Executive Leadership and Strategic Engagement Committee Meeting of the West Michigan Works! (WMW) Workforce Development Board (WDB)

https://westmiworks-org.zoom.us/j/92288277456
Meeting ID: 922 8827 7456 Passcode: 773042
Dial by your location: +1 929 436 2866 US
Monday, March 8, 2021 • Meeting 11:30 a.m. – 1:00 p.m.

AGENDA

1. Call to Order, Roll Call
2. Public Comment – Agenda Items
3. Approval of the January 11, 2021 Minutes  Action Required
4. Report on Financial Activities  Information Item
   Brenda Isenhart, Chief Financial Officer
   a. ACSET Financial Report- Notes to January 2021 Board Financials
   b. FYE 2021 Budget Modification
5. Approval of Bylaws and Policies  Action Required
   Tawanna Wright, Staff Attorney
   a. West Michigan Works! Workforce Development Board Bylaws
   b. Conflict of Interest (COI) and Nepotism Policy
   c. Virtual Meeting Policy
6. Strategic Plan/Solutions Driven Committee Update  Information Item
   Janie McNabb, One Stop Operator (Strategic Policy Consultants)
7. WDB Meeting Agenda: April 12, 2021  Discussion Item
   Jacob Maas, Chief Executive Officer
8. Other Business  Discussion Item
   a. Workforce Development Advocacy Month
   b. National Association of Workforce Boards (NAWB) “Hybrid” Forum- June 2021
9. Public Comment
10. Adjournment

Next Scheduled Executive Committee Meeting: May 10, 2021

West Michigan Works! is a division of ACSET, an equal opportunity employer/program, and a proud partner of the American Job Center network. Auxiliary aids and services are available upon request to individuals with disabilities. West Michigan Works! is supported by state and federal funds; more details at westmiworks.org/about/.
Executive Leadership and Strategic Engagement Committee Meeting
of the West Michigan Works! (WMW) Workforce Development Board (WDB)

https://westmiworks-org.zoom.us/j/91709637316
Meeting ID: 917 0963 7316 Passcode: 516069
Dial by your location: +1 929 436 2866 US
Monday, January 11, 2021 • Meeting 11:30 a.m. – 1:00 p.m.

MINUTES

Members/Alternates Present: Mark Bergsma, Heather Gluszewski, Cindy Brown, John Buchan, Jay Dunwell, Jim Fisher, Rebecca Herrington, Jon Hofman, Scott McLean, Sherry White

Members/Alternates Absent: Shana Lewis

Staff Present: Jacob Maas, Angie Barksdale, Brenda Isenhart, Amy Lebednick, Janette Monroe, Tawanna Wright

Guests Present: Janie McNabb (One-Stop Operator)

1. Call to Order and Roll Call with member locations taken at 11:35 a.m.

2. Public Comment- Agenda Items- None

3. Approval of the November 16, 2020 Minutes
   Action Required

   Motion – Scott McLean
   Second – Jim Fisher
   Item Approved – Motion approved

4. Strategic Plan/Solutions Driven Subcommittee
   Information Item

   Mark Bergsma, WDB Chairperson reported that in preparation of launching the new Solutions Driven Committee, which will be a combination of the previous Talent and Business Solutions committees, and also incorporates elements of the Strategic Partnership Committee, staff are looking for volunteers who would be interested in serving on this newly formed committee. Mark indicated that an email will be sent out to the full board with this request in February. A copy of the charge statement will be emailed to the Executive committee prior to being sent to the full board and any recommendations shall be submitted to either Mark, or WMW staff.

5. Going Pro Talent Fund (GPTF) Update
   Information Item

   Amy Lebednick, Business Solutions Director reported that there were 528 employer applications and that 287 applications were submitted. Amy indicated that WMW requested approximately $12 million of the $43.5 million requested statewide. Discussion took place and WMW staff answered board members’ questions.

6. WDB Meeting Agenda: February 8, 2021
   Discussion Item

   Jacob Maas, Chief Executive Officer requested if members had any suggestions for guest speakers at the next WDB meeting scheduled for February 8, 2021. Jacob recommended Michigan Bureau of Labor Market Information and Strategic Initiatives, Department of Labor and Economic Opportunity or Talent 2025. Discussion took place. Members recommended the following: talent attraction, forecasts, employment trends and what that looks like; comparisons of employers affected by the great recession, who didn’t bounce back
then, and likely won’t bounce back again; Michigan Department of Health and Human Services on vaccinations and how that system is going to work as it pertains to employers and employees.

7. Other Business
   Information Item
   MiCareer Quest is scheduled to take place on Wednesday, April 21, 2021 on the virtual platform vFairs, LLC.

8. Public Comment – None

9. Adjournment at 12:08 p.m. by Chairperson Mark Bergsma

Recorded by: _______________________________  Received by: _______________________________
MEMORANDUM

TO: Executive Leadership and Strategic Engagement Committee of the West Michigan Works! (WMW) Workforce Development Board (WDB)

FROM: Brenda Isenhart, Chief Financial Officer

DATE: March 1, 2021

RE: January 2021 Board Financials

Revenue

Revenues for the Seven months ending January 31, 2021 total $12,372,908 which is 7.19% under budgeted revenue and $4.2M under prior year revenue.

Expenditures

Operating expenses are under the proposed budget by 1.32%.

- Wages are up $678K over prior year and under budget by $43K. As previously discussed, this is due to a combination of fewer vacant positions and less vacation and sick leave being taken. Accrued leave is $274K higher at January 31, 2021 than the previous year.
- Consumable supplies is $129K over budget but $18K less than last year. The budget modification requests additional funds for current and planned purchases.
- Transportation continues to be significantly lower than prior year and is under budget by $132K. This is a result of staff working from home, not traveling for conferences, and minimal travel within the region. The proposed budget modification will reduce the travel budget.
- Outside services is over budget by $52K and $38K over the prior year. The budget modification will increase outside services based on current and planned expenditures.

Subcontractors expenses for our youth subcontractors are under budget by $148K. Training expenses are $462K under budget and $4.2M below the previous year. $3.4M of the reduction from the previous year is a result of the Going Pro Talent Fund not being funded this year. Other programs experiencing significant decreases are: WIOA funds $400K, Trade $215K, and PATH $62K. Direct Client Expenses is $206K under budget and $535K under the previous year. This decrease from the previous year is primarily from the decrease in the PATH program as a result of decreased requests and decreased subsidized work ($439K).

Balance Sheet

The cash balance at January 31, 2021 totaled $2,261,757. Of this amount, $932K was for earned compensated abscesses and $621K was grant funds received but not yet expended. The Net Assets decrease of $70K from June 2020 reflects the net change in property and equipment.
Area Community Services Employment and Training Council  
Michigan Works Agency Programs  
Statement of Revenue & Expenses  
For the Seven Months Ending January 31, 2021  

<table>
<thead>
<tr>
<th>Item #4a</th>
<th>YTD Thru January 2021 Actual</th>
<th>YTD Thru January 2020 Actual</th>
<th>YTD 2020/2021 Budget</th>
<th>Budget Variance</th>
<th>Budget Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Revenue</td>
<td>$12,372,908</td>
<td>$16,637,321</td>
<td>$13,331,752</td>
<td>$(958,844)</td>
<td>-7.19%</td>
</tr>
<tr>
<td>Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wages</td>
<td>$5,999,547</td>
<td>$5,320,965</td>
<td>$6,042,591</td>
<td>$43,044</td>
<td>0.71%</td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td>2,029,874</td>
<td>1,860,010</td>
<td>2,043,786</td>
<td>13,912</td>
<td>0.68%</td>
</tr>
<tr>
<td>Consumable supplies</td>
<td>438,458</td>
<td>456,914</td>
<td>309,638</td>
<td>(128,820)</td>
<td>-41.60%</td>
</tr>
<tr>
<td>Transportation</td>
<td>37,688</td>
<td>175,837</td>
<td>169,583</td>
<td>131,895</td>
<td>77.78%</td>
</tr>
<tr>
<td>Outside services</td>
<td>512,298</td>
<td>473,992</td>
<td>460,164</td>
<td>(52,134)</td>
<td>-11.33%</td>
</tr>
<tr>
<td>Space and communications</td>
<td>1,100,820</td>
<td>916,002</td>
<td>1,111,177</td>
<td>10,357</td>
<td>0.93%</td>
</tr>
<tr>
<td>Equipment rent and maint</td>
<td>23,344</td>
<td>56,491</td>
<td>58,583</td>
<td>35,239</td>
<td>60.15%</td>
</tr>
<tr>
<td>Equipment purchases</td>
<td>27,175</td>
<td>246,007</td>
<td>62,665</td>
<td>35,490</td>
<td>56.63%</td>
</tr>
<tr>
<td>Other expense</td>
<td>417,453</td>
<td>540,063</td>
<td>469,983</td>
<td>52,530</td>
<td>11.18%</td>
</tr>
<tr>
<td>Total operating expense</td>
<td>10,586,657</td>
<td>10,046,281</td>
<td>10,728,170</td>
<td>141,513</td>
<td>1.32%</td>
</tr>
<tr>
<td>Subcontractors</td>
<td>$305,707</td>
<td>$376,437</td>
<td>$453,833</td>
<td>$148,126</td>
<td>32.64%</td>
</tr>
<tr>
<td>Training</td>
<td>$808,354</td>
<td>$5,006,963</td>
<td>$1,270,689</td>
<td>$462,335</td>
<td>36.38%</td>
</tr>
<tr>
<td>Direct Client Expenses</td>
<td>$672,190</td>
<td>$1,207,640</td>
<td>$879,060</td>
<td>$206,870</td>
<td>23.53%</td>
</tr>
<tr>
<td></td>
<td>$1,786,251</td>
<td>$6,591,040</td>
<td>$2,603,582</td>
<td>$817,331</td>
<td>31.39%</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>12,372,908</td>
<td>16,637,321</td>
<td>13,331,752</td>
<td>958,844</td>
<td>7.19%</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>
### Area Community Services Employment and Training Council

**Balance Sheet**

**Governmental Activities**

<table>
<thead>
<tr>
<th></th>
<th>Unaudited 1/31/21</th>
<th>Audited 6/30/20</th>
<th>Audited 6/30/19</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assets</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Assets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash &amp; Cash Equivalents</td>
<td>$2,261,757</td>
<td>$1,951,205</td>
<td>$868,143</td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>776,169</td>
<td>1,991,350</td>
<td>5,416,063</td>
</tr>
<tr>
<td>Prepaid Expenses</td>
<td>90,236</td>
<td>283,578</td>
<td>309,680</td>
</tr>
<tr>
<td>Deposits</td>
<td>66,021</td>
<td>66,021</td>
<td>61,536</td>
</tr>
<tr>
<td>Total Current Assets</td>
<td>3,194,183</td>
<td>4,292,154</td>
<td>6,655,422</td>
</tr>
<tr>
<td>Long-term Assets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property &amp; Equipment</td>
<td>474,404</td>
<td>567,031</td>
<td>651,309</td>
</tr>
<tr>
<td>Total Assets</td>
<td>$3,668,587</td>
<td>$4,859,185</td>
<td>$7,306,731</td>
</tr>
</tbody>
</table>

| **Liabilities**     |                   |                 |                 |
| Short-term Liabilities |                 |                 |                 |
| Accounts Payable    | $892,648          | $1,427,225      | $5,054,917      |
| Unearned Revenue    | 621,322           | 1,258,855       | 206,095         |
| Compensated Absences| 931,736           | 879,632         | 673,466         |
| Total Short Term Liabilities | 2,445,706 | 3,565,712 | 5,934,478 |

| **Net Assets**      |                   |                 |                 |
| Total Net Assets    | 1,222,881         | 1,293,473       | 1,372,253       |

| Total Liabilities and Net Assets | $3,668,587 | $4,859,185 | $7,306,731 |
MEMORANDUM

TO: Executive Leadership and Strategic Engagement Committee of the West Michigan Works! (WMW) Workforce Development Board (WDB)

FROM: Brenda Isenhart, Chief Financial Officer

DATE: March 1, 2021

RE: FYE 2021 Budget – Second Modification

The budget modification for the fiscal year ending June 30, 2021 is presented.

Modification
The 2020-2021 budget modification increases grant income by $1,768,000. Subsequent to the approval of the modified budget, new funding was received for Clean Slate, Rural Healthcare, Future of Work, and One Workforce that increases the current year revenue by $345k. In addition, Going Pro Talent fund awards were received above our estimate by $1.472 million.

Expenditures
An additional $100K for Wages to cover anticipated additional positions that will be filled during the remainder of this fiscal year as well as $38,000 for related fringes.

Consumable supplies is estimated to increase by $261k to cover planned purchases including Vfairs, the virtual platform for MiCareerQuest, replacement of a portion of service center computers, furniture for the Allegan service center, and Skills First Annual service fees.

Travel is being reduced by $216,000 as a result of the majority of staff working from home and not traveling within/outside the region.

Outside Services is anticipated to increase based on planned expenditures for certain grants by $120,000.

Subcontracted Program costs is being increased by $41,000 for the Future of Work grant.

Training costs are increasing by $1.316 million primarily due to the increase in Going Pro Talent fund awards.

Direct client cost is increasing by a net $238K and represents increases in Community Ventures program, MICA, and DHHS TANF supports.

The ACSET Governing Board approved this budget modification on February 22, 2021.
Area Community Services  Employment and Training Council

General Fund

Michigan Works! Budgetary Comparison Schedule
For the Fiscal Year Ending June 30, 2021

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fiscal Year</th>
<th>Fiscal Year</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020 - 2021</td>
<td>2020 - 2021</td>
<td>2020 - 2021</td>
<td>(Decrease)</td>
</tr>
<tr>
<td>Original Budget</td>
<td>1st Modification</td>
<td>Proposed Modification</td>
<td></td>
</tr>
</tbody>
</table>

**REVENUES**

<table>
<thead>
<tr>
<th></th>
<th>2020 - 2021</th>
<th>2020 - 2021</th>
<th>2020 - 2021</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant Income</td>
<td>$25,890,000</td>
<td>$26,730,000</td>
<td>$28,498,000</td>
<td>$1,768,000</td>
</tr>
<tr>
<td>Program income</td>
<td>$100,000</td>
<td>$100,000</td>
<td>$100,000</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>$25,990,000</td>
<td>$26,830,000</td>
<td>$28,598,000</td>
<td>$1,768,000</td>
</tr>
</tbody>
</table>

**EXPENDITURES**

Operating costs:

<table>
<thead>
<tr>
<th></th>
<th>2020 - 2021</th>
<th>2020 - 2021</th>
<th>2020 - 2021</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages</td>
<td>$9,834,000</td>
<td>$10,398,000</td>
<td>$10,498,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>Fringe</td>
<td>$3,443,000</td>
<td>$3,514,000</td>
<td>$3,552,000</td>
<td>$38,000</td>
</tr>
<tr>
<td>Consumables</td>
<td>$571,000</td>
<td>$721,000</td>
<td>$982,000</td>
<td>261,000</td>
</tr>
<tr>
<td>Transportation</td>
<td>$280,000</td>
<td>$280,000</td>
<td>$64,000</td>
<td>(216,000)</td>
</tr>
<tr>
<td>Outside Services</td>
<td>$767,000</td>
<td>$922,000</td>
<td>$1,042,000</td>
<td>120,000</td>
</tr>
<tr>
<td>Space &amp; Communications</td>
<td>$1,650,000</td>
<td>$1,770,000</td>
<td>$1,770,000</td>
<td>-</td>
</tr>
<tr>
<td>Equipment Rent &amp; Maintenance</td>
<td>$105,000</td>
<td>$105,000</td>
<td>$55,000</td>
<td>(50,000)</td>
</tr>
<tr>
<td>Equipment Purchases</td>
<td>$262,000</td>
<td>$262,000</td>
<td>$242,000</td>
<td>(20,000)</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>$590,000</td>
<td>$590,000</td>
<td>$530,000</td>
<td>(60,000)</td>
</tr>
<tr>
<td>Subcontracted program costs</td>
<td>$843,000</td>
<td>$778,000</td>
<td>$819,000</td>
<td>41,000</td>
</tr>
<tr>
<td>Training costs</td>
<td>$5,965,000</td>
<td>$6,123,000</td>
<td>$7,439,000</td>
<td>$1,316,000</td>
</tr>
<tr>
<td>Direct client expenditures</td>
<td>$1,680,000</td>
<td>$1,367,000</td>
<td>$1,605,000</td>
<td>$238,000</td>
</tr>
<tr>
<td><strong>SUBTOTAL OPERATING EXPENSES</strong></td>
<td>$25,990,000</td>
<td>$26,830,000</td>
<td>$28,598,000</td>
<td>$1,768,000</td>
</tr>
</tbody>
</table>

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

TO: Executive Leadership and Strategic Engagement Committee of the West Michigan Works! (WMW) Workforce Development Board (WDB)

FROM: Tawanna Wright, Staff Attorney

DATE: March 8, 2021

RE: WDB Bylaws, Conflict of Interest & Nepotism Policy, and Virtual Meeting Policy

Background:
The West Michigan Works! Workforce Development Board Bylaws were revised and approved in June 2020. However, after June 2020, revisions were made to the Michigan Open Meetings Act (OMA) and to the State’s Policy Issuance (PI) 20-12 regarding Conflict of Interest and Nepotism. Due to the changes in the OMA and the State PI 20-12, the WDB Bylaws must now be revised again. Because of the changes in State PI 20-12, the ACSET Conflict of Interest Policy must also be revised.

Additions:
Proposed changes to the attached WDB Bylaws now include:

1. Article VI, Section 3 “Quorum and Voting” (page 11) – The word “present” is now being defined for quorum purposes.
2. Article VI, Section 4 “Conflict of Interest” (page 11) – All but one of the Conflict of Interest provisions have been deleted and will now be contained in a separate document.
3. Article VI, Section 7 “Virtual Meeting Attendance” (page 13) – The Virtual Attendance section has been revised in the bylaws and more detailed provisions will now be contained in a separate “Virtual Meeting Policy.”

Proposed changes to the Conflict of Interest (COI) and Nepotism Policy include:

1. Section I.C.: The definition of “Immediate Family” has changed along with the definition/explanation of what COI means.
2. Section II: Language has been added that addresses COI of WDB members specifically. The majority of this language was the language that was previously contained in the June 2020 WDB Bylaws.
3. Section III: Language has been added that addresses COI of Subrecipients.
4. Section IV: Language has been added that addresses Nepotism for Officers and Agents.
The **Virtual Meeting Policy** is a new policy that is intended to house all of the background procedure that supports virtual meetings discussed in the bylaws. This new policy is consistent with the State OMA and its recent amendments.

**Action:**

WMW staff is requesting discussion and potential action to approve additional changes from the Executive Committee to the WDB bylaws. Staff will further seek approval from the WDB and Governing Board in April 2021.
Bylaws of the
West Michigan Works! Workforce Development Board

ARTICLE I: IDENTITY

These Bylaws were originally established and effective on December 9, 2015, amended on June 22, 2020, and are again amended , 2021 and are amended as of this 22nd day of June 2020, 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 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. Providing 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. Collaborating with the Governing Board to 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 (MOUs) 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 Michigan Labor and Economic Development-Workforce Development Agency (LEO-WDA), or any successor or designee agency, and section 122 of WIOA; and
   3. Providers of career services.

H. Developing 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. Making 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. Engaging 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. Developing 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 to better meet 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. Coordinating 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. Assessing, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the West Michigan Works! area;

Q. Convening 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. Working with the LEO-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. Approving additional, non-mandatory One-Stop Partners to provide services in the West Michigan Works! service system, with the approval of the Governing Board;

T. Participating in the administration of funding for employment and/or training programs in the West Michigan Works! area, to the extent provided by law;

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

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

W. Appointing the local members of the Career and Educational Advisory Council (CEAC), or its successor organization, for Prosperity Region 4, and participating 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 the 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 who represents 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 be 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; and
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 on 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 LEO-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 the WDB are present. A member is “present” for purposes of a quorum when he or she is either physically present at an in-person meeting or virtually present via electronic means in compliance with the Open Meetings Act, (1976 P.A. 296 as amended, MCL 15.261 et seq.) applicable Michigan statutory or case law and the ACSET West Michigan Works! Virtual Meeting Policy.. 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. All WDB members and Committee members shall comply with the ACSET Code of Conduct and Conflict of Interest Guidelines Policy, which is applicable to all ACSET officers and agents. If it is established at a meeting of the WDB that a member knowingly violated this Policy, 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.

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; and 

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

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. All WDB Member and Committee member shall comply with the ACSET Conflict of Interest. If it is established at a meeting of the WDB that a member knowingly violated this Policy, 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: Virtual Meeting Attendance Participation Options.
A. Any member of the Board may participate in a meeting of the Board or a committee thereof by virtual means when permitted by law and the ACSET/West Michigan Works Virtual Meeting Policy. The WDB will make every effort and will pay attention to participation options made possible by advancements in electronics and telecommunications. The use of electronic means of communication 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 confirmation by the Chairperson that a board member’s virtual attendance at a meeting is permissible pursuant to the State of Michigan Open Meetings Act and other applicable law, the Chief Executive Officer of ACSET, or his or her designee, will make accommodations will be made for that board member to attend the meeting via a two-way teleconferencing or videoconferencing device, which enables the board member attending virtually to hear and be heard by the in-person Board members(s) by virtual means, as defined herein. The Board member requesting virtual participation by teleconferencing must notify the Board Chairperson or the ACSET CEO in writing by 12:00 noon two (2) business days prior to the meeting so that teleconferencing and/or videoconferencing can be arranged. Failure to establish a video/audio teleconference due to technical or other problems shall not preclude conducting of the meeting, if a quorum is present. Any board member who attends a meeting virtually will be indicated on the meeting minutes as “Present via teleconferencing.” 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.

B. Participation by virtual means is defined as a method of participation in the meeting from a remote location by telephonic, video conferencing, or other electronic methods that provides for:

1. Two-way communication, so that all members of the Board, including those physically present and those who are participating by electronic methods, can hear each other; and

2. Members of the public attending the meeting, either physically or by electronic means, can hear all members of the Board, including those who are physically present and those who are participating by electronic means, and be heard by all members of the Board participating in the meeting during the public comment period. If a meeting of the Board is being held electronically, the Board may use appropriate technology to facilitate typed public comments during the meeting submitted by members of the public participating in the meeting that may be read to or shared with members of the Board and other participants to enable members of the public to be heard by others and be permitted to address the meeting during the public comment period.
Section 8: 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.

3. 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.

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.

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.
ACSET CONFLICT OF INTEREST AND NEPOTISM POLICY

I. Conflict of Interest Provisions Applicable to All ACSET Officers and Agents

A. This ACSET Code of Conduct and Conflict of Interest Guidelines Policy is applicable to each ACSET officer or agent. For the purposes of these Guidelines, this Policy, the term “ACSET officer or agent” shall include a member of the ACSET Governing Board, a member of the West Michigan Works! Workforce Development Board (also referred to as board member), and the Chief Executive Officer of ACSET, the ACSET Human Resources Director, and the ACSET Attorney (also referred to as employee). Where specifically provided, this Policy also applies to non-board members who are committee members of either the ACSET Governing Board or Workforce Development Board.

B. No ACSET officer or agent shall engage in any activity create or allow to be created, any situation that causes a conflict of interest, or the appearance of a conflict of interest with the employee’s job responsibilities or board member’s duties, including the selection, award or administration of a subgrant or contract supported by public funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would exist when:

1) the officer or agent,

2) any member of his or her immediate family,

3) a business partner of the officer or agent, or

4) an organization which employs or is about to employ, any of the above;

   - has a financial or other interest in, or a tangible personal benefit from, a firm or organization considered for award; or
   - would receive a direct financial benefit from the transaction.

or

5) The officer or agent has a confidential or fiduciary relationship with a firm, person or organization considered for an award.

CB. The term "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 officer or agent. Includes, at a minimum, one party with any of the following relationships to another party:

1. Spouse, and parents thereof;
2. Children, and spouses thereof;
3. Parents, and spouses thereof;
4. Siblings, and spouses thereof;
5. Grandparents and grandchildren, and spouses thereof;
6. Domestic partner and parents thereof, including domestic partners of any individual in 2 through 5 of this definition; and
7. Any individual related by blood or affinity whose close association with the officer or agent is the equivalent of a family relationship.

DC. No ACSET officer or agent will solicit or accept gratuities, favors, or anything of monetary value, except for unsolicited goods or services of nominal intrinsic value, from contractors or service providers or potential contractors or service providers. A good or service is presumed to be of nominal intrinsic value if it has a fair market value of $25.00 or less.

ED. The phrase "financial or other interest" in section AB means employment; agency; an ownership, partnership or membership interest in a sole proprietorship, co-partnership, limited liability company or other unincorporated association; the ownership of more than 1% of the total outstanding stock or any class, if not listed on exchange, or stock with a present market value or more than $25,000, if listed on any exchange; the position of trustee or beneficiary of a trust; or the position of director or officer of any private corporation or public entity, except Allegan County, Barry County, Ionia County, Kent County, Montcalm County, Muskegon County, Ottawa County, or the City of Grand Rapids.

EE. ACSET employees shall comply with the Sections of the 2.11 and 2.22 of the ACSET Merit Personnel System concerning conflict of interest and nepotism and shall be subject to discipline for violation thereof, as provided by the Merit Personnel System.

FF. Members of the Workforce Development Board and the Youth Council (or another committee designated to serve area youth) and its subcommittees shall comply with Section___ of Article VI of the ACSET Workforce Development Board Bylaws concerning conflict of interest and shall be subject to the penalties and sanctions provided therein for any violation thereof.

GG. Section 107 of Article II of the bylaws of both the ACSET Governing Board Bylaws and the CAA Governing Board provides that if it is established at an ACSET Governing Board meeting of either Board that one of its members knowingly violated such Guidelinesthis Conflict of Interest Policy, ACSET will terminate any contract or contracts which are the subject of the violation. In addition, ACSET shall send a written notice to the Public Agency that appointed the member that describes the violation and requests that the offending member be replaced.

HH. ACSET shall retain all legal and equitable remedies that it may have arising from the conduct that violated this Code of Conduct and Conflict of Interest Guidelines.

II. For the purposes of these Guidelines, the term “ACSET officer or agent” shall include a member of the ACSET Governing Board and the Chief Executive Officer of ACSET, Community Action Division Advisory Governing Board and a member of the CAA Governing Board.
J. Any officer or agent of ACSET must disclose any potential or actual conflict of interest, as defined by this policy, to ACSET in writing as soon as the officer or agent becomes aware of it.

HK. This Code of Conduct and Conflict of Interest and Nepotism Policy Guidelines shall be disseminated to all ACSET officers and agents subject to it, and ACSET shall obtain a signed receipt from the officer and agent that he or she has received and understands it.

I. ACSET Employees and WDB members only, are required to complete and sign a declaration that must either disclose any apparent conflict of interest or confirm that no conflict of interest exists. WDB Members and employees are required to complete this Conflict of Interest declaration on an annual basis.

J. Each ACSET officer or agent of ACSET must is required to disclose any potential actual or apparent conflict of interest, as defined by this policy Guidelines Policy, to ACSET in writing as soon as the officer or agent becomes aware of it.

JH. ACSET shall retain all legal and equitable remedies that it may have arising from the conduct that violated this Code of Conduct and Conflict of Interest Guidelines Policy.

KL. These Guidelines Policy are promulgated pursuant to 2 CFR 200.318, Michigan Department of Labor and Economic Opportunity, Workforce Development Policy Issuance (LEO-WD) PI 20-12, and other applicable statutes and regulations.

II. Additional Conflict of Interest Provisions Applicable to WDB Members Only

A. In addition to the provisions of Section I, the conflict of interest provisions of this Section II apply to WDB members only.

B. Section 4 of Article VI of the Workforce Development Board (WDB) Bylaws provides that if it is established that a WDB Board Member or WDB Committee member knowingly violated this Conflict of Interest Policy Guidelines, 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 and the Youth Council (or another committee designated to serve area youth).

C. 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 ONLY 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; and

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

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

E. 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 C 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 in Section I. C of this Policy 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.

F. 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 shall not to be appointed to any WDB committee that 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.**

G. 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.  

H. 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.  

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

J. 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 C 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.  

**III. Conflict of Interest Provisions Applicable to Employees of SUBRECIPIENTS OF ACSET**

A. No subrecipient or employee of any subrecipient of ACSET may shall create or allow to be created, any situation that causes a conflict of interest or the appearance of a conflict of interest with the subrecipient employee’s job responsibilities. A conflict of interest is a situation where the individual’s conduct or the personal or financial interests of an individual or member of the individual’s immediate family may tend to impair the individual’s independence of judgement or action in the performance of official duties of responsibilities. Any such employee shall also be required to complete a conflict of interest declaration drafted by ACSET on an annual basis.
B. "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 officer or agent. Includes, at a minimum, one party with any of the following relationships to another party:

1. Spouse, and parents thereof;
2. Children, and spouses thereof;
3. Parents, and spouses thereof;
4. Siblings, and spouses thereof;
5. Grandparents and grandchildren, and spouses thereof;
6. Domestic partner and parents thereof, including domestic partners of any individual in 2 through 5 of this definition; and
7. Any individual related by blood or affinity whose close association with the subrecipient employee is the equivalent of a family relationship.

C. The term subrecipient is defined as a local government, Indian tribe, institution of higher education (IHE), for-profit entity, foreign public entity, foreign organization or nonprofit organization that receives a subgrant from ACSET that is funded through the Michigan Department of Labor and Economic Opportunity-Workforce Development (or any successor or designee agency), or the United States Department of Labor, to carry out part of the grant. However, for purposes of this section, the term "subrecipient" does not include:

1. An employer that provides employer-based training to any participant in an employment and training program administered by ACSET;
2. A training institution that provides training to any participant whose tuition and/or educational costs are paid through a program administered by ACSET.

D. All subrecipients and subrecipient employees shall also be required to complete a conflict of interest declaration drafted by ACSET on an annual basis. The declaration must either disclose any apparent conflict of interest or confirm that no conflict of interest exists.

E. All subrecipients and subrecipient employees must disclose, in writing, any actual or apparent conflict of interest, as defined by this Policy, to ACSET as soon as subrecipient or subrecipient employee is aware of it.

IV. Nepotism Provisions Applicable to All ACSET Officers and Agents
A. ACSET shall assure that local provisions are established and maintained to prevent persons in an administrative capacity from using their positions for a purpose that is, or gives the appearance of, being motivated by favoritism for themselves or others with whom they have a family relationship. There should not be even the slightest appearance of favoritism on the part of board members.

B. “Persons in administrative capacity” includes those persons who have overall administrative responsibility for a program, including all elected or appointed officials (such as members of the Governing Board, Workforce Development Board, and Workforce Development Board committees) as well as the Chief Executive Officer, ACSET Attorney, and Human Resources Director.

C. No individual may be placed in an employment activity if a member of that person’s immediate family is directly supervised by or directly supervises that individual.

The Governing Board Approved this Conflict of Interest and Nepotism Policy.
Title: ACSET/WEST MICHIGAN WORKS! VIRTUAL MEETING POLICY

Effective Date: XXX-2021

Approved by: West Michigan Works! Workforce Development Board on __________
Area Community Services Employment and Training (ACSET) Governing Board on ________

Programs Affected: N/A

Supersedes: N/A

Reference: State of Michigan Open Meetings Act, MCL 15.261 et seq.

Background: Pursuant to the Michigan Open Meetings Act, this policy establishes the process to be followed for virtual meetings being held by the ACSET Governing Board, the West Michigan Works! Workforce Development Board, or any committees thereof.

Policy:

A. Any member of the ACSET Governing Board or ACSET/West Michigan Works! Workforce Development Board (hereafter “Board”) may participate in a meeting of the Board or a committee thereof by virtual means when permitted by law. Participation by virtual means is defined as a method of participation in the meeting from a remote location by telephonic, video conferencing, or other electronic methods that provides for:

1. Two-way communication, so that all members of the Board, including those physically present and those who are participating electronically, can hear each other; and

2. Members of the public attending the meeting, either physically or by electronic means, can hear all members of the Board, including those who are physically present and those who are participating electronically, and be heard by all members of the Board participating in the meeting during the public comment period. The Board may use appropriate technology to facilitate typed public comments during the meeting submitted by members of the public participating in the meeting that may be read to or shared with members of the Board and other participants to enable members of the public to be heard by others and be permitted to address the meeting during the public comment period.

B. A member of the Board who wishes to participate in a meeting of the Board or a committee thereof by virtual means is required to send a written request to do so to the Chairperson

West Michigan Works! is a division of ACSET, an equal opportunity employer/program and a proud partner of the American Job Center network. Auxiliary aids and services are available upon request to individuals with disabilities. West Michigan Works! is supported by state and federal funds; more details at westmiworks.org/about.
or Chief Executive Officer of ACSET by 12 noon two (2) business days prior to the scheduled date of meeting, and in which he or she indicates the reason for the request.

1. If the request is made on the basis of a medical condition, the request need not specify the medical condition;

2. If the meeting must be held electronically because of a state of emergency or disaster declared pursuant to law that would legally justify a public meeting to be held electronically, the Chief Executive Officer of ACSET, or his or her designee, shall notify members of the Board, in writing, of the method for participating in the meeting at least [blank] prior to the scheduled date of the meeting. Those members of the Board who wish to participate in the meeting by virtual means must still notify the Chairperson or Chief Executive Officer of ACSET as required by this section.

3. Upon receiving a written request to participate in a meeting by virtual means from a member of the Board, the Chief Executive Officer of ACSET will confirm whether the request may be granted and, if so, notify the member in writing and facilitate the participation of the member by virtual means.

C. If any member of the Board will be participating in a meeting of the Board or a committee by virtual means, the Chief Executive Officer of ACSET, or his or her designee, shall post information on the ACSET/West Michigan Works website, at least 18 hours prior to the scheduled date for the meeting, that notifies the public that the member will participate in the meeting by virtual means and indicates how to contact the member about business that will come before the Board or committee at the meeting. The notice may provide instructions on how to contact the member through a contact at ACSET.

D. If a meeting of the Board or committee is to be held electronically, in whole or in part, the Chief Executive Officer of ACSET, or his or her designee, shall also post the following information on the ACSET/West Michigan Works! Website at least 18 hours before the meeting begins:

1. Notice that the meeting will be held electronically and the reason why;
2. How members of the public may participate in the meeting electronically. The notice must include any telephone number or internet address necessary for members of the public to participate.
3. How members of the public with disabilities may participate in the meeting.
4. If an agenda exists for the electronic meeting, the agenda for the meeting must be posted at least 2 hours before the beginning of the meeting. The posting of the agenda does not prohibit subsequent amendment thereof at the meeting.

E. Any member of the Board who participates in a meeting of the Board or committee by virtual means must publicly announce, at the commencement of the meeting, that he or she is participating by electronic means. If the reason for the member’s participation by virtual means is for any reason other than military duty, the announcement must specifically identify the member’s physical location by county, city, township or village, and state. If the member’s participation is through a video means, the announcement may be included in the video image. Any such announcement by a member of the Board shall be included in the minutes of the meeting.
F. The Board shall not require a member of the public to register or otherwise provide his or her name or other information or otherwise fulfill a condition precedent for attendance in an electronic meeting. The Board may establish procedures for a member of the public to participate in the public comment period of the meeting.

G. Members of the public who attend an electronic meeting of the Board or committee may be excluded from participation in a closed session of the Board or committee that is held in compliance with law.

H. If any member of the Board participates in a meeting by virtual means, the Chief Executive Officer of ACSET, or his or her designee, shall post any additional information about the meeting required by law on the ACSET/West Michigan Works website or otherwise.
**GOING PRO TALENT FUND**

The Going PRO Talent Fund has proven to be one of the most effective resources available to address Michigan’s talent crisis. Each year, funding for the Talent Fund must be included in the state budget and approved by the legislature and the Governor. The program has a direct impact on the professional trades workforce gap and helps achieve the Governor’s 60 by 30 goal.

**PARTNERSHIP. ACCOUNTABILITY. TRAINING. HOPE. (PATH) PROGRAM**

Many families seeking cash assistance face significant barriers in securing and retaining employment. From child care to transportation and literacy, caseworkers cite a long list of barriers that can keep families from achieving self-sufficiency. The primary goals of the PATH program are twofold. First, the PATH program identifies barriers and helps participants connect to the resources they need to obtain employment. Second, the program helps Michigan reach the federally mandated fifty percent (50%) work participation rate. The Department of Health and Human Services (DHHS) and the Department of Labor and Economic Opportunity (LEO) work together to provide PATH services through Michigan Works!

**UNEMPLOYMENT REFORMS/ MODERNIZATION**

**ACTION:**
Secure Funding for FY 2022

Since the inception of the Talent Fund in 2014, over $120 million has been awarded to more than 3,000 businesses across the state, resulting in the retention of over 80,000 jobs. This is in addition to the over $940 million in leveraged dollars and an annual average wage increase of over $3,000 per individual. The Going PRO Talent Fund is a key component to the strategy of improving access to training and skills development.

The impact of the COVID-19 pandemic on the state’s economy has made the Talent Fund even more important as there is a significantly increased need for reskilling and retraining of workers across the state. However, this increase request should be based upon demand and should not include specific earmarks. Every year, the amount applied for is considerably more than the amount awarded. The lack of available funds results in a loss of potential training, hiring, and increased earning opportunities. The value of increasing funding for the program must be illustrated throughout 2021 to the Governor, lawmakers, the public, and the media to ensure funding is included in the FY 2022 budget.

**ACTION:**
Reinstate time frame for work registration to 21 days

Reinstating the time frame for work registration with Michigan Works! to 21 days would provide UIA claimants access to jobs, apprenticeships, and education, decreasing the amount of time collecting unemployment insurance benefits. The reinstatement would also provide employers increased access to qualified talent and help reduce unemployment insurance tax rates.

**ACTION:**
Expand work registration at Michigan Works! to include virtual and in-person options

Expanding the work registration to allow for both virtual and in-person options would allow UIA to meet timely first payment requirements, provide claimants more options to connect with their local Michigan Works! locations, and create flexibility for job seekers, including those with transportation challenges and those living in rural communities. Virtual services may also result in the expansion of accessibility windows and provides Michigan Works! partners the ability to connect job seekers to a variety of resources to get back to work quicker.

**ACTION:**
Continuation of funding for the PATH Program

Michigan Works! advocates for continued funding for the PATH program. Michigan Works! is able to use the PATH program to connect workers who are very much at risk of dropping out of the workforce over the long term, lifting them into jobs that are right for them, and helping strengthen our state’s pipeline of talent.

**ACTION:**
Support funding and local control for New American population and TANF Summer Employment

Through PATH, tens of thousands of individuals have ended their dependence on public assistance and became productive contributors to Michigan’s economy. Part of this success is in the ability of local workforce development boards to maintain decision-making abilities in how these funds are spent, specifically for the New Americans population and the youth summer employment program. A measure of local control ensures that the various communities around the state can utilize these funds efficiently. What works for those in urban environment, may not be as successful in a more rural setting.

**ACTION:**
Work with state partners to house all workforce programs in one state department

This initiative would create a “one-stop” for all workforce development programs administered by the state, ensuring efficiency and ease of use. Michigan Works! would be able to coordinate with a single entity when engaging with the state, ensuring our customers are receiving the very best service the state has to offer. In this endeavor, Michigan Works! and LEO could work as allies when engaging with the federal government on matters of policy and regulations.
ABOUT THE MICHIGAN WORKS! ASSOCIATION

As the professional organization representing the Michigan Works! network, the Michigan Works! Association is committed to advocating for workforce development issues throughout its system, the employers they serve and the job seekers who walk through their doors each day.

Each year the Association does a thorough review, through its Legislative Committee, of current and upcoming state issues that impact workforce development and establish the Association’s state policy priorities and positions.

We advocate on the state level by setting up one-on-one meetings between Michigan Works! leaders and lawmakers from their districts to discuss workforce development issues.

We also host an annual Legislative Day that gives Michigan Works! leadership the opportunity to hear from legislators on current topics as well as the opportunity to talk with them about issues happening in their communities.