

LOCAL WORKFORCE DEVELOPMENT AREA 8  
CHIEF ELECTED OFFICIALS ORGANIZATION  
BY-LAWS

Article I  
Name and Area

Section 1: The official name of this organization is the Chief Elected Officials Organization of Georgia Workforce Region , Local Workforce Investment Workforce Development Area (LWDA) 8, hereafter referred to as the CEOO.

Section 2: The CEOO represents the local elected officials of Workforce Investment Region 4 as designated by the Governor.

Section 3: The CEOO is organized for the purpose of meeting the responsibilities of Chief Elected Officials under the Workforce Investment and Opportunity Act (WIOA).

Article II  
Object

Section 1: It shall be the responsibility of the CEOO to provide oversight for WIOA activities in partnership with the Three Rivers Workforce Investment Board (TRWIB, whose members are appointed by the appropriate Chief Elected Officials (CEOs). The Chief Local Elected Official (CLEO) shall be authorized to perform the functions for chief elected officials pursuant to the Workforce Investment and Opportunity Act.

Section 2: For purpose of these by-laws, the Chief Local Elected Official (CLEO) means the individual appointed by the Chief Elected Officials Organization of all units of general local government in the service delivery region (SDR) as their authorized representative(s) and signatory agent(s).

Article III  
Operation of the CEOO

Section 1: The County Commission Chair of each county and a mayor of a municipality, from each county shall be the Chief Elected Officials Organization. If a county has more than one municipality, the mayor shall be chosen by a caucus of mayors within the county. A caucus of mayors must be held every two years to designate a mayor to the CEOO group.

Section 2: The organization will elect a Chief Elected Official (CLEO) and a Vice-Chief Elected Official (VCLEO). The organization shall also elect three (3) additional at-large members to serve on the CEOO executive committee. CLEO

- a) No more than one mayor shall represent a county in the local workforce investment area. A majority of the elected officials within the local workforce investment area must be

present to vote on the CLEO and VCLEO positions. The CLEO's term shall run concurrent with his or her term of office, and no CLEO may serve more than eight years without being reelected by the CEOO organization.

- b) Meeting minutes must be submitted to the Georgia Department of Economic Development Workforce Division within five business days of the election of a CLEO and VCLEO.
- c) The CLEO shall designate a local government or regional commission, within the Three Rivers Workforce Development Area, LDWA 8, to serve as the fiscal agent/grant sub-recipient for WIOA programs.
- d) Should the CLEO need to resign the VCLEO will step in to perform the CLEO duties until such time a new CLEO can be elected.

Section 3: The Executive Committee shall have the delegated authority for the operation of the organization, and shall approve all official business between called meetings of the full CEOO organization.

Section 4: The CLEO will be the signatory official for the CEOO. Should the CLEO be unable or unavailable to fill that role, the VCLEO may perform the signatory function.

Section 5: Each voting member shall cast one vote. All business of the CEOO shall be decided by majority vote.

Section 6: When an issue represents a possible conflict of interest to a member, said member shall disclose the conflict of interest and abstain from voting.

Section 7: The CEOO shall meet at least annually at a time and place designated by the CLEO. Meetings may be called at any time by the CLEO or by a petition of not less than 40% of the membership of the CEOO. The reason for calling such a meeting must be set forth in writing to the CLEO. Written notice shall be sent of each meeting to the members prior to the scheduled meeting. Minutes shall be kept of all CEOO meetings and shall be available to anyone who requests to see them.

## Article IV

### Appointment of Workforce Investment Board and One Stop Operations

Section 1: The CLEO, on behalf of the, CEOO, is the appointing authority for members of the Workforce Investment Board. Appointments will be made in compliance with WIOA law and state workforce regulations. The Three Rivers Workforce Investment Board will consist of:

- a) Representatives of the private sector, who shall constitute a majority of the membership of the council and who shall be owners of business concerns, chief executive or chief operation officers of non-governmental employers or other private sector executives who have substantial management or policy responsibilities in business that reflect the employment opportunities of the local area;
- b) Representatives of organized labor or other representatives of employees; and
- c) Representatives of local educational agencies to include local school boards and post-secondary educational institutions;
- d) Representatives of economic development agencies;
- e) Representatives of community-based organizations; and
- f) Representatives of each of the one-stop partners.

Section 2: In order to ensure fair representation of all counties and sectors of this area, the WIB will total 31 members, 16 of whom shall be private sector representatives, allocated 1 slot per county except that those counties with a population over 50,000 may have 2 membership slots.

The remaining 15 members shall be allocated as required by law in the following manner. There will be two members each from education, two members from labor organizations or representatives of employees, two members from community based organizations, and two members from economic development organizations. There will be one member representing the public employment service. There will be one member each representing the entities administering Title V of Older Americans Act funds, Title I of the Rehabilitation Act, and the Department of Housing and Urban Development Employment and Training Programs. There will be one member from GDEcD, and one member representing each of the TCSG agencies. Although not required by law, the Department of Family and Children Services will have one slot for membership on the Board. The appointment of these public-sector members will be made to have a fair representation of the counties and economic sectors in this area.

Section 3: Approval of the TRWIB and the CEOO Executive Committee may change this composition. Proposal for changes in membership may be made by either organization. Composition changes must comply with the requirements of the Workforce Investment and Opportunity Act, and subsequent Amendments to the Act, if applicable.

Section 4: The Chairman of the TRWIB shall be selected from among members of the WIB who are Representatives of the private sector as required by the Act. The chairperson shall serve for a term of no more than two years and shall serve no more than two terms.

Section 5: From the nominations described below, the applicable CEO(s) will make appointments, making an effort to give adequate spread to diverse economic interests, as well as geographic dispersion.

- a) Private sector representatives on the council shall be selected from among individuals nominated by general purpose business organizations after consulting, and receiving recommendations from other business organizations in the service delivery area. Such nominations, and the individuals selected from such nominations, shall reasonably represent the industrial and demographic composition of the business community. Whenever possible, at least one-half of such business and industry representatives shall be representatives of small business, including minority business.
- b) For the purpose of this section the term “general purpose business organizations” means organizations which admit to membership any for-profit business operation within the service delivery area; and “small business” means private for –profit enterprises employing 500 or fewer employees.
- c) The education and training representatives on the council shall be Representatives of entities providing adult education and literacy programs, higher education entities that perform workforce activities. Entities from local education agencies, and community based organizations with expertise in educating or training individuals with barriers to employment may also serve as educational or training representatives. The labor representatives on the council shall be selected from individuals recommended by recognized state and local labor federations. If the state or local labor federation fails to nominate a sufficient number of individuals to meet the labor representation requirements, individual workers may be included on the council to complete the labor representation.
- d) Community-based organizations are defined as private nonprofit organizations which are representative of communities or significant segments of the community. A non-profit organization, for TRWIB membership requirements, must have a formal structure with officers, by-laws, and recognition within the community that it is deemed to represent. CBO representatives shall be selected from individuals recommended by organizations within the area.
- e) Local boards shall also include one staff member from the Department of Economic Development and one staff member from each Technical College System of Georgia school within the local workforce investment area.

- f) The remaining members of the council shall be selected from individuals recommended by interested organizations.

Section 6: A Youth Committee shall be a standing sub-committee of the TRWIB. The TRWIB will appoint a Youth Committee, in cooperation with the CEOO. The membership may include: members of the local board with special interest or expertise in youth policy; representatives of youth service agencies including juvenile justice and local law enforcement; representative of local public housing authorities; representatives of Job Corps; parents of eligible youth; and youth including former participants and representatives of organizations that have experience relating to youth activities. The duties of the Youth Committee shall include developing the portions of the local plan related to eligible youth, recommending eligible providers of youth activities in the local area which may or may not be funded through WIOA, and other duties as determined by the Chairperson of the TRWIB.

Section 7: Terms of membership shall be for 3 years and appointees shall serve until replaced or re-appointed. TRWIB members who take formal action to resign from the TRWIB shall address such resignations to the CLEO of the Chief Elected Officials Organization. To assure timely notification where a letter of resignation is addressed to the Chairman of the TRWIB, the TRWIB shall immediately transmit a copy of that resignation letter to the CLEO of the CEOO.

Section 8: Removal for Cause – When a member of the TRWIB fails to meet the requirements which the TRWIB itself has established for continued membership, the Chairman of the TRWIB shall immediately upon determining that these conditions for membership have been violated, address a letter indicating that fact to the CLEO of the CEOO and ask that the affected person be removed from the membership list.

Section 9: Time Frame for Filling Vacancies – All vacancies shall be filled, by the appropriate CEO or appointing entity, within 45 days. The CLEO shall be authorized to appoint new members to fill vacancies if nominations are not received within the 45 day time frame. .

Section 10: Filling of New Terms – Appointment or re-appointment for new terms will be made within the calendar month that a term ends. When the applicable CEOs are not able to obtain nominations for private sector members from a given county in order to make appointments, the CLEO may fill a vacancy or make appointments for a new term from among nominees from another county.

Section 11: The CEOO or its authorized officials, the CEOO Executive Committee, shall be the approving authority for workforce One Stop operators within LWDA 8.

Article V  
Liability

The grant subrecipient / fiscal agent shall:

- Secure insurance coverage for injuries suffered by staff or participants who are not covered by existing worker's compensation.
- Provide for or direct by contractual agreement bond coverage of all employees.
- Provide program staff, with input from the CLEO and TRWIB Chairman, to implement workforce programs and policies.
- Assure that adequate liability coverage is in place and that the CLEO/CEOO and TRWIB are named, as "Other Insured".
- Be independently audit on behalf of TRWIB and CLEO/CEOO and the CLEO/CEOO and TRWIB shall receive simultaneously copies of all reports, audits and evaluations provided by the audit and evaluation services.
- All TRWIB budgets are to be approved by the CLEO in writing and submitted to the Georgia Workforce Division (WFD) no later than thirty days after the CLEO approves it.
- The fiscal agent shall pay all eligible workforce program expenses.

In the event questionable cost that is determined to be disallowances, the grant subrecipient shall apply the following priorities regarding liability:

- A. First Priority: The grant subrecipient / fiscal agent shall attempt to recover funds from the contractor, agent or third party causing the liability;
- B. Second Priority: The grant subrecipient / fiscal agent shall attempt to recover funds from an insurance carrier or bond issuer;
- C. Third Priority: The grant subrecipient / fiscal agent shall attempt to obtain a waiver of liability or offset liability against current or future grant revenues using Stand in Cost or other applicable methods;
- D. Fourth Priority: The grant subrecipient / fiscal agent shall repay the liability from its funds to the extent permitted by law;
- E. Fifth and Final Priority: While the liability for misuse of funds is passed on to the grant subrecipient / fiscal agent, and in turn on to any program contractor(s), it does not detach the ultimate liability from the Chief-Elected Officials.

In the event of misuse of funds that leads to disallowed cost, the responsible entity will be the first accountable for repayment. If, for any reason, there is a liability above the program contractor(s) or sub grant recipients' ability, the Chief-Elected Officials liability shall be apportioned based on each county's level of participation in the specific disallowed cost.

If the liability is a generalized debt for the ten-county area, the liability to each county shall be proportionate to the respective populations using the most recent census data available on the date the acts occurred which gave rise to the unmet liability. Therefore, as a last resort and only to the extent required by the WIOA and permitted by *State statutes* and local governmental charters, the Parties agree to cover unmet liabilities to the State and Federal governments.

## Article VI Local Chief Elected Official Agreement

Section 1: Each representative of the CEOO shall sign and submit a local chief elected official's agreement. The agreement shall outline CEOO operations, terms for CEOO representatives, major responsibilities of the CEOO, and the methodology for cost liability for the WIOA program. ,

*Nothing in this agreement shall be interpreted in a manner that would violate any constitutional or statutory limitation on liability applicable to a Party government, or shall be construed as a waiver of any limitation on liability to which a Party government or its agents would otherwise be entitled under the constitution or laws of the State of Georgia.*

These by-laws consisting of Articles I-VI are adopted this 26<sup>th</sup> day of October, 2015 during a scheduled meeting of the local elected officials of Region 4 / LWDA 8.

Signed \_\_\_\_\_  
CLEO, Chief Elected Officials Organization