



**OFFICE OF ECONOMIC AND WORKFORCE DEVELOPMENT
WORKFORCE DEVELOPMENT DIVISION
INTEROFFICE MEMORANDUM**

TO: MEMBERS OF THE WORKFORCE INVESTMENT SAN FRANCISCO BOARD

FROM: RHONDA SIMMONS

SUBJECT: ACTION REQUESTED: AMENDMENTS TO WORKFORCE INVESTMENT SAN FRANCISCO BYLAWS

DATE: 10/22/2009

ACTION REQUESTED

The Director of Workforce Development recommends to the Workforce Investment San Francisco Board to adopt the revisions to the Bylaws of the Workforce Investment San Francisco outlined in the attached Draft of the Bylaws, dated September 24, 2009.

BACKGROUND

The Bylaws of the Workforce Investment San Francisco Board were last revised in October, 2004. Since that time a number of organizational and administrative changes have been implemented that merit a revision in the language and framework of the Bylaws. Prior to 2004, the Workforce Investment Act (WIA) funding and Local Workforce Investment Board (LWIB) were operated and administered by the San Francisco Private Industry Council, a private 501 (c)(3) organization. Since that time, the administration of the WIA and LWIB were transferred to the Office of Economic Development which was renamed the Office of Economic and Workforce Development in light of the change of its purview. The Private Industry Council was subsequently dissolved.

In 2007, the San Francisco Board of Supervisors passed ordinance 0270-07 that further clarified the role of OEWD, the WISF and the role of the Director of Workforce Development.

It is the intent of the proposed revisions of the Bylaws to achieve the following objectives:

1. To remove processes and procedures that are unnecessary in light of the dissolution of the PIC and the integration of the WISF into the Office of Economic and Workforce Development.
2. To clarify processes, procedures, and rules that were ambiguous in the previous versions of the Bylaws.
3. To streamline the committee structure to reflect an oversight framework that is consistent with the current organization of operations, programs and activities within the Office of Economic and Workforce Development.
4. To correct typographical, grammatical, and formatting errors present in the previous document.

The section below provides additional information regarding the intent of substantive revisions to the Bylaws.

Section 3.8: Removal from Membership

Deleted:

“provided that there is a quorum present and that the notice of the meeting at which the vote is taken included in this action on the agenda.”

Rationale: The deleted language restates the conditions, according to the normal rules, under which the WISF can take any action. The deleted language is therefore redundant.

Impact: No changes in procedures apply since normal meeting rules already require these processes.

Section 4.2: Chairperson

Deleted:

“be appointed by the CLEO”

Added:

“be elected by the LWIB”

Rationale: The proposed revision to change the manner in which the Chairperson is chosen is made in conformance with the Workforce Investment Act Sec. 117(b)(5)

Impact: The LWIB only will elect the Chair of the WISF. Elections will occur at the first meeting of 2010.

Section 4.3: Vice-Chairperson

Added:

“be elected by a majority of the Members of the Executive Committee, and shall”

Rationale: The proposed language establishes the procedure to choose a Vice Chairperson where no procedure existed in the current bylaws.

Impact: The Vice-Chairperson will be elected at the first meeting of the Executive Committee.

Section 4.4(deleted): Treasurer

Deleted:

“The Treasurer shall be responsible for fiscal monitoring and oversight”

Rationale: Under California law, any incorporated body is required to appoint/elect a Treasurer. However, since the WISF now falls under the organizational purview of the Office of Economic and Workforce Development, and the City and County of San Francisco, the City Controller performs these duties for OEWD and subsequently, the WISF. The retention of a Treasurer would be functionally redundant and in conflict with that of the Controller.

Impact: The WISF will no longer have a Treasurer. Fiscal oversight and audit will be overseen by the San Francisco Controller's Office.

Section 4.4: Secretary

Added:

“The Secretary shall be appointed by the Director of Workforce Development...or the Director of Workforce Development”

Rationale: Under the current bylaws, no process is provided to establish the manner in which the Secretary is chosen. Given the responsibilities of the Secretary, it is expected that s/he will continue to be a staff member of the Office of Economic and Workforce Development. It is appropriate, therefore, that the Director of Workforce Development make such personnel decisions.

Impact: Currently a staff member of the OEWD serves as the Secretary to the WISF. The Director of Workforce Development will appoint any successive Secretaries.

Section 5.2: Executive Committee

Deleted:

“This Committee shall serve as the Board of Directors of the non-profit corporation, Private Industry Council, Inc.”

And

“and (3) review audit and other financial reports from PIC, Inc. as agent of WIB/Mayor partnership.”

Rationale: In light of the integration of the WISF into the OEWD and the dissolution of the PIC, this language is rendered obsolete.

Impact: The Office of the Controller will review audit and other financial reports in the normal course of its oversight of OEWD.

Section 5.3 Program Oversight Committee

Renamed:

“Program and Service Oversight Committee”

Added

“This Committee shall oversee the One-Stop San Francisco, the local One-Stop System, including monitoring operations of OSSF; of the facilities (centers and satellite locations) and the systems (technology, personnel staffing and training). This committee shall be responsible for recommendations regarding the Memoranda of Understanding with One-Stop Partners as required by the Act, and for development of marketing strategies for OSSF.”

Rationale: The proposed revisions reflect a merger of the Program Oversight Committee and the One Stop Operations Services Committee under the new name “Program and Service Oversight Committee.”

Impact: This merger reduces the potential number of meetings. The merged committee will assume all oversight functions over the partners, programs and One Stop system that are mandated by the Workforce Investment Act and the California State Workforce Investment Board.

Section 5.4 Youth Council

Deleted:

“Subject to approval of the LWIB and in conformance with the requirements of the ACT: develop, approve and recommend the design and solicitation criteria for youth services and activities; and conduct oversight with respect to the eligible providers of youth activities.”

Added

*“2. Develop, approve, and recommend the design and solicitation for criteria for youth services and activities; and
3. Conduct oversight with respect to the eligible providers of youth activities.*

Rationale: This change reflects an increase in authority of the Youth Council to set criteria, set standards, and oversee youth workforce activities.

Impact: The Youth Council may set policy and approve solicitation criteria for youth services and activities without an additional vote from the WISF. The Youth Council, through the Chair must submit reports to the WISF on any actions taken by the Youth Council.

Section 5.5 Employer Services Committee

Renamed:

“Sector Committees”

Deleted:

This committee shall have a chairperson who is a Member of the LWIB and shall include a Staff person as a non-voting member. The number and source of additional members shall be left to the discretion of the LWIB Chairperson and the committee chairperson. The membership of the committee shall be not less than seven (7) and not more than eleven (11) This committee shall focus on San Francisco’s changing industry and occupational structure, identify sectors in the forefront of San Francisco’s growth and assess their service and workforce needs. Coordinate and plan delivery of business services including tax credits, First Source Hiring, and labor market information. Design methods and practices to engage employers in the publicly financed workforce delivery system including: customized training, career ladder skills training, and criteria for “work-ready” job seekers. This committee shall also prepare recommendations to LWIB and the Executive Committee concerning marketing and public relations of the workforce development system to employers.

Added:

The Chairperson shall establish Sector Committees that include employers and other key industry stakeholders. These Committees shall provide recommendations to the WISF to direct workforce services to meet the needs of the targeted industry. These Committees shall also advise job training academies and other workforce services designed to serve the targeted industries.

Rationale: The proposed revisions reflect a reframing of employer services. In place of the Employer Services Committee, the Chair will establish multiple Sector Committees, each focusing in a specific industry. The Sector Committees will create industry-specific strategies utilizing the programmatic resources available through the San Francisco workforce system. The Sector Committees will provide programmatic, policy and operational recommendations to the WISF and will oversee any sector-specific initiatives, including any Sector Academies.

Impact: Employer outreach, engagement, and services will be and focused within specific, targeted industries.

Section 6.1 Meetings of the LWIB & Executive Committee

Added:

“Agenda: The Agenda shall be set by the Director of Workforce Development in consultation with the Chairperson. Members may request that an item be placed on the agenda through the Chairperson”

Rationale: The proposed language establishes a process by which the Agenda for meetings is set/

Impact: Provides a process by which members of the WISF can recommend agenda items.

Section 6.2.B Meetings of the LWIB & Executive Committee

Deleted:

“Six (6)”

Added:

“Four (4)”

Rationale: The language reduces the minimum number of Executive Committee meetings, allows for additional meetings to be called if necessary.

Impact: This is intended to provide greater flexibility in scheduling meetings of the Executive Committee In consideration of the addition of new committees (eg sector committees and other work groups), this proposed change would mitigate the potential increase in “meeting-load.” If necessary, additional meetings (above 4 per year) may be called at the discretion of the Chair and Director of Workforce Development.

Section 6.3 Notice of Meetings

Deleted:

“In addition, the agenda or its attachments shall include: the general nature of a proposal, if any, to take action when approval of the Members is required, amendment of these Bylaws, and such other matters, if any, as may be expressly required by state and local meeting laws.”

Added:

“in conformance with public meeting laws”

Rationale: The proposed change eliminates redundancies in language.

Impact: None- this change is intended to streamline the wording of the section.

Section 6.5 Public Testimony on Agenda Items

Deleted:

“Time shall be set aside on the agenda at the beginning of a LWIB or Executive Committee meeting for public testimony concerning matters on the published agenda for the meeting.”

Added:

“Public comment is required before action can be taken on an agenda item”

Rationale: This changes the language to conform to local and state public meeting laws.

Impact: This change ensures that public comment is taken before each action item, to conform to prevailing meeting laws.

Section 7.2 Consent Calendar

Deleted:

“If a quorum is present, the affirmative vote of a majority of the voting power represented and voting at the meeting (which affirmative veto also constitutes a majority of the required quorum) shall be the act of the Members, unless the vote of a greater number, or the same number after disqualifying one or more. Members from voting, is required by federal, state or local law, or these Bylaws.”

Rationale: This language is redundant with prevailing meeting rules and is unnecessary to include in these Bylaws.

Impact: None- this change is intended to streamline the wording of the section.