

# BYLAWS

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## MontcoWorks

**Montgomery County Workforce Development Board**

**Revised 11/07/2022**

# MONTCOWORKS BYLAWS

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## ARTICLE I – NAME, AREA AND DESIGNATION, PURPOSE, AND RESTRICTIONS

### A. Name

The name of the Montgomery County Workforce Development Board shall be MontcoWorks. MontcoWorks has been established in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA) sections 106(b), 107(b)(1), 107 (b)(2), and 107 (b)(3), 108, 116(c), 121(d), 122, 123(b), 128(b), 129(c), 134(c-d), 188, 194, and 232.

### B. Area and Designation

The purpose of developing a local workforce development area is to serve as a jurisdiction for the administration of workforce development activities using Adult, Dislocated Worker, and Youth funds allocated by the State and to coordinate efforts related to the other core programs at a local level.

The Chief Elected Officials, hereinafter referred to as the Montgomery County Board of Commissioners, and MontcoWorks may, at any time, submit a request for designation as a workforce development area. The Pennsylvania Workforce Development Board (PA WDB) must determine if the new local area is in accordance with the Governor's established policy. Further, the Governor must approve the request for designation.

MontcoWorks is certified by the Commonwealth of Pennsylvania to serve the Montgomery County workforce development area.

### C. Purpose

In execution of its business, MontcoWorks must comply with WIOA regulations, policies, and directives from the Pennsylvania Department of Labor and Industry (PA L&I) and the PA WDB. In accordance with WIOA, the Montgomery County Board of Commissioners appoints MontcoWorks members to manage the following:

#### Planning and Oversight

1. Develop the mission, strategic vision, and policies for the local workforce development area;
2. Carry out regional planning responsibilities to develop a comprehensive workforce development plan, the Local Plan, and other plans as may be required;
3. Designate, certify, and oversee the operations of One-Stop Operators and PA CareerLink® Montgomery County service providers with the agreement of the Montgomery County Board of Commissioners;
4. Assess physical and programmatic accessibility of all One-Stop Centers in the local area annually;
5. Competitively procure the local workforce system's Operator;
6. Negotiate local performance measures with the State;
7. Provide oversight to PA CareerLink® Montgomery County Operator to ensure the use of the common information management system also known as the Commonwealth Workforce Development Systems (CWDS)/JobGateway® for all data collection, reporting and as the job-match system;
8. Conduct evaluation, program oversight, and monitoring of the workforce delivery system including all WIOA activities to develop accountability measures and assess program performance and customer satisfaction;

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9. Other than for the purposes of implementing accountability, compliance, and performance measures, ensure that MontcoWorks, MontcoWorks staff, the Fiscal Agent, and fiscal staff do not direct and are not involved in the daily activities of the PA CareerLink® Montgomery County Operator, workforce service providers, workforce system partners, or contractors; and
10. As directed by the Commonwealth of Pennsylvania, monitor all WIOA, WIA, Wagner-Peyser Act and TAA grant recipients to ensure the reporting of individual participant data and financial data via the Commonwealth's system of record, CWDS/JobGateway® within 30 days of occurrence.

### Finances

1. Serve as the local grant recipient and designate the County of Montgomery to serve as the Fiscal Agent;
2. Develop and approve the MontcoWorks budget and related budgets;
3. Administer additional non-federal, state, and other workforce funds as an integrated system; and
4. Ensure that all requests for funds by the Board are made through CWDS/PA CareerLink® Online.

### Services

1. Identify and close gaps in local and regional workforce resources;
2. Develop career pathways by aligning employment, training, education, and supportive services;
3. Recommend providers of workforce development and training to the State for certification;
4. Maintain and disseminate a list of eligible training providers and training programs approved by MontcoWorks and certified by the State, including cost and performance data, to maximize consumer choice;
5. Select eligible Youth, Adult, and Dislocated Worker service providers consistent with federal, state, and local procurement requirements;
6. Engage a diverse range of employers to ensure workforce development activities meet the needs of employers and support economic growth in the area;
7. Coordinate with economic development strategies and establish employer linkages with workforce development activities; and
8. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and jobseekers.

### Board Operations

1. Elect a private-sector business representative as Chairperson;
2. Appoint MontcoWorks Committees as described herein;
3. Hire a director and other staff to assist in carrying out MontcoWorks functions; and
4. Conduct business in a transparent manner by making available to the public information about the activities of MontcoWorks.

Furthermore, MontcoWorks shall exercise such decision-making powers and perform such functions and duties as are necessary and appropriate to fulfill its mission, subject to requirements and limitations imposed upon MontcoWorks under the terms of relevant federal and state laws and regulations as they may be amended from time to time.

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## ARTICLE II – MEMBERSHIP

### A. Members of MontcoWorks

MontcoWorks member composition must follow federal and state guidelines. An individual may be appointed as a representative of more than one (1) of the categories listed below if the individual meets all criteria for representation; however, an individual representing the business category may not represent any additional category.

#### Business Representatives

MontcoWorks shall have a majority of business representatives, defined as greater than 50 percent. Members in this category represent businesses, including small businesses, or organizations representing businesses, that provide employment opportunities including high-quality, employment-relevant training and development in in-demand industry sectors or occupations in the local area, and play a significant role in the regional economic development. Representatives include:

1. Owners;
2. Chief Executives;
3. Operating Officers; or
4. Other business executives or employers with optimum policy making and/or hiring authority.

#### Local Workforce Representatives

Not less than 20 percent of MontcoWorks members shall be representatives of the workforce within the local area. Representatives include:

1. Two or more labor organization or other representatives of employees (required);
2. At least one joint labor-management apprenticeship program member or training director or other representative of an apprenticeship program if one exists (required);
3. Community-based organization representative(s) with experience and expertise in addressing the employment needs of individuals with barriers to employment (including veterans or individuals with disabilities); and
4. Organization(s) with experience and expertise in addressing the employment, training, or education needs of youth (including out-of-school youth).

#### Local Educational Entity Representatives

MontcoWorks shall include representatives of entities administering education and training activities in the local area. Representatives include:

1. Eligible provider(s) administering adult education and literacy under WIOA Title II (required);
2. Institution(s) of higher education providing workforce development activities (required);
3. Local education agencies and community-based organizations with experience in addressing the education or training needs of individuals with barriers to employment.

#### Governmental, Economic, and Community Development Entity Representatives

MontcoWorks shall include representatives of governmental and economic and community development entities serving the local area. Representatives include:

1. Economic and community development entities (required);
2. State employment service office under Wagner-Peyser (29 U.S.C. 49 et seq.) (required);
3. Title I of the Rehabilitation Act of 1973 (29 U.S.C 720 et seq.) (required);

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4. Transportation, housing, and public assistance agencies or entities; and
5. Philanthropic organizations.

### Optional Representatives

MontcoWorks may include such other individuals or representatives of entities as the Montgomery County Board of Commissioners may determine to be appropriate, provided the individual has optimum policy-making or hiring authority and the required membership percentages are maintained.

### **B. Nomination of MontcoWorks Members**

The Montgomery County Board of Commissioners has the sole authority to appoint individuals to MontcoWorks. Nomination for business sector members shall be solicited from area economic development and business organizations. Nomination for all other categories shall be solicited from the appropriate organizations representing labor; educational institutions; and governmental, economic, and community development entity agencies. The Montgomery County Board of Commissioners shall contact the appropriate entities in the local area for nominations to appoint members or fill vacancies. Representatives shall be nominated prior to appointment.

Nominating organizations shall submit an official letter to the Chair of the Montgomery County Board of Commissioners which shall:

1. Be submitted on the appropriate nominating agency's letterhead;
2. Designate the appropriate category(ies) for which the member is being nominated;
3. Acknowledge the nominee's optimum policy making and/or hiring authority for the category(ies) to be represented;
4. Include narrative supporting the qualifications of the nomination;
5. Be signed by an official of the nominating entity; and
6. May include additional documentation supporting the qualifications for nomination.

### **C. Appointment of MontcoWorks Members**

Appointment letters shall be signed by the Chair of the Montgomery County Board of Commissioners and sent to the individual members confirming their appointment for a defined term. A copy of the appointment letter shall be maintained in accordance with record retention requirements and be made available upon request by federal and state agencies. MontcoWorks shall accept all appointments made by the Montgomery County Board of Commissioners.

### **D. Authority of MontcoWorks Members**

Members of MontcoWorks must be individuals with optimum policy making authority and/or hiring authority within the organizations, agencies, or entities they represent. Individuals representing more than one category must have optimum policy making and/or hiring authority within each of the entities they are representing.

### **E. Length of Terms**

The initial MontcoWorks term shall be for no less than two years, at the discretion of the Montgomery County Board of Commissioners. A member's term will begin on or after the date the member is appointed by the Montgomery County Board of Commissioners. Beyond a member's initial appointment,

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subsequent appointments will be for a term of two to four years. Members shall be appointed for staggered terms within each category with clearly defined start and end dates. A member may be re-appointed for more than one term. A member's service on MontcoWorks shall be at the pleasure of the Montgomery County Board of Commissioners.

### **F. General Membership Provisions**

An individual serving on MontcoWorks who subsequently retires or no longer holds the position that made her/him an eligible member may not continue to serve on MontcoWorks as a representative of that category. If this individual is a mandatory member, she/he must be replaced within ninety (90) days from her/his date of retirement or ineligibility to represent that category. Vacancies resulting from resignations of members that affect federal, state and local compliance must be filled within ninety (90) days from the date of resignation. Vacancies resulting from removal of a member that affect federal, state and local compliance must be filled within ninety (90) days from the date the removal action is authorized by the Montgomery County Board of Commissioners.

Once a member has tendered her/his resignation, the date of that resignation cannot be changed. If a member subsequently rescinds the resignation, a new nomination letter and appointment letter will be required.

To facilitate recertification, the Montgomery County Board of Commissioners or their designee must submit to PA L&I, on an annual basis, a current MontcoWorks membership list. The list shall be submitted between January 1 and January 15 of each calendar year. Subsequent changes in membership shall be forwarded, in writing, to PA L&I within 10 calendar days of the change.

### **G. Removal of Members**

Members of MontcoWorks serve at the pleasure of the Montgomery County Board of Commissioners, and can be removed with or without cause. MontcoWorks, or its Chairperson, may make formal recommendations for the removal of members for cause; however, MontcoWorks may not vote to remove individual members. This responsibility lies solely with the Montgomery County Board of Commissioners.

Removal for cause may include, but shall not be limited to:

1. Violations of the Conflict of Interest Code;
2. Convictions of a crime constituting a felony;
3. More than three (3) consecutive unexcused absences from MontcoWorks meetings; or
4. More than six (6) unexcused absences from MontcoWorks meetings in any twelve (12) month span.

A MontcoWorks member shall be deemed to have resigned and a vacancy shall be deemed to exist when the member:

1. No longer represents the constituency group from which originally selected, as recommended by MontcoWorks and determined by the Montgomery County Board of Commissioners;
2. Submits a written resignation to the Chairperson; or

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3. Fails to attend, without prior excuse, three (3) consecutive meetings, or three (3) out of four (4) meetings in one (1) year of MontcoWorks and of each Committee on which the member serves as recommended by MontcoWorks to be determined by the Montgomery County Board of Commissioners, or by vote of at least two-thirds (2/3) membership of MontcoWorks to recommend to the Montgomery County Board of Commissioners and be determined by the Chair of the Montgomery County Board of Commissioners.

The Montgomery County Board of Commissioners will be notified of vacancies on MontcoWorks in writing by the MontcoWorks Chairperson or the Chairperson's designee. Any vacancy on MontcoWorks shall be filled in the same manner as the original appointment was made, with a term of no less than two years.

### **ARTICLE III – OFFICERS AND DIRECTORS**

#### **A. Designation and Selection of Officers**

The Officers of MontcoWorks shall be a Chairperson, Vice Chairperson, Secretary, and Treasurer, who shall be elected from among the MontcoWorks members at an annual meeting of MontcoWorks.

The Chairperson must, as prescribed by law, represent the business sector. The Chairperson shall preside at all meetings of MontcoWorks, as well as at all Executive Committee meetings, and shall appoint committees and their chairpersons as needed. The Chairperson shall be an ex-officio member of all Standing Committees of MontcoWorks, and shall, in general, perform all duties incident to the office of Chairperson.

The Vice Chairperson shall perform all the duties and exercise the decision-making powers of the Chairperson whenever the Chairperson is absent or otherwise unable to act. The Vice Chairperson may have such other duties as may be assigned from time to time by MontcoWorks and the Chairperson.

A Secretary and Treasurer shall be elected from among the representatives of either the private or public sector. They shall have such decision-making powers and duties as are usually related to the respective offices.

#### **B. Terms of Office**

The term of office for MontcoWorks officers shall be for two (2) years. Officers may be re-elected for subsequent terms. No person shall hold more than one office at the same time. Any officer may succeed her/himself, without limitation.

#### **C. Vacancies/Removal from Office**

An office shall be deemed vacant upon an officer's written resignation or when an officer ceases to be a MontcoWorks member. In any circumstances where there is a vacancy in any office, the Montgomery County Board of Commissioners will appoint a MontcoWorks member to serve out the unexpired term of that officer. Any officer may be removed from holding such office by a majority vote of the MontcoWorks members in attendance at a properly-noticed MontcoWorks meeting at which a quorum is present.



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### **D. Executive Director and Staff**

There shall be an Executive Director of MontcoWorks. The Executive Director manages the day-to-day business and operations of MontcoWorks, and shall be responsible for staffing recommendations and decisions for MontcoWorks.

Workforce Development Board staff shall be referred to as MontcoWorks staff.

## **ARTICLE IV – COMMITTEES**

### **A. Organizations**

MontcoWorks may create any number of Special Committees and task forces as deemed necessary, at the discretion of the Chairperson. Special Committees shall expand opportunities for stakeholders to participate in MontcoWorks decision-making and expand the capacity of MontcoWorks in meeting required functions. Special Committees shall at a minimum include the following Standing Committees:

1. An Executive Committee, which shall be chaired by the Chairperson;
2. Four (4) Standing Committees, which shall be chaired by a member of MontcoWorks or co-chaired with at least one chair a member of MontcoWorks, including:
  - a. Finance Committee;
  - b. Local Management Committee;
  - c. Training and Performance Committee; and
  - d. Youth Committee.

The MontcoWorks Chairperson shall appoint members of Standing and Special Committees and task forces, after soliciting input from MontcoWorks. A Committee member serves at the pleasure of the Chairperson and shall serve on the Committee until (1) their successor is appointed, (2) the task of the committee is completed, or (3) the member resigns or is removed from the Committee and MontcoWorks entirely. Committees may include individuals who are not formal members of MontcoWorks, but who have expertise to advise on issues that support MontcoWorks' ability to attain the goals of the State Plan, Local Plan, and Regional Plan and to attain the objective of providing customer focused services to individuals and businesses.

Each Committee shall develop and maintain a current description of its mission and shall report to MontcoWorks on its activities. All Standing and Special Committee actions are subject to the approval of the Executive Committee prior to their effect.

### **B. Executive Committee**

The Executive Committee shall be composed of the Officers of MontcoWorks, the Chairpersons of all Standing Committees, and the MontcoWorks representative for the Montgomery County Board of Commissioners.

The Executive Committee shall meet as often as is necessary to carry out the routine business of MontcoWorks. Membership should consist of no less than 4 executive members and no more than 9 executive members.

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The Executive Committee shall:

1. Define the mission, develop the vision, set goals, and create policies for comprehensive strategic workforce development for MontcoWorks;
2. Act in all respects of MontcoWorks, provided that actions are subsequently presented to MontcoWorks for ratification;
3. Assure that the workforce development system is performance-driven, market-based, and meets the needs of the local area;
4. Ensure compliance with WIOA;
5. Develop and oversee MontcoWorks and MontcoWorks budgets and make, or authorize the Executive Director to make, the final determination on proposals for funding;
6. Recruit and provide orientation to new members;
7. Manage the Bylaws; and
8. Provide leadership and guidance to the other committees.

### **C. Finance Committee**

The Finance Committee provides financial oversight for MontcoWorks. The Finance Committee shall:

1. Regularly review and update the budget;
2. Provide financial planning; and
3. Report on finances.

### **D. Local Management Committee**

The Local Management Committee (LMC) serves as a partnership and planning body for Pennsylvania Department of Human Services-funded employment and training programs in Montgomery County. The LMC is responsible for the coordination of operations and services provided in the local area to recipients of public assistance. The LMC must be co-chaired with one chair a member of MontcoWorks and one chair a representative of the Montgomery County Assistance Office (MCAO).

### **E. Training and Performance Committee**

The Training and Performance Committee provides oversight on training providers, workshops, and performance. The objectives of the committee are to ensure that training money is spent wisely, broaden training options, and match training opportunities with accurate job placement to meet or exceed performance measures. The Training and Performance Committee reviews the performance of workshops and training providers on a quarterly basis.

### **F. Youth Committee**

The Youth Committee assists in designing a system that serves the needs of local youth in accordance with WIOA. The purpose of the Youth Committee is to provide expertise in youth policy and to assist MontcoWorks in:

1. Developing and recommending local youth employment and training policy and practice;
2. Broadening the youth employment and training focus in the community;
3. Establishing linkages with other organizations serving youth in the local area; and
4. Taking into account a range of issues that can have an impact on the success of youth in the labor market.

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## ARTICLE V – MEETINGS, VOTING RIGHTS, AND QUORUM

### A. Frequency of Meetings

MontcoWorks shall hold regular meetings at a time and place determined by the Chairperson. As may be reasonable, MontcoWorks members are expected to give three (3) days advance notice if they are unable to attend any MontcoWorks meeting. MontcoWorks members will be afforded a minimum of one week written notice prior to regularly scheduled MontcoWorks meetings. MontcoWorks members will be afforded a minimum of three (3) days written notice prior to special MontcoWorks meetings. A general public notice of all meetings will be given in advance of the scheduled meetings in compliance with the Sunshine Act and other applicable laws.

Standing and Special Committees will meet at the call of the MontcoWorks Chairperson or the Committee Chairperson.

Telephone conference and web-based meetings shall be permitted when deemed necessary by the Chairperson.

### B. Procedures

Parliamentary procedures related to MontcoWorks meetings shall be governed by Roberts Rules of Order, unless some other procedure is dictated by these Bylaws. MontcoWorks meetings shall also be governed by the Sunshine Act, WIOA, and other applicable federal and state rules and regulations.

MontcoWorks meetings, except as otherwise necessary and permitted by law, will be open and accessible to the public. A quorum of MontcoWorks, which shall consist of one (1) over fifty percent (50%) of the current number of MontcoWorks members, must be assembled in order to transact business requiring a vote. Quorum includes MontcoWorks members who attend the meeting, either in-person or remotely.

Minutes will be kept of all MontcoWorks and Executive Committee meetings and shall, as is reasonable, be approved at the next meeting. Meeting minutes will be available to the public, pursuant to all applicable laws.

### C. Voting

Each voting MontcoWorks member shall be entitled to cast one (1) vote on each issue presented for MontcoWorks action, provided that the Chairperson may vote only to make or break a tie vote. A simple majority vote shall prevail in all matters put to a vote. Disputes over the voting authority of any MontcoWorks member shall be resolved by the Chairperson.

Voting shall normally occur by voice vote, provided that any MontcoWorks member may request voting by a show of hands, by roll call, or by ballot, and any such reasonable request shall be honored and the resulting vote recorded in official MontcoWorks minutes. MontcoWorks members may vote by proxy, provided that the issue to be voted upon has been distributed prior to the meeting to the members that will not be in attendance. Votes must be returned prior to the start of the open meeting. Members may also participate and vote by conference call, so long as all members can hear and be heard by all other members.

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A MontcoWorks member shall abstain from discussing or voting on any matter before MontcoWorks in which the MontcoWorks member has an actual or potential conflict of interest, in accordance with applicable laws and regulations and the Conflict of Interest policy described in the relevant section of these Bylaws.

### **D. Proxies**

If an appointed MontcoWorks member is not able to attend a MontcoWorks meeting or sanctioned event, the member must send written or electronic notice to the Chairperson, Vice-Chairperson, or other designee, in a timely fashion prior to said meeting, and may assign an alternative designee to represent her/him at the meeting as her/his proxy. Proxy voting will be permitted only when a member is unavailable to attend a meeting due to illness, travel, or unavoidable conflict.

A MontcoWorks member may authorize the Chairperson by written or electronic proxy to vote for him or her on one or more items to be voted on at a MontcoWorks meeting. Members voting at a meeting by proxy on any one or more items, in accordance with this article, are not considered to be present at the meeting for the purpose of determining the presence of a quorum. MontcoWorks members will not be permitted to delegate any MontcoWorks duties to proxies or alternates. The attendance of members by written proxy shall be announced immediately following the call to order.

### **E. Committee Voting**

Committee members shall vote on items to bring before a vote of MontcoWorks. A quorum of fifty percent (50%) plus one (1) of the current members of a Committee must be assembled in order to transact business requiring a vote. MontcoWorks members, who are members of a Committee and in attendance at a Committee meeting, may vote and may cast one (1) vote on each issue. For proxy voting, see Article V, section D.

Committee members may participate in Committee meetings via telephone conference, so long as all members can hear and be heard by all other members. Matters put to a vote in a committee meeting shall be decided by a simple majority vote, with the Chairperson voting only to make or break a tie vote.

## **ARTICLE VI – REMUNERATION AND REIMBURSEMENTS**

MontcoWorks members shall receive no monetary compensation for their service to MontcoWorks.

## **ARTICLE VII – INDEMNIFICATION**

### **A. Right to Indemnification**

MontcoWorks shall, to the extent permitted by law, indemnify, defend and save harmless its members and other agents from any and all claims arising out of their lawful and appropriate conduct related to their membership in and activities on behalf of MontcoWorks.

### **B. Indemnification Not Exclusive**

The foregoing indemnification shall not bar any other right or remedy claimable by a party in any lawsuit either in his or her official capacity or otherwise.

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### **C. Insurance and Other Indemnification**

MontcoWorks shall have the decision-making power to indemnify or purchase fidelity and bond insurance covering its members, Officers, Directors, staff and others, to the extent that the decision-making power to do so has been granted or otherwise not prohibited by law.

## **ARTICLE VIII – CONFLICT OF INTEREST AND STATEMENT OF FINANCIAL INTEREST**

### **A. Policy**

In accordance with the Conflict of Interest Code established by Executive Order 1997-7, a MontcoWorks member may not vote on any matter that would provide direct financial benefit to the member or the member's immediate family, or on matters of the provision of services by the member or the entity the member represents.

A MontcoWorks member must avoid even the appearance of a conflict of interest. Prior to taking office, MontcoWorks members must complete the Conflict of Interest Code and Statement of Financial Interest. Signed Conflict of Interest Codes must be maintained by MontcoWorks and be available for review by PA L&I.

Members appointed to MontcoWorks meet the definition of Public Official as outlined in Commonwealth of Pennsylvania Management Directive 205.10 Amended and Financial Disclosures required by the Public Official and Employee Ethics Act. A Public Official is required to complete and file a Statement of Financial Interest each year her/his position is held and the year following the end of service. The forms are due on or before May 1 for the prior calendar year. Forms can be obtained from County Board of Elections offices, local political subdivisions, the State Ethics Commission, or online at [www.ethics.state.pa.us](http://www.ethics.state.pa.us).

Prior to a discussion, vote, or decision on any matter before MontcoWorks, if a member, or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization, or property that would be affected by any official MontcoWorks action, the member must disclose the nature and extent of the interest or relationship and must abstain from discussion and voting on or in any other way participating in the decision on the matter. All abstentions must be recorded in the minutes of the MontcoWorks meeting and maintained as part of the official record.

It is the responsibility of the MontcoWorks members to monitor potential conflicts of interest and bring it to MontcoWorks' attention in the event a member does not make a self-declaration.

### **B. Restricted Activities**

No member of MontcoWorks shall:

1. Cast a vote or participate in any decision-making capacity on any matter under consideration (a) regarding the provisions of services by such member or by an entity that such member represents; or (b) that would provide direct financial benefit to such member or the immediate family of such member;
2. Engage directly or indirectly in any business transactions or private arrangement for profit which accrues from or is based upon her/his official position or authority on MontcoWorks;

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3. Participate in the negotiation of or decision to award contracts or grants, the settlement of any claims or charges in any contract or grants, the certification of any eligible providers, or the establishment of any One-Stop Delivery Systems, with or for any entity in which she/he has financial or personal interests; or
4. Permit that an individual be placed in a WIOA funded employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.

### **C. Violations of the Conflict of Interest Code**

If after an investigation, MontcoWorks believes that this code has been violated, it can recommend to the Montgomery County Board of Commissioners that the individual who has violated the code be removed as a member of MontcoWorks. The Montgomery County Board of Commissioners has the authority to remove a member of MontcoWorks for a violation of this code, even if MontcoWorks has not made such a recommendation.

### **ARTICLE IX – EQUAL OPPORTUNITY AND INDIVIDUALS WITH DISABILITIES**

MontcoWorks and the Montgomery County Board of Commissioners shall comply with WIOA Section 188 Non-Discrimination and the American with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) for the purpose of applying prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975; on the basis of disability under section 504 of the Rehabilitation Act of 1973; on the basis of sex under Title IX of the Education Amendments of 1972; on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964 and other protected classes as defined under Title VII of the Civil Rights Act as amended in 1991 including: religion, belief, harassment (including sexual harassment), retaliation, political affiliations, pregnancy, marital status, status as a parent, genetic information (GINA), sexual orientation, gender identity or expression, and other protected classes as defined by applicable laws and regulations.

MontcoWorks and the Montgomery County Board of Commissioners shall identify and promote proven and promising strategies and initiatives for meeting the needs of job seekers with disabilities, or perceived disabilities, so long as the job seekers can perform the essential functions of the jobs. Also, physical and programmatic accessibility must be provided, if applicable.

### **ARTICLE X – AMENDMENTS**

Proposed amendment(s) will be mailed by regular first-class U. S. Postal Service mail and/or electronic mail to the members at least five (5) days prior to the meeting at which such amendment(s) is (are) to be voted upon, and may be amended by a majority vote of MontcoWorks members present at any meeting with quorum.