



## Governing Board Meeting

<https://westmiworks-org.zoom.us/j/98120081314>

You can also dial in using your phone

+1 (929) 436-2866

Meeting ID: 981 2008 1314 Passcode: 600780

Monday, April 26, 2021 • 8:30 a.m. – 10:00 a.m.

## AGENDA

1. Call to Order, Roll Call and Introductions
2. Public Comment – Agenda Items
3. Approval of the February 22, 2021 Minutes **Action Required**
4. Report on Financial Activities: *Brenda Isenhardt, Chief Financial Officer*
  - a. ACSET Financial Report - Notes to March 2021 Board Financials **Information Item**
  - b. Proposed FYE 2022 Budget **Action Required**  
(Roll Call: 75% affirmative vote of members present)
5. Bylaws and Policy Approvals: *Tawanna Wright, Staff Attorney*
  - a. West Michigan Works! Workforce Development Board Bylaws **Action Required**  
(Roll Call: 75% affirmative vote of members appointed and serving)
  - b. ACSET Governing Board Bylaws **Action Required**  
(Roll Call: 2/3 affirmative vote of total membership)
  - c. Conflict of Interest (COI) and Nepotism Policy **Action Required**
  - d. Virtual Meeting Policy **Action Required**
6. ACSET/West Michigan Works! Chief Executive Officer 2021 Key Objectives **Action Required**  
*Commissioner Frank Garcia, ACSET Governing Board Chair*  
*Commissioner Senita Lenear, ACSET Governing Board Vice-Chair*
7. Report on Administrative Activities **Information Item**  
*Laura Krist, Human Resource Director*
  - a. ACSET Personnel Actions Report **Information Item**
  - b. ACSET Operations Staffing **Information Item**
  - c. Update to Staffing Chart **Action Required**
8. Virtual Dashboard and Solutions Driven Updates **Information Item**  
*Angie Barksdale, Chief Operating Officer*
9. Other Business: **Information Item**
  - a. 501c(3) Update: *Angie Barksdale*
  - b. Workforce Development Advocacy Month: *Jacob Maas*
10. Public Comment
11. Adjournment

**Next Scheduled Governing Board Meeting:**

**Monday, June 28, 2021 at 8:30 a.m.**

**Location: Virtual via Zoom**



### Governing Board Meeting

<https://westmiworks-org.zoom.us/j/97691747189>

You can also dial in using your phone.

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Meeting ID: 976 9174 7189 Passcode: 975771

Monday, February 22, 2021 • 8:30 a.m. – 10:00 a.m.

### MINUTES

**Governing Board Members Present:** Commissioners Garcia (Park Twp, MI), Lenear (Grand Rapids, MI), De Young (Dorr Twp, MI), Storey (Allegan, MI), Tiejema (Keene Twp, MI), LaGrand (Grand Rapids, MI), Stek (Rose Lake, MI), Womack (Grand Rapids, MI), Scolnik (Norton Shores, MI), Pego (Holton, MI), Bergman (Grand Haven, MI), Reppart (Grand Rapids, MI)

**Governing Board Members Absent:** Commissioners Geiger, Stowell

**Staff Present:** Jacob Maas, Angie Barksdale, Laura Krist, Amy Lebednick, Brittany Lenertz, Janette Monroe, Nichole Northern, Melanie White, Tawanna Wright

**Guests Present:** Dane Porter, Maner Costerisan, P.C.

1. Call to Order by Commissioner Garcia at 8:32 a.m. Roll Call and locations of Commissioners were taken.
2. Public Comment- Agenda Items- None
3. Approval of the December 14, 2020 Minutes **Action Required**

**Motion – Com. Bergman**

**Second – Com. Stek**

**Item Approved by Vote – All 12 members present voted affirmatively. Motion carried.**

4. 2021 Governing Board Election of Chair and Vice-Chairperson **Action Required**  
 Melanie White, Staff Attorney, stated that the newly elected officers will begin their duties at this Governing Board meeting immediately following the election. Based on the rotation listed in the Interlocal Agreement, it is Ottawa County's turn to serve as Chairperson of the Board for 2021. Roger Bergman and Frank Garcia are the representatives from the Ottawa County Board of Commissioners. Melanie further reviewed that it is the City of Grand Rapids' turn to serve as Vice-Chairperson of the Board for 2021. The names from the City of Grand Rapids Board of Commissioners are Senita Lenear and Kurt Reppart.

**Motion – Com. Bergman nominated Commissioner Garcia to serve as the Chairperson of the ACSET Governing Board for 2021**

**Second – Com. Tiejema**

**Item Approved by Vote – All 12 members present voted affirmatively. Motion carried.**

**Motion – Com. Reppart nominated Commissioner Lenear to serve as the Vice-Chairperson of the ACSET Governing Board for 2021**

**Second – Com. Womack**

**Item Approved by Vote – All 12 members present voted affirmatively. Motion carried.**

Com. Garcia proceeded to conduct the meeting as the newly appointed Chairperson of the ACSET Governing Board.

## 5. Report on Financial Activities

- a. **Presentation of the Audited Financial Statements** **Action Required**  
 Dane Porter, CPA, Maner Costerisan P.C., presented a summary of the annual audit results, which is an opinion of ACSET's financial statements for the year ending June 30, 2020. As a result of the single audit, Dane Porter reported on ACSET's internal control over financial reporting and its major federal programs. Dane stated that no findings were reported. Brief discussion took place, and Dane answered board members' questions. ACSET staff requested that the board approve receipt of the audited financial statements. Commissioner Stek commended ACSET staff for a job well done.

**Motion – Com. Tiejema**

**Second – Com. Stek**

**Item Approved by Vote – All 12 members present voted affirmatively. Motion carried.**

- b. **ACSET Financial Report - Notes to January 2021 Board Financials** **Information Item**  
 Nichole Northern, Accounting Manager, reviewed ACSET's statement of revenue and expenditures for the seven months ending January 31, 2021. Brief discussion took place, and Nichole answered board members' questions. Nichole also noted that the Statement of Revenue and Expenditures contained a typo - the gray "YTD Thru January 2021" column should be titled "YTD January 2020."
- c. **FYE 2021 Budget Modification Request** *(75% affirmative vote of members present)* **Action Required**  
 Nichole Northern reported that the proposed budget for fiscal year ending June 30, 2021 has been modified for consideration. The proposed modification includes increases in grant income. 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. In addition, the Going Pro Talent Fund (GPTF) awards were received above the estimate. Nichole requested the ACSET Governing Board's approval of the modified budget.

**Motion – Com. Bergman**

**Second – Com. LaGrand**

**Item Approved by Vote – Roll call vote taken. All 12 members present voted affirmatively. Motion carried.**

- d. **Renewal of Line of Credit Request** **Action Required**  
 Nichole Northern reported that ACSET currently holds a \$325,000 line of credit with Fifth Third Bank. This line of credit expires March 2021. Nichole reported that this line of credit would only be needed in the event of unforeseen expenses or a delay in receiving cash requests. Nichole requested the ACSET Governing Board's approval of the line of credit renewal. Brief discussion took place, and Nichole answered board members' questions.

**Motion – Com. LaGrand**

**Second – Com. Stek**

**Item Approved by Vote – Roll call vote taken. All 12 members present voted affirmatively. Motion carried.**

## 6. Report on Administrative Activities

### Information Item

- a. **ACSET Personnel Actions Report**  
 Laura Krist, Human Resource Director, reported that there have been six (6) appointments, seven (7) separations, and two (2) promotions. Laura noted that the date on the report is incorrect and should state "February 15, 2021" rather than "February 15, 2020."
- b. **ACSET Operations Staffing**  
 Laura Krist reported that ACSET West Michigan Works! (WMW) currently has 203 out of 218 positions filled and 15 vacancies.

## c. Update to Staffing Chart

Laura Krist reported that after reviewing the current staffing chart and assessing the needs of various programs, staff would like to add 2 Apprenticeship Success Coordinators, 2 Success Coaches, 1 Resource Specialist, 1 Project Manager, and 1 Temporary Chief Financial Officer to the chart.

**Motion – Com. Bergman**

**Second – Com. Storey**

**Item Approved by Vote – All 12 members present voted affirmatively. Motion carried.**

## 7. Virtual Dashboard and Solutions Driven Updates

**Information Item**a. Virtual Dashboard

Angie Barksdale, Chief Operating Officer, reported that the COVID-19 pandemic has impacted the way WMW serves and interacts with the community. Angie stated that although our service centers have been unable to deliver in-person services, WMW has continued to respond to the needs of employers and jobseekers with innovative and virtual solutions. Angie reviewed the new virtual dashboard with Governing Board members which included data from the months of March through December 2020. It covered the following data points: Customers Served, Training, Recruitment/Hiring, COVID-19 Related Services Provided, Retention Solutions Network Services, and Website Traffic. Discussion took place, and WMW staff answered board members' questions.

b. Talent Survey

Angie Barksdale reported that the current economic recovery has continued to be a challenge in filling positions. WMW partnered with Center for Social Research at Calvin University to conduct a survey of talent to discover what is keeping people from work and what solutions may be beneficial to returning people to work. Results with more complete analysis and potential solutions are likely at the end of March.

c. Clean Slate Navigator

Angie Barksdale reported that WMW received funding from the State of Michigan to hire a "clean slate navigator," who will be responsible for assisting individuals who qualify for conviction expungement with the complex process of expungement. Additionally, the funding will allow payment of legal fees associated with the expungement process. WMW is in the process of hiring the navigator and soliciting bids for attorneys on retainer across our region.

**Grants/Funding Opportunities:** Angie stated that as a result of the stresses placed on the workforce due to COVID-19, several grant and funding opportunities have been made available to our system.

d. Future of Work

Angie Barksdale reported that WMW will receive funding to pilot technology innovations that will help put COVID-impacted workers back to work. The Future of Work Grand Challenge was created through a collaboration between the social impact organizations New Profit, JFF, MIT Solve, Jobcase, and XPRIZE to identify and fund the most promising ideas and solutions to support a more equitable economic recovery and better meet the needs of low-income, middle-skilled and underserved workers at the local level. WMW has partnered with Michigan Works! Southwest and Michigan Works! Berrien, Cass, and Van Buren to serve all of southwest Michigan. The MWA Partners will pilot between 2-5 technology solutions and are expected to recruit between 100-350 individuals per solution. Solutions are currently being selected and will be announced by the end of February, which is when recruitment will begin.

- e. Grand Rapids Community College's One Workforce Grant  
Angie Barksdale reported that WMW is partnering with Grand Rapids Community College on a \$9.8 million H1-B One Workforce Grant, which focuses on advanced manufacturing. This grant will rely on a network of partners across the region, including Montcalm Community College, Muskegon Community College and multiple community partners to provide training and employment to hundreds of workers across West Michigan.
- f. Michigan Rural Enhanced Access to Careers in Healthcare (MiREACH)  
WMW has partnered with the Michigan Department of Labor and Economic Opportunity on a \$2.5 million United States Department of Labor (USDOL) H1-B Rural Healthcare Grant. This program aims to increase the number of individuals training in healthcare occupations that directly impact patient care and alleviate healthcare workforce shortages by creating sustainable employment and training programs in healthcare occupations serving rural populations.
- g. Going PRO Talent Fund (GPTF)  
This year, employers in the West Michigan Works! region have been awarded over \$13 million in training funds. Statewide, \$39 million was awarded to over 850 Michigan businesses. WMW received award notifications for 283 employers (with 4 pending), and applications are being funded in amounts ranging from \$1,500 to \$498,000. Angie reviewed the funding information provided in the board packet.
- h. State Apprenticeship Expansion (SAE)  
WMW has submitted a \$305,000 grant proposal to the State. If these funds are awarded, they will help cover employer costs for 116 new registered apprentices and increase diversity of Registered Apprenticeship Program (RAP) populations.
- i. Standards Recognition Entity (SRE)  
The USDOL has certified WMW as a Service Recognition Entity (SRE). The USDOL issued a Final Rule that established a system for advancing the development of high-quality Industry Recognized Apprenticeship Program (IRAP). An IRAP can be developed by DOL-recognized, industry-leading third-party entities such as trade groups, corporations, non-profits, educational institutions, unions, and joint labor-management organizations. Standards Recognition Entities (SREs) will, in turn, evaluate and recognize IRAPs consistent with the USDOL's Office of Apprenticeship Standards.  
  
*\*Commissioner Tiejema experienced technical difficulties and left the meeting at 9:30 a.m.*
- j. Industry Talent Council Initiatives:  
Beginning February 22, and running through April 9<sup>th</sup>, each Industry Talent Council will host a weeklong campaign aimed to promote the industry, recruit job seekers, and support & engage industry employers. Activities will include employer interviews aired on WZZM, live webinars, access to relevant workforce resources, and job fairs or networking events. Additional information provided in board packet.
- k. MiCareerQuest  
This year's event will be held virtually on April 21, 2021. Registration will be open to 7<sup>th</sup>-12<sup>th</sup> grade students and up to 13,000 attendees can be accommodated. The platform being used is vFairs. There will be incentives to students engaging in the event this year, along with speaking and chat features with employers. Registration is open, and additional information can be found at [www.micareerquest.org](http://www.micareerquest.org).

I. Retention Solutions Network (RSN)

Angie Barksdale reported that THK Rhythm Automotive joined the RSN Central in November 2020. Shape Corp and Pliant Plastics (RSN Lakeshore) initially signed one-year member agreements, and both employers have renewed their network membership for another year. Hackley Community Care has committed to a one-year membership beginning in March 2021. With this additional employer, the RSN Lakeshore will now have 5 participating employers. Angie further reported that in January 2021, RSN Central convened its first network member meeting with its two participating employer members. These meetings provide an opportunity for employers to connect, collaborate and share best practices. Both networks meet on a bi-monthly schedule and receive newsletters to keep them connected. WMW staff will continue to recruit additional employers to join until capacity is reached. Brief discussion took place, and staff answered board members' questions.

8. Other Business

**Information Item**

a. Governing Board Bylaws

Tawanna Wright, Staff Attorney, reported that at the next scheduled board meeting, staff are planning to bring the following action items for consideration: ACSET Governing Board Bylaws, West Michigan Works! Workforce Development Board Bylaws, Conflict of Interest and Nepotism Policy, and Virtual Meeting Policy.

b. ACSET/West Michigan Works! Chief Financial Officer

Jacob Maas, Chief Executive Officer, reported that Chief Financial Officer Brenda Isenhardt is retiring this coming spring. Jacob commended Brenda for her years of service and thanked her for being such an integral staff to the organization. Jacob reported that the position is posted on the [www.westmiworks.org](http://www.westmiworks.org) website.

c. Jacob Maas noted that staff will be reaching out to the newly appointed Governing Board members to schedule a board orientation in the next month.

9. Public Comment- None

10. Adjournment at 10:03 a.m. by Chairperson Garcia

**Motion – Com. LaGrand**

**Second – Com. Bergman**

**Item Approved by Vote – All 11 members present voted affirmatively. Motion carried.**

Recorded by: \_\_\_\_\_ Received by: \_\_\_\_\_

**ADMINISTRATIVE OFFICE**

Area Community Services  
Employment & Training Council  
1550 Leonard NE  
Grand Rapids, MI 49505  
(616) 336-4100

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**MEMORANDUM**

**TO:** ACSET Governing Board  
**FROM:** Brenda Isenhardt, Chief Financial Officer  
**DATE:** April 19, 2021  
**RE:** March 2021 Board Financials

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**Revenue**

Revenues for the nine months ending March 31, 2021 total \$16,677,719 which is 17.12% under budgeted revenue and \$3.4M under prior year revenue.

**Expenditures**

Operating expenses are under the proposed budget by 1.32%.

- Wages are up \$842K over prior year and under budget by \$142K. We had 203 employees on the last March 2021 payroll, twelve more than the previous year. Additional staff, less vacation and sick being taken, and merit wage increase explain the increase in wages and fringe from the previous year.
- Consumable supplies is \$16K over budget and \$93k more than last year. The increase is a result of additional technology related fees, licenses (Barracuda multi-year), and improvements.
- Space and communication is \$198K over prior year primarily from security costs incurred earlier in the year. The resulting over budget of \$12k is from recent improvements in the Allegan center.

Subcontractors expenses for our youth subcontractors are under budget by \$188K. Training expenses are \$2.5M under budget but is expected to balance out more over the next couple months as the GPTF program continues to progress. Trainings are \$3.5M below the previous year. \$2.5M of the reduction from the previous year is a result of the Going Pro Talent Fund not being funded during program year 2020. Other programs experiencing significant decreases are: WIOA Adult and Dislocated programs \$462K, Trade \$220K, and PATH \$78K.

Direct Client Expenses is \$487K under budget and \$777K 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 (\$565K).

**Area Community Services Employment and Training Council**  
**Michigan Works Agency Programs**  
**Statement of Revenue & Expenses**  
**For the Nine Months Ending March 31, 2021**

	YTD Thru March 2021 Actual	YTD Thru March 2020 Actual	YTD 2020/2021 Budget	Budget Variance	Budget Variance %
<b>Total Revenue</b>	<u>\$ 16,677,719</u>	<u>\$ 20,086,388</u>	<u>\$ 20,123,818</u>	<u>\$ (3,446,099)</u>	<u>-17.12%</u>
<b>Expenses</b>					
<b>Operating Expenses</b>					
Wages	\$ 7,693,835	\$ 6,851,716	\$ 7,836,036	\$ 142,201	1.81%
Fringe Benefits	2,609,216	2,402,910	2,657,392	48,176	1.81%
Consumable supplies	641,983	549,440	625,785	(16,198)	-2.59%
Transportation	43,240	196,832	51,750	8,510	16.44%
Outside services	655,306	624,505	675,877	20,571	3.04%
Space and communications	1,383,368	1,185,529	1,371,556	(11,812)	-0.86%
Equipment rent and maint	31,199	80,481	41,250	10,051	24.37%
Equipment purchases	111,934	266,747	144,399	32,465	22.48%
Other expense	470,231	581,196	472,830	2,599	0.55%
<b>Total operating expense</b>	<u>13,640,312</u>	<u>12,739,356</u>	<u>13,876,875</u>	<u>236,563</u>	<u>1.70%</u>
<b>Subcontractors</b>	\$ 425,813	\$ 501,500	\$ 614,250	\$ 188,437	30.68%
<b>Training</b>	\$ 1,846,195	\$ 5,303,385	\$ 4,379,957	\$ 2,533,762	57.85%
<b>Direct Client Expenses</b>	<u>\$ 765,399</u>	<u>\$ 1,542,147</u>	<u>\$ 1,252,736</u>	<u>\$ 487,337</u>	<u>38.90%</u>
	<u>\$ 3,037,407</u>	<u>\$ 7,347,032</u>	<u>\$ 6,246,943</u>	<u>\$ 3,209,536</u>	<u>51.38%</u>
<b>Total Expenses</b>	<u>16,677,719</u>	<u>20,086,388</u>	<u>20,123,818</u>	<u>3,446,099</u>	<u>17.12%</u>
<b>Excess of Revenue over Expense</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>0.00%</u>

Unaudited



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**MEMORANDUM**

**TO:** ACSET Governing Board

**FROM:** Brenda Isenhart, Chief Financial Officer

**DATE:** April 19, 2021

**RE:** Proposed FYE 2022 Budget

The proposed budget for the fiscal year ending June 30, 2022 is presented for your consideration.

**Requested Modification**

The proposed 2021-2022 budget plans for \$31,637,000 of total revenue. This represents a 10.6% increase over the proposed 2020-2021 budget. West Michigan Works! has not yet received any planning allocations for the 2021-2022 year. The proposed budget was prepared with the following assumptions: flat funding for the WIOA, Wagner Peyser, PATH and FAET programs, a decrease of \$186K in Trade funding based on anticipated need, and an increase in the Going Pro Talent Fund (GPTF) awards of \$4.7 million. The 2020-2021 budget included only one half year of GPTF funding given the state did not provide funding for program year 2020. Grants ending that are not expected to be renewed create a decrease of \$2.9 million (America's Promise, Healthy Michigan, Healthy Michigan Navigator, Unemployment Insurance, Economic Transition, MICA 2.0, Community Ventures, and Rise Up) and new/continuing grants create an increase of \$1.2 million (One Workforce, Clean Slate, Rural Healthcare, SAE Grant, and Energy Consortium grant).

**Expenditures**

The budget for salaries is estimated to increase by \$217k. This increase represents new positions being requested as well as merit increases for existing staff. Fringe budget is estimated to increase by \$81k in relation to the increased salaries.

Consumable supplies, Outside Services, Space and Communication, Equipment Purchases and Other Expense have been decreased to reflect one-time purchases in 2020-2021 that will not be made during the 2021-2022 fiscal year and includes initial planned expenditures for 2021-2022.

Transportation has been increased in anticipation of more in person meetings and staff training/conferences.

Training costs represent a 51% increase. This increase is primarily due to the GPTF being funded for the entire fiscal year. Direct client cost reduction is partially due to

grants ending that are not expected to be renewed during the 2021-2022 fiscal year as well as reductions in on-going programs based on anticipated availability of funds.

A budget modification will be presented to the board for approval once finalized allocations are received from our grantors.

### 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, 2022

	Fiscal Year 2020 - 2021 Budget	Fiscal Year 2021 - 2022 Proposed Budget	Increase (Decrease)
REVENUES			
Grant Income	\$ 28,498,000	\$ 31,617,000	\$ 3,119,000
Program income	100,000	20,000	(80,000)
TOTAL REVENUE	\$ 28,598,000	\$ 31,637,000	\$ 3,039,000
EXPENDITURES			
Operating costs:			
Wages	\$ 10,498,000	\$ 10,715,000	\$ 217,000
Fringe	3,552,000	3,633,000	81,000
Consumables	982,000	708,000	(274,000)
Transportation	64,000	160,000	96,000
Outside Services	1,042,000	915,000	(127,000)
Space & Communications	1,770,000	1,729,000	(41,000)
Equipment Rent & Maintenance	55,000	55,000	-
Equipment Purchases	242,000	147,000	(95,000)
Other Expenses	530,000	486,000	(44,000)
Total Operating Costs	18,735,000	18,548,000	(187,000)
Subcontracted program costs	819,000	819,000	-
Training costs	7,439,000	11,252,000	3,813,000
Direct client expenditures	1,605,000	1,018,000	(587,000)
Total Expenses	\$ 28,598,000	\$ 31,637,000	\$ 3,039,000
Net Change in Fund Balance	\$ -	\$ -	\$ -

**ACSET GOVERNING BOARD BYLAWS - QUORUM AND VOTING REQUIREMENTS**

Subject/Issue	Bylaws	Votes needed to pass agenda item
<b>QUORUM</b>	Majority of members <b>appointed and serving*</b> constitutes a quorum.	Need <b>8</b> out of the 14 members to be present at meeting
<b>All Transaction of Business (General Rule) except those noted below</b>	When quorum present, a majority vote of 51% of those present	Need at least <b>8</b> members present to constitute a quorum. If <b>14</b> members present, then <b>8</b> must vote "Yes" If <b>13</b> members present, then <b>7</b> must vote "Yes" If <b>12</b> members present, then <b>7</b> must vote "Yes" If <b>11</b> members present, then <b>6</b> must vote "Yes" If <b>10</b> members present, then <b>6</b> must vote "Yes" If <b>9</b> members present, then <b>5</b> must vote "Yes" If <b>8</b> members present, then <b>5</b> must vote "Yes" Cannot vote if less than 8 members present.
<b>Service Center Location</b>	75% affirmative vote of members <b>appointed and serving*</b>	<b>11</b> out of 14 members <b>must</b> vote "Yes" Cannot vote if less than 11 members present at meeting
<b>Workforce Development Board (WDB) Bylaws</b>	75% affirmative vote of members <b>appointed and serving*</b>	<b>11</b> out of 14 members <b>must</b> vote "Yes" Cannot vote if less than 11 members present at meeting
<b>ACSET CEO (employment, termination, &amp; contract approval)</b>	75% affirmative vote of members <b>appointed and serving*</b>	<b>11</b> out of 14 of total membership must vote "Yes" Cannot vote if less than 11 members present at meeting
<b>ACSET Budgets &amp; Amendments</b>	75% affirmative vote of members <b>present</b>	If 14 members <b>present</b> , then <b>11</b> must vote "Yes" If 13 members <b>present</b> , then <b>10</b> must vote "Yes" If 12 members <b>present</b> , then <b>9</b> must vote "Yes" If 11 members <b>present</b> , then <b>9</b> must vote "Yes" If 10 members <b>present</b> , then <b>8</b> must vote "Yes" If 9 members <b>present</b> , then <b>7</b> must vote "Yes" If 8 members <b>present</b> , then <b>6</b> must vote "Yes" Cannot vote if less than 8 members present (no quorum)
<b>WDB member appointment</b>	75% affirmative vote of members <b>present</b>	If 14 members <b>present</b> , then <b>11</b> must vote "Yes" If 13 members <b>present</b> , then <b>10</b> must vote "Yes" If 12 members <b>present</b> , then <b>9</b> must vote "Yes" If 11 members <b>present</b> , then <b>9</b> must vote "Yes" If 10 members <b>present</b> , then <b>8</b> must vote "Yes" If 9 members <b>present</b> , then <b>7</b> must vote "Yes" If 8 members <b>present</b> , then <b>6</b> must vote "Yes" Cannot vote if less than 8 members present (no quorum)
<b>Amendment of Governing Board Bylaws (except Article 1, Sections 2 &amp; 9)</b>	Two-Thirds affirmative vote of the total membership (66.67%)	<b>10</b> out of 14 members must vote "Yes"  Cannot vote if less than 10 members present at meeting
<b>GB Bylaws Amendment Article I, Sections 2 (Membership) &amp; 9 (Quorum)</b>	12 of 14 members must vote affirmatively to change "Membership" and "Quorum" sections of Bylaws	<b>12</b> out of 14 members must vote "Yes"  Cannot vote on Membership or Quorum section of bylaws if less than 12 members present at meeting

\* "Appointed and Serving" – based on 14 members appointed and serving; required numbers will change if there is a change in the number of members appointed and serving on the Board.

**ADMINISTRATIVE OFFICE**

Area Community Services  
Employment & Training Council  
1550 Leonard NE  
Grand Rapids, MI 49505  
(616) 336-4100

**SERVICE CENTERS****Allegan County**

3255 122nd Ave  
Allegan, MI 49010  
(269) 686-5079

220 East Main St  
Fennville, MI 49408  
(269) 561-2001

**Barry County**

130 E State St  
Hastings, MI 49058  
(616) 649-9850

**Ionia County**

301 W Main St  
Ionia, MI 48846  
(616) 389-8525

**Kent County**

121 Franklin SE  
Grand Rapids, MI 49507  
(616) 336-4040

215 Straight Ave NW  
Grand Rapids, MI 49504  
(616) 336-4460

10075 Northland Dr NE  
Rockford, MI 49341  
(616) 228-6724

**Montcalm County**

114 S Greenville W Dr  
Greenville, MI 48838  
(616) 754-3611

**Muskegon County**

316 Morris Ave  
Muskegon, MI 49440  
(231) 724-6381

**Ottawa County**

121 Clover St  
Holland, MI 49423  
(616) 396-2154

**MEMORANDUM**

**TO:** ACSET Governing Board

**FROM:** Tawanna Wright, Staff Attorney

**DATE:** April 19, 2021

**RE:** Workforce Development Board Bylaws Amendments

**Background:**

The West Michigan Works! Workforce Development Board (WDB) 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.

**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 the revised ACSET Conflict of Interest and Nepotism Policy.
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."
4. During the April 12<sup>th</sup> WDB Meeting the WDB members voted to revise Article VI, Section 4 (Page 11), as follows: "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 may** terminate any contract or contracts which are the subject of the violation. The Chief Executive Officer of ACSET **will may** also request that the Governing Board remove the offending member from the WDB."

**Action:**

At its April 12<sup>th</sup> meeting, the WMW Workforce Development Board approved the attached WDB Bylaws. WMW staff is now requesting that the GB approve the WDB Bylaws.

***Pursuant to Article I, Section 9 of the 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 is required to amend the WDB Bylaws, which means 11 out of the 14 GB members must vote "Yes".***

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 22<sup>nd</sup> 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 meeting or is-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 Conflict of Interest and Nepotism 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~~ ~~may~~ terminate any contract or contracts which are the subject of the violation. The Chief Executive Officer of ACSET ~~will~~ ~~may~~ 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 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 section, 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 under 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) second 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. 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. However, where the WDB needs flexibility to meet its obligation to provide services in the West Michigan Works Service Delivery Area, WDB members present at a meeting via electronic communication may be allowed to count toward a quorum if the WDB Chairperson approves.

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.

**ADMINISTRATIVE OFFICE**

Area Community Services  
Employment & Training Council  
1550 Leonard NE  
Grand Rapids, MI 49505  
(616) 336-4100

**SERVICE CENTERS****Allegan County**

3255 122nd Ave  
Allegan, MI 49010  
(269) 686-5079

220 East Main St  
Fennville, MI 49408  
(269) 561-2001

**Barry County**

130 E State St  
Hastings, MI 49058  
(616) 649-9850

**Ionia County**

301 W Main St  
Ionia, MI 48846  
(616) 389-8525

**Kent County**

121 Franklin SE  
Grand Rapids, MI 49507  
(616) 336-4040

215 Straight Ave NW  
Grand Rapids, MI 49504  
(616) 336-4460

10075 Northland Dr NE  
Rockford, MI 49341  
(616) 228-6724

**Montcalm County**

114 S Greenville W Dr  
Greenville, MI 48838  
(616) 754-3611

**Muskegon County**

316 Morris Ave  
Muskegon, MI 49440  
(231) 724-6381

**Ottawa County**

121 Clover St  
Holland, MI 49423  
(616) 396-2154

**MEMORANDUM**

**TO:** ACSET Governing Board

**FROM:** Tawanna Wright, Staff Attorney

**DATE:** April 19, 2021

**RE:** Governing Board Bylaws Amendments

**Background:**

In a late 2020 Governing Board (GB) Meeting, the GB voted unanimously in favor of defining “present” in the governing board bylaws. Additionally, there were changes 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, State PI 20-12, and the GB’s vote to define “present” in the bylaws, the following amendments are now being proposed.

**Proposed Amendments:**

Proposed changes to the attached **GB Bylaws** now include:

1. A new Article heading - **Article II, “Meetings and Voting.”** (Page 3) – All **existing** sections pertaining to meetings and voting have been relocated under this Article.
2. Article II, Section 6 “Quorum **and Voting**” (Page 4) – The word “present” is now being defined for quorum purposes. Additionally, this section more clearly distinguishes the actions that require a supermajority vote from those that requires a supermajority vote and supermajority quorum.
3. Article II, Section 8 “Virtual Meeting Attendance” (Page 4) – This new Virtual Meeting Attendance section is being proposed as an addition to the bylaws so that the GB bylaws will allow for virtual participation in meetings. This proposed section complies with the OMA.
4. Article II, Section 9 “Conflict of Interest” (Page 4) – This section is being revised to remove the incorporation of the COI Policy into the GB Bylaws in favor of a reference to the COI Policy only. This revision is suggested to prevent the need to revise the GB bylaws simply because of any later PIs that require additional revisions to ACSET’s COI Policy.

**Action:**

WMW staff is now requesting the GB to discuss and approve the proposed amendments to the GB Bylaws.

***Pursuant to Article II, Section 5 of the Area Community Services Employment & Training (ACSET) Amended Bylaws dated October 1, 2015, a two-thirds (2/3) affirmative vote of the total membership of the Governing Board is required to amend these sections of the GB Bylaws, which means 10 out of the 14 GB members must vote “Yes”.***

## **Amended Bylaws for the Governing Board of the Area Community Services Employment and Training Council**

The Area Community Services Employment and Training Council (hereinafter referred to as "ACSET") is established by an Interlocal Agreement between the governments of the Counties of Allegan, Barry, Ionia, Kent, Montcalm, Muskegon and Ottawa, and the City of Grand Rapids hereinafter referred to as the "Public Agencies." The Interlocal Agreement describes the purpose, structure and functions of ACSET. These Bylaws state the basic operational rules for the Governing Board, which is the governing body of ACSET. The Governing Board is a collaborator with the Workforce Development Board in accordance with the Interlocal Agreement and the Agreement between the Workforce Development Board and the ACSET Governing Board. ~~These Bylaws are not applicable to the transaction of business concerning Community Action Agency (CAA) matters by those members of the Governing Board that represent jurisdictions that have designated ACSET as a CAA. Those members will function pursuant to the ACSET Interlocal Agreement and any written agreement between those jurisdictions.~~ These amended Bylaws, initially approved by the Public Agencies, were ~~are~~ effective October 1, 2015 and are now amended again on XXX, 2021.

### **ARTICLE I: BOARD OF LOCAL ELECTED OFFICIALS**

Section 1: Function. The Governing Board, in collaboration with the Workforce Development Board, is the policy-making body of ACSET. Its authority and responsibilities are prescribed by the current Interlocal Agreement. Its relationship to the WDB is described in the Agreement between the Workforce Development Board and the ACSET Governing Board.

Section 2: Membership.

- a. The members of the Governing Board are elected legislative officials chosen by their respective Public Agencies in accordance with the provisions of the current ACSET Interlocal Agreement.
- b. The Governing Board will review the structure of its membership in every odd-numbered year on the basis of the following factors:
  - The funding provided to each Public Agency for employment and training programs administered by ACSET;
  - The number of participants served in employment and training programs administered by ACSET in each Public Agency; and
  - Population estimates by the U. S. Bureau of the Census for each Public Agency.

During this review, the members of the Governing Board will affirm the existing board composition/representation model or recommend to the Public Agencies that the composition of the Governing Board be amended in the Interlocal Agreement to take effect the next even-numbered year.

Section 3: Term. Each representative shall assume his or/~~her~~ seat on the Governing Board at the next regular meeting following his or/~~her~~ appointment and shall serve at the pleasure of the Public Agency which appointed him or/~~her~~.



Section 4: Officers. The Governing Board shall elect a Chairperson and a 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 Vice-Chairperson shall be elected from among the representatives of one of the Public Agencies in the same rotation, except that the Chairperson and Vice-Chairperson shall not represent the same Public Agency. ~~The Public Agency from which the Chairperson shall be elected for calendar year 2016 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.~~ Consistent with the above rotation and at the time these Bylaws were amended in 2021, a representative of Ottawa County had been elected as Chairperson and a representative of the City of Grand Rapids was elected as Vice-Chairperson for calendar year 2021. Each shall hold office until a successor takes office, or until resignation or removal.-

- a. Chairperson. The Chairperson shall be the chief officer of the Governing Board and shall preside at all meetings of the Governing Board.
- b. Vice-Chairperson. The Vice-Chairperson shall perform the duties and exercise the power of the Chairperson during the absence or disability of the Chairperson.

Section 5: Voting Alternates. In the event that a member of the Governing Board determines that he or she will be unable to attend three (3) consecutive meetings of the Governing Board, the governing body of his or her jurisdiction shall appoint another member representative of that governing body to serve as an alternate in his or her place as a member of the Governing Board. The member shall notify the Chairperson of the Governing Board of the appointment in writing indicating the identity of the alternate and that he or she will be unable to serve for at least three consecutive meetings, and shall provide confirmation that the alternate has been appointed by the governing body of his or her jurisdiction. The alternate may exercise all the functions of a member of the Governing Board and shall be subject to these bylaws and, including the ACSET Conflict of Interest and Nepotism Policy Guidelines. The term of the alternate shall end when the regular member resumes his or her duties or at the end of the calendar year, whichever occurs first.

~~[Section 6: Regular Meeting. No later than the first meeting in the month of January, the Governing Board shall set a day and time for the regular meetings of the Governing Board during the next year.]~~

~~Section 7: Special Meeting. At the discretion of the Chairperson, or upon the written request of two or more Representatives, a special meeting of the Governing Board may be called providing that written notice is mailed to each Representative at least seven calendar days prior to the day on which the special meeting shall be held. The written notice must state the time, place and purpose of the meeting; and the business of the meeting must be confined to the items described in the notice. In urgent cases, the requirement of seven days' notice in order to hold a special meeting may be waived by the consent of at least one Representative of each Public Agency and provided that there is sufficient time to post a public notice stating the date, time and place of the~~



~~meeting at least 18 hours before the meeting, unless the meeting is an emergency session held in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the representatives decide that immediate action is necessary.~~

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Section 68: Appointment of the Workforce Development Board. The participating Public Agencies shall establish a Workforce Development Board (WDB) as provided by law. The Administrative Unit of ACSET shall obtain nominations and recommendations for membership on the WDB, as provided by law, and shall provide the names of the individuals so nominated or recommended to the Governing Board. The members of the WDB shall be appointed by the Governing Board from among the individuals so nominated or recommended.

## **ARTICLE II: MEETINGS AND VOTING**

Section 6-1: Michigan's "Open Meetings Act." The Governing Board and Committees thereof will abide by the provisions of the State of Michigan's "Open Meetings Act."

Section 4-2: Rules of Order. The rules contained in the current edition of Roberts Rules of Order Newly Revised shall govern the action of the Governing Board, and of the standing or ad hoc Committees thereof, in all cases to which they are applicable and in which they are not inconsistent with these Bylaws, the Interlocal Agreement, and any applicable statutes.

Section 3: Business. At meetings of the Governing Board, business shall be transacted in such order as from time to time it shall determine by resolution.

Section 6-4: Regular Meeting Schedule. No later than the first meeting in the month of January of the calendar year, the Governing Board shall set a day and time for the regular meetings of the Governing Board during the next year.

Section 7-5: Special Meeting. At the discretion of the Chairperson, or upon the written request of two or more Representatives board members, a special meeting of the Governing Board may be called, provided ing that written notice is mailed or emailed to each Representative board member at least seven (7) calendar days prior to the day on which the special meeting shall is to be held. The written notice must state the time, place, and purpose of the meeting; and the business of the meeting must be confined to the items described in the notice. In urgent cases, the requirement of seven (7) days' notice in order to hold a special meeting may be waived by the consent of at least one Representative board member from of each Public Agency and provided that there is sufficient time to post a public notice stating the date, time and place of the meeting at least 18 hours before the meeting, unless the meeting is an emergency session held in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds (2/3) of the representatives board members decide that immediate action is necessary.

Section 9: Quorum. ~~A majority of the Governing Board members appointed and serving shall constitute a quorum. When a quorum is present at a meeting of the Governing Board, a majority vote of fifty-one percent (51%) of those present shall be necessary for the transaction of business, except that service center location(s), Workforce Development Board Bylaws; and the employment, termination, and contract approval of the ACSET Chief Executive Officer will~~

~~require a seventy-five percent (75%) affirmative vote of the members appointed and serving. The budgets and its amendments, and the appointment of members to the Workforce Development Board will require a seventy-five percent (75%) affirmative vote of the members present.~~

**Section 9 6: Quorum and Voting.** A quorum shall exist when a majority of the Governing Board members appointed and serving are present at a meeting. A member is “present” for purposes of a quorum when he or she is either physically present at an in-person meeting or is virtually present via electronic means in compliance with applicable law and the ACSET West Michigan Works! Virtual Meeting Policy. **Each member shall be entitled to one vote.** When a quorum is established at a meeting of the Governing Board, a majority vote of fifty-one percent (51%) of those present shall be necessary for the transaction of business, **with the following exceptions:-**

a. **Matters that Require a Supermajority Vote.** Any vote regarding ACSET’s budget and budget amendments, or the appointment of members to the Workforce Development Board will require a seventy-five percent (75%) affirmative vote of the members present.

b. **Matters that Require a Supermajority Vote and Supermajority Quorum.** Any vote that determines service center location(s), Workforce Development Board Bylaws, and the employment, termination, and contract approval of the Chief Executive Officer of ACSET (**“ACSET CEO”**) will require a seventy-five percent (75%) affirmative vote of the members appointed and serving.

**Section 7: Amendment of these Bylaws.** The Governing Board shall have the power and authority to alter, amend or repeal these Bylaws at any of its meetings by the affirmative vote of two-thirds (2/3) of the total membership of the Governing Board, except that any amendments to **Article I, Section 2 (Membership) or any amendments to the supermajority voting and supermajority quorum requirements of Article II, Section 6 (Quorum and Voting)** may be amended only by an affirmative vote of twelve (12) of the fourteen (14) board members. A copy of any proposed change must be either mailed or emailed to each member of the Governing Board at least seven (7) days prior to the meeting at which the amendment is to be considered, along with written notice stating the time and place when the proposed changes are to be considered. The Governing Board may revise the proposed changes as they are debated at the announced meeting, but may not alter any other section of the Bylaws except those which contain the proposed changes.

**Section 8: Virtual Meeting Attendance.** Any member of the Governing 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. Upon confirmation by the Chairperson that a board member’s virtual attendance at a meeting is permissible under applicable law, the ACSET CEO, or his or her designee, will make accommodations for that board member to attend the meeting by virtual means as defined herein. The board member requesting virtual participation must notify the Board Chairperson or the ACSET CEO by 12:00 noon two (2) business days prior to the meeting so that teleconferencing and/or videoconferencing can be arranged. Any board

member who attends a meeting virtually will be indicated on the meeting minutes as “Present via teleconferencing.”

- a. “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:

- ~~b.~~ ~~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

- ~~1.~~ ~~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 927: Conflict of Interest. ~~The~~ All Governing Board members and committee members ~~Board~~ shall comply with the ACSET ~~Code of Conduct and~~ Conflict of Interest and Nepotism Guidelines ~~Policy, which is applicable to all ACSET officers and agents.~~ a copy of which are attached hereto and made a part hereof. If it is established at a meeting of the Governing Board that one of its members knowingly violated such ~~this~~ Guidelines ~~Policy~~, ACSET will terminate any contract or contracts which are the subject of the violation. Notice of the alleged violation will be provided in the written agenda for the meeting. 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.

Section 210: Public Recognition at Meeting. The presiding officer at a meeting of the Governing Board will recognize a member of the public who desires to address the Governing Board. The presiding officer may determine the length of any such address depending upon the circumstances at a given meeting.

## **ARTICLE III: GENERAL PROVISIONS**

Section 1: Staff. Staff support for the work of the Governing Board shall be provided by the Chief Executive Officer in accordance with the ACSET Interlocal Agreement. Subject to approval of the Governing Board, the Chief Executive Officer shall be responsible for preparing

and distributing the agenda and minutes and shall bring to the attention of the Governing Board such additional information as he or she deems appropriate.

~~Section 2: Public Recognition at Meeting. The presiding officer at a meeting of the Governing Board will recognize a member of the public who desires to address the Governing Board. The presiding officer may determine the length of any such address depending upon the circumstances at a given meeting.~~

-

~~Section 3: Business. At meetings of the Governing Board, business shall be transacted in such order as from time to time it shall determine by resolution.~~

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~~Section 4: Rules of Order. The rules contained in the current edition of Roberts Rules of Order Newly Revised shall govern the action of the Governing Board, and of the standing or ad hoc Committees thereof, in all cases to which they are applicable and in which they are not inconsistent with these Bylaws, the Interlocal Agreement, and any applicable statutes.~~

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~~Section 6: Michigan's "Open Meetings Act." The Governing Board and Committees thereof will abide by the provisions of the State of Michigan's "Open Meetings Act."~~

~~Section 27: Conflict of Interest. The Governing Board shall comply with the ACSET Code of Conduct and Conflict of Interest Guidelines Policy, which is applicable to all ACSET officers and agents, a copy of which are attached hereto and made a part hereof. If it is established at a meeting of the Governing Board that one of its members knowingly violated such this Guidelines Policy, ACSET will terminate any contract or contracts which are the subject of the violation. Notice of the alleged violation will be provided in the written agenda for the meeting.~~

**ADMINISTRATIVE OFFICE**

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1550 Leonard NE  
Grand Rapids, MI 49505  
(616) 336-4100

**SERVICE CENTERS**
**Allegan County**

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Allegan, MI 49010  
(269) 686-5079

220 East Main St  
Fennville, MI 49408  
(269) 561-2001

**Barry County**

130 E State St  
Hastings, MI 49058  
(616) 649-9850

**Ionia County**

301 W Main St  
Ionia, MI 48846  
(616) 389-8525

**Kent County**

121 Franklin SE  
Grand Rapids, MI 49507  
(616) 336-4040

215 Straight Ave NW  
Grand Rapids, MI 49504  
(616) 336-4460

10075 Northland Dr NE  
Rockford, MI 49341  
(616) 228-6724

**Montcalm County**

114 S Greenville W Dr  
Greenville, MI 48838  
(616) 754-3611

**Muskegon County**

316 Morris Ave  
Muskegon, MI 49440  
(231) 724-6381

**Ottawa County**

121 Clover St  
Holland, MI 49423  
(616) 396-2154

**MEMORANDUM**

**TO:** ACSET Governing Board

**FROM:** Tawanna Wright, Staff Attorney

**DATE:** April 19, 2021

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

**Background:**

In July 2020, the State released Policy Issuance (PI) 20-12 regarding Conflict of Interest and Nepotism. Because of the changes in State PI 20-12, the ACSET Conflict of Interest Policy must be revised.

**Additions:**

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 I.L.: Language has been added that addresses the new requirement that WDB members and employees execute an annual declaration affirming that no COI exists.
3. Section II: Language has been added that addresses COI of WDB members specifically. Most of this language is the language that was previously contained in the June 2020 WDB Bylaws.
4. Section III: Language has been added that addresses COI of Subrecipients.
5. Section IV: Language has been added that addresses Nepotism for Officers and Agents.

The **Virtual Meeting Policy** is a new policy that will house all the background procedure supporting the virtual meeting participation provisions in the GB and WDB bylaws. In 2020, virtual meeting provisions were added to the Michigan Open Meetings Act (OMA). This new policy is consistent with the OMA.

During the April 12<sup>th</sup> WDB Meeting, the WDB voted to add the 18-hour time requirement to Section B.3 of the policy. Following the meeting, WMW staff made additional clerical changes to make the policy more user friendly and to clear up confusion that seemed apparent at the WDB meeting.

**Action:**

At its April 12th meeting, WMW Workforce Development Board approved the attached Conflict of Interest Policy and Virtual Meeting Policy. WMW staff is now requesting that the GB approve the two policies.

## 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 the his officer or agent's or her immediate family,
- ~~3) his or her partner,~~ 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.

~~DE~~. 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.

~~FE~~. ACSET employees shall comply with the sections of Sections 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.

~~F. 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 9.7 of Article II of the bylaws of both the Amended 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 ~~ts~~ members knowingly violated such Guidelines~~this 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.

~~H. 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.~~

~~I. 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 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.

~~I. Each Any ACSET officer or agent of ACSET must is required to disclose any potential actual or actual 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. 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. Thisee Guidelines Policy isare~~ promulgated pursuant to 2 CFR 200.318, Michigan Department of Labor and Economic Opportunity Growth 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 may terminate any contract or contracts which are the subject of the violation. The Chief Executive Officer of ACSET will may 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 or 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 **A-“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”** ~~for the purposes of this section, does not include:~~ (1) an employer that provides employer-based training to any participant in an employment and training program administered by ACSET or (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.

#### **IVH. 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 on



**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:** Michigan Open Meetings Act, MCL 15.261 et seq.

**Background:**

**Policy:**

- A. Participation by Virtual Means: 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. Required Board Member Notice for Virtual Attendance: 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 or Chief Executive Officer of ACSET ("ACSET CEO") by 12:00 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. 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 CEO, or his or her designee, 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.
  3. 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 CEO, or his or her designee, shall notify members of the Board, in writing, of the method for participating in the meeting at least eighteen (18) hours 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.~~
  4. If any member of the Board participates in a meeting by virtual means, the ~~Chief Executive Officer of~~ ACSET CEO, 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.
- C. Required Public Notice for Board Member Virtual Attendance: 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 CEO, 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. Required Public Notice for Meeting Being Held Electronically: If a meeting of the Board or committee is to be held electronically, in whole or in part, the ~~Chief Executive Officer of~~ ACSET CEO, 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. Announcement of Location for Virtual Attendees: 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. Rules Governing Members of the Public:

~~F.~~ 1. 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.~~ 2. 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.



#### ADMINISTRATIVE OFFICE

Area Community Services  
Employment & Training Council  
1550 Leonard NE  
Grand Rapids, MI 49505  
(616) 336-4100

#### SERVICE CENTERS

##### Allegan County

3255 122nd Ave  
Allegan, MI 49010  
(269) 686-5079

220 East Main St  
Fennville, MI 49408  
(269) 561-2001

##### Barry County

130 E State St  
Hastings, MI 49058  
(616) 649-9850

##### Ionia County

301 W Main St  
Ionia, MI 48846  
(616) 389-8525

##### Kent County

121 Franklin SE  
Grand Rapids, MI 49507  
(616) 336-4040

215 Straight Ave NW  
Grand Rapids, MI 49504  
(616) 336-4460

10075 Northland Dr NE  
Rockford, MI 49341  
(616) 228-6724

##### Montcalm County

114 S Greenville W Dr  
Greenville, MI 48838  
(616) 754-3611

##### Muskegon County

316 Morris Ave  
Muskegon, MI 49440  
(231) 724-6381

##### Ottawa County

121 Clover St  
Holland, MI 49423  
(616) 396-2154

## MEMORANDUM

**TO:** ACSET Governing Board

**FROM:** Commissioner Frank Garcia, ACSET Governing Board Chair  
Commissioner Senita Lenear, ACSET Governing Board Vice-Chair

**DATE:** April 19, 2021

**RE:** Chief Executive Officer (CEO) 2021 Key Objectives

## Background

On March 17, 2021, Chairperson Garcia, Vice-Chairperson Lenear and Jacob Maas met via conference call to discuss the ACSET Chief Executive Officer (CEO) 2021 Key Objectives. These objectives are listed below for your review.

## 2021 Key Objectives

1. Secure additional formula and non-formula funding.
2. Further enhance services inside and outside the service centers through strengthened and new partner relationships.
3. Increase federal and state advocacy for employment and training programs.
4. Continue to be a recognized leader locally, statewide and nationally.
5. Increase diversity of West Michigan Works! staff ensuring staff demographics mirror communities being served.
6. Ensure local, state and federal performance outcomes met and/or exceeded.
7. Prepare, respond and adapt to the ever-changing economic conditions as a result of the COVID-19 pandemic.

## Requested Action

Chairperson Garcia and Vice-Chairperson Lenear requests ACSET Governing Board approval of the CEO 2021 Key Objectives as listed above.



## ACSET Personnel Actions – April 19, 2021

CLASS	EMPLOYEE	APPOINTMENT	DATE	LOCATION
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### Appointments

<u>Class</u>	<u>Employee</u>	<u>Appointment</u>	<u>Date</u>	<u>Location</u>
Career Coach	Erin Goossen	Permanent	4/19/21	Muskegon
	Julie Moore		4/19/21	Muskegon
Career Navigator	Cindy Cline	Permanent	3/8/21	Muskegon
	Rhonda Hoffman		4/19/21	Westside, GR

### Separations

<u>Class</u>	<u>Employee</u>	<u>Appointment</u>	<u>Separation Date</u>	<u>Location</u>
Career Coach	Anetri'a Conyers	Permanent	4/7/21	Muskegon
	Rachel Dziabuda		4/14/21	Ottawa
	Devon Gibson		3/19/21	Barry
	Jessica Smith		3/26/21	Franklin, GR
Quality Assurance Specialist	Nanette Flynn	Permanent	3/10/21	Allegan
Talent Solutions Manager	Kathleen Rohlman	Permanent	3/19/21	Muskegon

### Promotion

<u>Class</u>	<u>Employee</u>	<u>Appointment</u>	<u>Date</u>	<u>Location</u>
Career Coach to Resource Specialist	Oman Khanal	Permanent	2/22/21	Franklin, GR
	Michelle Quinn		3/8/21	Muskegon
Career Coach to Success Coach	Natalie Cavagnetto	Permanent	2/22/21	Ottawa
	Nancy Campbell		2/22/21	Westside, GR
Career Navigator to Career Coach	Jessica Smith	Permanent	3/1/21	Franklin, GR
BSR to Apprenticeship Success Coordinator	Kelly Tang	Permanent	2/22/21	Westside, GR

Current

April 2021

CLASSIFICATION	Approved	Filled (Permanent)	Filled (Other)	Vacant
Accountant	3	3	0	0
Accounting Assistant	5	3	0	2
Accounting Manager	1	1	0	0
Accounting Supervisor	1	1	0	0
Apprenticeship Success Coordinator	2	1	0	1
Assessment Specialist	4	4	0	0
Assistant Manager	13	13	0	0
Attorney	2	2	0	0
Business Solutions Coordinator	4	4	0	0
Business Solutions Director	1	1	0	0
Business Solutions Manager	2	2	0	0
Business Solutions Representative	17	15	0	2
Career Coach	53	45	0	8
Career Navigator	26	23	0	3
Chief Executive Officer	1	1	0	0
Chief Financial Officer	2	1	0	1
Chief Operating Officer	1	1	0	0
Computer Support Specialist	2	2	0	0
Custodian	1	0	0	1
Executive Assistant	1	1	0	0
Facilities Coordinator	1	1	0	0
Facilities Manager	1	1	0	0
Human Resource Assistant	3	3	0	0
Human Resource Director	1	1	0	0
Industry Council Leads	5	4	0	1
Information Technology Manager	1	1	0	0
Marketing & Communications Assistant	1	1	0	0
Marketing & Communications Coordinator	2	2	0	0
Marketing & Communications Director	1	1	0	0
Performance Analyst	6	6	0	0
Policy Coordinator	3	2	0	1
Policy Manager	4	4	0	0
Procurement Manager	1	1	0	0
Project Manager	2	1	0	1
Quality Assurance Specialist	9	7	0	2
Records Service Specialist	5	5	0	0
Resource Specialist	4	3	0	1

Retention Solutions Manager	1	0	0	1
Success Coach	2	2	0	0
Talent Development Instructor	11	11	0	0
Talent Development Manager	1	1	0	0
Talent Development Specialist	9	8	0	1
Talent Solutions Director	1	1	0	0
Talent Solutions Manager	6	5	0	1
Training Consultant	1	1	0	0
Youth Solutions Manager	1	1	0	0
<b>TOTALS</b>	<b>225</b>	<b>198</b>	<b>0</b>	<b>27</b>

<b>CLASSIFICATION</b>	<b>Filled</b>
Participant/Temporary	0

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(616) 396-2154

**MEMORANDUM**

**TO:** ACSET Governing Board

**FROM:** Laura Krist, Human Resource Director

**DATE:** April 19, 2021

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

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**Background**

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 additional positions would be appropriate:

**Additions:**

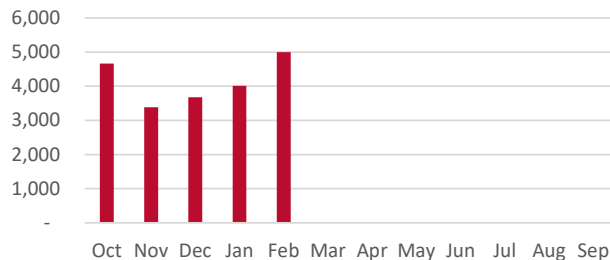
- **Quality Assurance Specialist (1) and Career Coach (1)**  
These positions would be added to provide additional support needed within our Youth Solutions department.
- **Marketing and Communications Coordinator (1)**  
This additional position would be added to our Marketing department to oversee our various websites including our main website, and the sites associated with our industry councils and the various initiatives that we support (such as HireReach, Future of Work, and MiCareerQuest).
- **Project Manager (3)**  
These three additional project managers would be responsible for overseeing a variety of projects and contracts including the incoming Michigan Energy Workforce Development Consortium contract, HireReach, Career Point implementation, as well as other grant project management as needed.

**Action:**

We are requesting Governing Board approval to add these 6 positions to the West Michigan Works! staffing chart. We have adequate funding in our budget to support this request.



Service center calls  
and online chats  
(employers & job seekers)  
**20,741**

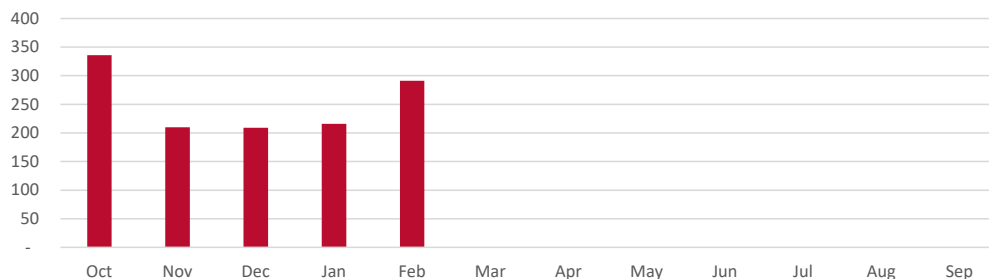


PY	Program Year
WIOA	Workforce Innovation and Opportunity Act
AD	Adult Worker
DW	Dislocated Worker
TAA	Trade Adjustment Act
FAE&T	Food Assistance Employment & Training
PATH	Partnership. Accountability. Training. Hope.
OJT	On-the-Job

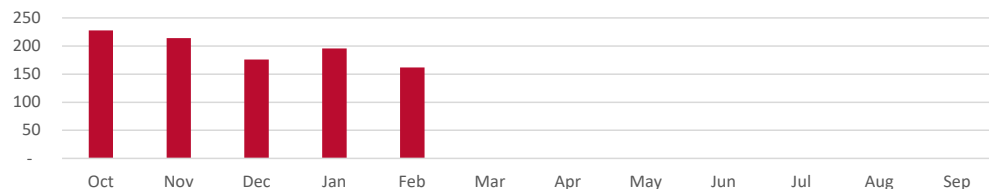
## Job Seekers Served



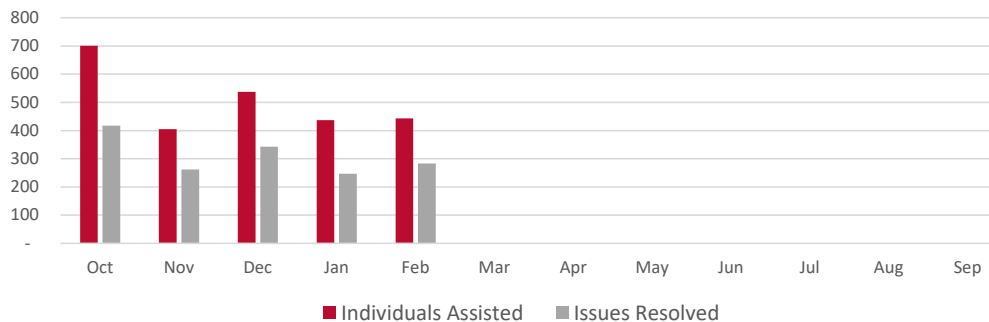
In-Person Appointments  
**1,262**



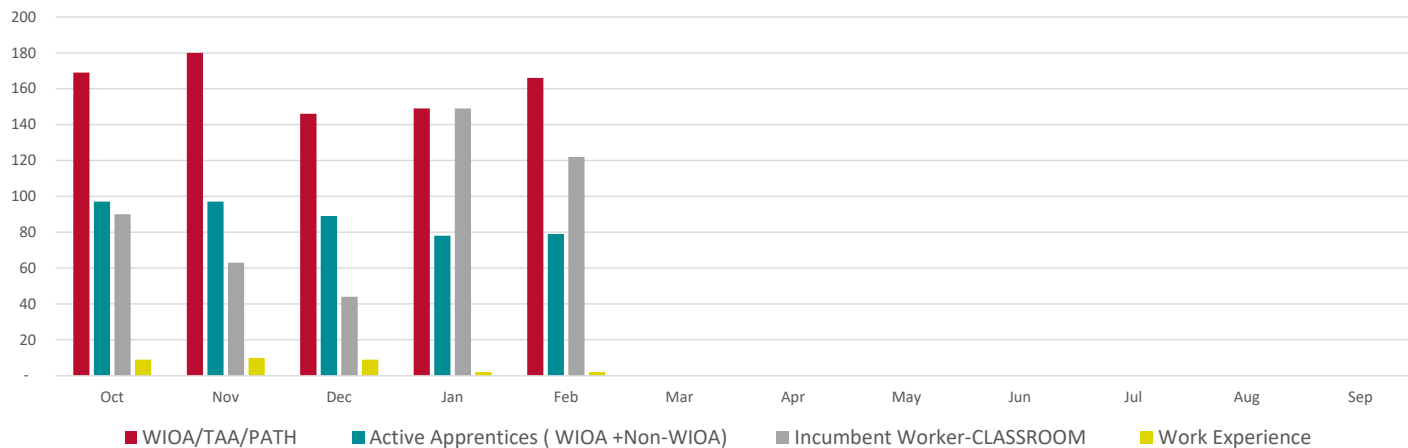
Orientations  
**976**



Unemployment  
Insurance  
Assistance  
**2,523**



## Training (Continued and New)

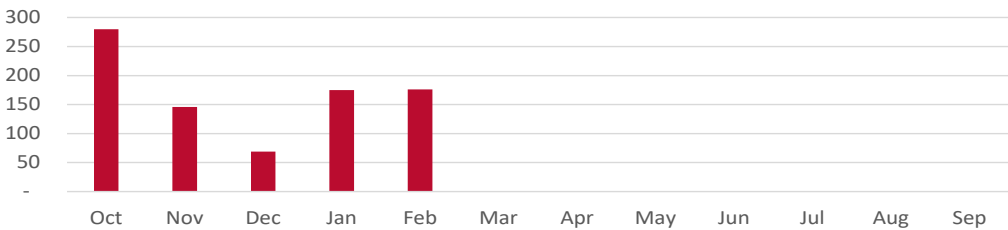


Employers Served

Item #8



Employers Served  
846

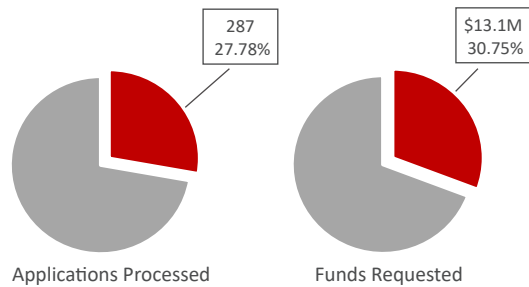


Virtual Hiring Events

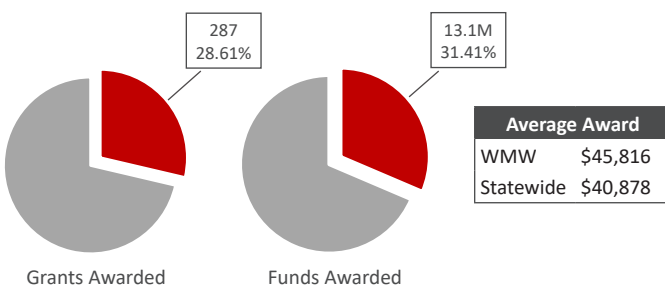
22 17 0 1 3

Going PRO Talent Fund

Applications



Awards



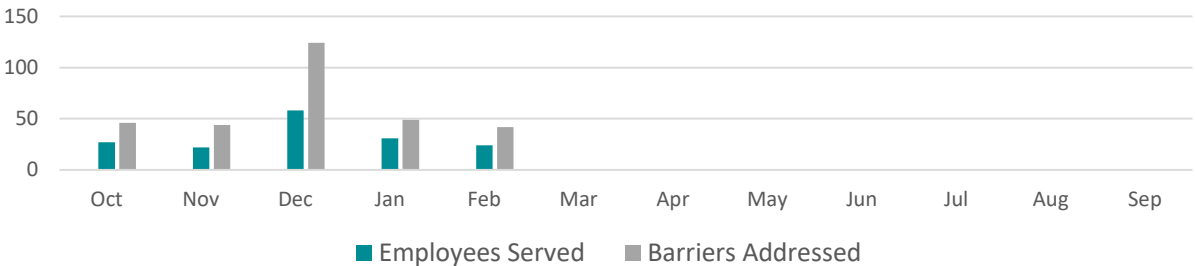
Training

	Apprenticeships		New Hire		Classroom		TOTAL		Billed by Industry
	Planned	Completed	Planned	Completed	Planned	Completed	Planned	Completed	
Agribusiness	10		266		192		468		
Construction & Transportation	165		410		407		982		
Health Care	60		632		290		982		
Information Technology	1		225		241		467		
Manufacturing	206		2259		2304		4,769		
Other	56		350		590		996		
TOTAL	498		4,142		4,024		8,664		

Retention Solutions Network

Member Employers  
6

Total Success Coach Hours  
624.75





## MEMORANDUM

**ADMINISTRATIVE OFFICE**

Area Community Services  
Employment & Training Council  
1550 Leonard NE  
Grand Rapids, MI 49505  
(616) 336-4100

**SERVICE CENTERS****Allegan County**

3255 122nd Ave  
Allegan, MI 49010  
(269) 686-5079

220 East Main St  
Fennville, MI 49408  
(269) 561-2001

**Barry County**

130 E State St  
Hastings, MI 49058  
(616) 649-9850

**Ionia County**

301 W Main St  
Ionia, MI 48846  
(616) 389-8525

**Kent County**

121 Franklin SE  
Grand Rapids, MI 49507  
(616) 336-4040

215 Straight Ave NW  
Grand Rapids, MI 49504  
(616) 336-4460

10075 Northland Dr NE  
Rockford, MI 49341  
(616) 228-6724

**Montcalm County**

114 S Greenville W Dr  
Greenville, MI 48838  
(616) 754-3611

**Muskegon County**

316 Morris Ave  
Muskegon, MI 49440  
(231) 724-6381

**Ottawa County**

121 Clover St  
Holland, MI 49423  
(616) 396-2154

**TO:** ACSET Governing Board

**FROM:** West Michigan Works! Staff

**DATE:** April 19, 2021

**RE:** Solutions Driven Updates

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West Michigan Works! (WMW) continues to provide virtual services to both employers and job seekers, as well as in-person appointments in our Service Centers for employment-related services.

**Clean Slate Navigator:**

WMW has hired a Clean Slate Navigator and will begin a soft launch of expungement services by April 1. These services will allow certain criminal records to be “set aside”, allowing greater employment opportunities for many residents in West Michigan.

**Grants:**

**Future of Work:** Partnered with Michigan Works! Berrien, Cass, Van Buren and Southwest Michigan Works! West Michigan Works! has been paired with three solutions as part of the Future of Work Grand Challenge. These solutions will provide free training to individuals in entrepreneurship, customer service (including sales), and probably machining. Each training will be less than 90 days and serve between 100 and 350 individuals. The solutions are competing for a grand prize, allowing them to scale and expand their solution nationwide.

**Digital Literacy and Education:** WMW is partnering with Samaritas on The Refugee Digital Literacy and Learning (DLL) program, which will provide support to refugee families as they transition into the American workforce and American school system. The goal of the program is two-fold: to provide a bridge to a broader array of career preparation services; and to lead to self-sufficiency through improved English language acquisition, trainings, skill development, social integration, job placement, job retention, and job upgrades. WMW and Samaritas will have a formal two-way referral process to best support the eligible individuals as they take steps into career opportunities in the US.

**State Apprenticeship Expansion (SAE):** The Michigan Department of Labor & Economic Opportunity, Workforce Development (LEO-WD) approved our proposal submitted in response to the State Apprenticeship Expansion Grant Program. WMW was awarded \$525,800 which will help create 200 new registered apprentices during the grant period of April 13, 2021 through March 31, 2023. This is an increased award amount from our original proposal, submitted to LEO-WD in the amount of \$305,000 for 116 new registered apprentices. These funds will help cover employer costs and will allow WMW to scale the registered apprenticeship programs by hiring an additional Apprenticeship Success Coordinator to develop new programs by working with our Industry Talent Councils.

### Industry Talent Council Initiatives:

#### **Agribusiness Talent Council (ATC)**

- In partnership with the Michigan Department of Agriculture & Rural Development (MDARD), ATC held a virtual job fair specifically for agribusiness employers on March 25. Job seekers could discuss their skills and qualifications with hiring managers over video chat.
- In collaboration with the West MI Tech Talent Council, employer council members spoke with Catherine Behrendt in a featured [on-air segment on WZZM's The Exchange](#) about the wealth and variety of career options in West Michigan's Ag and I.T industries.
- As part of Agribusiness Spotlight Week, the ATC supported six live career exploration workshops that took place between March 15 - 25
- Worked with a professional production company to produce a [video focused on the Agribusiness Industry](#), showcasing great careers in the field, from farm to food production. This video will be used to showcase the industry to WMW participants and will also be made widely available to all partners on the ATC website.
- Recorded an [Agribusiness Industry 101 video](#) for West Michigan students to learn more about the diverse opportunities available in the industry.

#### **Construction Workforce Development**

- Held an industry job fair specifically for construction employers on March 11. Job seekers could register for 15-minute phone conversations with construction employers with immediate openings.
- Industry employer executives from Feyen Zylstra, an innovative electrical contractor headquartered in Grand Rapids, and EV Construction a building contractor located in Holland, spoke with Catherine Behrendt in a featured [on-air segment on WZZM's The Exchange](#) about the wealth and variety of career options in West Michigan's construction industry.
- Worked with a production company to professionally produce a [video focused on the construction industry](#). This video will be used to highlight the industry to WMW participants and will also be made widely available to all partners on the WMW website.



- Created a [construction industry 101 video](#) for West Michigan students learn more about the diverse opportunities available in construction and dispel common misconceptions of the industry.
- In collaboration with the Professional Women in Building organization, developed a video to highlight [women in construction](#). The video is a culmination of interviews and film of women working on the job. This project is part of a joint effort to create a more diverse workforce in the construction industry.

#### **Discover Manufacturing (DM)**

- DM will host a virtual job fair for advanced manufacturers on April 7. This will give job seekers the opportunity to chat live with company representatives that have current job openings.
- DM council members talk with Catherine Behrendt on The Exchange about the wealth and variety of career options in West Michigan's manufacturing industry.
- Will host a live virtual webinar on April 8 with employer and educator experts to discuss the benefits of automation from a talent perspective, productivity, cost savings and messaging to the existing workforce. The webinar will provide perspectives from the experts and outline resources for manufacturers looking to implement automation.
- Added ten manufacturing career focused videos to the [DM YouTube channel](#). Each video is 2 to 3 minutes long and includes some great footage from employees speaking to how, and why, they were attracted to the industry.
- DM is working with a production company to professionally produce a video focused on the manufacturing industry in West Michigan. This video will be used to highlight the industry to WMW participants and will also be made widely available to all partners on the DM website. The video content will be made available later in the week.
- Created a [manufacturing industry 101 video](#) for West Michigan students learn more about the diverse opportunities available in the manufacturing industry.

#### **West Michigan Health Careers Council (WMHCC)**

- WMHCC hosted a virtual job fair for health care employers on February 25. Job seekers had the opportunity to chat over the phone with company representatives that have current job openings.
- WMHCC council members Charolotte Bindas from Spectrum Health and Julie Parks, from Grand Rapids Community College spoke with Catherine Behrendt in a featured [on-air segment on WZZM's The Exchange](#) about the wealth and variety of career options in West Michigan's health care industry.
- WMHCC hosted a webinar on February 23 for job seekers to learn about the [benefits and opportunities in healthcare](#). Job seekers heard from educators and health care providers about the benefits of working in the industry and how to take their first step to a great career.
- WMHCC hosted a webinar for employers on February 26 to discuss [regional trends in attraction and retention in healthcare](#). Local health care providers discussed what they are doing to recruit and retain employees, given these challenging times.

- WMHCC worked with a production company to professionally produce a [video focused on the healthcare industry](#) in West Michigan. This video will be used to highlight the industry to WMW participants and will also be made widely available to all partners on the WMHCC website.
- Created a [healthcare industry 101 video](#) for West Michigan students learn more about the diverse opportunities available in the health care industry.

#### **West Michigan Tech Talent (WMTT)**

- WMTT hosted a first-of-its-kind virtual networking & recruiting event on March 25, in partnership with Hello West Michigan to introduce both local and out-of-state tech talent with great West Michigan Employers (IT's Happening In West Michigan). There were 6 employers, 35 job seekers in attendance.
- In collaboration with the Agribusiness Talent Council, employer council members spoke with Catherine Behrendt in a featured [on-air segment on WZZM's The Exchange](#) about the wealth and variety of career options in West Michigan's Ag and I.T industries.
- WMTT hosted a webinar for employers on March 23 to discuss [The Future of Work: How to Manage Remote Teams & Projects](#). Attendees heard from a panel of local I.T. professionals as they discussed lessons learned from working remotely over the past year.
- WMTT worked with a production company to professionally produce a [video focused on the I.T. industry](#) in West Michigan. This video will be used to highlight the industry to WMW participants and will also be made widely available to all partners on the WMTT website.
- Created an [I.T. industry 101 video](#) for West Michigan students learn more about the diverse opportunities available in the I.T. industry.

**Multi Industry Talent Council Leadership Meeting, Collaborative Solutions:** The Chair and Vice Chair from all five Industry Talent Councils (ITCs) were invited to a meeting on April 2<sup>nd</sup>, to learn about the initiatives each council is working on, as well as discuss collaborative projects for future endeavors. At this meeting, Neil Carlson from Calvin University presented the results and analysis of the WMW Talent Survey that aimed to identify what may be keeping individuals from work. Each ITC will bring this information back to their council to discuss what solutions may be beneficial to returning more people to work. ITC leadership will then reconvene and share the highlights of those discussions across industry.

**MiCareerQuest 2021:** MiCareerQuest will be held virtually on April 21, 2021. WMW workforce development board members will have the opportunity to register for the virtual event.

### Retention Solutions Network (RSN):

In February, WMW's RSN Manager left the organization to take another position, and we are using this as an opportunity to somewhat restructure internally to better meet the needs of the RSN, based what we know after two years of operation. One of the things we will focus on is better integration of all Business and Talent Solutions services to our RSN employers, including work-based learning opportunities and work readiness services for employees.

RSN Employers continue to renew their contracts, and West Michigan Works! will continue to recruit additional employers to join both networks until capacity is reached.

2021

**STATE**

**LEGISLATIVE  
PRIORITIES**



MICHIGAN  
**WORKS!**  
ASSOCIATION

## 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.

## 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.

## **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!.

## **HOUSING OF STATE WORKFORCE PROGRAMS**

### **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 become skilled, productive contributors to Michigan's economy. Part of this success is in the ability of local workforce development boards to maintain decision making ability 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.

### **MICHIGAN WORKS ASSOCIATION**

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Lansing, MI 48912

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**MICHIGANWORKS.ORG**  
**#MIWORKS | @MICHWORKSASSN**

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