



## EXECUTIVE COMMITTEE MEETING

Thursday, August 17, 2023, 11:30 am

Almaden Room, Business and Administrative Services Center,  
5730 Chambertin Dr, San Jose, CA 95118

[www.work2future.org](http://www.work2future.org)

### HYBRID MEETING

Members of the public may attend the meeting in person at the location above or virtually by computer, smartphone, and tablet at

<https://zoom.us/j/98219951412?pwd=dHIYL0tCMGEzMGxFWklueHlxMzFqUT09>

To provide Spoken Public Comment *during* the meeting:

a) **Phone** (669) 219-2599, Meeting ID 982 1995 1412, Passcode 233554. **Press \*9** to Raise a Hand to let the Chair know that you'd like to speak. **Press \*6** to Mute and Unmute yourself.

b) **Online** using the [Zoom link](#) above: 1) Use an up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause audio feedback. 2) Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak. 3) When the Chair calls for the Agenda Item on which you wish to speak, click on the "Raise Hand" icon or command. Speakers will be notified shortly before they are called on to speak.

Please limit remarks to the time limit allotted by the meeting chair, normally two minutes.

To submit written Public Comment *before* the committee meeting: Send by e-mail to [Lawrence.Thoo@sanjoseca.gov](mailto:Lawrence.Thoo@sanjoseca.gov) by 9:30 am the day of the meeting. The e-mails will be posted with the agenda as "Letters from the Public". Please identify the Agenda Item Number in the subject line of your email.

To submit written Public Comment *during* the meeting: Send e-mail during the meeting to [Deanna.Walter@sanjoseca.gov](mailto:Deanna.Walter@sanjoseca.gov), identifying the Agenda Item Number in the e-mail subject line, to have the comments verbally read into the record, with a maximum of 250 words, which corresponds to approximately 2 minutes per individual comment, subject to the Chair's discretion. Comments received after the agenda item is heard but before the close of the meeting will be included as a part of the meeting record but will not be read into the record.

## EXECUTIVE COMMITTEE

### MEMBERS | 2023

Susan Koepp-Baker, *Board Chair*  
Principal  
Enviro-Tech Services

Priya Smith, MPH, *Board Vice-Chair*  
Medical Group Administrator  
The Permanente Medical Group  
Kaiser Permanente

John “Jack” Estill, *Youth Committee Chair*  
Partner  
Coactify

Alan Takahashi, *Business Services Committee Chair*  
Vice President and General Manager  
Multifunction Microwave Solutions  
CAES

Louise Auerhahn  
Director of Economic & Workforce Policy  
Working Partnerships USA

Rajiv Batra  
Senior Director  
Bluevine

Chad Bojorquez  
Chief Program Officer  
Destination: Home

*Ex Officio*

Monique Melchor  
work2future Director

**EXECUTIVE COMMITTEE MEETING**

**August 17, 2023  
11:30 am**

Almaden Room, Business and Administrative Services Center, Almaden Winery,  
5730 Chambertin Dr, San Jose

Online at <https://zoom.us/j/98219951412?pwd=dHIYL0tCMGEzMGxFWklueHlxMzFqUT09>

**AGENDA**

- |  |                                |
|--|--------------------------------|
| <b>I. CALL TO ORDER &amp; ROLL CALL</b>  | <i>5 min<br/>11:35 am end</i>  |
| <b>II. CONSENT ITEMS {ACTION}</b><br>Acceptance of:  | <i>5 min<br/>11:40 am end</i>  |
| <b>A. Minutes of the May 30, 2023, Executive Committee Special Meeting</b>   |                                |
| <b>III. BUSINESS ITEMS</b>   |                                |
| <b>A. Director's Report {Information}</b><br><i>Monique Melchor, Director</i><br>Reports on various matters of interest.   | <i>5 min<br/>11:45 am end</i>  |
| <b>B. Proposed Amendments to the work2future By-laws {ACTION}</b><br><i>Lawrence Thoo, Strategic Engagement Manager</i><br>Approval of a recommendation to the Board to approve amendments to Article II (Purposes) of the work2future By-laws, pending City Attorney review, in response to a California Employment Development Department field monitoring finding.  | <i>15 min<br/>12:00 pm end</i> |
| <b>C. FY2023-24 Program Operating Budget Follow-up (Discussion)</b><br><i>Rehan Qedwai, Finance Manager; Monique Melchor, Director</i><br>Initial discussion in accordance with the Board's direction to the Executive Committee, as part of its approval of the FY2023-24 WIOA Program Operating Budget at its June 26, 2023, special meeting, to work with staff to recommend Board approval of a specific upper limit to funds that staff may transfer between budget line items without first obtaining the approval of the Executive Committee. | <i>20 min<br/>12:20 pm end</i> |
| <b>D. Business Services Committee Report {Information}</b><br><i>Alan Takahashi, Business Services Committee Chair</i><br>Committee Chair's report on the activities of the Business Services Committee.   | <i>10 min<br/>12:30 pm end</i> |
| <b>E. Youth Committee Report {Information}</b><br><i>Jack Estill, Youth Committee Chair</i><br>Committee Chair's report on the activities of the Youth Committee.  | <i>10 min<br/>12:40 pm end</i> |

**F. Labor Market Update {Information}**

25 min

*Lawrence Thoo, Strategic Engagement Manager*

1:05 pm end

Currently available data and analysis on the labor market in Santa Clara County and the San Jose-Sunnyvale-Santa Clara Metropolitan Statistical Area.

**IV. OPEN FORUM**

5 min

Members of the public can address the committee on matters not on the agenda. Comment is limited to two minutes unless modified by the Chair. 1:10 pm end

**V. OTHER**

5 min

Announcements, suggested business for future meetings, other housekeeping

1:15 pm end

**VI. ADJOURNMENT**

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Please note: *Times to the right of agenda items are estimates only of the duration of the item and its approximate ending time. Actual times may vary, and items may be taken out of order at the discretion of the chair.*

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, its Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

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### **Novel Coronavirus (COVID-19) Precautions**

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the meeting will not be physically open to the public. Instead, the meeting will be conducted via video teleconference open to the public. The Code of Conduct will apply to the extent possible in a video teleconference setting.

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1. Public Meeting Decorum:
  - a. Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
  - b. Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
  - c. Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
  - d. Appropriate attire, including shoes and shirts are always required in the meeting room.
  - e. Persons in the audience will not place their feet on the seats in front of them.
  - f. No food, drink (other than bottled water with a cap) or chewing gum will be allowed in the meeting room, except as otherwise pre-approved by City staff.
  - g. All persons entering the meeting room, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.
2. Signs, Objects or Symbolic Material:
  - a. Objects and symbolic materials, such as signs or banners, will be allowed in the meeting room, with the following restrictions:
    - i. No objects will be larger than 2 feet by 3 feet.
    - ii. No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
    - iii. The items cannot create a building maintenance problem or a fire or safety hazard.
  - b. Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
  - c. Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the meeting room if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools;

letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Board or Committee:

- a. Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the administrative staff at the meeting.
- b. Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c. Speakers should discuss topics related to work2future business on the agenda, unless they are speaking during open forum.
- d. Speakers' comments should be addressed to the full body. Requests to engage Board or Committee Members or Staff in conversation will not be honored. Abusive language is inappropriate.
- e. Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f. If an individual wishes to submit written information, he or she may give it to the administrative staff at the meeting.
- g. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.

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All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at work2future's Business and Administrative Services Center at the Almaden Winery Community Center, 5730 Chambertin Drive, San Jose, California at the same time that the public records are distributed or made available to the legislative body.

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**I**

**Call to Order  
&  
Roll Call**

# **II**

## **Consent Items**

**Approval of the acceptance of:**

A. Minutes of the May 30, 2023, Executive Committee Special Meeting

**{ACTION}**



**EXECUTIVE COMMITTEE SPECIAL MEETING****May 30, 2023****1:30 pm****MINUTES**

STAFF: Melchor, Qedwai, Thoo, Walter

GUEST: Shawn Spano, Public Dialogue Consortium

**I. CALL TO ORDER & ROLL CALL**

Chair Koepp-Baker called the hybrid meeting to order at 1:56 pm.

**Roll Call****Present:** Batra, Estill, Koepp-Baker, Takahashi**Absent:** Auerhahn (attended as a member of the public via Zoom), Bojorquez (attended as a member of the public via Zoom), Smith**III. BUSINESS ITEMS****B. Board Retreat Ad Hoc Committee**

This item was taken out of order to accommodate scheduling needs.

Shawn Spano, Facilitator from Public Dialogue Consortium, reported on the conclusion of the work of the ad hoc committee appointed to follow up on the Board retreat held on March 16, 2023. After discussion, the Committee agreed to present the report at the upcoming Board meeting for additional comment and buy-in amongst the Board.

One public comment from Mr. Chad Bojorquez was presented.

**II. CONSENT ITEMS**

This item was taken out of order to accommodate scheduling needs.

ACTION: Mr. Takahashi moved, Mr. Estill seconded, and the Committee unanimously approved the acceptance of the minutes of the April 20, 2023, Executive Committee meeting, and the Financial Status Report as of April 30, 2023.

**III. BUSINESS ITEMS****C. FY2023-24 Program Operating Budget**

This item was taken out of order to accommodate scheduling needs.

Rehan Qedwai, Finance Manager, recommended Committee approval a recommendation to the Board to approve staff's proposed WIOA budget for Fiscal Year 2023-24, including:

1. WIOA Program Operating Budget of \$10,110,233;
2. WIOA Administrative Budget in the amount of \$845,592;
3. Proposed WIOA estimated Rapid Response Funding of \$512,371; and
4. Authorization for staff to transfer funds without additional Board approval:

- a. between budget line items, as long as there is no change to the overall amount of the WIOA program operating budget
- b. between the Adult and the Dislocated Worker Programs, as needed to accommodate changes in the numbers of clients serviced by the two programs, as long as the total of the combined budgets is not changed

ACTION: Mr. Estill moved that the Committee recommend Board approval of the staff's proposed WIOA budget for Fiscal Year 2023-24 with additional provisions, as follows:

1. WIOA Program Operating Budget of \$10,110,233
2. WIOA Administrative Budget in the amount of \$845,592
3. Proposed WIOA estimated Rapid Response Funding of \$512,371
4. Authorization for staff to transfer funds without additional Board approval, with notification to the Executive Committee of any such transfers at the Committee's next available meeting:
  - a. Between budget line items, as long as there is no change to the overall amount of the WIOA program operating budget,
  - b. Between the Adult and Dislocated Worker Programs, as needed to accommodate changes in the numbers of clients served by the two programs, as long as the total of the combined budgets is not changed.
5. Direct staff to work with the Executive Committee to frame the presentation of proposed budgets in future years to provide the same level of detail for the expenditure of funds from each of the Adult, Dislocated Worker, and Youth Program allocations.

Mr. Batra seconded, and the Committee voted unanimously to recommend that the Board approve the action above.

The Executive Committee also voted unanimously to direct that staff include in the presentation to the Board of this FY 2023-24 proposed WIOA Budget an explanation of the reason or reasons for the approximately \$1.4 million (77.6%) increase in the line item for Adult Client-Related Services between the "FY23-24 Planned 8.4% Decrease May 2023 EDD Notification" column from the "FY22-23 \$9.6M Adjusted Budget" column in the "Proposed Uses" table.

#### **A. Director's Report**

This item was taken out of order to accommodate schedule changes.

work2future Director Monique Melchor noted efforts to hire two staff members in the coming months.

#### **D. San Jose Works 2023-24 Funding**

Mr. Qedwai recommended Committee approval of a recommendation that the Board accept staff's report on funding for the San Jose Works 9.0 program, including:

1. \$1,647,000 in City of San Jose funds to support the program
2. Allocation of \$2,971,570 to work2future and \$95,000 to the City's Parks, Recreation and Neighborhood Services Department (PRNS) for the operation of the program

ACTION: Mr. Estill moved, Mr. Takahashi seconded, and the Committee unanimously approved a recommendation that the Board accept staff's report on funding for the San Jose Works 9.0 program.

**E. Appointment to the Business Services Committee**

Lawrence Thoo, Strategic Engagement Manager, recommended the appointment of Jayati Goel, CEO of Nidaan Systems, Inc. as a business community member of the Business Services Committee.

ACTION: Mr. Batra moved, Mr. Takahashi seconded, and the Committee unanimously approved the appointment of Jayati Goel, CEO of Nidaan Systems, Inc. as a business community member of the Business Services Committee through December 2025.

**F. Business Services Committee Report**

This item was deferred. The April 11, 2023, Business Services Committee meeting did not have a quorum. The Committee is scheduled to meet next on June 13, 2023.

**G. Youth Committee Report**

Jack Estill, Youth Committee Chair, reported about recent events related to the Youth Committee, including highlights from the May 11, 2023, Youth Committee meeting, and his learnings from an online DOL seminar on Training and Employment Guidance Letter 9-22.

**H. Labor Market Update**

This item was deferred for time.

**IV. OPEN FORUM**

Chair Koepp-Baker asked for any public comments. None was noted.

**V. OTHER**

Mr. Thoo shared details about an upcoming job fair focused on South Bay manufacturers.

Chair Koepp-Baker asked for other announcements or housekeeping items. None were noted.

**VI. ADJOURNMENT**

Chair Koepp-Baker adjourned the hybrid meeting at 3:49 pm.

*Drafted: D. Walter. Reviewed: L. Thoo.*

# **III.A**

## **Director's Report**

**{INFORMATION}**

### **DIRECTOR'S REPORT**

work2future Director Monique Melchor will provide information on various matters not itemized in the meeting agenda..

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## **III.B**

# **Proposed Amendments to the work2future By-laws**

**{ACTION}**



## Memorandum

**TO:** EXECUTIVE COMMITTEE

**FROM:** Lawrence Thoo

**SUBJECT:** See below

**DATE:** August 12, 2023

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**Approved**

**Date:**

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**SUBJECT: Proposed Amendments to the work2future By-laws**

### **RECOMMENDATION**

Recommend that the Board approve amendments to Article II of the work2future By-laws so that it reads as follows:

#### **ARTICLE II: PURPOSES**

**2.1 Purpose:** WORK2FUTURE BOARD was formed for the following purposes:

- A. As a strategic convener, promote and broker effective partnerships among businesses, educators, organizations and local elected officials, and develop a strategy to continuously improve and strengthen the workforce development system through innovation in, and alignment and improvement of, employment, training and education programs to promote economic growth.
  - a. *Act as a convener to bring together business, labor, education, and economic development entities to focus on local workforce issues.*
  - b. *Serve as a broker by bringing together systems to solve common problems, or broker new relationships with business and workers to support the efforts of WORK2FUTURE BOARD, and WIOA Programs.*
  - c. *Lead efforts to engage with a diverse range of employers and economic development entities, including coordination with the economic development strategies of the various municipalities in the local workforce development area.*
  - d. *Promote the participation of private-sector employers in WIOA programs in the local workforce development area and the Regional Planning Unit.*
  - e. *In collaboration with secondary and postsecondary education programs, lead efforts in the local workforce development area to develop and implement career pathways within the local workforce development area.*
  - f. *Serve as the community voice by advocating for the importance of workforce policy, providing perspective about the need for, and availability of skilled workers.*
  - g. *Conduct workforce analysis by developing, understanding, and disseminating current local and regional labor market and economic information and trends.*
  - h. *Conduct other research, data collection, and analysis related to the workforce needs of the regional economy, after receiving input from a wide array of stakeholders who are determined to be necessary to carry out WDB functions.*
  - i. *Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers and job seekers.*

- B. Provide public policy guidance for, and exercise oversight with respect to, WIOA activities within the workforce region, financed in whole or in part with funds from the U.S. Department of Labor, in partnership with the elected officials of the local workforce development area.
- C. *In partnership with the City of San José (City), select the America's Job Center of California (AJCC) Operator(s) through a competitive process such as a Request for Proposal (RFP) or other City-approved procurement processes, unless granted a waiver by the state (WIOA Section 121[d][2][A] and 107[g][2]).*
- D. *Conduct other duties and obligations as may be required by the State of California, the U.S. Department of Labor, and WIOA and associated rules and regulations, for the implementation of WIOA and to achieve the goals stated in these by-laws.*

Italicized text above are the provisions that would be added to Article II with the Board's approval.

### **BACKGROUND AND ANALYSIS**

In a draft monitoring report dated June 10, 2022, the State of California Employment Development Department (EDD) notified work2future of the results of the EDD Compliance Review Office (CRO) review of the San Jose Silicon Valley Workforce Investment Network — work2future — Workforce Innovation and Opportunity Act program operations for Program Year (PY) 2019-20.

The report included a finding that work2future's Workforce Development Board (WDB) by-laws do not address "the process to ensure WDB members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities." The report pointed out that addressing such a process in the by-laws is called for in Title 20 of the Code of Federal Regulations, Chapter V, Part 679, Subpart C, § 679.310(g).

In response, staff provided the CRO with a corrective action plan to research such provisions and revise the by-laws accordingly to bring them into compliance. However, staff's subsequent reading of the by-laws of five other local WDBs revealed none that appeared to address the absence of a convening process as described in the CRO monitoring report.

Therefore, at staff's request, the CRO provided an example of by-laws provisions that satisfied the CRO's concern. Staff has borrowed from that example to draft the proposed expanded Article II above.

The proposed amendment has been reviewed by the City Attorney and raised no concerns. It has also been sent to the CRO for review. As of this writing, the CRO have acknowledged receipt and made no further comment. Staff are hopeful, therefore, that the proposed amendment satisfies the CRO.

/s/

LAWRENCE THOO

Strategic Engagement Manager

Attached: work2future By-laws



# work2future Workforce Development Board By-Laws

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The WORK2FUTURE BOARD hereby adopts these By-laws as amended November 17, 2022.

## RECITALS

- A. The State of California, pursuant to the Workforce Innovation and Opportunity Act (WIOA), hereinafter called the Act, has designated the San Jose Silicon Valley Workforce Development Area for the delivery of workforce services relevant to local residents and businesses.
- B. State rules and regulations, promulgated pursuant to the federal Act, provide for program activities and require the Mayor of San José, acting as the local Chief Elected Official (CEO) for the San Jose Silicon Valley Workforce Development Area, to appoint a Workforce Development Board.

## ARTICLE I: ORGANIZATION

- 1.1 **Name:** The name of this body shall be WORK2FUTURE and shall be governed by the WORK2FUTURE Workforce Development Board of Directors, hereinafter referred to as WORK2FUTURE BOARD.
- 1.2 **Geographic Area:** The local area to be served by the WORK2FUTURE BOARD for purposes of the Workforce Innovation and Opportunity Act includes the municipalities of San José, Campbell, Gilroy, Los Altos Hills, Los Gatos, Monte Sereno, Morgan Hill, and Saratoga, and the unincorporated areas of Santa Clara County, which have been designated as the San Jose Silicon Valley Workforce Development Area pursuant to the provisions of Section 106 of WIOA.

## ARTICLE II: PURPOSES

- 2.1 **Purpose:** WORK2FUTURE BOARD was formed for the following purposes:
  - A. As a strategic convener, promote and broker effective partnerships among businesses, educators, organizations and local elected officials, and develop a strategy to continuously improve and strengthen the workforce development system through innovation in, and alignment and improvement of, employment, training and education programs to promote economic growth.
  - B. Provide public policy guidance for, and exercise oversight with respect to, WIOA activities within the workforce region, financed in whole or in part with funds from the U.S. Department of Labor, in partnership with the elected officials of the local workforce development area.

# work2future Workforce Development Board By-Laws

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## ARTICLE III: MEMBERSHIP

- 3.1 In accordance with the Act and the criteria established by the California Workforce Development Board, this section sets forth the membership and structure of the WORK2FUTURE BOARD. Board members are appointed by the Mayor of San Jose, acting as the local CEO, who shall confer voting privileges to all appointed members. Each WORK2FUTURE BOARD member shall have one vote, and such voting may not be done by proxy.
- 3.2 The City of San José's Office of Economic Development (OED), work2future Division ("work2future"), will notify the local CEO when vacancies occur and provide nominations for WORK2FUTURE BOARD membership for consideration to the CEO, who shall review the nominations and appoint members to the WORK2FUTURE BOARD.
- 3.3 The local CEO and work2future will ensure that the membership and appointment of the WORK2FUTURE BOARD will conform to the requirements of Section 107(b)(2) of the Act, as further stipulated in California Unemployment Insurance Code Section 14202UU.
- 3.4 The term of membership for all WORK2FUTURE BOARD members shall be for four (4) years.
- 3.5 Term appointments shall be staggered to the extent possible to ensure that only a portion of the WORK2FUTURE BOARD membership expires in a given year.
- 3.6
  - A. A majority of the members of the WORK2FUTURE BOARD shall be representatives of business in the local area, who:
    - 1) Are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority.
    - 2) Represent businesses, including small businesses, or organizations representing businesses described in this subdivision, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area.
    - 3) Are appointed from among individuals nominated by local business organizations and business trade associations.
  - B. Not less than 20 percent of the members of the WORK2FUTURE BOARD shall be representatives of the workforce within the San Jose Silicon Valley Workforce Development Area, who:

## work2future Workforce Development Board By-Laws

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- 1) Shall include representatives of labor organizations, who have been nominated by local labor federations and these representatives shall amount to not less than 15 percent of board membership, and be subject to the following:
  - (a) Shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of a state-approved apprenticeship program in the area, if such a program exists.
- 2) May include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities.
- 3) May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

C. The WORK2FUTURE BOARD shall include representatives of entities administering education and training activities in the local area, who:

- 1) Shall include a representative of eligible providers administering adult education and literacy activities under Title II of the Workforce Innovation and Opportunity Act.
- 2) Shall include a representative of institutions of higher education providing workforce investment activities, including community colleges.
- 3) May include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

D. The WORK2FUTURE BOARD shall include representatives of governmental and economic and community development entities serving the local area, who:

## work2future Workforce Development Board By-Laws

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- 1) Shall include a representative of economic and community development entities.
  - 2) Shall include an appropriate representative from the state employment service office under the Wagner-Peyser Act (29 U.S.C. Sec. 49 et seq.) serving the local area.
  - 3) Shall include an appropriate representative of the programs carried out under Title I of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 720 et seq.), other than Section 112 or Part C of that Title (29 U.S.C. Sec. 732, 741), serving the local area.
  - 4) May include representatives of philanthropic organizations serving the local area.
- E. The WORK2FUTURE BOARD may include such other individuals or representatives of entities as the local CEO may determine to be appropriate.
- 3.7 The WORK2FUTURE BOARD shall be kept to the smallest number possible by having members represent more than one category such that the membership is still consistent with the membership requirements established by the Act, and as modified by any amendments, reauthorizations of the Act, and/or final rules, regulations and policy guidance letters.
- A. WORK2FUTURE BOARD members are responsible for notifying the WORK2FUTURE BOARD upon change of status, which could lead to lack of representation as identified in these By-laws. Upon such notice, the WORK2FUTURE BOARD shall determine if the member may continue. Members whose status changes may remain on the WORK2FUTURE BOARD pending recruitment and replacement.
- B. WORK2FUTURE BOARD members may resign upon written notice to the Secretary of the WORK2FUTURE BOARD.
- C. An official membership list, attendance materials, records of the actions of the WORK2FUTURE BOARD, and a detailed statement on the composition, structure, membership, and nomination process for the WORK2FUTURE BOARD shall be maintained by the WORK2FUTURE BOARD.
- D. WORK2FUTURE BOARD members may be removed for cause or because of absence. Cause shall be defined as determination by the WORK2FUTURE BOARD that the member is unsuitable to serve on the WORK2FUTURE BOARD. Such a determination may be made based on a WORK2FUTURE BOARD member's violation of the Brown Act, the City's Code

## work2future Workforce Development Board By-Laws

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of Ethics for members of boards, committees and commissions, non-disclosure of a conflict of interest, or similar misconduct.

E. WORK2FUTURE BOARD members may be removed from membership on the WORK2FUTURE BOARD for cause if the member is absent from two (2) consecutive regular meetings of the WORK2FUTURE BOARD during their term of service.

F. Members may be removed for cause by a two-thirds vote of the full WORK2FUTURE BOARD members in attendance at any regular meeting providing that a quorum of the WORK2FUTURE BOARD is present.

### **ARTICLE IV: OFFICERS AND THEIR ELECTION**

#### **4.1 Chair**

A. The WORK2FUTURE BOARD shall elect one (1) member as Chairperson.

B. The term of office for the Chairperson shall be two (2) years.

C. The Chairperson shall be a business representative.

D. The Chairperson shall preside over all regular meetings and special meetings.

E. The Chairperson shall be an ex-officio member of all committees.

#### **4.2 Vice-Chair**

A. The WORK2FUTURE BOARD shall elect one (1) member as Vice-Chairperson.

B. The term of office for the Vice-Chair shall be two (2) years.

C. The Vice-Chair shall be a business representative.

D. In the absence of the Chair, the Vice-Chair shall act as Chair pro tem to serve as presiding officer of that meeting.

4.3 In the absence of the Chair and the Vice-Chair, the WORK2FUTURE BOARD shall, at the beginning of its meeting, designate by majority vote, a Chairperson pro tem to serve as presiding officer of that meeting. Such a Chairperson pro tem must be a business representative.

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- 4.4 The work2future Director shall serve as Secretary of the WORK2FUTURE BOARD.

### **ARTICLE V: MEETINGS AND QUORUMS**

- 5.1 The WORK2FUTURE BOARD shall meet not less than three (3) times annually. WORK2FUTURE BOARD members may participate in WORK2FUTURE BOARD or committee meetings through teleconferencing or videoconferencing, at the discretion of the Chair, to the extent such participation is allowable by state law and policy.
- 5.2 The WORK2FUTURE BOARD shall hold an annual organizational meeting in each fiscal year. The WORK2FUTURE BOARD shall, at its annual organizational meeting, adopt a schedule of meetings and post that schedule on its website ( [www.work2future.org](http://www.work2future.org) ) to inform its members, the CEO, the seven partnering municipalities, and the public.
- 5.3 The WORK2FUTURE BOARD Chair may call special meetings of the WORK2FUTURE BOARD.
- 5.4 All meetings of the WORK2FUTURE BOARD shall be conducted and notified in conformance with the Ralph M. Brown Act, California Government Code Section 54960, et. seq. as amended, and the City of San José's Consolidated Open Government and Ethics Resolution, as amended.
- 5.5 Information regarding meetings of the WORK2FUTURE BOARD will be available to WORK2FUTURE BOARD members and the public on work2future's website.
- 5.6 A simple quorum shall consist of fifty percent (50%), plus one (1), of the authorized WORK2FUTURE BOARD members present who must be present in person to effect a quorum. Authorized WORK2FUTURE BOARD members shall be defined as those members currently in office, exclusive of vacancies. A quorum of the WORK2FUTURE BOARD, once attained in meeting, shall be considered as retained throughout the meeting.
- 5.7 Action may be taken by a simple majority of those present and voting, provided that a quorum is present. When a quorum is established and less than ten (10) members remain, a minimum of six (6) votes to take action are required.
- 5.8 WORK2FUTURE BOARD meetings shall be governed by Robert's Rules of Order, Newly Revised, in all cases to which they are applicable and to the extent in which they are not inconsistent with, or in conflict with, these By-laws.

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## ARTICLE VI: COMMITTEES

- 6.1 *Standing Committees.* Standing committees other than the Executive Committee shall include, in addition to members of the WORK2FUTURE BOARD, individuals who are not members of the WORK2FUTURE BOARD and who the WORK2FUTURE BOARD determines have appropriate experience and expertise.
- 6.2 The WORK2FUTURE BOARD shall have two (2) standing committees:
- a. Executive Committee
  - b. Business Services Committee
- 6.3 In addition to the Executive Committee and the Business Services Committee, the WORK2FUTURE BOARD may, at its discretion, resolve to have such other standing committees as it deems necessary to the effective discharge of the Board's responsibilities.
- 6.4 *Executive Committee Composition* — The Executive Committee shall be comprised of the WORK2FUTURE BOARD Chair, the WORK2FUTURE BOARD Vice-Chair, the chairs of the other standing committees, a sufficient number of members elected at large to ensure that the committee has seven members, and the work2future Director acting as a non-voting, ex officio member.
- 6.5 Terms of the at-large members of the Executive Committee are two years and they shall be staggered to ensure that only a portion of the at-large membership expires in a given year. To achieve staggered terms, a portion of at-large members shall be elected to one-year terms only in the first election after adoption of these amended By-laws. At-large members shall serve a maximum of two consecutive two-year terms.
- 6.6 *Executive Committee Chair* — The WORK2FUTURE BOARD Chair shall act as Chair of the Executive Committee, the WORK2FUTURE BOARD Vice Chair as Chair of the Executive Committee in his/her absence, and an Executive Committee Member elected by said committee shall act as Chair of the Executive Committee in the event the Chair and the Vice Chair are absent.
- 6.7 *Executive Committee Authority* — The Executive Committee shall have the authority to act on behalf of the WORK2FUTURE BOARD when time is of the essence to (1) accept grant awards, (2) approve contracts and associated funding, (3) approve Memoranda of Understanding, and (4) approve the Local Plan and Regional Plan. Any such actions taken by the Executive Committee shall be reported as discussion items at the next regular meeting of the WORK2FUTURE BOARD.



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- 6.8 In addition to such other duties as it may undertake, the Executive Committee shall develop and track the budget, and oversee fiscal compliance and work2future performance with respect to state and federal WIOA performance goals.
- 6.9 Business Services Committee — California Unemployment Insurance Code Section 14200(c)(9)(C) requires that the WORK2FUTURE BOARD establish a business services committee.
- 6.10 Business Services Committee Composition – The Business Services Committee shall be comprised of Board members who represent the leading industries and employers in the regional economy and potential emerging sectors that have significant potential to contribute to job growth in the regional economy if investments were made for training and educational programs, as well as business executives who are not members of the Board but, nonetheless, represent the kinds of employers described above. The Chair shall appoint Board members to the Committee and the Executive Committee shall elect Committee members who are not on the Board.
- 6.11 Business Services Committee Duties — The Business Services Committee shall further develop and make recommendations for work2future’s business service plan to increase employer involvement in the activities of work2future.
- 6.12 Additional Standing Committees: when it deems it necessary per Article VI, Section 6.3, the WORK2FUTURE BOARD shall form such one or more additional standing committees by resolution approved by a majority of Board members present at a regular meeting. The resolution shall include the purpose and duties of the committee, and its membership size, composition, qualifications and length or term of service.
  - 6.12.1 The majority of members of a standing committee shall be serving members of the WORK2FUTURE BOARD who shall be appointed for a specified term of committee service by the Board Chair. The Board resolution forming the additional standing committee shall specify how individuals who are not serving members of the Board shall be nominated and appointed or elected to the standing committee.
- 6.13 Chair Appointments - Each committee, except the Executive Committee, will choose its own chairs with the approval of the Board Chair.
- 6.14 Ad Hoc Committees – The Chair may appoint ad hoc committees at his/her discretion. The creation of said committees shall be reported to the full Board.



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- 6.15 Ad Hoc Committee Composition – Ad Hoc Committees may only have as voting members full members of the WORK2FUTURE BOARD. Non-WORK2FUTURE BOARD members may be asked to participate as non-voting members.
- 6.16 All Standing Committee meetings shall be subject to the provisions of the Ralph M. Brown Act and the City of San José's Consolidated Open Government and Ethics Resolution.
- 6.17 Information regarding meetings of Standing Committees will be made available to WORK2FUTURE BOARD members and the public on work2future's website.
- 6.18 Except as stipulated in Article 6.7, all actions of the WORK2FUTURE BOARD Standing Committees are advisory to the WORK2FUTURE BOARD unless the WORK2FUTURE BOARD delegates the authority to act on behalf of the WORK2FUTURE BOARD.

### **ARTICLE VII: CONFLICT OF INTEREST**

- 7.1 No WORK2FUTURE BOARD member shall engage in any activity, including participation in the selection, award, or administration of a subgrant or contract supported by WORK2FUTURE BOARD funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the individual, member of the individual's immediate family, the individual's business partner or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm or organization selected for the award. The officers, employees, or agents of any agency making the award will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. WORK2FUTURE BOARD members shall not participate in financial matters before the WORK2FUTURE BOARD that pertain to organizations that they represent.

A member of a local board, or a member of a standing committee, may not vote on a matter under consideration by the local board regarding the provision of services by such member (or by an entity that such member represents); or that would provide direct financial benefit to such member or the immediate family of such member; or engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

Neither membership on the WORK2FUTURE BOARD, nor the receipt of Act funds to provide training and related services shall be construed, by themselves, to violate the provision of this section.

- 7.2 WORK2FUTURE BOARD members shall avoid organizational and operational conflict of interest, and they and their personnel, employees, or agents shall avoid personal conflict of interest and appearance of conflict of interest in

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awarding financial assistance, and in the conduct of procurement activities involving funds under the Act.

- 7.3 Members of the WORK2FUTURE BOARD shall comply with the intent of the California Administrative Code, title 2, section 18730 and any amendments duly adopted by the Fair Political Practices Commission.
- 7.4 WORK2FUTURE BOARD members are required to complete two hours of training in ethics principles and laws (AB1234 Ethics Training) and two hours in sexual harassment and discrimination prevention (AB 1661 Sexual Harassment and Discrimination Prevention Training) every two years.

### **ARTICLE VIII: REQUIRED DISCLOSURES**

- 8.1 Prior to taking any action relating to an existing or potential work2future contract, a WORK2FUTURE BOARD member must disclose all communication between the WORK2FUTURE BOARD member and the interested contractor or contractor representative(s) regarding the action. The disclosure shall be made orally at the meeting, prior to the discussion of the action on the meeting agenda, and must identify the substance of the communication.
- 8.2 WORK2FUTURE BOARD members must file an annual Statement of Economic Interests (Form 700) by April 1 of each year, within 30 days of assuming office, and within 30 days of leaving office with the San José City Clerk.

### **ARTICLE IX: AMENDMENTS**

- 9.1 Amendments to these By-laws must be approved by a fifty percent plus one (50% + 1) affirmative vote of the full WORK2FUTURE BOARD membership, at any regular meeting of the WORK2FUTURE BOARD, provided, however, that the amendments proposed have been submitted in writing at the previous regular meeting or included in the call to the meeting. Amendments to the By-laws shall be reviewed and approved by Counsel prior to the WORK2FUTURE BOARD's consideration and approval. Amendments proposed to these By-laws must be received by the WORK2FUTURE BOARD membership no less than seven (-7-) working days prior to their consideration.

### **ARTICLE X: EFFECT**

- 10.1 These By-laws shall become effective immediately upon adoption by a majority vote of the WORK2FUTURE BOARD, and shall remain in effect, as amended per section 9.00 above, or until dissolution of the WORK2FUTURE BOARD.

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- 10.2 In any conflict arising between the provision of the Act, applicable State law, or other implementing regulations, the legal provisions of law and regulations shall prevail, except as By-laws represent allowable discretion by the WORK2FUTURE BOARD in interpretation and implementation of law and regulation.

Adopted as amended by the WORK2FUTURE BOARD on November 21, 2019.

/s/  
Susan Koepp-Baker, Board Chair

/s/  
Priya S. Smith, MPH, Board Vice-Chair

/s/  
Monique Melchor, Board Secretary

## **III.C**

# **FY2023-24 Program Operating Budget Follow-up**

**{DISCUSSION}**

### **FY2023-24 PROGRAM OPERATING BUDGET FOLLOW-UP**

At a special meeting on June 26, 2023, the work2future Board approved unanimously the Workforce innovation and Opportunity Act (WIOA) Program Operating Budget for Fiscal Year (FY) 2023-24.

While doing so, the Board included two additional directives:

- Direct staff to work with the Executive Committee to frame the presentation of proposed budgets in future years to provide the same level of detail for the expenditure of funds from each of the Adult, Dislocated Worker, and Youth Program allocations.
- Direct the Executive Committee to work with staff to recommend Board approval of a specific upper limit to the amount of funds that staff may transfer between line items as stipulated in 4.a) above without first obtaining the approval of the Executive Committee.

Staff will take up with the Executive Committee the first of the two directives above at a time closer to the development of budget information for FY2024-25.

The second directive pertained to the inclusion in the Board's budget approval the authorization for staff to transfer without additional Board approval, but with notification after the fact to the Executive Committee of any such transfers at the Committee's next available meeting, funds between budget line items, provided there is no change to the overall amount of the WIOA program operating budget. The authorization applies to budget line items other than the Unallocated Contingency Reserve. This was item 4(a) in the motion to approve the FY2023-24 program operating budget.

As the authorization impacts staff's day-to-day management of the budget, work2future Director Monique Melchor and Finance Manager Rehan Qedwai are taking the first available opportunity to address with the Executive Committee the Board's directive to recommend to the Board a specific upper limit to the transfer of funds between budget line items.

This discussion serves as a precursor to making a formal recommendation for Executive Committee action.

###

**III.D**

**Business Services  
Committee Report**

**{INFORMATION}**

### **BUSINESS SERVICES COMMITTEE REPORT**

Business Services Committee Chair Alan Takahashi will report on the activities of the committee. (Standing item.)

###

# **III.E**

## **Youth Services Committee**

**{INFORMATION}**



## **YOUTH COMMITTEE REPORT**

Youth Committee Chair Jack Estill will report on the activities of the committee. (Standing Item)

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## **III.F**

# **Labor Market Update**

**{INFORMATION}**

## **LABOR MARKET UPDATE**

The June 2023 unemployment rate in the San Jose-Sunnyvale-Santa Clara Metropolitan Statistical Area (MSA) was 3.7 percent, up from a revised 3.3 percent in May 2023, and above the year-ago estimate of 2.7 percent, according to the Employment Development Department's Labor Market Information Division. This compares with an unadjusted unemployment rate of 4.9 percent for California and 3.8 percent for the nation during the same period. The unemployment rate was 3.6 percent in Santa Clara County. Total employment for the month in the MSA, which also includes San Benito County, reached 1,197,200, an increase of 11,900.

- Leisure and hospitality added 4,100 jobs between mid-May and mid-June, with food services and drinking places (up 3,600 jobs) continuing to see the most growth.
- Private education and health services (up 3,000 jobs) grew by 2,400 jobs in health care and social assistance.
- Information improved by 2,000 jobs.
- Construction gained 1,000 jobs, while other services and manufacturing expanded by 700 jobs.
- Meanwhile, government lost 1,000 jobs due to the end of the school year.

Employment in the MSA increased by 32,900 jobs, or 2.8 percent, from June 2022.

Strategic Engagement Manager Lawrence Thoo will report on and discuss these and other regional labor market conditions.

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# **IV**

## **Open Forum**

**V**

**Other**

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**VI**

**Adjournment**