



**BY-LAWS  
OF  
THE NEW YORK STATE WORKFORCE INVESTMENT BOARD**

**ARTICLE I – NAME, AUTHORITY & LOCATION**

Section 1. Name. The name of this organization is the New York State Workforce Investment Board, hereafter referred to as the “SWIB.”

Section 2. Authority. The federal Workforce Innovation and Opportunity Act ([WIOA](#)) of 2014, applicable federal regulations, and [Article 24-A](#) of the New York State (NYS) Labor Law establish the SWIB and its purposes, powers, and duties.

Section 3. Location. The SWIB’s location and mailing address is the New York State Department of Labor (NYSDOL), Building 12, W.A. Harriman Campus, Albany, NY 12226.

**ARTICLE II – PURPOSES**

The purposes of the SWIB are to:

- a. Fulfill the requirements at WIOA Section 101 and Article 24-A of the NYS Labor Law; and
- b. Assist the Governor in the development, implementation, attraction, motivation, retention, and analysis of the workforce preparation and employment system designed to meet the recruitment and training needs of the state’s businesses, job seekers, incumbent workers, and economic development priorities.

**ARTICLE III – MEMBERSHIP**

Section 1. Appointment. The members of the SWIB are appointed in accordance with the provisions of Section 101(b) of WIOA and Article 24-A of the NYS Labor Law.

Section 2. Composition. The composition of the SWIB is in accordance with Section 101(b) of WIOA and Article 24-A of the NYS Labor Law.

Section 3. Term. Members are appointed for a term specified in Section 852(1)(d) of the NYS Labor Law. Ten (10) members shall be appointed for one (1) year; ten (10) members shall be appointed for two (2) years; and nineteen (19) members shall be appointed for three (3) years. At that point, the terms of new members or members reappointed shall be three (3) years.

Pursuant to the provisions of Section 852(7) of the NYS Labor Law, non-permanent members may be removed by the Governor for cause.

Section 4. Compensation. Members will receive no compensation except reimbursement for related expenses that are approved under NYS’s reimbursement policies.



Section 5. Annual Requirements. Members must attend the live Comprehensive Ethics Training Course (CETC) through the Statewide Learning Management System (SLMS) every other year, with a refresher course to be completed on the off years. Under Section 94(8)(a) of the Executive Law, SWIB members must attend the initial CETC within ninety (90) days of their appointment date. SWIB members are also required to annually disclose their finances through submission of the Financial Disclosure Statement ([FDS](#)). SWIB members must comply with both the CETC training requirements and financial disclosure requirement in order to be considered in good standing.

#### ARTICLE IV – OFFICERS

Section 1. Titles and selection. Pursuant to the provisions of WIOA Section 101(c) and Section 852(2) of the NYS Labor Law, the Governor shall select a Chairperson for the SWIB.

Section 2. Term of Office. The Chairperson serves at the discretion of the Governor.

Section 3. Duties and Powers. The Chairperson may designate a Vice Chairperson. The Chairperson or the Vice Chairperson presides at all SWIB and Executive Committee meetings, calls regular and special meetings of the members, appoints members of subcommittees in consultation with SWIB members, and selects chairpersons of subcommittees.

#### ARTICLE V – MEETINGS

Section 1. Number. In accordance with the provisions of Section 852 of the NYS Labor Law, the SWIB shall meet at least quarterly each calendar year. Meetings shall comply with the NYS [Open Meetings Law](#) and Section 852(9) of the NYS Labor Law.

Section 2. Notice. Written notice of a SWIB meeting will be issued in accordance with NYS [Open Meetings Law](#). The notice shall state the time, place, date, and purpose of the meeting.

Section 3. Quorum. A majority of the members of the SWIB constitutes a quorum. Members may only be counted towards a quorum if they are at the meeting in-person or attending via a video conference location that is accessible to the public or otherwise permitted by NYS [Open Meetings Law](#). Voting via phone is not permitted ([Section 41 of the General Construction Law](#)).

Section 4. Special meetings. Special meetings of the SWIB may be called by the Chairperson or Vice Chairperson at any time. No business other than that specified in the Notice of Meeting shall be conducted.

Section 5. Order of Business. The order of business at each regular meeting shall be as follows:

- a. Determination of a quorum;
- b. Approval of minutes of the previous meeting;
- c. Reports of officers;
- d. Reports of subcommittees;
- e. Unfinished business; and



f. New business.

#### ARTICLE VI – VOTING AND ATTENDANCE

Section 1. Members and Attendance. At all SWIB meetings, each member is entitled to cast one (1) vote in-person on any question, including those members attending via videoconference from a location available to the public. Votes shall be by voice, or may be by a show of hands at the Chairperson’s discretion. Ex-officio members of the SWIB may designate in writing to the Chair one (1) individual who will represent that member’s interests on the SWIB in the member’s absence. However, the representative must be at a minimum, an Executive-level team member who leads a workforce-related program at the agency being represented.

SWIB members are expected to participate in the meetings either in-person or via videoconference for 75% of the official meetings each year. Failure to do so will be grounds for dismissal from the SWIB. At the discretion of the Chair, exemptions may be granted for emergencies or other extenuating circumstances that prevent a member from attending the required number of meetings.

With the exception of the Chairperson and ex-officio members, SWIB members may not delegate their membership responsibilities to other persons. Only SWIB members, or duly recorded proxies for ex-officio members, may vote at meetings of the SWIB or otherwise participate in the decision-making of the SWIB. A SWIB member may send a delegate to attend the meeting as an observer, but that delegate shall not vote and may not participate unless specifically requested by the Chairperson.

Section 2. Majority Vote. The vote of the majority of the SWIB members (51%) shall decide all questions. Any member shall have at their request, three (3) business days after a vote, to submit a minority report in writing to the Chairperson for submission with any advice or recommendations of the SWIB to the Governor or other appropriate bodies.

Section 3. Conflict of Interest. The members of the SWIB will adhere to the provisions of Section 101(f) of [WIOA](#), the [NYS Public Officers Law](#), and Article 24-A of the NYS Labor Law.

#### ARTICLE VII – SUBCOMMITTEES

Section 1. Subcommittees. Pursuant to Section 852(4) of the NYS Labor Law, the Chairperson shall appoint subcommittees and their chairpersons. The subcommittees shall be structured to fulfill the SWIB’s purposes.

Section 2. Executive Committee. The Executive Committee is composed of the Chairperson, Vice Chairperson, the Chairpersons and Vice Chairpersons of the subcommittees, and other SWIB members appointed by the Chairperson.

The Executive Committee’s functions shall include:

- a. Developing agenda items for the quarterly SWIB meeting;
- b. Maintaining effective communication with NYSDOL and Local Workforce Development Boards (LWDBs);
- c. Recommending amendments to these by-laws;



- d. Recommending to the Governor that members who are not active on the SWIB, as indicated by a failure to comply with Article VI, Section 1 of these by-laws or perform SWIB assignments, be replaced; and
- e. Advising the Chairperson on appointments to subcommittees.

Section 3. Subcommittee Operations. Each subcommittee may appoint a Vice Chairperson. Each subcommittee should disseminate to all SWIB members a goals statement, list of objectives for the year, and an annual calendar, when applicable. Subcommittee members are expected to attend at least 50% of subcommittee meetings each year. At the discretion of the Chair of the subcommittee in question, exemptions may be granted for emergencies or other extenuating circumstances.

#### ARTICLE VIII – AMENDMENTS

These by-laws may be amended at a meeting of the SWIB by a majority vote of all the SWIB members. Amendments may be recommended by the Executive Committee or in a proposal submitted in writing to the Chairperson by six (6) members of the SWIB. NYS DOL staff to the SWIB shall transmit the text of any proposed amendment to all members at least fourteen (14) days before the date scheduled for the vote to take place.

#### ARTICLE IX – PUBLICITY

No publicity or statements on behalf of the full SWIB shall be released unless it is approved by a person designated by the Chairperson or reflects an official action of the SWIB based on a recorded vote.