained. Quotes are to be dated and current for the purchase being made. Price quotes must also be viable, in that the Entity must be able to purchase the item for the quoted price.

Quotes in excess of the WD simplified purchase threshold are not usable quotes in meeting the requirements of this method. If an adequate number of quotes cannot be obtained, this method cannot be used.

If this method is used to consolidate into a single process the procurement of frequently needed goods or services, the time period cannot exceed five years and the total costs during the time period cannot exceed the WD simplified acquisition threshold. If actual costs exceed the dollar threshold originally procured, a new procurement process must be conducted. Example: A $30,000 procurement was done to cover legal services for two years. Sixteen months into the procurement $30,000 has been spent on legal services. Having reached the value of the original procurement, a new procurement process for legal services must be conducted at sixteen months rather than the two years originally planned.
ACSET staff will use the Intranet to electronically submit a Request to Purchase form for any purchase. The RTP will automatically route to the staff person’s immediate supervisor for approval, then to the Procurement Manager for any necessary procurement and, based on internal workflow rules, to other staff for approvals. Once all approvals have been obtained, the RTP will route back to the appropriate staff for purchase by purchase order or purchasing card.

**Procurements of Goods or Services Costing Over $250,000**

There are two methods of formal competitive procurements for goods or services costing over $250,000; sealed bids or request for proposals (RFP).

**Sealed Bids**

Sealed bids are publicly solicited procurements for which a firm fixed price (lump sum or unit price) or other fixed price arrangement is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. Invitations for bids shall be publicly advertised, and solicited from at least two or more vendors. The invitation for bids shall include any specifications and pertinent attachments, and shall define the item or services in order for the bidder to properly respond. All bids shall be publicly opened at the time and place prescribed in the invitation for bids. An independent estimate of the cost/price will be made prior to receiving bids.

**Competitive Proposals**

Competitive proposals are used when there is more than one prospective bidder, the lowest price is not necessarily the determining factor for award, and either a fixed-price or cost-reimbursement agreement will be awarded. ACSET will document the procedures used for evaluating proposals and make the award to the responsible offeror whose proposal is most advantageous to the program with respect to price, technical aspects, approach, program design and outcomes, innovation, coordination and experience. An independent estimate of the cost/price will be made prior to receiving proposals.

RFPs must be publicized. They must contain the specifications that provide a common understanding for the proposed goods or services and identify all the evaluation factors and their relative importance or weight in selection of successful bidders. Proposals will be solicited from an adequate number of qualified sources and there must be a written method for conducting technical evaluations of proposals received and for selecting recipients.

**Noncompetitive/Sole Source Procurements**

A “sole source” procurement is the solicitation of a proposal from only a single source, or the solicitation of a proposal from more than one source and competition is found to be inadequate to comply with applicable federal regulations or guidelines. The Executive Director must approve all "sole source" procurements and purchases of equipment of $10,000 or more.
This method may only be used when the procurement is not practical using one of the other methods discussed above and one of the following conditions apply:

a. The item is available from only one source [2 CFR Part 200.320(f)(1)]
b. A public emergency for the requirement will not permit a delay resulting from a competitive solicitation. [2 CFR Part 200.320(f)(2)]

A Public emergency must meet one of the following criteria:
   i. Necessary for the imminent protection of public health
   ii. Emergency repairs to protect life or property
   iii. Unforeseen crisis requiring immediate procurement

c. The federal awarding agency or WD expressly authorizes noncompetitive proposals in response to a written request from the Entity [2 CFR Part 200.320(f)(3)]
d. After solicitation of a number of sources competition is determined inadequate. This usually occurs after a competitive process has been used and there are insufficient bidders. [2 CFR Part 200.320(f)(4)]

A cost analysis is required for all noncompetitive procurement actions. This entails verification of the proposed cost data and evaluation of the specific elements of costs and profits; including comparison with the independent price estimate.

Documentation must be retained supporting the rationale for sole source procurements including efforts made to solicit other bidders and a cost analysis.

**Capital Assets and Capital Improvements**

Procurement of capital assets (i.e. equipment, buildings, land) and capital improvements (cost of improvements to capital assets that materially increase their value or useful life) require special treatment.

a. **Buildings and Land**

   With limited exceptions, the purchase or construction of buildings and the purchase of land is prohibited under federal grants. Therefore, regardless of the amount, prior WD approval is required for all procurements (including capital leases) for the construction or purchase of buildings and land that is to be made in whole or in part with funds administered by WD.

b. **Equipment and Capital Improvements**

   1. Formula Grants – under formula grants awarded to the state and administered by WD, the procurement of all equipment, capital improvements and other capital expenditures in excess of the WD simplified acquisition threshold require prior WD approval.

   2. Discretionary Grants – discretionary grants and other non-formula grants
administered by WD may have lower thresholds for which prior WD and/or federal awarding agency approval is required. Lacking specific guidance, approval from the federal awarding agency is required for capital expenditures, including equipment, of $5,000 or more.

c. Approval Requests

It is incumbent upon the grantee or subgrantee making the procurement to follow the applicable approval requirements under the grant in which the procurement is made. All necessary approvals must be obtained and documented prior to initiating the purchase.

1. WD approval requests shall contain:
   a. how the item benefits the program(s) for which it is being purchased.
   b. an independent estimate of the expected cost/price of the item.
   c. a copy of the solicitation that will be used for the procurement.
   d. bidder’s list and how the solicitation will be publicized.

2. Submit WD approval request to:

   Workforce Development Agency
   Executive Office
   Victor Office Center
   201 North Washington Square
   Lansing, MI 48913

Leases

Leases must contain the following:

1. The agency or organization name and business address of the lessee and the lessor;
2. The signatures of authorized representatives of both the lessee and lessor;
3. The effective dates of the agreement (beginning and ending dates);
4. Specific items covered by the agreement (i.e. address of the facility, quantity and description of equipment items, quantity and type of motor vehicles);
5. Basis of payment;
6. Specific maintenance and operating costs which are included or excluded and;
7. Conditions for termination of the lease, (without penalty costs) should grant funds become unavailable.

Rent must be reasonable in light of such factors as comparable property, market conditions and value. If there is idle capacity or idle facilities, rent must be reassessed to ensure allowability under grant programs. The depreciation method must be followed when determining allowable rent charged to federal programs. (2 CFR Part 200.436(a), (d)(5) and .443(b)(4)) With limited exceptions, capital leases for land, buildings and other real property are prohibited under federal programs and, if permitted, prior written approval from the funding agency is required.

“Sale and Lease Back” arrangements are allowable only up to the amount that would be allowed had the non-Federal entity continued to own the property. This amount would include expenses such as depreciation, maintenance, taxes and insurance. (2 CFR Part 200.436 and .465(b))
“Less-than –Arm’s-Length” lease is one under which one party to the lease agreement is able to control or substantially influence the actions of the other. Rental costs under these type of leases are allowable only up to the amount that would be allowed had the non-Federal entity continued to own the property. This amount would include expenses such as depreciation, maintenance, taxes, and insurance. (2 CFR Part 200.436 and .465(b))

Capital leases are allowable only up to the amount that would have been allowed had the Entity purchased the property on the date the lease agreement was executed. This amount would include depreciation, maintenance, taxes, and insurance. The provisions of Generally Accepted Accounting Principles (GAAP) must be used to determine whether a lease is a capital lease.

With limited exceptions, capital leases for land, buildings and other real property are prohibited under federal programs administered by WD. If permitted under the federal program, prior WD approval is required.

Third Party Procurements

ACSET may purchase goods or services through vendors procured through a third party (such as MiDeal and REMC) as permitted by law.

Documentation and Record Retention

Documentation must be maintained in the procurement files that adequately supports procurement decision-making. This documentation shall include the prices for goods and services from vendors, the source of the prices, rationale for selection of the vendor, independent estimates, cost/price analysis, proposals, justification, bidder lists, contracts and receipts or other documentation that support delivery and receipt of goods and services etc. (2 CFR Part 200.318(i))

Procurement records shall be maintained a minimum of three (3) years after final disposition of the item procured. If any litigation, audit or claim is initiated involving the procured item during the retention period, the procurement records must be retained until the issues are resolved or until the end of the retention period, whichever is later. (2 CFR Part 200.333)

Debarred and Suspended Parties

ACSET will not contract with any party which is debarred or suspended or is otherwise excluded from, or ineligible for, participation in federal government programs. A party’s eligibility for participation in federal government programs can be determined by accessing the Federal System for Award Management located on the Internet at http://www.sam.gov.

For all procurements of $25,000 or more, it must be verified and documented that an award is not given to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs [2 CFR Part 80; 2 CFR Part 200.205(d)]
November 7, 2019

Ms. Brenda Isenhart  
Area Community Services Employment & Training Council  
1550 Leonard NE  
Grand Rapids, MI  49505

Dear Brenda:

Attached is a letter to the members of the Board related to our audit being completed for the year ended June 30, 2019. Please distribute the letter to your board members.

This letter is being provided in accordance with auditing standards that establish requirements for communicating with those charged with governance. Please call if you should need any additional information or if you should have any questions.

Sincerely,

WILLIAM I. TUCKER IV, CPA  
Principal
To the Honorable Board Members of the
Area Community Services Employment & Training Council
Grand Rapids, Michigan

We are engaged to audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Area Community Services Employment & Training Council (the Council) for the year ended June 30, 2019. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

Our Responsibilities under U.S. Generally Accepted Auditing Standards, Government Auditing Standards, and the Uniform Guidance

As stated in our engagement letter dated February 1, 2019, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

In planning and performing our audit, we considered the Council’s internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We will also consider internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the Uniform Guidance.

As part of obtaining reasonable assurance about whether the Council’s financial statements are free of material misstatement, we will perform tests of its compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions is not an objective of our audit. Also, in accordance with the Uniform Guidance, we will examine, on a test basis, evidence about the Council’s compliance with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) Compliance Supplement applicable to each of its major federal programs for the purpose of expressing an opinion on the Council’s compliance with those requirements. While our audit will provide a reasonable basis for our opinion, it will not provide a legal determination on the Council’s compliance with those requirements.

Our responsibility is to plan and perform the audit to obtain reasonable, but not absolute, assurance that the financial statements are free of material misstatement.

As part of our audit, we will consider the internal control of the Council. Such considerations will be solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.
We are responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures specifically to identify such matters.

Generally accepted accounting principles provide for certain required supplementary information (RSI) to supplement the basic financial statements. Our responsibility with respect to management’s discussion and analysis and budgetary comparison information, which supplements the basic financial statements, is to apply certain limited procedures in accordance with generally accepted auditing standards. However, the RSI will not be audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

We have been engaged to report on combining schedules and statements, which accompany the financial statements but are not RSI. Our responsibility for this supplementary information, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

**Planned Scope and Timing of the Audit**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

We expect to begin our audit procedures in October 2019 and issue our report on or before December 31, 2019.

This information is intended solely for the use of the Board Members and management of the Area Community Services Employment & Training Council and is not intended to be, and should not be, used by anyone other than these specified parties.

November 7, 2019
MEMORANDUM

TO: ACSET Governing Board

FROM: Brenda Isenhart, WMW Chief Financial Officer

DATE: February 18, 2020

RE: January 2020 Board Financials

Revenue

Revenues for the seven months ending January 2020 total $16,586,954 which is 1.01% under budgeted revenue and $77,891 under prior year revenue.

Expenditures

Operating expenses are under the proposed budget by 4.27%. Wages are over budget by $82,724 while fringe is well below budget by $99,282. Additional staff positions have been added since the last budget modification. The proposed budget modification increases the salaries budget to allow for these additional positions. The proposed budget also increases for transportation and other expenses categories.

Subcontractors is under budget by $98,584 and $96,550 under prior year. The decrease from prior year is primarily from our WIOA Youth and Foster Care programs which are $60K and $47K under the previous year. Direct Client Expenses is $396K over budget and $594K over the previous year. Increases in direct client expenses are from Community Ventures ($252K), PATH ($232K), and DTE/United Way ($47K), WIOA Youth ($32K), and Trade ($32k).

Administration Expenses represent 11.71% of Operating Expenses and 7.07% of Total Expenses. ACSET continues to operate within the limits of the administration funding allowed.

Balance Sheet

Decrease in Accounts Receivable and Accounts Payable is primarily due to the decrease in accrued trainings and the related receivable for the Going Pro Talent Fund grant totaling $2.8 million. Unearned revenue has increased $226K over June 30, 2019 primarily due to the WF Kellogg grant ($157K) and the Devos Foundation - HireReach ($99K) grant which are received in advance of program expenditures. All other line items appear reasonable.
## Area Community Services Employment and Training Council
### Michigan Works Agency Programs
### Statement of Revenue & Expenses
### For the Seven Months Ending January 31, 2020

<table>
<thead>
<tr>
<th></th>
<th>YTD Thru Jan 2020 Actual</th>
<th>YTD Thru Jan 2019 Actual</th>
<th>YTD 2019/2020 Budget</th>
<th>Budget Variance</th>
<th>Budget Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Revenue</td>
<td>$ 16,586,954</td>
<td>$ 16,664,845</td>
<td>$ 16,755,362</td>
<td>$ (168,408)</td>
<td>-1.01%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Operating Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wages</td>
<td>$ 5,320,667</td>
<td>$ 4,822,623</td>
<td>$ 5,237,943</td>
<td>$ (82,724)</td>
<td>-1.58%</td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td>1,860,010</td>
<td>1,780,247</td>
<td>1,959,292</td>
<td>99,282</td>
<td>5.07%</td>
</tr>
<tr>
<td>Consumable supplies</td>
<td>437,149</td>
<td>638,728</td>
<td>730,471</td>
<td>293,322</td>
<td>40.16%</td>
</tr>
<tr>
<td>Transportation</td>
<td>174,847</td>
<td>115,271</td>
<td>150,492</td>
<td>(24,355)</td>
<td>-16.18%</td>
</tr>
<tr>
<td>Outside services</td>
<td>473,689</td>
<td>440,934</td>
<td>520,670</td>
<td>46,981</td>
<td>9.02%</td>
</tr>
<tr>
<td>Space and communications</td>
<td>909,812</td>
<td>967,400</td>
<td>952,875</td>
<td>43,063</td>
<td>4.52%</td>
</tr>
<tr>
<td>Equipment rent and maint</td>
<td>54,935</td>
<td>55,854</td>
<td>55,667</td>
<td>732</td>
<td>1.31%</td>
</tr>
<tr>
<td>Equipment purchases</td>
<td>246,007</td>
<td>500,404</td>
<td>330,409</td>
<td>84,402</td>
<td>25.54%</td>
</tr>
<tr>
<td>Other expense</td>
<td>545,441</td>
<td>442,495</td>
<td>532,213</td>
<td>(13,228)</td>
<td>-2.49%</td>
</tr>
<tr>
<td>Total operating expense</td>
<td>10,022,557</td>
<td>9,763,956</td>
<td>10,470,032</td>
<td>447,475</td>
<td>4.27%</td>
</tr>
<tr>
<td>Subcontractors</td>
<td>$ 396,484</td>
<td>$ 493,034</td>
<td>$ 495,068</td>
<td>$ 98,584</td>
<td>19.91%</td>
</tr>
<tr>
<td>Training</td>
<td>$ 4,965,221</td>
<td>$ 5,799,423</td>
<td>$ 4,983,858</td>
<td>$ 18,637</td>
<td>0.37%</td>
</tr>
<tr>
<td>Direct Client Expenses</td>
<td>$ 1,202,692</td>
<td>$ 608,432</td>
<td>$ 806,404</td>
<td>(396,288)</td>
<td>-49.14%</td>
</tr>
<tr>
<td></td>
<td>$ 6,564,397</td>
<td>$ 6,900,889</td>
<td>$ 6,285,330</td>
<td>(279,067)</td>
<td>-4.44%</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>16,586,954</td>
<td>16,664,845</td>
<td>16,755,362</td>
<td>168,408</td>
<td>1.01%</td>
</tr>
<tr>
<td>Excess of Revenue over Expense</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

Unaudited
### Area Community Services Employment and Training Council

#### Balance Sheet

**Governmental Activities**

<table>
<thead>
<tr>
<th></th>
<th>Unaudited 1/31/20</th>
<th>Audited 6/30/19</th>
<th>Audited 6/30/18</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assets</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Current Assets</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash &amp; Cash Equivalents</td>
<td>$1,491,432</td>
<td>$868,143</td>
<td>$1,014,340</td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>2,002,712</td>
<td>5,416,063</td>
<td>2,450,056</td>
</tr>
<tr>
<td>Prepaid Expenses</td>
<td>271,908</td>
<td>309,680</td>
<td>236,264</td>
</tr>
<tr>
<td>Deposits</td>
<td>61,536</td>
<td>61,536</td>
<td>61,536</td>
</tr>
<tr>
<td><strong>Total Current Assets</strong></td>
<td>3,827,588</td>
<td>6,655,422</td>
<td>3,762,196</td>
</tr>
<tr>
<td><strong>Long-term Assets</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property &amp; Equipment</td>
<td>661,410</td>
<td>651,309</td>
<td>515,174</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td>$4,488,998</td>
<td>$7,306,731</td>
<td>$4,277,370</td>
</tr>
<tr>
<td><strong>Liabilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Short-term Liabilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>$2,028,521</td>
<td>$5,054,917</td>
<td>$2,000,131</td>
</tr>
<tr>
<td>Unearned Revenue</td>
<td>431,858</td>
<td>206,095</td>
<td>427,655</td>
</tr>
<tr>
<td>Compensated Absences</td>
<td>657,499</td>
<td>673,466</td>
<td>671,714</td>
</tr>
<tr>
<td><strong>Total Short Term Liabilities</strong></td>
<td>$3,117,878</td>
<td>$5,934,478</td>
<td>$3,099,500</td>
</tr>
<tr>
<td><strong>Net Assets</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Net Assets</td>
<td>1,371,120</td>
<td>1,372,253</td>
<td>1,177,870</td>
</tr>
<tr>
<td><strong>Total Liabilities and Net Assets</strong></td>
<td>$4,488,998</td>
<td>$7,306,731</td>
<td>$4,277,370</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: ACSET Governing Board

FROM: Brenda Isenhart, WMW Chief Financial Officer

DATE: February 18, 2020

RE: Proposed FYE 2020 Budget Modification

The budget for the fiscal year ending June 30, 2020 has been modified for your consideration.

Requested Modification

The requested change decreases the budget for Grant Income and Expenditures by $4,345,000.

Changes in Planned Revenue

The current approved budget included $6.3 million for the FY2020 Going Pro Talent Fund (GPTF). Because of the significance of this grant to our total budget, the continued uncertainty of whether this program will be funded by the State, and at best the significantly delayed start to the program, this proposed budget modification eliminates the FY2020 GPTF from the agency budget.

The above decrease of $6.3 million in the FY2020 GPTF is offset by new awards and planned increase/(decrease) in utilizing existing awards during the current fiscal year:

New Funding:
- Healthy Michigan: $174,000
- Healthy Michigan Navigator: 123,000

Significant Increase/(Decrease) in planned funding Utilization:
- FY2019 GPTF: $1,300,000
- Trade: 380,000
- WIOA Programs: (272,000)
- PATH: 172,000
- Community Ventures: 141,000

Changes in Planned Expenditures

Additional budget is requested for wages to cover new youth related positions as well as staffing needed to administer the Healthy Michigan grants. A reduction of planned spending in Consumables and Equipment purchases related to IT improvements are necessary in order to present a balanced budget. It is anticipated that these planned improvements will be included in the FY2021 annual budget.
Ninety-three percent of the GPTF is used to provide training to area employers. The net changes of the FY2020 and FY2019 GPTF programs reduces the training budget by $4.6 million. Direct client expenditures have primarily increased as a result of the planned additional utilization of the Trade, PATH, and Community Ventures programs.

**Requested Action**

We ask that the proposed budget be considered for approval.

*Pursuant to Article I, Section 9 of Area Community Services Employment & Training (ACSET) Amended Bylaws dated October 1, 2015, a seventy-five percent (75%) affirmative vote of the members present is required for the budgets and amendments.*
### Area Community Services  Employment and Training Council

**General Fund**

**Michigan Works! Budgetary Comparison Schedule**

For the Fiscal Year Ending June 30, 2020

<table>
<thead>
<tr>
<th></th>
<th>Fiscal Year 2018-2019 Final Budget</th>
<th>Fiscal Year 2019-2020 1st Amendment</th>
<th>Proposed Fiscal Year 2019-2020 2nd Amendment</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant Income</td>
<td>$32,221,000</td>
<td>$30,737,000</td>
<td>$26,417,000</td>
<td>($4,320,000)</td>
</tr>
<tr>
<td>Program income</td>
<td>125,000</td>
<td>125,000</td>
<td>100,000</td>
<td>($25,000)</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>$32,346,000</td>
<td>$30,862,000</td>
<td>$26,517,000</td>
<td>($4,345,000)</td>
</tr>
</tbody>
</table>

| **EXPENDITURES**       |                                    |                                     |                                             |                     |
| Operating costs:       |                                    |                                     |                                             |                     |
| Wages                  | $8,406,000                         | $8,951,000                          | $9,126,000                                  | $175,000            |
| Fringe                 | 3,125,000                          | 3,320,000                           | 3,175,000                                   | (145,000)           |
| Consumables            | 1,100,000                          | 1,046,000                           | 748,000                                     | (298,000)           |
| Transportation         | 220,000                            | 230,000                             | 280,000                                     | 50,000              |
| Outside Services       | 799,000                            | 940,000                             | 870,000                                     | (70,000)            |
| Space & Communications | 1,620,000                          | 1,620,000                           | 1,550,000                                   | (70,000)            |
| Equipment Rent & Maintenance | 100,000 | 100,000 | 105,000 | 5,000 |
| Equipment Purchases    | 626,000                            | 626,000                             | 346,000                                     | (280,000)           |
| Other Expenses         | 650,000                            | 650,000                             | 685,000                                     | 35,000              |
| Subcontracted program costs | 945,000 | 869,000 | 822,000 | 13,000 |
| Training costs         | 13,624,000                         | 11,208,000                          | 6,593,000                                   | (4,615,000)         |
| Direct client expenditures | 1,131,000 | 1,302,000 | 2,157,000 | 855,000 |
| **SUBTOTAL OPERATING EXPENSES** | $32,346,000 | $30,862,000 | $26,517,000 | ($4,345,000) |

| Net Change in Fund Balance | $ - | $ - | $ - | $ - |
MEMORANDUM

TO: ACSET Governing Board

FROM: Brenda Isenhart, WMW Chief Financial Officer

DATE: February 18, 2020

RE: Renewal of Line of Credit

_____________________________________________________________

Background

ACSET holds a $325,000 line of credit with Fifth Third Bank. This line expires March 2020. The majority of ACSET’s funds are received on a cost reimbursement basis. Federal rules require that grant funds not be held longer than what is administratively necessary prior to being expended which the state interprets as three business days. ACSET plans for the payment of accounts payables and payroll and makes cash requests based on these plans. The line of credit will provide ACSET the ability to pay its obligations in the event of unforeseen expenses or a delay in receiving cash requests.

Historically, ACSET has not made any draws on this line of credit.

Requested Action

We are asking for ACSET Governing Board approval to renew this line of credit for another year term.
# ACSET Personnel Actions – February 18, 2020

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MEMORANDUM

TO: ACSET Governing Board

FROM: Laura Krist, Human Resource Director

DATE: February 18, 2020

RE: Request to update the staffing chart for West Michigan Works!

After reviewing our current staffing chart and assessing the needs of the various programs and departments within West Michigan Works!, we have determined the following changes would be appropriate:

Additions:

- Business Solutions Coordinator (1)
- Policy Coordinator (1)

These two additional positions will work on special projects and provide administrative support in the both the business solutions and talent solutions departments as we expand our work in the areas of TalNet and HireReach.

Deletions:

- Business Solutions Representative (2)

With the recent additions of the Industry Council Leads, we have determined that we do not need these two Business Solution Representative positions that are currently on our staffing list.

Action:

We are requesting Governing Board approval to add 2 positions and remove 2 positions to the West Michigan Works! staffing chart. We have adequate funding in our budget to support this request.
MEMORANDUM

TO: ACSET Governing Board
FROM: West Michigan Works! Staff
DATE: February 18, 2020
RE: Bylaws of the West Michigan Works! Workforce Development Board

Background
West Michigan Works! staff members were notified by the State of Michigan that there are updates needed to the current WDB bylaws. The requested updates are as follows:

1. The bylaws must address the proxy and alternate designee process that will be used when a WDB member is unable to attend a meeting and assigns a designee as part of the requirements of §679.110(d)(4).

2. The bylaws must address the use of technology, such as phone and Web-based meetings that will be used to promote WDB member participation.

3. The bylaws must address the process to ensure WDB members actively participate in convening the workforce development system’s stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities.

WMW staff have prepared draft changes to the current WDB bylaws and are attached.

Action
WMW staff received support from the Executive Committee on September 23, 2019 the WDB on October 14, 2019. WMW staff requests approval from the Governing Board for these changes.

Pursuant to Article I, Section 9 of Area Community Services Employment & Training (ACSET) Amended Bylaws dated October 1, 2015, a seventy-five percent (75%) affirmative vote of the members appointed and serving are required for Workforce Development Board Bylaws.
These Bylaws are established on the ninth day of December 2015, for the West Michigan Works Workforce Development Board (hereinafter referred to as WDB). WDB is recognized in accordance with the Workforce Innovation and Opportunity Act (WIOA) P. L. 113-128, by the Governor of the State of Michigan, the Interlocal Agreement of Area Community Services Employment and Training Council (ACSET), and the Agreement between the WDB and the Governing Board of ACSET. The WDB collaborates with ACSET, in accordance with the provisions thereof, and with any other entities or institutions provided by law.

ARTICLE II: ROLE AND FUNCTIONS

Section 1: Role. The WDB in collaboration with the Governing Board of the Area Community Services Employment and Training Council (ACSET) shall establish programs under WIOA and other similar Federal and State laws to train unemployed and economically disadvantaged individuals for entry into unsubsidized employment in in-demand occupations, particularly those in the private sector, and in collaboration with ACSET or other entities provided by law serve as conveners and catalysts of the many stakeholders within its service area to identify and resolve workforce development issues and opportunities. The WDB shall create and maintain comprehensive workforce investment plans for its service area, and engage diverse constituents in the process. The WDB shall promote or participate in programs which expand employment opportunities in the private sector. The WDB will accomplish these goals through the implementation of its Strategic Plan for a Demand-driven Workforce System. The WDB will work in collaboration with ACSET by participating with the Governing Board or other entities provided by law in the "Agreement Between The Workforce Development Board and the Governing Board of ACSET".

Section 2: Functions. The WDB will function in a manner which will increase private sector employment and training opportunities for eligible persons as defined in WIOA as it may be amended, as well as other publicly or philanthropically-funded programs. The WDB’s functions include but are not limited to the following:

A. Provide policy and program guidance for all activities funded under any WIOA grant or Workforce Development Grant in the West Michigan Works Service Delivery Area in collaboration with the Governing Board;

B. Developing and submitting the local Four-Year Comprehensive Plan, or collaborate with other workforce development boards in the development of any regional plan, if required by section 108 of WIOA, in collaboration with the Governing Board;

C. In collaboration with the Governing Board, conduct oversight over workforce investment activities for youth and employment and training activities for adults and displaced

Bylaws of the West Michigan Works Workforce Development Board

ARTICLE I: IDENTITY

ARTICLE II: ROLE AND FUNCTIONS
workers under WIOA to ensure the appropriate use and management of funds for such activities, and to ensure the appropriate use, management and investment of funds to maximize performance outcomes under WIOA; and, in collaboration with the Governing Board, to oversee and monitor any other programs subject to its oversight administered by ACSET.

D. **Acting as Selecting** the One-Stop Operator, with the agreement of the Governing Board, the WDB delegates the responsibility of enforcing rules of conduct in One-Stop Service Centers in the West Michigan Works MWA area is delegated to ACSET;

E. Initiating Memoranda of Understanding (MOU’s) with local partners in the workforce system, with the agreement of ACSET, including methods for funding the infrastructure costs of one stop centers, as provided by section 121 (h) of WIOA;

F. Entering into an agreement with the Governing Board which describes the respective roles and responsibilities of the parties, together with such other issues permitted by law;

G. Selecting the following providers in the West Michigan Works! area and, where appropriate, terminating such providers, in accordance with 2 CFR Part 200 and the Agreement between the WDB and ACSET:
   1. Providers of youth workforce investment activities;
   2. Providers of training services, consistent with the criteria and guidelines established by the WDA and section 122 of WIOA; and
   3. Providers of career services.

H. Develop budgets for the purpose of carrying out the duties of the WDB, with the approval of the Governing Board;

I. Negotiating and reaching agreement on local performance measures under WIOA with the Governing Board and the Governor;

J. Make analyses and regular updates of economic conditions, needed knowledge and skills, workforce development (including education and training) activities, including an analysis of strengths and weaknesses of such services, to address identified education and skill needs of the workforce and workforce employers.

K. Assisting the Governor in developing the statewide employment statistics system under the Wagner-Peyser Act;

L. Engage with employers and other entities in the region to:
   1. Promote business representation on the WDB, particularly from employers offering employment opportunities in existing or emerging businesses in the West Michigan Works! area;
   2. Develop linkages with employers in the West Michigan Works! area to support employer utilization of the local workforce development system and local workforce
investment activities;

3. Ensure that local workforce investment activities meet the needs of employers and support economic growth in the West Michigan Works! area by enhancing communication, coordination, and collaboration among employers, economic development entities and service providers; and

4. Develop and implement strategies for meeting the employment and skill needs of workers and employers that provide the skilled workforce needed by employers in the West Michigan Works! area and that expand employment and career advancement opportunities for participants in in-demand industries and jobs.

M. With representatives of secondary and post-secondary education programs, lead efforts to develop career pathways within the area by aligning the employment, training, education and supportive services needed by adults and youth, particularly those with barriers to employment.

N. Develop strategies for using technology to maximize the accessibility and effectiveness of local intake and case management systems for employers and customers by:

1. Facilitating connections between the intake and case management systems of the one-stop partner programs to support a comprehensive workforce development system in the West Michigan Works! area;
2. Facilitating access to services provided through the one stop system, including access in remote areas;
3. Identifying strategies for better meeting the needs of individuals with barriers to employment, and providing more access to services and programs, such as improving digital literacy skills; and
4. Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

O. Coordinate activities with education and training providers in the West Michigan Works! area, including:

1. Reviewing applications to provide adult education and literacy activities under Title II of WIOA for the West Michigan Works! area to determine whether such applications are consistent with the local plan;
2. Making recommendations to the eligible agency to promote alignment with such plan; and
3. Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, including efforts at cooperation and coordination.

P. Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the West Michigan Works! area.
Q. Convene local workforce development stakeholders to assist in the development of the local plan and to identify non-Federal expertise and resources to leverage support for workforce development activities.

R. Work with the Michigan Workforce Development Agency (WDA), or any successor or designee agency, to ensure that there are sufficient numbers and types of providers of career and training services serving the West Michigan Works! area and providing services in a manner that maximizes consumer choice, as required by WIOA and its regulations.

S. Approval of additional, non-mandatory One-Stop Partners to provide services in the West Michigan Works! service system, with the approval of the Governing Board;

T. Participate in the administration of other federal-or state or privately-funded employment and/or training programs in the West Michigan Works! area, to the extent provided by law;

U. Participate in the selection of the Chief Executive Officer of ACSET by having representation on a selection committee;

V. Provide such recommendations as it wishes to the Governing Board regarding major personnel, organization and fiscal policies of ACSET; and

W. Appoint the local members of the Talent District Career Council (TDCC)-Career and Educational Advisory Council (CEAC) for Prosperity Region 4, and participate in the appointment of its chairperson, as provided by law.

Section 3: Coordination. The WDB will, to the maximum extent possible, enhance the involvement of the private sector with related employment and training activities in order to increase the effectiveness of activities under WIOA and other programs designed to secure employment for eligible persons. The WDB will comply with the Governor’s Recertification Criteria and the Certification Criteria for Michigan Works! Service Centers as outlined in the local Four-Year Comprehensive Plan, Michigan Works System Plan, or other statute, regulation or grant.

ARTICLE III: MEMBERSHIP

Section 1: Geographic Representation. The Executive Committee shall attempt, to the maximum extent practicable, to ensure that all areas of the West Michigan Works area are adequately represented when it makes recommendations to the ACSET Governing Board for appointment of members to the WDB.

Section 2: Appointment. The WDB shall be made up of members appointed by Governing Board of ACSET, in accordance with law and the ACSET Interlocal Agreement. Members representing the following sectors must have been nominated prior to appointment as follows:
A. **Business Sector**: Business sector representatives must be nominated by business associations and business trade associations in the West Michigan Works! agency area.

B. **Organized Labor**: Organized labor representatives must be nominated by labor federations in the West Michigan Works! agency area.

C. **Adult Education/Literacy**: Eligible providers that administer adult education and literacy activities under Title II of WIOA. If there are multiple eligible providers administering such programs under Title II of WIOA serving the West Michigan Works! area, each representative on the WDB shall be appointed from among persons nominated by such eligible providers. The adult education/literacy representative may be nominated by the TDCC-CEAC, or any successor organization, for Prosperity Region 4, by majority vote, and the ACSET Governing Board shall give considerable priority to this nomination.

D. **Higher Education**: Institutions of higher education that provide workforce investment activities, including community colleges. If there are multiple such institutions of higher education in the West Michigan Works! area, each representative on the WDB shall be chosen from among individuals nominated by such institutions. The higher education representative may be nominated by the TDCC-CEAC, or any successor organization, for Prosperity Region 4, by majority vote, and the ACSET Governing Board shall give considerable priority to this nomination.

E. Any member of the WDB that represent an organization or entity must have optimum policymaking authority, which means that the member may reasonably be expected to speak affirmatively on behalf of the organization or entity and have authority to commit the entity to a chosen course of action.

F. **Nomination/Appointment Process**:

1. Members will be appointed to a two-year term of office with the members being appointed to fixed and staggered terms. In the first year following the effective date of these bylaws, approximately one-half of the membership of the WDB shall have a term of three years, but all members shall have a two-year term of office thereafter. Those members whose term shall be three years shall be determined by lot.

2. The Chief Executive Officer of ACSET, or his or her designee, shall solicit nominations for membership on the WDB from the associations, federations, providers and institutions indicated in this section whenever the WDB needs to fill vacancies in the following sectors: (a) Business Sector; (b) Labor; (c) Adult Education/Literacy; and (d) Higher Education. The solicitations shall indicate that the nominations must be submitted to the Chief Executive Officer, or his or her designee, by the date indicated in the solicitation and shall describe any documentation that must accompany the nomination.

3. Other organizations eligible to represented on the WDB may submit nominations for membership to the Chief Executive Officer, or his or her designee.

4. The Chief Executive Officer, or his or her designee, shall submit nominations received for membership of the WDB to the Executive Committee, which shall review the nominations and submit its recommendations to the ACSET Governing Board. If the Executive Committee has appointed a Nomination Committee to review such nominations, the Nomination Committee shall first review the nominations and submit its recommendations to the Executive Committee. When making its recommendations to the ACSET Governing Board.
for membership of the WDB, the Executive Committee shall indicate which candidates, if any, have been nominated by the TDCCCEAC, or any successor organization.

5. The WDB shall exercise and embrace the principle of equal opportunity on the basis of race, color, religion, sex, age, national origin, disability, and political affiliation or belief in its membership, appointment to committees, and approval of programs.

Section 3: Business Sector Representation.

A. A majority of the members of WDB shall consist of persons who are owners, chief executives, chief operating officers, or other business executives, of private for-profit employers and major nongovernmental employers in the West Michigan Works Agency area who

1. Have optimum policymaking or hiring authority;
2. Represent businesses, including small businesses, or organizations representing businesses, that provide employment opportunities in in-demand industry sectors or occupations, as defined by WIOA;
3. Provide high-quality, work-relevant training and development opportunities to its workforce, or the workforce of others (in the case of organizations representing businesses); and
4. Are appointed from individuals nominated as provided by Section 2.

B. The business sector membership of the WDB shall reasonably represent the industrial and demographic composition of the business community. At least two (2) business sector members must be representatives of small businesses, as defined by the U. S. Small Business Administration.

C. Businesses that have been certified as Disadvantaged Business Enterprises, as defined by the Small Business Administration, shall, to the extent possible, be represented on the WDB consistent with their representation in the business community, and the WDB shall strive to ensure that its private sector members reasonably represent, to the extent possible, the industrial/demographic composition of the business community of the West Michigan Works! Agency area.

D. Private not-for-profit entities and public entities that operate as businesses and are employers may be represented on the WDB in the business sector if they align with the key industry sectors in the West Michigan Works! area, such as a nonprofit hospital or prison, if identified in the West Michigan Works! local plan. Representatives of proprietary schools may not be representatives of the business sector.

E. ACSET must document how members of the WDB who represent the business sector qualify as representatives of businesses that provide employment opportunities in in-demand industry sectors or occupations and retain such documentation on file.
Section 4: Other Members. In addition to business sector membership, WDB shall include at least one member from each of the following groups, unless indicated otherwise:

A. Organized labor (2);
B. Representative of joint labor – management, or union – affiliated, registered apprenticeship program who must be a training director or a member of a labor organization;
C. Providers of Adult Education and Literacy activities under Title II of WIOA;
D. Higher Education;
E. Rehabilitation Agencies;
F. Economic/Community Development.

Section 5: Economic/Community Development. This representative may be a representative of an Economic Development Organization, a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.

Section 6: Community-Based/Youth Organizations.

A. The WDB may also include one or more representatives of private nonprofit organizations, including faith-based organizations, that have demonstrated experience and expertise, as defined in WIOA regulations, in addressing the employment, training, or educational needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities.
B. The WDB may also include one or more representatives of organizations that have demonstrated experience and expertise, as defined by WIOA regulations, in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

Section 7: Labor and Community-Based Organizations. The representation from Labor (Section 4 A and B) shall constitute at least 20 percent of the total WDB membership. However, any representatives of community-based or youth organizations on the WDB shall count toward meeting the 20 percent requirement for Labor representation.

Section 8: Dual Representation. An individual WDB member may represent more than one group or sector, provided that the member meets all the qualifications for each sector that he or she represents, including the nomination process.

Section 9: Representation of Sector. Members must be employed in the sector that they represent, except that:

a. An educational representative can be a member of a school board and not an employee of a school district.
b. An organized labor representative may be a member of a labor organization or steward without being employed by a labor organization.
Section 10: Chambers of Commerce. Individuals representing local Chambers of Commerce may be appointed to the WDB as a representative of a community-based organization or, if the Chamber functions as the local economic development agency, as an Economic Development representative.

Section 11: Loss of Membership. A member will forfeit membership on WDB should that member no longer represent the sector or group from which he/she was originally selected. A resignation is not effective until it has been accepted by the ACSET Governing Board or a successor appointed. A vacancy on the WDB must be filled within 120 days from the time it was created. Persons missing two regularly scheduled consecutive meetings will be sent written notice from the Chair inquiring as to their interest in continued membership on WDB. Persons missing three regularly scheduled consecutive meetings, except persons who have attended two regularly scheduled meetings of a standing committee during the months in which they missed the three WDB meetings, will be removed from WDB by the Executive Committee at a regularly scheduled meeting. The Executive Committee will send written notice to a member of the time and place of the meeting at which his or her removal from membership in the WDB is proposed to be considered. Exceptions may be made by the Executive Committee based on information provided by the member.

ARTICLE IV: ORGANIZATION

Section 1: Officers. There shall be two Officers of WDB. These are:

A. The Chairperson, and
B. The Vice-Chairperson.

Section 2: Selection. The Chairperson and the Vice-Chairperson shall be elected by the WDB to a two-year term of office. For the initial election of the officers in 2015, the Ad-hoc Steering Committee will seek nominations for Chairperson and Vice Chairperson from the WDB at the first regular meeting. Following the close of the time period for making nominations, the Ad-hoc Steering Committee will prepare any necessary recommendations and present nominations to the WDB at the second regular meeting in December 2015. At that meeting, the Chairperson and Vice Chairperson will be elected by the WDB. For subsequent elections, nominations for these offices will be sought by the Executive Committee prior to the meeting at which the elections shall take place. The Executive Committee will present such nominations to the WDB at the meeting at which officers are to be elected. If the Executive Committee has established a Nominations Committee, the Nominations Committee shall solicit nominations for these positions from the membership of the WDB and present the nominations to the Executive Committee. The Chairperson and Vice-Chairperson, by law, shall always be chosen from among members representing the business sector, and no local elected official may serve as chairperson or vice-chairperson. No officer may serve more than two consecutive terms in that position.

Section 3: Duties. The Chairperson shall preside at all WDB Council meetings, report to the Governing Board on WDB activities, and appoint members to committees. The Chairperson shall have the right to vote on matters as a member of the WDB. In the absence of the Chairperson, the Vice-Chairperson will perform these duties.
Section 4: Executive Committee. There shall be an Executive Committee composed of the WDB Chairperson and Vice-Chairperson, the Chairperson or his or her designee of all committees described herein (except ad hoc committees), together with any additional members of the WDB appointed by the Executive Committee; provided that the total membership of the Executive Committee shall not exceed eleven (11). To establish a quorum, a majority of the membership must participate in any decision made by the Executive Committee. The Executive Committee will perform two functions: to meet when urgent action is required by the WDB but circumstances do not permit a special meeting to be called; and to provide coordination and broad guidance to the work of the WDB,

A. When circumstances require an emergency meeting, the Executive Committee is authorized to meet at such times as may be determined by the WDB chairperson and act on behalf of the WDB. All actions taken by the Executive Committee shall be reported to the WDB in writing and this communication shall be mailed to the members within two working days following the action of the Executive Committee.

B. The Executive Committee will provide coordination and broad guidance to the WDB in the following areas:

1. Recommend Bylaws for the WDB including procedures for selecting a chairperson and other officers, as well as determinations of the size of the WDB;

2. Make recommendations for the standardization of procedures for initiating, evaluating and monitoring programs, and for orientation and in-service training of the WDB;

3. Recommend the use of sub-committees and/or technical advisory committees;

4. Initiate long-range planning for WIOA or any other federally-funded programs in the West Michigan Works! Area.

5. Review the nominations for membership on the WDB received from the Chief Executive Officer and submit its recommendations for membership on the WDB, from among those candidates properly nominated, to the ACSET Governing Board, pursuant to Section 2.F. of Article III. The Executive Committee may appoint a Nomination Committee to receive nominations for membership on the WDB received from the Chief Executive Officer, which Nomination Committee would make its recommendations for membership on the WDB to the Executive Committee. Any such Nomination Committee shall consider the principle of geographic representation described in Section 1 of Article III when making such recommendations.

6. Develop meaningful system-wide metrics and monitoring indicators of progress toward demand-driven system goals and the results of employer-driven training programs.
Section 5: Ad-hoc Proposal Review Committee. Whenever ACSET receives proposals from potential service providers for programs administered by ACSET, which are within the responsibility of the WDB, the Chairperson shall appoint an ad hoc proposal review committee to review and evaluate such proposals and make funding recommendations to the WDB. A Proposal Review Committee shall consist of WDB members and ACSET staff, and shall be discharged when the WDB has chosen a proposal from among those which the committee has reviewed and evaluated.

Section 6: Committees. The WDB may appoint standing committees to assist the WDB in dealing with its responsibilities. Any such committee must be chaired by a member of the Local Board, may include other members of the Local Board, and must include other individuals appointed by the Local Board who are not members of the Local Board and who have demonstrated experience and expertise in accordance with WIOA regulations and as determined by the WDB.

ARTICLE V: STAFF AND ADMINISTRATION

Section 1: Staff. Staff support for the work of the WDB will be provided by the Chief Executive Officer of ACSET at a level commensurate with the responsibilities of the WDB, and in accordance with the provisions of the ACSET Interlocal Agreement, and the WDB and ACSET Governing Board agreement. Staff support will be determined through mutual agreement between WDB and ACSET.

Section 2: Staff Coordination. The WDB will communicate with staff members who have been designated by the Chief Executive Officer of ACSET to coordinate WDB activities with those of the other elements of ACSET.

Section 3: Administration and Fiscal. The ACSET Administrative Unit will act as the administrative and fiscal unit for all activities of the WDB. The WDB will not receive nor disburse funds.
An annual schedule of meetings must be submitted to the WDA and posted on ACSET’s website by January 15 of each year.

Section 2: Special Meetings. At the discretion of the Chairperson, or upon the written request of five or more members of the WDB, a special meeting of WDB may be called, provided that written notice is mailed to each member at least seven calendar days prior to the day on which the special meeting shall be held. This written notice must state the time, place and purpose of the meeting, and the business of the special meeting must be confined to the items described in the notice.

Section 3: Quorum and Voting. A quorum shall exist when a majority of the current members of WDB are present. A motion shall be passed or defeated by a majority of those members voting at a meeting where a quorum has been established. Each member shall be entitled to one vote. No proxies or substitutes shall be permitted.

Section 4: Conflict of Interest.

A. No member of the WDB may have an ownership interest in or be employed by any organization which receives funds under direct control of the WDB, or engage in any other activity that creates a conflict of interest or what would appear to a reasonable person to be a conflict of interest. However, this rule does not apply to a member who has an interest in or is employed by an entity that receives money under the partial or complete control of the WDB but

a. Does not hold a policy-making position with the entity; and

b. Would not receive other than a remote or incidental benefit from the board’s decisions.

This exception applies to members who are associated with:

1. Educational institutions which enroll students whose tuition is paid with such funds;

2. Employers who accept compensation for the extraordinary costs of providing employer-based training from funds under the control of the WDB;

3. An organization which receives funds under the direct control of the WDB, if the member is not employed by, has no ownership interest in, and receives no compensation or income from the organization;

4. Government agencies required to be represented on the WDB;

5. Other persons or organizations authorized by statutes, rules or exemptions established by the State of Michigan.

B. No person may be a member of the WDB who:
a. Is an employee of an agency that is contracted by the WDB to provide coordination services or administrative functions; or

C. If an organization does receive funds under the partial or complete control of the WDB, a representative of the organization authorized to sit on the WDB by subsection A may not cast a vote or participate in any decision-making capacity on any matter regarding the provision of services by the member or by the entity that the member represents, or that would provide direct financial benefit to the member or a member of his or her immediate family. The member must also refrain from influencing the votes of other WDB members on matters involving the member or entities which the member represents or that would provide direct financial benefit to the member or a member of his or her immediate family. “Immediate Family” is defined as spouse, child, parent, brother, brother-in-law, stepbrother, sister, sister-in-law, stepsister, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, grandparent, stepparent, stepchild and grandchild or any member of the household of the WDB member. However, all members of the WDB may vote upon the WIOA local Four-Year Comprehensive Plan.

D. WDB members and WDB Committee members associated with agencies which are service providers to ACSET or which will be responding to Request For Proposals released by ACSET are not to be appointed to any WDB committee which can directly affect funding of the service provider or potential service provider. This rule is not applicable to employers involved in ACSET’s Employer - Based Training Program.

E. Representatives of a government agency who are required by federal law to serve on the WDB, such as the Michigan Rehabilitation Services, which receive funds under the control of the WDB, may serve on the WDB without first obtaining a waiver from the WDA.

F. No WDB member will solicit or accept gratuities, favors, or anything of monetary value, except for unsolicited goods or services of nominal intrinsic value, from contractors, service providers, potential contractors, or service providers. Any good or service with a fair market value of $25.00 or less shall be presumed to be of only nominal intrinsic value.

G. The WDB must file reports as required with the WDA describing the extent to which organizations with which members are affiliated received funds controlled by the WDB.

H. If any agency or organization represented on the WDB submits a proposal to ACSET for the delivery of program services funded with monies under partial or complete control of the WDB, any member of the board who represents that agency or organization, must assume inactive status, unless the member would be allowed to sit on the board by subsection A even if the proposal were accepted by WDB and ACSET. A member’s designation as inactive shall be recorded in the minutes. A member in inactive status may not vote or participate in meetings of the WDB, nor may he or she receive any information from the WDB until the expiration of the deadline for the submission of proposals, except as provided by law. Members in inactive status are not prohibited from attending meetings of the WDB as members of the general public. If the agency or organization represented by the inactive member is not awarded a contract by the WIOA local Four-Year Comprehensive Plan.
ACSET, he or she is restored to active status; but if the agency or organization is awarded the contract, the member must resign immediately.

I. If it is established at a meeting of the WDB that a member knowingly violated this section, the Chief Executive Officer of ACSET will report that finding to the ACSET Governing Board at its next meeting and ACSET will terminate any contract or contracts which are the subject of the violation. The Chief Executive Officer of ACSET will also request that the Governing Board remove the offending member from the WDB. Notice of the alleged violation will be provided in the written agenda for the WDB meeting.

Section 5: Conduct of Meetings. The current edition of Robert's Rules of Order Newly Revised will be the official document governing the conduct of meetings of WDB, and all its committees except as it may conflict with these bylaws, special rules of order WDB may adopt, WIOA, and applicable federal or state statutes or regulations.

Section 6: Compliance with Open Meetings Act. The WDB and the Executive Committee will abide by the provisions of the State of Michigan's "Open Meetings Act." A notice of the date, time and place of meetings will be posted in advance.

Participation in meetings of WDB or its committees shall be limited to members except in the following cases:

1. Non-members specifically invited to give information to WDB;
2. Non-members who desire to address WDB and who are recognized for that purpose by the Chairperson at appropriate points during the meeting; and
3. Members of Committees who are not members of the WDB may participate in committee meetings.

Section 87: Participation Options
The WDB will make every effort and will pay particular attention to participation options made possible by advancements in electronics and telecommunications. The use of Skype, Go To Meeting, and/or other methods of teleconference will be made available for members to attend meetings and vote on matters that come before the WDB. WDB member’s participation in meetings by teleconferencing shall be consistent with the Open Meetings Act (1976 PA 267, as amended, MCL 15.261, et seq). Upon approval of the Chairperson, Board members may appear at a meeting via teleconferencing device, including speaker phone or interactive television, provided that a quorum is present at the meeting site and all individuals attending the meeting can hear, and be heard by, the Board member(s) attending via teleconferencing device. The Board member wishing to participate in meetings by teleconferencing must notify the Board Chairperson or the Agency CEO -by 12:00 noon on the business day prior to the meeting that will be missed so the teleconferencing can be arranged. Failure to establish a video/audio teleconference due to technical or other problems shall not preclude conducting the meeting, as long as a quorum is present. In the event that a Board member participates via teleconferencing, this will be indicated on the meeting minutes as “Present via teleconferencing.” Members present via teleconferencing shall be permitted to participate in Board deliberations and vote on matters before the Board, if there is a quorum physically present.
Section 7: Minutes. Minutes of all meetings of the WDB and the Executive Committee shall be duly recorded and made available to all interested parties, as required by law. Members of the WDB and the Executive Committee shall review, amend as necessary, and approve the Minutes by formal action at their next meeting. Copies of minutes of meetings of the WDB, Executive Committee, and their committees or subcommittees shall be posted on ACSET’s Internet website within five (5) business days of their approval. Such minutes shall remain posted on the website for at least two (2) years.

ARTICLE VII: AMENDMENT OF BYLAWS

Section 1: Amendments. The WDB shall have the authority to amend or repeal these Bylaws at any meeting by the affirmative vote of two-thirds of the members present; provided that a copy of any proposed amendment is mailed to each member at least seven (7) calendar days prior to the day of the meeting at which the changes are to be considered. The WDB may revise the proposed changes as they are debated at the meeting, but may not alter any other section of the Bylaws not specified in the notice of meeting.

Definitions:

The terms below shall have the following definitions as used in these bylaws:

1. Area Community Services Employment and Training Council (ACSET) is a Michigan Council formed in accordance with the Michigan Urban Cooperation Act of 1967 to administer programs under the Workforce Innovation and Opportunity Act (WIOA), Welfare Reform Programs, and similar state or federal social programs, for the West Michigan Works Agency area.

2. West Michigan Works! Area is a geographical section of the State for which ACSET has been designated the Michigan Works! Agency (MWA) to operate programs under WIOA, Welfare Reform, and other similar state or federal social programs. ACSET represents the MWA area of the City of Grand Rapids and Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, and Ottawa Counties.

Governing Board refers to the elected representatives of the political territories of the West Michigan Works! MWA Area responsible for the operation of programs under WIOA and other Federal or State statutes or regulations within the West Michigan Works! Area. For ACSET, the Governing Board includes two representatives of the Grand Rapids City Commission (the Mayor or designee and one Commissioner); two representatives of the Allegan County Board of Commissioners (the Chairperson or designee and one other commissioner); one representative of the Barry County Board of Commissioners (the Chairperson or designee); One representative of the Ionia County Board of Commissioners (the Chairperson or designee); the three representatives of the Kent County Board of Commissioners (the Chairperson or designee and two other commissioners); one representative of the Montcalm County Board of Commissioners (the Chairperson or designee); two representatives of the Muskegon County Board of Commissioners (the Chairperson or designee and one other commissioner); and two representatives of the Ottawa County Board of Commissioners (the Chairperson or designee and one other commissioner). The Governing Board is responsible, in full-
collaboration with the WDB, for the operation of WIOA programs within the MWA Area, Welfare Reform Programs, and similar state or federal social programs.

5.4. Local Comprehensive Plan is a plan for the operation of WIOA programs, Welfare Reform Programs and the Employment Service funded under the Wagner-Peyser Act within the MWA Area required to be delivered by the WDB, approved by both WDB and the Governing Board, and submitted to the State for approval.

6.5. Fourth Amended and Restated Interlocal Agreement is an agreement between the City of Grand Rapids and the Counties of Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, and Ottawa to establish a Michigan Council, ACSET, under the Urban Cooperation Act of 1967. The Interlocal Agreement establishes ACSET as the recipient of funds and administrative entity under WIOA in the West Michigan Works Area.

7.6. Agreement Between the Workforce Development Board and the ACSET Governing Board is an agreement between WDB and the Governing Board of ACSET. This agreement defines the respective roles and responsibilities of the WDB and ACSET Governing Board and is the framework for the collaboration between WDB and ACSET.

8.7. Michigan Works! Service System is the system under which entities responsible for administering separate workforce investment, educational, and other human resource programs and funding streams (the One-Stop Partners) collaborate to create a seamless system of service delivery that will enhance access to the programs’ services and create long-term employment outcomes for individuals receiving assistance.
Bylaws of the
West Michigan Works Workforce Development Board

ARTICLE I: IDENTITY

These Bylaws are established on the ninth day of December 2015, for the West Michigan Works Workforce Development Board (hereafter referred to as WDB). WDB is recognized in accordance with the Workforce Innovation and Opportunity Act (WIOA) P. L. 113-128, by the Governor of the State of Michigan, the Interlocal Agreement of Area Community Services Employment and Training Council (ACSET), and the Agreement between the WDB and the Governing Board of ACSET. The WDB collaborates with ACSET, in accordance with the provisions thereof, and with any other entities or institutions provided by law.

ARTICLE II: ROLE AND FUNCTIONS

Section 1: Role. The WDB in collaboration with the Governing Board of the Area Community Services Employment and Training Council (ACSET) shall serve as conveners and catalysts of the many stakeholders within its service area to identify and resolve workforce development issues and opportunities. The WDB shall create and maintain comprehensive workforce investment plans for its service area, and engage diverse constituents in the process. The WDB, in partnership with the Governing Board of ACSET, will oversee the local development, implementation, and evaluation of employment and training activities as detailed in the "Agreement Between The Workforce Development Board and the Governing Board of ACSET".

Section 2: Functions. The WDB will function in a manner which will increase private sector employment and training opportunities for eligible persons as defined in WIOA as it may be amended, as well as other publicly or philanthropically funded programs. The WDB’s functions include but are not limited to the following:

A. Provide policy and program guidance for all activities funded under any WIOA grant or Workforce Development Grant in the West Michigan Works Service Delivery Area in collaboration with the Governing Board;

B. Developing and submitting the local Four-Year Comprehensive Plan, or collaborate with other workforce development boards in the development of any regional plan, if required by section 108 of WIOA, in collaboration with the Governing Board;

C. In collaboration with the Governing Board, conduct oversight over workforce investment activities for youth and employment and training activities for adults and dislocated workers under WIOA to ensure the appropriate use and management of funds for such activities, and to ensure the appropriate use, management and investment of funds to maximize performance outcomes under WIOA; and, in collaboration with the Governing Board, to oversee and monitor any other programs subject to its oversight administered by ACSET.

D. Selecting the One-Stop Operator, with the agreement of the Governing Board, The
responsibility of enforcing rules of conduct in One-Stop Service Centers in the West Michigan Works MWA area is delegated to ACSET;

E. Initiating Memoranda of Understanding (MOU’s) with local partners in the workforce system, with the agreement of ACSET, including methods for funding the infrastructure costs of one stop centers, as provided by section 121 (h) of WIOA;

F. Entering into an agreement with the Governing Board which describes the respective roles and responsibilities of the parties, together with such other issues permitted by law;

G. Selecting the following providers in the West Michigan Works! area and, where appropriate, terminating such providers, in accordance with 2 CFR Part 200 and the Agreement between the WDB and ACSET:
   1. Providers of youth workforce investment activities;
   2. Providers of training services, consistent with the criteria and guidelines established by the WDA and section 122 of WIOA; and
   3. Providers of career services.

H. Develop budgets for the purpose of carrying out the duties of the WDB, with the approval of the Governing Board;

I. Negotiating and reaching agreement on local performance measures under WIOA with the Governing Board and the Governor;

J. Make analyses and regular updates of economic conditions, needed knowledge and skills, workforce development (including education and training) activities, including an analysis of strengths and weaknesses of such services, to address identified education and skill needs of the workforce and workforce employers.

K. Assisting the Governor in developing the statewide employment statistics system under the Wagner-Peyser Act;

L. Engage with employers and other entities in the region to:
   1. Promote business representation on the WDB, particularly from employers offering employment opportunities in existing or emerging businesses in the West Michigan Works! area;
   2. Develop linkages with employers in the West Michigan Works! area to support employer utilization of the local workforce development system and local workforce investment activities;
   3. Ensure that local workforce investment activities meet the needs of employers and support economic growth in the West Michigan Works! area by enhancing communication, coordination, and collaboration among employers, economic development entities and service providers; and
4. Develop and implement strategies for meeting the employment and skill needs of workers and employers that provide the skilled workforce needed by employers in the West Michigan Works! area and that expand employment and career advancement opportunities for participants in in-demand industries and jobs.

M. With representatives of secondary and post-secondary education programs, lead efforts to develop career pathways within the area by aligning the employment, training, education and supportive services needed by adults and youth, particularly those with barriers to employment.

N. Develop strategies for using technology to maximize the accessibility and effectiveness of local intake and case management systems for employers and customers by:

1. Facilitating connections between the intake and case management systems of the one-stop partner programs to support a comprehensive workforce development system in the West Michigan Works! area;
2. Facilitating access to services provided through the one stop system, including access in remote areas;
3. Identifying strategies for better meeting the needs of individuals with barriers to employment, and providing more access to services and programs, such as improving digital literacy skills; and
4. Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

O. Coordinate activities with education and training providers in the West Michigan Works! area, including:

1. Reviewing applications to provide adult education and literacy activities under Title II of WIOA for the West Michigan Works! area to determine whether such applications are consistent with the local plan;
2. Making recommendations to the eligible agency to promote alignment with such plan; and
3. Replicating and implementing cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, including efforts at cooperation and coordination.

P. Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the West Michigan Works! area.

Q. Convene local workforce development stakeholders to assist in the development of the local plan and to identify non-Federal expertise and resources to leverage support for workforce development activities.

R. Work with the Michigan Workforce Development Agency (WDA), or any successor or designee agency, to ensure that there are sufficient numbers and types of providers of career and training services serving the West Michigan Works! area and providing services in a manner that maximizes consumer choice, as required by WIOA and its
regulations.

S. Approval of additional, non-mandatory One-Stop Partners to provide services in the West Michigan Works! service system, with the approval of the Governing Board;

T. Participate in the administration of other federal, state or privately-funded employment and/or training programs in the West Michigan Works! area, to the extent provided by law;

U. Participate in the selection of the Chief Executive Officer of ACSET by having representation on a selection committee;

V. Provide such recommendations as it wishes to the Governing Board regarding major personnel, organization and fiscal policies of ACSET; and

W. Appoint the local members of the Career and Educational Advisory Council (CEAC) for Prosperity Region 4, and participate in the appointment of its chairperson, as provided by law.

**Section 3: Coordination.** The WDB will, to the maximum extent possible, enhance the involvement of the private sector with related employment and training activities in order to increase the effectiveness of activities under WIOA and other programs designed to secure employment for eligible persons.

**ARTICLE III: MEMBERSHIP**

**Section 1: Geographic Representation.** The Executive Committee shall attempt, to the maximum extent practicable, to ensure that all areas of the West Michigan Works area are adequately represented when it makes recommendations to the ACSET Governing Board for appointment of members to the WDB.

**Section 2: Appointment.** The WDB shall be made up of members appointed by Governing Board of ACSET, in accordance with law and the ACSET Interlocal Agreement. Members representing the following sectors must have been nominated prior to appointment as follows:

A. Business Sector: Business sector representatives must be nominated by business associations and business trade associations in the West Michigan Works! agency area.

B. Organized Labor: Organized labor representatives must be nominated by labor federations in the West Michigan Works! agency area.

C. Adult Education/Literacy: Eligible providers that administer adult education and literacy activities under Title II of WIOA. If there are multiple eligible providers administering such programs under Title II of WIOA serving the West Michigan Works! area, each representative on the WDB shall be appointed from among persons nominated by such eligible providers. The adult education/literacy representative may be nominated by the CEAC, or any successor organization, for Prosperity Region 4, by majority vote, and the ACSET Governing Board shall give considerable priority to this nomination.
D. Higher Education. Institutions of higher education that provide workforce investment activities, including community colleges. If there are multiple such institutions of higher education in the West Michigan Works! area, each representative on the WDB shall be chosen from among individuals nominated by such institutions. The higher education representative may be nominated by the CEAC, or any successor organization, for Prosperity Region 4, by majority vote, and the ACSET Governing Board shall give considerable priority to this nomination.

E. Any member of the WDB that represent an organization or entity must have optimum policymaking authority, which means that the member may reasonably be expected to speak affirmatively on behalf of the organization or entity and have authority to commit the entity to a chosen course of action.

F. Nomination/Appointment Process:

1. Members will be appointed to a two-year term of office with the members being appointed to fixed and staggered terms. In the first year following the effective date of these bylaws, approximately one-half of the membership of the WDB shall have a term of three years, but all members shall have a two-year term of office thereafter. Those members whose term shall be three years shall be determined by lot.

2. The Chief Executive Officer of ACSET, or his or her designee, shall solicit nominations for membership on the WDB from the associations, federations, providers and institutions indicated in this section whenever the WDB needs to fill vacancies in the following sectors: (a) Business Sector; (b) Labor; (c) Adult Education/Literacy; and (d) Higher Education. The solicitations shall indicate that the nominations must be submitted to the Chief Executive Officer, or his or her designee, by the date indicated in the solicitation and shall describe any documentation that must accompany the nomination.

3. Other organizations eligible to represented on the WDB may submit nominations for membership to the Chief Executive Officer, or his or her designee.

4. The Chief Executive Officer, or his or her designee, shall submit nominations received for membership of the WDB to the Executive Committee, which shall review the nominations and submit its recommendations to the ACSET Governing Board. If the Executive Committee has appointed a Nomination Committee to review such nominations, the Nomination Committee shall first review the nominations and submit its recommendations to the Executive Committee. When making its recommendations to the ACSET Governing Board for membership of the WDB, the Executive Committee shall indicate which candidates, if any, have been nominated by the CEAC, or any successor organization.

5. The WDB shall exercise and embrace the principle of equal opportunity on the basis of race, color, religion, sex, age, national origin, disability, and political affiliation or belief in its membership, appointment to committees, and approval of programs.

Section 3: Business Sector Representation.

A. A majority of the members of WDB shall consist of persons who are owners, chief executives, chief operating officers, or other business executives, of private for-profit
employers and major nongovernmental employers in the West Michigan Works Agency area who

1. Have optimum policymaking or hiring authority;
2. Represent businesses, including small businesses, or organizations representing businesses, that provide employment opportunities in in – demand industry sectors or occupations, as defined by WIOA;
3. Provide high – quality, work – relevant training and development opportunities to its workforce, or the workforce of others (in the case of organizations representing businesses); and
4. Are appointed from individuals nominated as provided by Section 2.

B. The business sector membership of the WDB shall reasonably represent the industrial and demographic composition of the business community. At least two (2) business sector members must be representatives of small businesses, as defined by the U. S. Small Business Administration.

C. Businesses that have been certified as Disadvantaged Business Enterprises, as defined by the Small Business Administration, shall, to the extent possible, be represented on the WDB consistent with their representation in the business community, and the WDB shall strive to ensure that its private sector members reasonably represent, to the extent possible, the industrial/demographic composition of the business community of the West Michigan Works! Agency area.

D. Private not-for-profit entities and public entities that operate as businesses and are employers may be represented on the WDB in the business sector if they align with the key industry sectors in the West Michigan Works! area, such as a nonprofit hospital or prison, if identified in the West Michigan Works! local plan. Representatives of proprietary schools may not be representatives of the business sector.

E. ACSET must document how members of the WDB who represent the business sector qualify as representatives of businesses that provide employment opportunities in in – demand industry sectors or occupations and retain such documentation on file.

Section 4: Other Members. In addition to business sector membership, WDB shall include at least one member from each of the following groups, unless indicated otherwise:

A. Organized labor (2);
B. Representative of joint labor – management, or union – affiliated, registered apprenticeship program who must be a training director or a member of a labor organization;
C. Providers of Adult Education and Literacy activities under Title II of WIOA;
D. Higher Education;
E. Rehabilitation Agencies;
F. Economic/Community Development.

Section 5: Economic/Community Development. This representative may be a representative of
an Economic Development Organization, a local planning or zoning commission or board, a
community development agency, or another local agency or institution responsible for
regulating, promoting, or assisting in local economic development.

Section 6: Community-Based/Youth Organizations.

A. The WDB may also include one or more representatives of private nonprofit
organizations, including faith-based organizations, that have demonstrated experience
and expertise, as defined in WIOA regulations, in addressing the employment,
training, or educational needs of individuals with barriers to employment, including
organizations that serve veterans or that provide or support competitive integrated
employment for individuals with disabilities.

B. The WDB may also include one or more representatives of organizations that have
demonstrated experience and expertise, as defined by WIOA regulations, in
addressing the employment, training, or education needs of eligible youth, including
representatives of organizations that serve out-of-school youth.

Section 7: Labor and Community-Based Organizations. The representation from Labor (Section
4 A and B) shall constitute at least 20 percent of the total WDB membership. However, any
representatives of community-based or youth organizations on the WDB shall count toward
meeting the 20 percent requirement for Labor representation.

Section 8: Dual Representation. An individual WDB member may represent more than one
group or sector, provided that the member meets all the qualifications for each sector that he or
she represents, including the nomination process.

Section 9: Representation of Sector. Members must be employed in the sector that they
represent, except that:

a. An educational representative can be a member of a school board and not an
employee of a school district.

b. An organized labor representative may be a member of a labor organization or
steward without being employed by a labor organization.

Section 10: Chambers of Commerce. Individuals representing local Chambers of Commerce
may be appointed to the WDB as a representative of a community-based organization or, if the
Chamber functions as the local economic development agency, as an Economic Development
representative.

Section 11: Loss of Membership. A member will forfeit membership on WDB should that
member no longer represent the sector or group from which he/she was originally selected. A
resignation is not effective until it has been accepted by the ACSET Governing Board or a
successor appointed. A vacancy on the WDB must be filled within 120 days from the time it
was created. Persons missing two regularly scheduled consecutive meetings will be sent written
notice from the Chair inquiring as to their interest in continued membership on WDB. Persons
missing three regularly scheduled consecutive meetings, except persons who have attended two regularly scheduled meetings of a standing committee during the months in which they missed the three WDB meetings, will be removed from WDB by the Executive Committee at a regularly scheduled meeting. The Executive Committee will send written notice to a member of the time and place of the meeting at which his or her removal from membership in the WDB is proposed to be considered. Exceptions may be made by the Executive Committee based on information provided by the member.

ARTICLE IV: ORGANIZATION

Section 1: Officers. There shall be two Officers of WDB. These are:

A. The Chairperson, and
B. The Vice-Chairperson.

Section 2: Selection. The Chairperson and the Vice-Chairperson shall be elected by the WDB to a two-year term of office. Nominations for these offices will be sought by the Executive Committee prior to the meeting at which the elections shall take place. The Executive Committee will present such nominations to the WDB at the meeting at which officers are to be elected. If the Executive Committee has established a Nominations Committee, the Nominations Committee shall solicit nominations for these positions from the membership of the WDB and present the nominations to the Executive Committee. The Chairperson and Vice-Chairperson, by law, shall always be chosen from among members representing the business sector, and no local elected official may serve as chairperson or vice-chairperson. No officer may serve more than two consecutive terms in that position.

Section 3: Duties. The Chairperson shall preside at all WDB Council meetings, report to the Governing Board on WDB activities, and appoint members to committees. The Chairperson shall have the right to vote on matters as a member of the WDB. In the absence of the Chairperson, the Vice-Chairperson will perform these duties.

Section 4: Executive Committee. There shall be an Executive Committee composed of the WDB Chairperson and Vice-Chairperson, the Chairperson or his or her designee of all committees described herein (except ad hoc committees), together with any additional members of the WDB appointed by the Executive Committee; provided that the total membership of the Executive Committee shall not exceed eleven (11). To establish a quorum, a majority of the membership must participate in any decision made by the Executive Committee. The Executive Committee will perform two functions: to meet when urgent action is required by the WDB but circumstances do not permit a special meeting to be called; and to provide coordination and broad guidance to the work of the WDB,

A. When circumstances require an emergency meeting, the Executive Committee is authorized to meet at such times as may be determined by the WDB chairperson and act on behalf of the WDB. All actions taken by the Executive Committee shall be reported to the WDB in writing and this communication shall be mailed to the members within two working days following the action of the Executive Committee.
B. The Executive Committee will provide coordination and broad guidance to the WDB in the following areas:

1. Recommend Bylaws for the WDB including procedures for selecting a chairperson and other officers, as well as determinations of the size of the WDB;

2. Make recommendations for the standardization of procedures for initiating, evaluating and monitoring programs, and for orientation and in-service training of the WDB;

3. Recommend the use of sub-committees and/or technical advisory committees;

4. Initiate long-range planning for WIOA or any other federally-funded programs in the West Michigan Works! Area.

5. Review the nominations for membership on the WDB received from the Chief Executive Officer and submit its recommendations for membership on the WDB, from among those candidates properly nominated, to the ACSET Governing Board, pursuant to Section 2.F. of Article III. The Executive Committee may appoint a Nomination Committee to receive nominations for membership on the WDB received from the Chief Executive Officer, which Nomination Committee would make its recommendations for membership on the WDB to the Executive Committee. Any such Nomination Committee shall consider the principle of geographic representation described in Section 1 of Article III when making such recommendations.

6. Develop meaningful system-wide metrics and monitoring indicators of progress toward demand-driven system goals and the results of employer-driven training programs.
Section 5: Ad-hoc Proposal Review Committee. Whenever ACSET receives proposals from potential service providers for programs administered by ACSET which are within the responsibility of the WDB, the Chairperson shall appoint an ad hoc proposal review committee for the purpose of reviewing and evaluating such proposals and making funding recommendations to the WDB. A Proposal Review Committee shall consist of WDB members and ACSET staff and shall be discharged when the WDB has chosen a proposal from among those which the committee has reviewed and evaluated.

Section 6: Committees. The WDB may appoint standing committees to assist the WDB in dealing with its responsibilities. Any such committee must be chaired by a member of the Local Board, may include other members of the Local Board, and may include other individuals appointed by the Local Board who are not members of the Local Board and who have demonstrated experience and expertise in accordance with WIOA regulations and as determined by the WDB.

The Chairperson of WDB, as he/she deems it appropriate, may designate a special committee(s) to carry out a specific assignment. The Chairperson of any such special committee shall be a member of the Executive Committee, or their designee, during the term of the special committee’s existence. Special committee(s) shall be given a specific charge and shall be discharged when their task is completed.

ARTICLE V: STAFF AND ADMINISTRATION

Section 1: Staff. Staff support for the work of WDB will be provided by the Chief Executive Officer of ACSET at a level commensurate with the responsibilities of WDB, and in accordance with the provisions of the ACSET Interlocal Agreement, and the WDB and ACSET Governing Board agreement. Staff support will be determined through mutual agreement between WDB and ACSET.

Section 2: Staff Coordination. The WDB will communicate with staff members who have been designated by the Chief Executive Officer of ACSET to coordinate WDB activities with those of the other elements of ACSET.

Section 3: Administration and Fiscal. The ACSET Administrative Unit will act as the administrative and fiscal unit for all activities of WDB. The WDB will neither receive nor disburse funds.

ARTICLE VI: MEETINGS

Section 1: Regular Meetings. At the first regular meeting after the annual appointment of new members by the Governing Board, the WDB shall set a day and time for the regular monthly meeting of WDB during the next 12 months. Meetings will be held at least once each quarter. An annual schedule of meetings must be submitted to the WDA and posted on ACSET’s website by January 15 of each year.

Section 2: Special Meetings. At the discretion of the Chairperson, or upon the written request of five or more members of the WDB, a special meeting of WDB may be called, provided that
written notice is mailed to each member at least seven calendar days prior to the day on which the special meeting shall be held. This written notice must state the time, place and purpose of the meeting, and the business of the special meeting must be confined to the items described in the notice.

Section 3: Quorum and Voting. A quorum shall exist when a majority of the current members of WDB are present. A motion shall be passed or defeated by a majority of those members voting at a meeting where a quorum has been established. Each member shall be entitled to one vote. No proxies or substitutes shall be permitted.

Section 4: Conflict of Interest.

A. No member of the WDB may have an ownership interest in or be employed by any organization which receives funds under direct control of the WDB, or engage in any other activity that creates a conflict of interest or what would appear to a reasonable person to be a conflict of interest. However, this rule does not apply to a member who has an interest in or is employed by an entity that receives money under the partial or complete control of the WDB but

a. Does not hold a policy-making position with the entity; and

b. Would not receive other than a remote or incidental benefit from the board’s decisions.

This exception applies to members who are associated with:

1. Educational institutions which enroll students whose tuition is paid with such funds;

2. Employers who accept compensation for the extraordinary costs of providing employer-based training from funds under the control of the WDB;

3. An organization which receives funds under the direct control of the WDB, if the member is not employed by, has no ownership interest in, and receives no compensation or income from the organization;

4. Government agencies required to be represented on the WDB;

5. Other persons or organizations authorized by statutes, rules or exemptions established by the State of Michigan.

B. No person may be a member of the WDB who:

a. Is an employee of an agency that is contracted by the WDB to provide coordination services or administrative functions; or

C. If an organization does receive funds under the partial or complete control of the WDB, a representative of the organization authorized to sit on the WDB by subsection A may not cast a vote or participate in any decision-making capacity on any matter regarding the
provision of services by the member or by the entity that the member represents, or that would provide direct financial benefit to the member or a member of his or her immediate family. The member must also refrain from influencing the votes of other WDB members on matters involving the member or entities which the member represents or that would provide direct financial benefit to the member or a member of his or her immediate family. “Immediate Family” is defined as spouse, child, parent, brother, brother-in-law, stepbrother, sister, sister-in-law, stepsister, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, grandparent, stepparent, stepchild and grandchild or any member of the household of the WDB member. However, all members of the WDB may vote upon the WIOA local Four-Year Comprehensive Plan.

D. WDB members and WDB Committee members associated with agencies which are service providers to ACSET or which will be responding to Request For Proposals released by ACSET are not to be appointed to any WDB committee which can directly affect funding of the service provider or potential service provider. This rule is not applicable to employers involved in ACSET’s Employer - Based Training Program.

E. Representatives of a government agency who are required by federal law to serve on the WDB, such as the Michigan Rehabilitation Services, which receive funds under the control of the WDB, may serve on the WDB without first obtaining a waiver from the WDA.

F. No WDB member will solicit or accept gratuities, favors, or anything of monetary value, except for unsolicited goods or services of nominal intrinsic value, from contractors, service providers, potential contractors, or service providers. Any good or service with a fair market value of $25.00 or less shall be presumed to be of only nominal intrinsic value.

G. The WDB must file reports as required with the WDA describing the extent to which organizations with which members are affiliated received funds controlled by the WDB.

H. If any agency or organization represented on the WDB submits a proposal to ACSET for the delivery of program services funded with monies under partial or complete control of the WDB, any member of the board who represents that agency or organization, must assume inactive status, unless the member would be allowed to sit on the board by subsection A even if the proposal were accepted by WDB and ACSET. A member’s designation as inactive shall be recorded in the minutes. A member in inactive status may not vote or participate in meetings of the WDB, nor may he or she receive any information from the WDB until the expiration of the deadline for the submission of proposals, except as provided by law. Members in inactive status are not prohibited from attending meetings of the WDB as members of the general public. If the agency or organization represented by the inactive member is not awarded a contract by ACSET, he or she is restored to active status; but if the agency or organization is awarded the contract, the member must resign immediately.

I. If it is established at a meeting of the WDB that a member knowingly violated this section, the Chief Executive Officer of ACSET will report that finding to the ACSET...
Governing Board at its next meeting and ACSET will terminate any contract or contracts which are the subject of the violation. The Chief Executive Officer of ACSET will also request that the Governing Board remove the offending member from the WDB. Notice of the alleged violation will be provided in the written agenda for the WDB meeting.

Section 5: Conduct of Meetings. The current edition of Robert's Rules of Order Newly Revised will be the official document governing the conduct of meetings of WDB, and all its committees except as it may conflict with these bylaws, special rules of order WDB may adopt, WIOA, and applicable federal or state statutes or regulations.

Section 6: Compliance with Open Meetings Act. The WDB and the Executive Committee will abide by the provisions of the State of Michigan's "Open Meetings Act." A notice of the date, time and place of meetings will be posted in advance.

Participation in meetings of WDB or its committees shall be limited to members except in the following cases:

1. Non-members specifically invited to give information to WDB;
2. Non-members who desire to address WDB and who are recognized for that purpose by the Chairperson at appropriate points during the meeting; and
3. Members of Committees who are not members of the WDB may participate in committee meetings.

Section 7: Participation Options

The WDB will make every effort and will pay particular attention to participation options made possible by advancements in electronics and telecommunications. The use of Skype, Go To Meeting, and/or other methods of teleconference will be made available for members to attend meetings and vote on matters that come before the WDB. WDB member’s participation in meetings by teleconferencing shall be consistent with the Open Meetings Act (1976 PA 267, as amended, MCL 15.261, et seq). Upon approval of the Chairperson, Board members may appear at a meeting via teleconferencing device, including speaker phone or interactive television, provided that a quorum is present at the meeting site and all individuals attending the meeting can hear, and be heard by, the Board member(s) attending via teleconferencing device. The Board member wishing to participate in meetings by teleconferencing must notify the Board Chairperson or the Agency CEO by 12:00 noon on the business day prior to the meeting that will be missed so the teleconferencing can be arranged. Failure to establish a video/audio teleconference due to technical or other problems shall not preclude conducting the meeting, as long as a quorum is present. In the event that a Board member participates via teleconferencing, this will be indicated on the meeting minutes as “Present via teleconferencing.” Members present via teleconferencing shall be permitted to participate in Board deliberations and vote on matters before the Board, if there is a quorum physically present.

Section 7: Minutes. Minutes of all meetings of the WDB and the Executive Committee shall be duly recorded and made available to all interested parties, as required by law. Members of the WDB and the Executive Committee shall review, amend as necessary, and approve the Minutes by formal action at their next meeting. Copies of minutes of meetings shall be posted on ACSET’s Internet website within five (5) business days of their approval. Such minutes shall
remain posted on the website for at least two (2) years.

**ARTICLE VII: AMENDMENT OF BYLAWS**

**Section 1: Amendments.** The WDB shall have the authority to amend or repeal these Bylaws at any meeting by the affirmative vote of two-thirds of the members present; provided that a copy of any proposed amendment is mailed to each member at least seven (7) calendar days prior to the day of the meeting at which the changes are to be considered. The WDB may revise the proposed changes as they are debated at the meeting, but may not alter any other section of the Bylaws not specified in the notice of meeting.

**Definitions:**

The terms below shall have the following definitions as used in these bylaws:

1. **Area Community Services Employment and Training Council (ACSET)** is a Michigan Council formed in accordance with the Michigan Urban Cooperation Act of 1967 to administer programs under the Workforce Innovation and Opportunity Act (WIOA), Welfare Reform Programs, and similar state or federal social programs, for the West Michigan Works Agency area.

2. **West Michigan Works! Area** is a geographical section of the State for which ACSET has been designated the Michigan Works! Agency (MWA) to operate programs under WIOA, Welfare Reform, and other similar state or federal social programs. ACSET represents the MWA area of the City of Grand Rapids and Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, and Ottawa Counties.

4. **Governing Board** refers to the elected representatives of the political territories of the West Michigan Works! MWA Area responsible for the operation of programs under WIOA and other Federal or State statutes or regulations within the West Michigan Works! Area. **Local Comprehensive Plan** is a plan for the operation of WIOA programs, Welfare Reform Programs and the Employment Service funded under the Wagner-Peyser Act within the MWA Area required to be delivered by the WDB, approved by both WDB and the Governing Board, and submitted to the State for approval.

5. Fourth Amended and Restated **Interlocal Agreement** is an agreement between the City of Grand Rapids and the Counties of Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, and Ottawa to establish a Michigan Council, ACSET, under the Urban Cooperation Act of 1967. The Interlocal Agreement establishes ACSET as the recipient of funds and administrative entity under WIOA in the West Michigan Works Area.

6. **Agreement Between the Workforce Development Board and the ACSET Governing Board** is an agreement between WDB and the Governing Board of ACSET. This agreement defines the respective roles and responsibilities of the WDB and ACSET Governing Board and is the framework for the collaboration between WDB and ACSET.
West Michigan Works! Strategic Plan Update 2020

VISION
West Michigan Works! is an employer-recognized model of high-quality service that convenes an aligned network of partners, cultivates a skilled workforce, and meets the needs of employers.

MISSION
To lead workforce development strategy and resource alignment in West Michigan by understanding the talent needs of employers and employment needs of jobseekers and connecting them to solutions.

VALUES
- **Integrity**: Providing administrative and fiscal oversight to ensure responsibility and accountability of the organization. Promoting values, honesty, and transparency in communication and action.
- **Diversity and Inclusion**: Serving a diverse population of customers – jobseekers across all demographics and skill levels, and employers regardless of industry, geographic location, or size. The Board and staff support a culture of embracing values and leveraging diversity through representation that reflects the diverse community and economy we serve.
- **Collaboration**: Convening workforce development system partners to promote an inclusive network for aligned resources and solutions. Building relationships with individuals and organizations to form partnerships.
- **Exceptional Customer Service**: Promoting consistent, professional, and high-quality customer service throughout all West Michigan Works! centers to exceed the expectations of businesses and jobseekers. Ensuring that customers feel heard and valued and that they are at an advantage due to receiving our services.
- **Commitment to Community**: Working in the best interest of the community. Understanding the unique local needs of West Michigan communities, while leveraging regional resources and connections to increase quality and opportunity.
- **Data-Driven Action**: Continuously tracking metrics to understand quality of service provided and impact on the community. Utilizing data to drive decisions and action.
- **Continuous Improvement**: Encouraging innovation to find solutions that will continuously raise the bar. Promoting responsiveness and agility to adjust based on outcomes.

CORE COMPETENCIES
- Convening and connecting
- Gathering and disseminating information
- Outreach and communication
- Career Coaching and assessment
- Employment and retention
GOALS

Goal A: Foster widespread networks to collaboratively address workforce needs in the region.

Goal B: Expand the local pipeline of work-ready talent to meet the needs of the workforce and of West Michigan employers.

Goal C: Enhance capacity and increase resources by leveraging strengths, successes, and networks.

Goal D: Improve engagement across the organization through strategic initiatives, professional development, and a solutions-driven culture.

Goal E: Enable a culture that honors the worth and dignity of all people, where staff and customers have equitable access to opportunities.

STRATEGIES

Customer-Focused Strategies
1. Engage opportunity youth with experiences that build occupational awareness and prepare them for career pathways within the local economy. (Goals A, B, D, E)
2. Connect with overlooked talent pools through partnership networks and strategic outreach efforts. (Goals A, B, E)
3. Expand employability skills training services to new, targeted audiences across the region. (Goals B, C, E)
4. Establish and expand services that provide solutions for retention of employees at West Michigan employers. (Goals A, C, E)

System-Focused Strategies
5. Advocate for systems and resources that lessen barriers to success for employers and underserved communities in West Michigan. (Goals A, B, E)
6. Maintain career pathways mapping for the region’s key industries and serve as the primary resource for pathways information across the region. (Goals A, C)
7. Enhance the positive reputation of West Michigan Works! through brand association with workforce resources and opportunities. (Goals A, C, E)

Capacity-Building Strategies
8. Develop mechanisms that enable the organization to capitalize on successful initiatives and pursue different sources of funding. (Goals C, D)
9. Develop robust systems for professional development in support of a culture that emphasizes staff diversity and inclusion, training, and empowerment. (Goals D, E)
10. Improve communication among staff departments in support of a culture that prioritizes team-based approaches and solutions-driven strategies. (Goals D, E)

Accountability Strategies
11. Engage board members in ongoing continuous improvement through subcommittees and workgroups that reinforce strategic priorities. (Goals A, D, E)
12. Conduct annual reviews of service delivery models and execution to ensure equity, consistency, and quality at all West Michigan Works! Service Centers. (Goals A, D, E)
MEMORANDUM

TO: West Michigan Works! (WMW) Workforce Development Board (WDB)

FROM: West Michigan Works! Staff

DATE: February 18, 2020

RE: Solutions Driven Updates

Central Oklahoma WIB Site Visit

On January 7th West Michigan Works! along with our partners from Mercy Health, NN Mobile Solutions|Autocam, TGW, and GRCC, hosted a full day event of best practices in workforce development for Central Oklahoma Workforce Innovation Board (COWIB). COWIB is the policy and guidance board for the Workforce Oklahoma system in Central Oklahoma, serving as a connector between the U.S. Department of Labor and the Oklahoma Works American Job Centers for a 9-county region. Their mission is to improve lives in their communities by building a quality workforce through education and creating connections between Job Seekers and Businesses. The day long event began with WMW business services and finished with a partner luncheon hosted by GRCC.

Livability Lab – Muskegon’s 100 Day Challenge

The Livability Lab – Muskegon’s 100-Day Challenge, is intended to bring together leaders and citizens of Muskegon County to pursue several challenges over 100 days to promote equity, health and wellbeing in the community. To accomplish this, there are 19 Community Teams focused on specific endeavors including increasing employment opportunities for felons via expungement of records where possible. In January, West Michigan Works! hosted an Expungement Clinic for the Lab, at which 29% of the 279 individuals in attendance met the criteria required to expunge their criminal history, creating more opportunities for employment and increased earnings.

MiCareerQuest Update

Volunteer Registration is now open for the 2020 event. To register please visit micareerquest.org/volunteer. Two volunteer orientations will be offered on May 1st. Registration closes April 3, 2020.

Youth Solutions Summer Programs

This summer, in addition to our regular youth programming, WMW will be operating a series of Summer Youth Work Experience programs throughout the region. Each program will include an element of employment skill development, as well as paid work experience with a local employer. These programs include:
• Kent County: Doug & Maria DeVos Foundation’s Summer Learning Academy (pending)

• Kent County: Foster Care Summer Youth Work Experience, in partnership with DHHS

• Muskegon County: DTE & United Way Summer Youth Work Experience

• Muskegon County: ADAC Community Mobility Partnership, in partnership with Muskegon Public Schools and Muskegon Heights Public School Academy (February – end of the school year)

• Rural Areas of our region: Summer Young Professionals Work Experience (pending)

Labor Market Information Study
West Michigan Works! is partnering with the Michigan Bureau of Labor Market Information and Strategic Initiatives, the US Department of Labor, and researchers from Mathematica, Urban Institute, Upjohn Institute, and University of Chicago to develop and test simple, actionable LMI products to assist job seekers in their job search and building their career paths. The project will build on and test the information West Michigan Works already provides to new users of our system in an effort to help job seekers make informed decisions about the region’s labor market and where they might connect to in-demand careers.

The project is set to begin in March, and it is planned to be a six-month study.

Retention Solutions Network (RSN) Update
Pliant Plastics recently became the fifth employer to join the Retention Solutions Network (RSN). To better serve employers, the RSN has been broken up into two networks, based on member employers geographic location. RSN Lakeshore serves Allegan, Ottawa and Muskegon county employers. Natalie Cavagnetto is the assigned Success Coach for the Lakeshore network. RSN Central serves Kent, Ionia and Montcalm county employers. Jamie Beard was hired in January to serve as the Success Coach for RSN Central. West Michigan Works! continues to recruit additional employers to join both networks.