

STATE OF NEVADA
GOVERNOR'S WORKFORCE DEVELOPMENT BOARD
EXECUTIVE COMMITTEE

Governor's Workforce Development Board (GWDB)
Monday, November 14, 2016 – 2:00 p.m.

Department of Employment, Training and Rehabilitation
500 E. Third Street – SAO Auditorium
Carson City, NV 89713

Alternate Location: Some members of the board may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Department of Employment, Training and Rehabilitation
2800 E. St. Louis Avenue – Director's Conference Room
Las Vegas, NV 89104

MINUTES OF MEETING

Present: Dr. Luther Mack (Chair), Horatio Lopez, Jim New, Mike Raponi, Don Soderberg, Debbie Banko and Patrick Sheets

Absent: Bill Stanley and Marilyn Kirkpatrick

Also present: Kristine Nelson (DETR), Grant Nielson (DETR), John Thurman, (Nevadaworks), Beth Wicks, (Nevadaworks), Milt Stewart (Nevadaworks), Manny Lamarre (OWINN, Governor's Office), and DeAndrea Ceccarelli (CSA) Ardell Galbreth (Workforce Connections), Jaime Cruz (Workforce Connections), and Ricardo Villalobos (Workforce Connections)

1. OPENING REMARKS

Dr. Luther Mack, Chairman welcomed a member of the public, Commander Oliver Miller, Reno Police Department and thanked him for taking the time to be present.

Chair Luther W. Mack called the meeting to order, welcomed participants and made announcements.

2. ROLL CALL - CONFIRMATION OF A QUORUM

Per direction from Chair Mack, **Kristine Nelson** took roll call and confirmed the presence of a quorum.

3. VERIFICATION OF PUBLIC NOTICE POSTING

Kristine Nelson affirmed that the agenda and notice of the Governor's Workforce Development Board (GWDB) meeting on November 14, 2016 was posted pursuant to Nevada's Open Meeting Law, NRS 241.020.

4. FIRST PUBLIC COMMENT(S) NOTICE

Chair Mack read the notice into the record as follows: "Members of the public are invited to comment at this time; however, no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. At my discretion, in the interest of time, public comments will be limited to three minutes per person."

Chair Mack invited comments from Carson City, Las Vegas or via telephone. There were none.

5. *APPROVAL OF MINUTES

Chair Mack called for a motion to approve the September 9, 2016 draft minutes of the Executive Committee as submitted.

It was moved by Mr. Lopez and seconded by Mr. Soderberg to approve the September 9, 2016 minutes of the Executive Committee. Motion carried.

6. * FOR POSSIBLE ACTION – GWDB Bylaws – Approval of Clarification of Section 3.5: Conflicts with NRS 281A.420(5), per D.A.G. Advisory

Manny Lamarre, Director (OWINN) presented a clarification per D.A.G. advisory to the bylaws which were previously approved. In the bylaws approved at the last meeting, it was stated that members could be eligible to vote, regardless of conflict of interest and if a quorum was needed. However, per NRS 241.0355, this is not permissible. This necessitated the removal of 3.5(c) in the approved bylaws.

It was moved by Mr. Lopez and seconded by Mr. Sheets to approve the clarification of section 3.5, removal of Section 3.5(c) due to conflicts with NRS 281A.42(5)

7. *FOR DISCUSSION – GWDB Industry Sector Councils - Reports

Mr. Lamarre stated that under the Executive Order that created the Office of Workforce Innovation, OWINN manages the industry sector councils. It is appropriate to provide a summary of the results of sector council meetings. In September, all eight sector councils met. During the first round of meetings, there were no votes on specific recommendations. Mr. Lamarre's report includes key takeaways of the results of individual meetings as well as a cross sector report. Main points of discussion included: Importance of the soft skills training, importance of traditional and advanced technical training, marketing strategies and awareness of the industry. The report findings are shared with the boards as well as the Department of Education. **Mr. Sheets** commended Mr. Lamarre on his efforts to track the progress of the boards.

8. *FOR DISCUSSION – Nevada Young Adult Jobs and Training Opportunity – Report

Mr. Lamarre addressed the need for young adult training. He noted that a five-week survey was recently conducted on this issue with 14 out of 16 counties represented. The survey included the efforts of local boards, higher education institutions, school districts and nonprofits. The goal was to obtain a succinct view of what young adults view as barriers to employment. In looking at data involving young adult employment, young adult average weekly earnings are significantly less for those without training opportunities. As the workforce is aging it is important for young adults to take on the roles of retiring workers. Key results of the survey included the fact that young adults see the most significant barrier to employment as a four year postsecondary education. However, two-thirds of jobs being created currently are middle-skill jobs, requiring more than high school but less than four years of postsecondary education. This shows a significant disconnect between what students believe they need to be successful. The survey also reflected the need for work-based learning opportunities. Another takeaway is that students in CTE or JAG were much more prepared for employment.

Mr. Lopez asked how many consultants or contractors are currently engaged to resolve these issues. **Ricardo Villalobos (Workforce Connections)** replied that there are approximately eight such individuals engaged in Southern Nevada.

Mr. Lopez asked how progress is monitored and measured. **Mr. Villalobos** explained that the Department of labor specifies six common measures under WIOA, including placement, employment, unsubsidized employment, post-secondary education, apprenticeship programs or the armed forces. Another is attainment of a degree or certificate (educational or occupational skills training) that is industry recognized.

Mr. Lopez referenced high school students and asked whether they are assisted with part time jobs. **Mr. Villalobos** stated that services are available for part time work for high school students. The legislation allows for the enrollment of students into the program, provided they meet the qualifications. There is a work-based learning expectation.

Mr. Sheets asked whether there are more students interested in these services than the system can currently accommodate. **Mr. Villalobos** confirmed that interest exceeds capacity. The recurring challenge is having enough companies, organizations and businesses willing to offer these opportunities. **Mr. Lamarre** agreed that the data supports this conclusion. One of the challenges is providing information to high school students that these opportunities exists. Increasing awareness can be addressed through an orientation process.

9. ***FOR DISCUSSION – One-Stop Certification Criteria – Discussion Regarding Certification Criteria for One-Stop Evaluations**

Mr. Lamarre explained that he had conducted nationwide research regarding best practices for certification and evaluation of one-stop centers. There is not one consistent method nationwide, however, there are a set of best practices taken from the Malcolm Baldrige National Quality Award and used by both the private and public sectors. Mr. Lamarre's report provides a summary of best practices. He welcomed input from Executive Committee members.

10. **FOR POSSIBLE ACTION - Nevada State Compliance Policy (SCP) Revisions (WIOA):**

Grant Nielson, DETR's WISS Program Chief, stated that the Department of Labor requires enactment of these policies to be aligned with the Department of Labor regulations and the WIOA Act. Most of the policies are cut and pasted from the federal language, with slight exceptions, additions and clarifications.

a. **SCP – 1.2**

Mr. Nielson stated that Policy 1.2 communicates the policy for determining local plan requirements. It provides guidance to local areas on how and when to create local plans in coordination with the State Plan.

Mr. Sheets asked Mr. Nielson for a brief description as to what additions were made by the State for each of the policies. **Mr. Nielson** referred to page six of ten, (d)(3), explaining that this refers to the process for how the board submits its plan. (d)(3) states, "Obtain approval by the local elected officials and the board prior to submission to the State." This is a State requirement.

On page eight of ten, under Regional Planning Requirements Section, it states, "Any regional plan that comes to the State must have the local elected officials and the local board approval prior to submission to the State." In requirements for developing the plan section on page nine of ten, (b)(6), the same statement is provided. On page ten of ten, under local plan due dates, it states, "Local plan is due 60 days after the State plan approval. Draft submittals to the State must have been presented and approved by the local elected official and the board. Additional time will be given should communication from the Department of Labor issue a different direction."

Mr. Sheets noted the reference to chief elected officials and asked for clarification. **Mr. Nielson** replied that the chief elected official is the official the board has chosen to be the head of the local elected official body.

It was moved by Mr. Soderberg and seconded by Ms. Banko to accept the State Compliance Policy 1.2 with revisions. Motion carried.

b. **SCP – 1.7**

Mr. Nielson stated that Policy 1.7 communicates how to determine the priority of service for different groups under the WIOA adult program. It provides guidance to local areas and providers on how to determine eligibility for those who have priority of service. This consists of only federal language and no state guidance is included.

It was moved by Mr. Soderberg and seconded by Ms. Banko to accept the State Compliance Policy 1.7 with revisions. Motion carried.

c. **SCP 1.15**

Mr. Nielson stated that Policy 1.15 communicates the policies and guidance relating to providing supportive services to eligible individuals. Supportive services include assistance with acquiring work clothing, tools or bus vouchers in order for the individual to be able to participate in training. There are a few areas where the State has gone beyond the federal policy. On page four of seven under training delay, the language states, "If the local area chooses to do so, the availability of an extension and circumstance must be noted in policy. Documentation for the extension must be noted in the Management Information System (MIS). Comments/case notes must be kept in the participant's case file." The section includes a link to guidance for use of the training extension for a training delay. Occasionally a participant, through no fault of his own, must put his program on hold. This provides guidance for local areas to understand the documentation process, so that the participant can remain enrolled in the program during the delay.

On page five of seven under supportive service prohibitions, under Section 3, it states, “WIOA funds cannot be used to cover the cost of certain legal fees.” The State provides additional direction, stating, “If this type of assistance is contemplated and as appropriate per federal regulation, the Local Workforce Development Board (LWDB) must approve by entering a comment/case note into the MIS as appropriate.”

In number six of this same section, the policy indicates, “Payment for real or personal property that bears title (i.e., automobiles, homes, et cetera.) cannot be made with WIOA funds.” The State has determined that these types of supportive services are inappropriate.

Under number 11 of the same section the policy states, “WIOA funds must not be used for foreign travel or training.” The law references travel, but does not implicitly refer to training.

On page six of seven, the fifth bullet gives the board instruction for creation of its own policy. One of the policies the local boards are being asked to adopt is to address the procedure and use of the MIS Sector Tab. LWDB must give providers instruction on how to document supportive services within the MIS Sector Tab.

Under participant case file requirements, the policy provides the minimums that a local area and their providers must have within the system to document how they are using supportive services, requirements for case notes and for any types of unusual supportive services, in terms of documentation and approval. This level of specificity is being requested to ensure checks and balances are in place to demonstrate to federal partners that the funds are being appropriately used.

Mr. Soderberg clarified that this does not equate to micromanaging the situation, but does create an electronic paper trail for the process. This ensures that in the case of an audit by the federal government, there will be clarity as to why these things were done one to three years later. **Mr. Nielson** agreed, noting that these steps are being taken because there have been questions in past DOL audits.

It was moved by Mr. Soderberg and seconded by Mr. Sheets to accept the State Compliance Policy 1.15 with revisions. Motion carried.

d. SCP 1.21

Mr. Nielson stated that Policy 1.21 communicates the policy for certain program services. In particular, it discusses how to provide work experiences, internships, registered apprenticeship and transitional jobs. This work-based training allows individuals to learn on the job. The policy provides direction to local areas to carry out these types of activities within the system. As far as additional state requirements, on the first page, there is an explanatory note stating, “Work-based training programs can be found also in State Compliance Policy 1.14 and 1.19.”

On page two of eight, under registered apprenticeship, one of the State requirements is that “Each program is reviewed by the LWDB on a quarterly basis to ensure continued endorsement by the Registered Apprenticeship Council.” In other words, if a program has fallen off the Registered Apprenticeship Council’s list, it is no longer eligible for the training list.

On page eight of eight, the last two sections list documentation requirements that are being added to the policy, so it is clear what is expected in the case file and electronic case file for each participant as they participate in training activities.

It was moved by Mr. Lopez and seconded by Mr. Sheets to accept the State Compliance Policy 1.21 with revisions. Motion carried.

e. SCP 2.5

Mr. Nielson stated that Policy 2.5 is the Youth Program counterpart to the supportive services policy regarding supportive services, needs-related payments and incentive payments for youth. It follows a similar path as under the supportive services section for adult and dislocated workers. There are a few subtle differences. Page three of six addresses documenting requirements for training delay exception. There is a prohibition on payments for real or personal property that bears title as well as the legal fee prohibition as included under the adult and dislocated worker policy. The foreign travel or training exception is the same as for the adult policy. Documentation requirements are also clarified.

It was moved by Mr. Soderberg and seconded by Mr. Sheets to accept the State Compliance Policy 2.5 with revisions. Motion carried.

f. SCP 2.6

Mr. Nielson stated that Policy 2.6 is the youth counterpart to work experience, work-based training services, internship, pre-apprenticeship, registered apprenticeship and on the job training activities for youth. It primarily mirrors the changes made to the federal adult dislocated worker policies.

On page 10 of 11 under the section LWDB Policy Requirements Summary, the policy states, “Work experience and intern participants must be provided all state and federal requirements for workers compensation coverage by WIOA service providers.” In other words, these participants must be afforded the same protections as regular employees as covered by the service providers. This is required under the policy as mandated by federal law.

Mr. Lopez asked about the participant age range governed by this policy. **Mr. Nielson** replied that the range is age 14 to 24, however primarily between 16 and 24.

It was moved by Mr. Soderberg and seconded by Mr. Sheets to accept the State Compliance Policy 2.6 with revisions. Motion carried.

Mr. Galbreth (Workforce Connections), commended Grant Nielson and his team in formulation of the State policies, including 1.15 and 2.5 and the focus on legal fees. Implementing this requirement and providing guidance on how to address it allows greater ability to provide additional services to ex-offenders or returning citizens. For example, there are often requests from individuals for information on how to have their records expunged. Implementation of this policy allows these services to be provided.

11. PUBLIC COMMENTS NOTICE (SECOND)

Chair Mack read the statement into the record: “Members of the public are invited to comment at this time; however no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. In my discretion, in the interest of time, public comment will be limited to three minutes per person.” He invited comments from Carson City, Las Vegas or on the telephone.

Chair Mack invited comments from Carson City, Las Vegas or via telephone. There were no comments.

12. ADJOURNMENT

The November 14, 2016 meeting was adjourned.